

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
BC CORONERS SERVICE
BRIEFING NOTE**

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

ISSUE: The BC Coroners Service will release the Death Review Panel Report: *A Review of First Nations Youth and Young Adult Injury Deaths* on November 15, 2017 at a media event co-hosted by the First Nations Health Authority, the First Nations Health Council and the Coroners Service.

SUMMARY:

On December 8-9, 2016, the BC Coroners Service in partnership with the First Nations Health Authority held a death review panel to review the circumstances surrounding the unexpected deaths of 95 First Nations youth and young adults (age 15-24) who died between January 1, 2010 and December 31, 2015.

The Chief Coroner forwarded recommendations identified by the panel and presented in the report to specified ministries and organizations on November 7, 2017.

BACKGROUND:

- As identified in the *Coroners Act*, the purpose of a death review panel is to review and analyse the facts and circumstances of deaths and provide the Chief Coroner with advice on medical, legal, social welfare and other matters concerning public health and safety and prevention of deaths.
- This panel was comprised of professionals with expertise in various areas including: First Nations health, injury prevention, child welfare, public health, education, law enforcement and academia.
- The panel identified three key areas to prevent future similar injury related deaths and support wellness and well-being:
 - Connectedness to peers, family, community and culture;
 - Access to services; and
 - Cultural safety and humility and trauma-informed care

- A letter was sent on November 2, 2017, to the parents of the youth whose deaths were reviewed advising that the panel occurred and that a report will be publicly released. The report contains no names or personal identifiers. Those who requested a copy of the report will receive it.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Health
- Ministry of Children and Family Development
- Ministry of Education
- Ministry of Advanced Education, Skills and Training

Prepared by:
Michael Egilson
Chair, Child Death Review Unit
BC Coroners Service
250 356-0455

Approved by:
Lisa Lapointe
Chief Coroner
BC Coroners Service
s.17

Attachment

BC Coroners Service Death Review Panel Report: *A Review of First Nations Youth and Young Adult Injury Deaths 2010 – 2015*

BC CORONERS SERVICE
AND
FIRST NATIONS HEALTH AUTHORITY
DEATH REVIEW PANEL

A REVIEW OF
FIRST NATION
YOUTH AND
YOUNG ADULT
INJURY DEATHS:
2010-2015



BRITISH
COLUMBIA

Coroners Service



First Nations Health Authority
Health through wellness

NOVEMBER 2017

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FRONT COVER: Painting by Prince George based Cree artist Carla Joseph

The painting to me represents a young person losing their life way too young – being gone but never forgotten.

The tree has tears that make an ocean to show that love that people feel for the lost ones who are gone.

The birds represent the lost finding peace and being one with the creator.

Carla Joseph, Cree



Coroners Service



First Nations Health Authority
Health through wellness

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PREFACE

On December 8-9, 2016, the British Columbia Coroners Service (BCCS) in partnership with the First Nations Health Authority (FNHA) held a death review panel on injury deaths of First Nations youth and young adults. These deaths are a loss deeply felt by family, friends and their community. The review of the circumstances that resulted in these deaths provided panel members with valuable information to help determine what could be done to prevent similar deaths in the future.

We are sincerely grateful to the following members of this panel for sharing their expertise, bringing the support of their respective organizations and participating in a collaborative discussion. The participants' contributions have generated actionable recommendations that we are confident will contribute to reducing First Nations injuries in BC. BCCS Child Death Review Unit staff, Adele Lambert, Carla Springinotic, in partnership with FNHA staff, Kathryn Berry-Einarson and Krista Stelkia provided support, compiled the background research for panel discussions and prepared this report.

Evan Adams	First Nations Health Authority
Kathryn Berry-Einarson	First Nations Health Authority
Nicole Gibbons	First Nations Health Authority
Keva Glynn	Ministry of Health
Deepthi Jayatilaka	First Nations Health Authority
Perry Kendall	Provincial Medical Health Officer
Jackie Lee	Ministry of Children and Family Development
Shannon McDonald	First Nations Health Authority
Ian Pike	BC Injury Prevention Research Unit
Jennifer Miller	Representative for Children and Youth
Shelaina Posting	Ministry of Education
Laurence Rankin	Vancouver Police Department
Melanie Rivers	First Nations Health Authority
Elizabeth Saewyc	School of Nursing, University of British Columbia
Bob Saunders	BC Coroners Service
Alex Scheiber	Ministry of Children and Family Development
Kayla Serrato	First Nations Health Authority
Jewel Thomas	Musqueam Nation Elder

On behalf of the panel, we submit this report and recommendations to the Chief Coroner of BC and the Chief Executive Officer, First Nations Health Authority for consideration.

Michael Egilson
Chair, Death Review Panel
BC Coroners Service

Dr. Shannon McDonald
Deputy Chief Medical Officer
First Nations Health Authority



Everlasting

"This image represents those lives that were taken too early. These were busy people, participating in many events throughout their lives, represented by the various images around the outside area. Inside the main figure with arms outstretched symbolizes they are being encompassed by all the glory of the world around them, ready for the next stage of existence in the Universe. These people were from many walks of life and lived in the city, in the country, in the suburbs, in villages, and towns, they were from Tradition and Culture, education, creative, athletic, and energetic, modern and technology. They are in the past in our present, we look to the future with the rays of the sun rising to a new day and the darkness of night brightened by the stars which they now are, with the Ancestors in the heavens above, gone from this earth but not forgotten in our hearts. They are 'Everlasting'."

Les Louis, Lower Similkameen Indian Band

EXECUTIVE SUMMARY

Injuries are one of the leading causes of death among First Nations people. Although the reasons First Nations youth and young adults die are similar to their non-First Nations peers, there are continuing disparities in injury and mortality rates for First Nations young people.

To better understand the gap, the BC Coroners Service (BCCS) in partnership with the First Nations Health Authority (FNHA) convened a First Nations death review panel in December 2016 to review the circumstances of unexpected deaths¹ of 95 First Nations youth and young adults (age 15 to 24 years), who died between January 1, 2010, and December 31, 2015.

Previously the BCCS had completed a number of child death review panels for all children and youth, and specific reviews for youth and young adult deaths. Although these earlier panels included information about Aboriginal peoples, the recommendations applied to all young people and did not focus specifically on First Nations communities.

This review focuses specifically on First Nations peoples. It considers the historical legacy of colonization, the impact of the social determinants of health, and the First Nations perspective on health and wellness when analysing the facts and circumstances of deaths and to identify public safety opportunities, including those specific to First Nations peoples, and to prevent future similar deaths.

The First Nations review panel members were appointed under the *Coroners Act*. The review panel was comprised of professionals with expertise in Indigenous health, injury prevention, child welfare, public health, education, law enforcement and academia.

During the six-year review period (2010-2015), an average of 16 First Nations youth and young adults died each year from preventable injuries. The circumstances of the youth and young adults who died were reviewed in aggregate. Current research and statistics were reviewed and key themes identified.

¹ Unexpected deaths are those deaths due to causes that were unintentional, undetermined or due to suicide, or homicide.

During this review the panel identified that:

- The reasons that First Nations young people die are similar to their non-First Nations peers; however, the mortality rate for First Nations youth and young adults is almost two times the rate of their non-First Nations peers.
- First Nations unexpected deaths are preventable. Prevention approaches must consider the unique cultural diversity, community strengths and protective factors, as well as factors that wear away at resilience.
- Many youth and young adults who died had previous contact with supporting systems (e.g. schools, health care, community supports and services) and experienced barriers to accessing support. These represent missed opportunities to support young First Nations people.

The review found that:

- Accidental deaths (motor vehicle crashes, overdose, drowning and fire) accounted for 60% of all First Nations youth and young adult unexpected deaths;
- Suicides accounted for a third of all First Nations youth and young adult unexpected deaths; and
- Homicides accounted for 5% of all First Nations youth and young adult unexpected deaths.

As well:

- Almost one quarter of First Nations youth and young adults who died were parents of young children.
 - For many of the young people who died, there were missed opportunities for support. Many were engaged in school or had recent service involvement with Ministry programs or services.
-

In relation to the deaths reviewed the panel identified three key areas to prevent future similar injury related deaths and support wellness and well-being:

- Connectedness to peers, family, community and culture
- Access to services
- Cultural safety and humility and trauma-informed care

These findings are the basis for the following recommendation put forward to the Chief Coroner, CEO of the First Nation Health Authority and the Chair of the First Nations Health Council:

RECOMMENDATION 1:

Promote Connectedness to Peers, Family, Community and Culture

By December 31, 2018, the First Nations Health Authority will:

- Encourage communities applying for wellness grants to incorporate traditional healing and ensure that applicants consult and engage with First Nations youth as part of the community wellness grant process.
- Facilitate at First Nations gatherings such as 'Gathering Our Voices' and other community events eliciting youth views about how to increase connectedness, wellness and safety and resilience in their communities.
- Partner with BC Injury Research and Prevention Unit (BCIRPU) regarding a project whereby youth identify safe/unsafe places in their community.

RECOMMENDATION 2:

Reduce Barriers and Increase Access to Services

By December 31, 2018, the First Nations Health Authority in partnership with relevant agencies will:

- Review alcohol education and further develop First Nations harm reduction activities specific for alcohol.
- Achieve the target for trauma informed care training for all FNHA staff.
- Work with partners to increase access to culturally safe treatment services.
- Continue to partner on overdose crises response.

By December 31, 2018, the Ministry of Children and Family Development (MCFD) will:

- Work with BC Housing to increase access to low barrier housing for First Nations young people.
- Increase earlier and easier access to prevention focused mental health services.

By March 31, 2018, the First Nations Education Steering Committee and the Ministry of Education will engage with First Nations youth on learning needs and what would improve connectedness to school.

By December 31, 2018, the Ministry of Advanced Education, Skills and Training (AEST) in collaboration with First Nations youth will identify and address barriers for First Nations young people entry to post-secondary education.

By December 31, 2018, the Ministry of Health, Ministry of Children and Family Development, and Ministry of Education in collaboration with FNHA will develop a plan to deliver trauma informed training to staff working/delivering services to First Nations young people.

RECOMMENDATION 3:

Promote Cultural Safety and Humility and Trauma-Informed Care

By December 31, 2018, the FNHA will collaborate with Ministry of Education and Ministry of Advanced Education, Skills and Training service partners to sign the Declaration of Commitment to advance cultural safety and humility within their organizations.

By December 31, 2018, the FNHA will develop an injury surveillance and monitoring strategy.

RECOMMENDATION 4:

Elicit Feedback through Community Engagement

By March 31, 2018, the FNHA will complete a community engagement process to elicit feedback on how the broad recommendations can further be adopted within local community actions. An addendum will be created and added to the report with the community responses.

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PART 1

INTRODUCTION

Injuries are one of the leading causes of death among First Nations people. Although the reasons First Nations youth and young adults die are similar to their non-First Nations peers, there are continuing disparities in injury and mortality rates for First Nations young people.

Unexpected or injury-related deaths are preventable. To better understand these deaths and identify opportunities for prevention, a death review panel appointed under the *Coroners Act* was held in December 2016.

Previously, the BC Coroners Service (BCCS) had completed a number of child death review panels for all children and youth, and specific reviews for youth and young adult deaths. Although these earlier panels included information about Aboriginal peoples, the recommendations applied to all young people but did not focus specifically on First Nations communities.

This review focuses specifically on **First Nations** young people. The BCCS in partnership with the First Nations Health Authority (FNHA) convened a First Nations death review panel to review the circumstances related to the unexpected deaths of 95 First Nations youth and young adults (age 15 to 24 years), who died between January 1, 2010, and December 31, 2016.

Although this report compares the number and rates of First Nations deaths to their non-First Nations peers, simply achieving similar rates for injury or deaths is not the goal. First Nations organizations and communities must work collectively to identify how best to prevent future deaths.

This review incorporates the First Nations perspective on health and wellness, and the prevention of First Nations injury and mortality. This review considers the legacy of historical events, as well as the impact of the social determinants of health in analysing the facts and circumstances of deaths in order to identify public safety opportunities and prevent future similar deaths.

The panel identified three broad recommendations with a number of provincial actions that will meaningfully support the prevention of similar deaths in the future. The panel also recognized that the lives of the young people reviewed took place in individual communities that have unique needs and traditions and that the broad recommendations can be locally adapted to the needs of each community.

It was always the intention of this panel to include local expertise to expand on how the broad recommendations could unfold in a meaningful way within communities. One of the primary purposes of this report is that it be used as a supporting tool to further engage First Nations communities on local actions to promote connectedness, reduce barriers to services and ensure cultural safety and humility for young people. The results of that engagement and the wisdom learned will be electronically appended to this report once completed.

DEATH REVIEW PANEL

A death review panel is mandated² to review and analyse the facts and circumstances of deaths in order to provide the Chief Coroner with advice on medical, legal, social welfare and other matters concerning public health and safety, and the prevention of deaths. A death review panel may review one or more cases before, during or after a coroner's investigation or inquest.

Panel members were appointed by the Chief Coroner of BC under Section 49 of the *Coroners Act*, including persons and professionals with expertise in Aboriginal health, public health, law enforcement, injury prevention, education, child welfare, and academia, and a First Nations Elder.

Regardless of their employment or other affiliations, individual panel members were asked to exercise their mandate under the *Coroners Act* and express their own opinions and conclusions. The findings and recommendations contained in this report need not reflect or be consistent with the policies or official position of any other organization.

In the course of reviewing deaths that occurred between 2010 and 2015, the panel reviewed:

- BCCS investigative findings;
- Academic and research literature;
- Information provided by panel members;
- Environmental, social and medical factors associated with the deaths;
- Possible trends or themes;
- The current state of related public policy and strategies; and,
- Existing challenges.

Each panel member shared their professional perspective and collectively identified actions towards preventing future injury deaths.

2 Under the *Coroners Act*

DATA LIMITATIONS AND CONFIDENTIALITY

The number of victims who died as a result of injury presents challenges in accurately analysing and reporting information while protecting privacy and data accuracy. Provisions under the *Coroners Act* and *Freedom of Information and Protection of Privacy Act* allow for the BCCS to disclose information to meet its legislative mandate and support the findings and recommendations generated by the review process. For the purposes of this report, information is presented in **aggregate**³. Details that could identify the people have been omitted to respect the privacy of the person who died, as well as their families. The BCCS is sensitive to the privacy of individuals and families that we serve and proceeds with caution when reporting case review findings.

Prior to June 2016 there was the potential to under-report deaths based on Aboriginal identity. Past BCCS data collection resulted in limited or absent information about Aboriginal identity and whether an individual lived on a reserve. As of June 1, 2016, the BCCS implemented the Aboriginal Administrative Data Standard (AADS); this will improve the data quality and completeness of Aboriginal identity on BCCS case files.

For this review, First Nations identity was based on information gathered during the coroner's investigation from family and friends, or service agencies. Vital Statistics Certificate of Death forms and BCCS case files of all decedents were reviewed for First Nations identifiers. Specifically, the following process was used to identify decedents as First Nations people:

- The Aboriginal identifier on the Vital Statistics Certificate of Death was yes; and,
- Includes any one of the following:
 - The decedent was a resident of First Nations reserve;
 - Case file documentation indicated First Nations identity;
 - or,
 - The decedent was interred on reserve.

Metis and Inuit youth and young adults were not included in this review.

³ Bolded terms are defined in the glossary.

“Not recognizing the cultural diversity of Aboriginal Peoples in Canada is one of the most common mistakes non-Aboriginal people make when engaging with Aboriginal communities.”

Bob Joseph, Gwawwaenuk Nation

PART 2

HISTORICAL CONTEXT

INJURY RELATED DEATHS & HISTORICAL CONTEXT

The impact of colonization on First Nations and Aboriginal health and well-being is highlighted in studies and reports which indicate that:

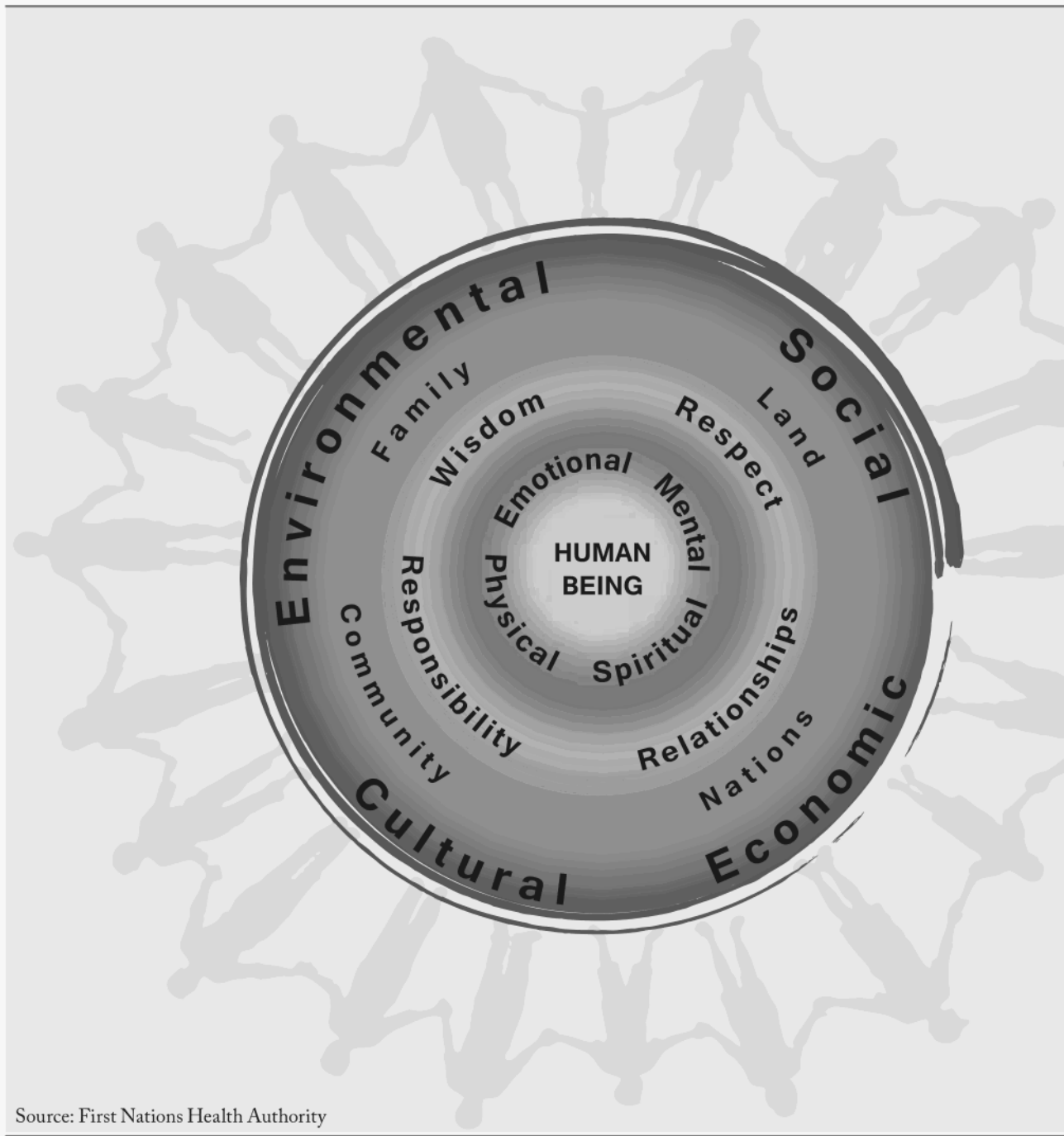
- “Aboriginal peoples’ experiences are rooted in multigenerational, cumulative, and chronic trauma, injustices, and oppression. The effects of trauma can reverberate through individuals, families, communities and entire populations, resulting in a legacy of physical, psychological, and economic disparities that persist across generations.” (National Collaborating Centre for Aboriginal Health, 2016)
- “The impacts of historical trauma (colonization, residential schools, racism, and isolation) are experienced in many ways, including high rates of injury from violence and other health risk behaviours.” (Nutton, J., and Fast, E., 2014)

5

To address preventable deaths due to injuries in First Nations populations, the legacy of historical events and traditional beliefs, values and cultures of First Nations peoples must be recognized. To achieve health and wellness, one must appreciate the “holistic nature of health in First Nations culture and the inter-connectedness of individuals, families, communities and Nations; and the importance of the surrounding social, economic and cultural milieu.” (Campbell, A. 2013)

British Columbia has the greatest diversity of Indigenous cultures in Canada, with over 200 First Nation communities, each possessing its own unique culture and traditions. In fact, seven of Canada’s 11 First Nations language families are located exclusively in BC – representing more than 60% of the country’s First Nations languages. Further, each Nation has a distinct cultural history that shapes their identity, needs and goals.

As with culture, First Nations communities in BC are also geographically diverse. As a result of the geographical diversity, there are major differences in each Nation's local economy, food security, educational opportunities, capacity and challenges. Therefore, each community's youth population face a unique set of challenges related to these differences. In all cases, we have found that involvement in community cultural activities can save lives by restoring pride, self-worth, a sense of purpose and overall health and wellness (mental, spiritual, emotional, and physical).



Source: First Nations Health Authority

UNDERSTANDING THE FIRST NATIONS PERSPECTIVE ON HEALTH AND WELLNESS

The First Nations Perspective on Health and Wellness, as illustrated on p. 6, provides a holistic framework and visual aid for understanding how the health of individuals, families, communities, and nations are related and interconnected. This interpretation is based upon traditional concepts of wellness that have been passed down from Elders and traditional healers, as well as feedback and input gathered at community engagement forums such as Gathering Wisdom events over the last several years.

The centre circle represents the individual human being. Health and wellness begins with the individual taking responsibility for their own health and well-being to the best of their ability. Moving outwards from the centre are the mental, spiritual, emotional, and physical aspects of health. When these four domains are balanced, they contribute to a life that is lived healthy and well.

The third circle contains the core values that are the foundation of wellness. Respect, wisdom, responsibility, and relationships are all central to achieving balance, wellness, and right relations within Creation. When these values are brought into everyday life, they can support a healthy and balanced life.

The fourth circle represents the peoples and things with whom relationships are formed. The individual human being is part of a complex set of relationships as a member of a family. Individuals are from a particular place and have a relationship with the land upon which they were born. Communities may be composed of a collective of knowledge, interests, experiences, or values. Nations include an extended community of families and kinships. All of these relationships are central to good health and well-being.

The fifth circle signifies the social, cultural, economic, and environmental conditions in which First Nations peoples attempt to achieve and maintain health and wellness. These ‘determinants’ are largely external to the mainstream health care system, but they play a large role in creating environments that can support health and well-being. Social determinants include necessities such as food, housing, education, health promotion and safety. Environmental determinants include basics like access to clean and safe water, healthy land and other resources that are required to ensure good health. Economic determinants are essential to many First Nations’ self-determination; the ability to make decisions over how to best manage resources on traditional territories is a fundamental determinant of health.

The outermost circle represents the FNHA vision of “healthy, self-determining and vibrant BC First Nations Children, Families, and Communities.” Within this circle are people holding hands to demonstrate togetherness, respect and relationships. Children, as the heart of communities, are included in the circle along with adults and Elders. There are gaps in the circle to signify that the circle is constantly changing; people may enter and leave, and the circle can grow and shrink over time, much like the cycles of life.

Injuries are one of the leading causes of death in First Nations people. (NAHO, 2006)

Although the reasons First Nations youth and young adults die are similar to their non-First Nations peers, there are continuing disparities in injury and mortality rates for First Nations young people.

In Canada, these disparities exist at national and regional levels. (George, et al., 2015)

Although the rates of injury-related deaths have decreased over the past decades, First Nations young people continue to experience a higher rate of death due to injury than their non-First Nations peers.

PART 3

BC CORONERS SERVICE
CASE REVIEW FINDINGS

This report summarizes the deaths of 95 First Nations youth and young adults, aged 15-24 years, who died between January 1, 2010, and December 31, 2015.⁴ Wherever possible, data for non-First Nations youth and young adults has been provided for comparison purposes.

For this review, First Nations identity was based on information gathered from family and friends during the coroner's investigation or Aboriginal identifiers on the Vital Statistics Registration of Death.

This document uses the term 'unexpected deaths' to describe deaths due to accidental or undetermined causes or by an act of suicide or homicide. This analysis does not include any death due to natural causes.

During the period of this review, 1,210 youth and young adults in BC aged 15 to 24 years died from causes classified as *accidental*, *suicide*, *undetermined* or *homicide*.

Of these unexpected deaths, 8% (n= 95) were deaths of First Nations youth and young adults (see Figure 1). Given census figures, First Nations deaths are higher than should be predicted based on the population size.

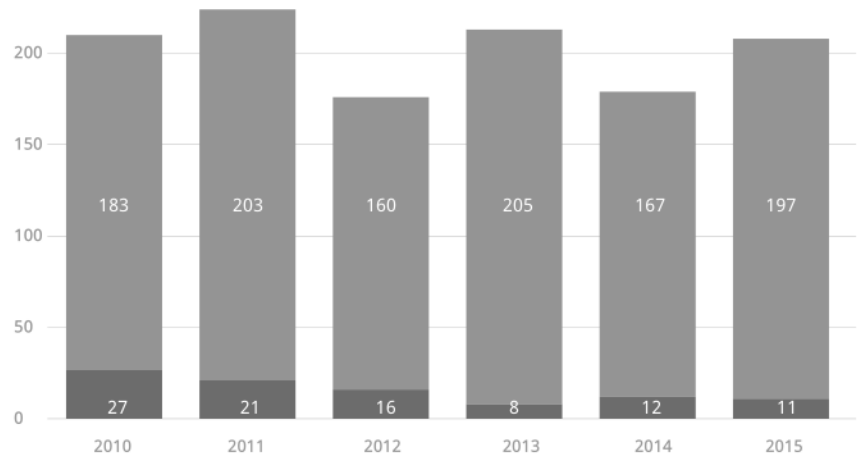
- The mortality rate for First Nations youth and young adults is almost two times higher (1.9) than the rate of their non-First Nations peers (64.0 per 100,000 compared to 32.7 per 100,000 respectively).

⁴ This review does not include overdose deaths occurring in 2016. In 2016, there were 115 illicit drug deaths among 15-24 year olds. Of these, six decedents were identified as First Nations young people.

FIGURE 1

Number of Injury Related Deaths,
Age 15-24 Years, 2010-2015

■ First Nations
■ non-First Nations



Each year in BC, an average of 16 First Nations and 186 non-First Nations youth and young adults die as a result of injuries. There was no significant trend for the number of First Nations deaths per year during the review time period.

CLASSIFICATION OF DEATH

In this review, deaths classified as accidental accounted for more deaths in all age groups, followed by suicides and then homicides (see Figure 2).

- 60% of First Nations youth and young adult deaths were due to accidental causes.
- 32% of First Nations youth and young adults died due to suicide.
- 5% of First Nations youth and young adults died due to homicide.
- 3% of First Nations youth and young adult deaths were classified as undetermined.⁵

The reasons that First Nations youth and young adults die are similar to their non-First Nations peers, however there is a disproportionate number of deaths for First Nations based on population rates.

Accidental Deaths (n=57)

Accidental deaths accounted for 60% of all First Nations youth and young adult deaths. Accidental deaths were attributed primarily to motor vehicle crashes, poisonings, drowning, and fire (see Figure 3).

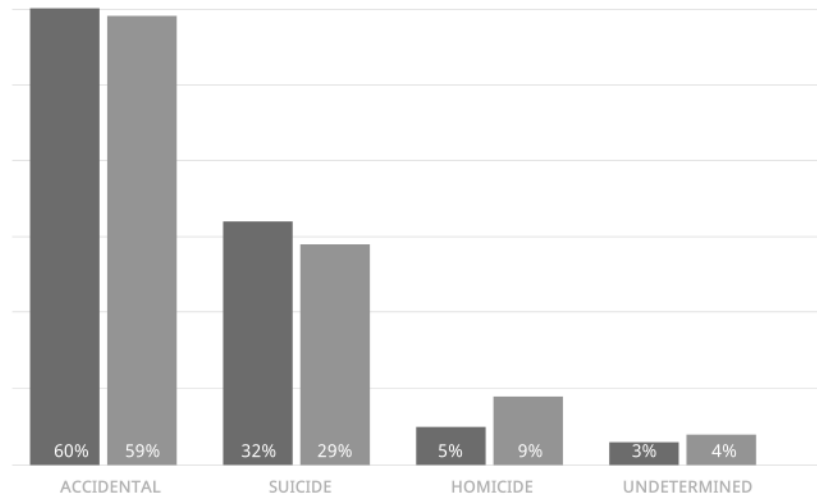
The rate of First Nations deaths due to MVC and residential fires was significantly higher ($p < 0.05$) than their non-First Nations peers.

⁵ An undetermined death is when the cause of death cannot be found after autopsy, toxicology and coroner investigation.

FIGURE 2

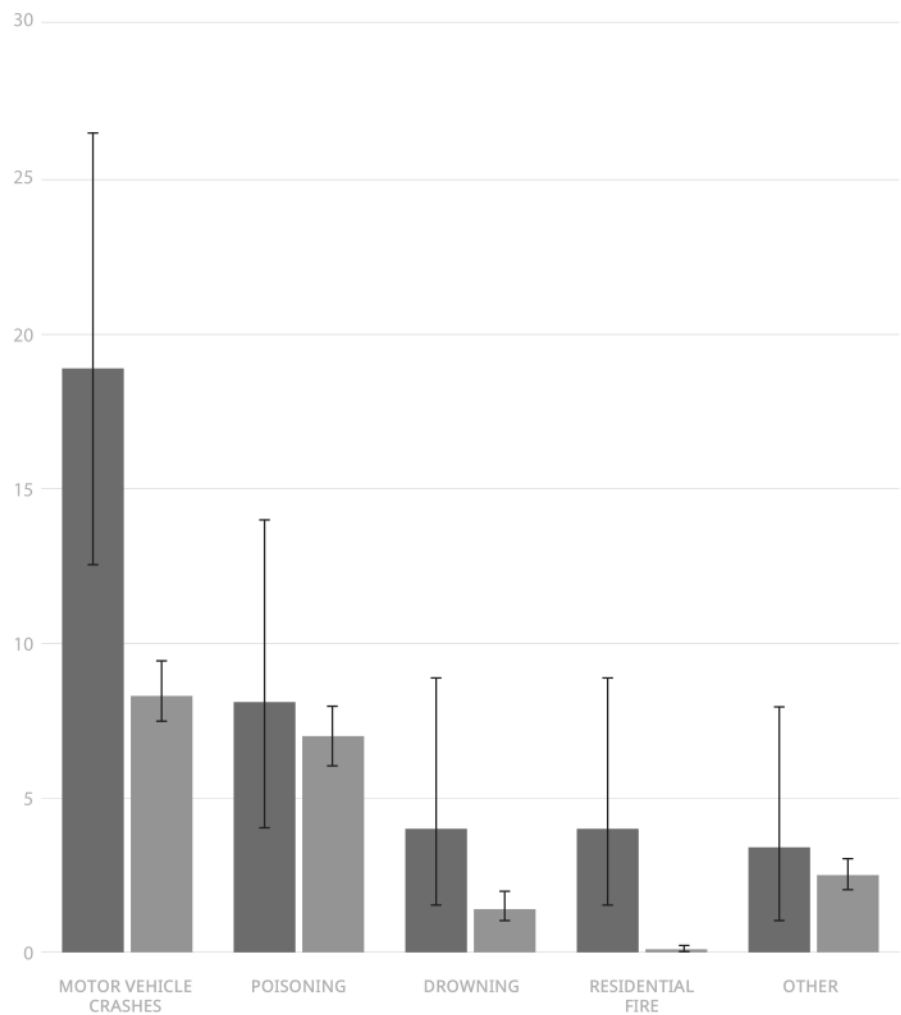
Classification of Death,
Age 15-24 Years, 2010-2015

■ First Nations
■ non-First Nations

**FIGURE 3**

Rate of Accidental Deaths
per 100,000 person-years,
15-24 years, 2010-2015
with 95% confidence intervals

■ First Nations
■ non-First Nations



*OTHER includes: falls, environmental (avalanches, rock slides, exposure), air crashes, contact with machinery.

Some First Nations communities and individuals have collective and individual factors in their lives (e.g. historical trauma, colonization, poverty, powerlessness, or stressors) that may increase the risk of injury.

SOCIAL DETERMINANTS OF HEALTH

Evidence has established an association of certain social determinants with injury, and an influence on health and wellbeing.

The social-determinants for injury include: gender, socio-economic status, rural/urban living, and ethnicity and culture. (Asbridge, M., Azagba, S., Langille, D.B., Rasic, D., 2014)

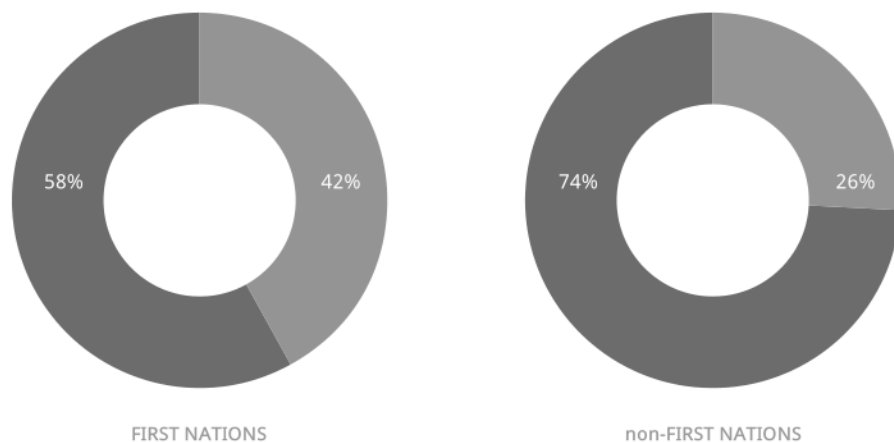
Indigenous specific social determinants of health include: colonization, colonialism, racism, marginalization, dislocation, social exclusion, self-reliance and self-determination. (Greenwood, M., 2015)

FIGURE 4Unexpected Deaths,
Age 15-24 Years, 2010-2015

SOURCE: BC Coroners Service

■ Male

■ Female



SEX

In this review, overall, more males died than females (72% versus 28% respectively). Of the First Nations deaths, males represented more than half of all First Nations unexpected deaths (58% First Nations males as compared to 42% First Nations females) (see Figure 4).

- The number of First Nations females who died unexpectedly was greater than the number of non-First Nations females. The proportion of First Nations female deaths was 16 percent higher than non-First Nations females (42% as compared to 26% respectively) (see Figure 4).

Based on population estimates for First Nations youth and young adults, age 15-24 years (2010-2015 average):

- The mortality rate for First Nations males was **1.5 times** greater than their non-First Nations peers (70.7 compared to 46.8 per 100,000 person years respectively).
- The mortality rate for First Nations females was over **3 times** greater than their non-First Nations peers (56.6 compared to 17.6 per 100,000 person years respectively).

There is a different distribution of cases based on sex between First Nations and non-First Nations youth and young adults. Interventions may need to be tailored to address unique needs of each sex.

Evidence has established that males experience serious injury more often than females, suggesting a greater likelihood for male risk-taking and participation in contact sports. (Asbridge, M., et al., 2014)

The evidence also indicates that males view risk differently. Males were more likely than females to attribute injuries to bad luck rather than their own behavioural choices. (Morrongiello, B.A, Dawber, T., 2000)

Data for Aboriginal males showed higher crude rates of injury hospitalization than for Aboriginal females. (George, et al., 2015)

AGE

In this review:

- The mortality rate for First Nations youth age 15-19 years was over **2.6 times greater** than their non-First Nations peers (63.5 per 100,000 versus 24.3 per 100,000 respectively).
- The mortality rate for First Nations young adults age 20-24 years is over **1.6 times greater** than their non-First Nations peers (64.5 per 100,000 versus 40.3 per 100,000 respectively).

GEOGRAPHICAL CONTEXT – AREA OF RESIDENCE

In this review, more than half (57%) of First Nations youth and young adults who died lived in small population centres (1,000-29,000 residents), followed by rural areas (25%) (fewer than 1,000 population), and then medium to large population centres (18%) (more than 30,000 residents).

The literature indicates that rural communities risk being more isolated, lack access to support services, transportation, or experience longer emergency services response time.

Studies have reported differences in injury based on metropolitan and non-metropolitan areas. For example, a BC study found that Aboriginal populations living on-reserve in metropolitan areas had the lowest intentional injury rates compared to Aboriginal populations living on-reserve in non-metropolitan areas which had the highest rates of injury (18.6% as compared to 81.4% respectively). [Brussoni, et al., 2016]

In this review, the BCCS has identified whether a First Nations youth and young adult who died was living on reserve or off-reserve. Decedents who were identified as living on reserve may be from any First Nations Band.

This review found that more First Nations decedents were living on reserve at the time of death. There was five times the number of suicides on reserve than off reserve (25 versus 5 respectively) (see Table 1).

TABLE 1

On Reserve and Off-Reserve

CLASSIFICATION OF DEATH	ON RESERVE	OFF-RESERVE	TOTAL
Accidental	37	20	57
Homicide	<5	<5	5
Suicide	25	5	30
Undetermined	<5	<5	<5
Total	67	28	95

A 2013 Brussoni study indicates that metropolitan versus non-metropolitan residence appears to be a more important predictor than on/off reserve residence for all injuries (intentional and non-intentional injuries). (Brussoni, et al., 2013)

The study indicates that geographic remoteness influences disparities in injury rates among Canadians. Injury-related deaths are up to 79% higher in rural areas compared to metropolitan areas and that rural residents may have higher tolerance for risky behaviours, work in hazardous occupations, and experience environmental hazards such as roads with fewer safety features. (Brussoni, et al., 2013)

EDUCATION AND EMPLOYMENT

In this six-year review, 36% of First Nations youth and young adult decedents were employed full-time or part-time, 28% were students, and 23% were unemployed. There were 12 decedents for whom employment or student status was unknown.

Most aggregate-level studies report a positive association between unemployment rates and rates of overall mortality and mortality due to suicide. (Svoboda, T.J., Shah, C.P., and Robert Jin, 1997)

First Nations adults with lower personal and household incomes more often reported experiencing injury than those with high personal and household incomes. (FNIGC, 2012)

While BC First Nations experience higher rates of unemployment compared to their non-First Nations counterparts for those who are employed the jobs are generally lower paying and more hazardous compared to the rest of the BC population. (PHO, 2008)

Education and training is associated with employment opportunities. The First Nations Regional Health Survey (2008/10) report indicated that over 50% of First Nation adults did not graduate from high school, compared to 33.2% in the Canadian population. Isolated communities had a higher proportion of First Nation adults who did not completed high school (65.6%), compared to non-isolated communities (47.8%). (FNIGC, 2016)

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REGIONAL DIFFERENCES

A higher number of First Nations youth and young adults who died lived in the Northern Health Authority or the Island Health Authority (see Figure 5). Northern Health Authority and Island Health Authority have higher populations of First Nations youth and young adults; therefore it would not be unexpected to find a higher number of fatalities in these regions.

Fraser and Island Health Authorities demonstrated the highest rates of deaths per 100,000 population among First Nations youth and young adults (183/100,000 and 65/100,000, respectively) (see Figure 5).

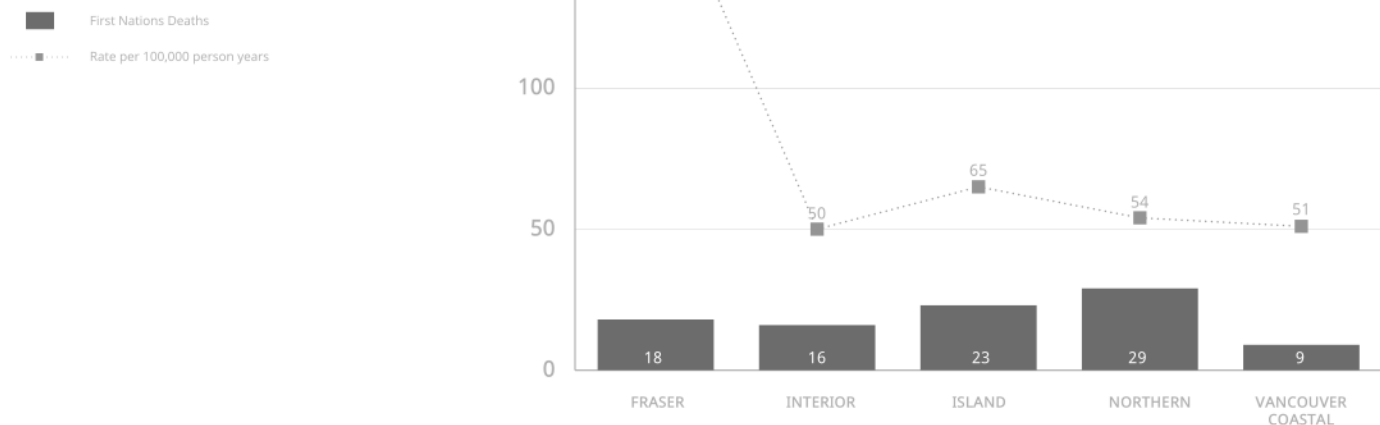
Evidence indicates variations in injury based on region of residence. Although injuries are higher for all populations in rural areas, disparities exist between Aboriginal and non-Aboriginal populations.

Harsher physical environments in rural and remote areas, road conditions and inclement weather all contribute to risk of injury. A number of First Nations communities in BC are only accessible by boat, barge or float plane (weather permitting) or via secondary and gravel resource roads where the surface, environmental conditions and driveability vary considerably with the seasons. (Northern Health Authority, 2013)

FIGURE 5

Number of First Nations Deaths
and Rate per 100,000 person years

SOURCE: BC Coroners Service



Classification of Death: Accidental Deaths (N=57)

Motor vehicle crashes (MVC)⁶ were the leading cause accidental death for First Nations and non-First Nations youth and young adults (49%, n=28 versus 43%, n=284 respectively). Nine First Nations drivers and eight passengers died in MVCs. As well, 11 First Nations young people were struck by a motor vehicle while walking or standing on a roadway.

- Most MVCs fatalities (86%, n=24) involved single vehicle crashes.
- More MVCs fatalities occurred on highways (61%, n=17), followed by municipal streets (14%, n=4), rural roads (11%, n=3), and then logging road or trails (14%, n=4).
- Three quarters (75%) of fatal crashes occurred in low light conditions (n=21), whereas 25% (n=7) occurred during daylight hours.

In this six year review Northern Health Authority had a higher number of MVC fatalities (n=11), followed by Interior HA (n=8). The difference between First Nations and non-First Nations MVC crashes in these two Health Authorities was not statistically significant.

A BC study reported that in general hospitalization for injuries were highest in the central and northern regions of British Columbia and on northern Vancouver Island for both Aboriginal and non-Aboriginal populations. (Brussoni, et al., 2013)

Roadways and road infrastructure differ throughout the province. Research has shown that fatalities can be eliminated and serious injuries reduced through safe road design, barriers, paved shoulders, sidewalks and speed control (Transport Canada, 2011).

6 Includes cars, trucks, ATVs, dirt bikes, trains.

Environmental conditions, driver or pedestrian actions or vehicle maintenance issues contributed to MVCs.

- In almost two-thirds (64%, n=18) of the MVCs, driver behaviours (e.g. intoxication, speed, distraction, inexperience, or unlicensed) were noted as contributing factors for the crash.
- In half (n=14) of the MVCs environmental conditions (e.g. visibility, slippery or wet roads, animals) were also noted as contributing factors.
- Of the 11 pedestrian fatalities, pedestrian related behaviours (e.g. impairment, sleeping on a roadway, running into a roadway, or distraction) were contributing factors (n=10, 91%).
- In three of these MVC events, pedestrian behaviour combined with driver behaviours (e.g. driver impaired, speed) were contributing factors to the cause of the crash.
- In 14% of crashes (n=4), vehicle maintenance issues (e.g. no brakes, mechanical failure, low tires) were identified as factors in the crash.

Research indicates that motor vehicle collisions cause the most injuries and fatalities in Aboriginal and First Nations children and youth, especially males.

Status Aboriginal Canadians were almost five times more likely than non-Aboriginal Canadians to be injured. Explanations for the difference include: environmental factors (e.g. road conditions on reserves), physical factors (e.g. vehicle maintenance, seatbelt use) and social factors (e.g. driving behaviour, number of car occupants), and lifestyle factors involving frequent highway driving. (Karmali, S., Laupland, K., Harrop, R., et al., 2006)

Seatbelts

Of the 17 MVCs involving deaths of First Nations youth and young adult drivers or passengers:

- 41% (n=7) were known to be wearing a shoulder and lap belt.
- For some MVCs (12%, n=2) a seatbelt was not applicable (e.g. ATV use, dirt bike)

A 2016 McCreary survey reported that 71% of Aboriginal youth reported always wearing a seatbelt, a 10% improvement since the 2008 survey.

Youth from rural communities or on-reserve were less likely to wear a seat belt. Youth from these areas indicated that seat belt laws were not enforced, and they did not see the need to wear seatbelts when driving short distances or on roads with less traffic. (McCreary Centre Society, 2016)

Impairment

Alcohol impairment was indicated in 64% (n=18) of all First Nations MVC fatal crashes. This is 26% higher than their non-First Nations peers.

Of the First Nations youth and young adults:

- 8 of 11 (73%) pedestrians were impaired by alcohol at the time of the crash.
 - Two drivers (ethnicity unknown) involved in pedestrian deaths were intoxicated.
- 3 of 9 (33%) First Nations youth or young adults drivers were impaired at the time of the crash.
- 5 of 8 (63%) of First Nations youth or young adult passengers who died were riding with a driver who was impaired at the time of the crash.

A recent Provincial Health Officer's report on motor vehicle crashes found that "Insurance Corporation of BC (ICBC) data for 2003-2007 indicates that 39.3% of MVC fatalities that occurred on reserve in BC involved alcohol impairment, compared to 26.4% of related fatalities that occurred off reserve. For on reserve crashes, alcohol impairment contributed to more deaths, than speed (37.5%) or not using a seat belt restraint (21.4%)". (PHO Report 2016)

Poisoning due to acute intoxication by drugs and/or alcohol was the second leading cause of accidental death for First Nations and non-First Nations youth and young adults (21%, n=12 compared to 36%, n=237 respectively). Accidental poisonings accounted for 13% of all First Nations youth and young adult deaths in this review.

- Almost all (92%, n=11) accidental poisoning deaths were due to ingestion of multiple substances (e.g. heroin, cocaine, methadone, alcohol, methamphetamines or fentanyl).
 - Two thirds (67%, n=8) of the First Nations youth and young adults who died by overdose had a history of chronic dependent substance use.
- In 63% of cases (n=7), the youth or young adult was with others at the time of use.
- In 45% of cases (n=5), medical intervention (CPR) was administered; one person received Naloxone.

This review preceded the 2016 opioid overdose crisis. In 2016, there were 115 illicit drug deaths among 15-24 year olds. Of these, six decedents were identified as First Nations young people. This is an emerging concern for all youth in British Columbia, and further review will be required to continue work on this issue.

Drowning (n=6) and *residential fires* (n=6) resulted in 12 First Nations youth and young adult deaths.

Classification of Death: Suicides (n=30)

Suicides accounted for 32% of all First Nations youth and young adult deaths.

In this review, slightly more First Nations youth or young adults who died by suicide were students (n=11), then unemployed (n=10) followed by those who were employed (n=9).

Of the First Nations youth and young adults who died by suicide:

- Almost three quarters (73%, n=22) were living with family.
- 60% (n= 18) had communicated distress to family, friends or a partner prior to their deaths, with 33% (n=10) expressing suicide intent.
- More than one quarter of the First Nations youth who died by suicide (27%, n=8) had a history of suicide attempt.

In this review, 20% of First Nations youth and young adults who died by suicide (n=6) had a psychiatric diagnosis indicated on file. As well, 20% (n=6) of First Nations youth and young adults were receiving support services for mental health concerns at the time of their deaths.

In this six-year review, Island Health had a higher number of suicides (n=12), followed by Fraser Health (n=8), Interior Health (n=4), Northern Health (n=3) and Vancouver Coastal Health Authority (n=3) (see Figure 6).

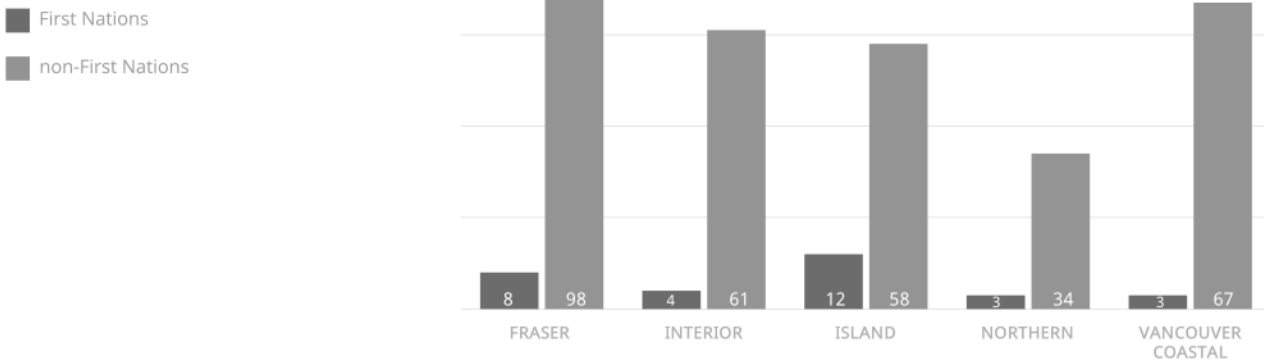
The difference in the rates of suicide in Fraser Health Authority and Island Health Authority was statistically significant (see Table 2).

“While there is no single cause of suicide among Indigenous peoples, witnesses suggested a proper understanding of the conditions which cause mental distress and suicide is essential in preventing suicide from taking place. Specifically, factors identified by witnesses that can contribute to the incidence of suicide include historic and intergenerational trauma, the social determinants of health and mental illness.”

(House of Commons Report on the Standing Committee of Indigenous and Northern Affairs)

FIGURE 6

Number of Suicides, 15-24 years,
by Health Authority, 2010-2015



First Nations male and female youth are respectively 5 to 7 times more likely to die by suicide than their non-First Nations peers. (Pike, I, et al., 2014)

This review was consistent with earlier findings. A 2006 BC study identified three leading causes of First Nations injury deaths:

- Motor Vehicle Crashes
- Unintentional Poisonings
- Suicide

(BCIRPU 2006)

COMMON RISK FACTORS

This review identified a set of common risk factors for First Nations youth and young adult deaths. These risk factors included substance use, history of significant personal trauma and mental health issues.

- Alcohol/Substance Use/Impairment was present in over 50% of the deaths.
- Recent trauma had touched the lives of one-third of the young people and most of those who died by suicide.
- Mental health concerns were identified in 25% of the young people's lives, but only half of them appeared to be accessing or receiving any treatment.

TABLE 2

Rates of Suicide per 100,000
person years

HEALTH AUTHORITY	FIRST NATIONS RATE	NON- FIRST NATIONS RATE
Fraser	81.3	7.0
Interior	12.5	12.8
Island	33.9	11.6
Northern	5.6	18.6
Vancouver Coastal	17.1	7.8

TABLE 3

Alcohol or Drugs as Contributing Factors,
Age 15-24 years, 2010-2015

CLASSIFICATION OF DEATH	FIRST NATIONS (n = 95)	NON-FIRST NATIONS (n = 1,115)	TOTAL
Accidental	42	185	227
Homicide	2	2	4
Suicide	5	24	29
Undetermined	2	14	16
Total	51	225	276

In the BC Injury Research and Prevention Unit (BCIRPU) study, involvement of alcohol and drugs contributed to injury deaths. (BCIRPU 2006)

"Alcohol and drugs were involved in almost one-third of all injuries and more than two-thirds of injuries from assault. Heavy drinkers and cannabis users experienced higher incidence of injury." (FNIGC, 2012)

Approximately 1 in 10 First Nations youth (10%) were under the influence of alcohol, and 4.5% were under the influence of marijuana when their injury occurred. (FNIGC, 2012)

Young drivers indicated that the following factors contributed to drinking and driving: "normalization of the behaviour in the community; role modeling of risky drinking and driving behaviour in the home; poverty; unemployment; and poorly maintained rural roads. The study also identified factors that deterred First Nations youth from drinking and driving such as the trauma of seeing family and community members killed or injured". (PHO 2016)

Substance Use

Alcohol or drugs were identified as contributing factors in 276 injury deaths (23%) of BC youth and young adults. Alcohol and drugs were a contributing factor in over half (54%) of First Nations youth and young adult injury deaths.

For First Nations youth and young adults:

- Alcohol impairment was indicated in 18 (64%) of First Nations MVCs (n=28)
- Alcohol or substance impairment was indicated in all residential fire deaths (n=6)
- Alcohol or substance impairment was indicated in all poisoning deaths (n=12)
- Alcohol or substance impairment was indicated in four (66%) deaths by drowning (n=6)

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Approximately one-third of the First Nations decedents in this review (35%, n=33) had a history of addiction to alcohol or illicit substances. Of the decedents who had substance issues, more young people (54%) were addicted to alcohol (n=18), followed by drugs and alcohol (24%, n=8), and drugs (21%, n=7).

Slightly more First Nations youth and young adult males had a history of addiction to alcohol or drugs than First Nations females (55% versus 45% respectively).

History of Trauma

In addition to a background of intergenerational trauma, 30 (32%) of all First Nations decedents had a history of significant, personal trauma. Significant personal trauma was defined as a history of neglect, abandonment, abuse, exposure to domestic violence or a recent death of a close friend or family member.

- Of those youth and young adults who died by suicide, 21 had case notes which indicated past significant personal trauma.
- Of those youth and young adults whose deaths were classified by accidental or undetermined, nine had case notes which indicated past significant personal trauma.

“The effects of trauma can reverberate through individuals, families, communities and entire populations, resulting in a legacy of physical, psychological, and economic disparities that persist across generations.” (National Collaborating Centre for Aboriginal Health, 2016)

One third of First Nation youth reported that one or more parents attended residential school. (FNIGC, 2012)

“The residential school system is a key contributor to historical trauma through forced relocation, spiritual, physical, emotional and sexual abuse, and intergenerational impacts on the descendants of survivors.” (FNHA, 2016)

To address preventable deaths due to injuries in First Nations populations the legacy of historical events and traditional beliefs, values and cultures of First Nations peoples must be recognized. (Campbell, A. 2013)

Mental Health (n=23)

In this review, 23 First Nations youth and young adults who died had a mental health history indicated on their case file. A mental health history includes a notation of: depressive disorders, anxiety disorders, phobias, psychosis or cognitive developmental delays.

Fewer than half (n=11, 48%) of First Nations youth and young adults who died and who had evidence of a mental health history had a record of receiving mental health supports and services either through a family doctor, social worker, school counsellor, community mental health team or psychiatrist.

Recognizing Resilience

Resilience, or the ability to succeed despite the trauma and hardship experienced by individuals and communities as a result of colonization, is a characteristic inherent in many First Nations communities, although the picture of what resilience looks like varies across communities. According to research by Chandler and Lalonde (1998), a central feature of the resiliency of First Nations communities is self-determination, which describes the extent to which a community as a whole has control over access to and use of resources such as land, education, self-government, police and fire services, health services, and cultural facilities.⁷

In Chandler and Lalonde’s work, it was demonstrated that in communities where levels of these resources were high, the number of youth suicides was lower. All of these factors are essential in promoting youth health and safety, and are considered in the recommendations that are put forward in this report.

⁷ Chandler, M. J. & Lalonde, C. (1998). Cultural continuity as a hedge against suicide in Canada’s First Nations. *Transcultural Psychiatry*, 35(2), 191–219.

PROTECTIVE FACTORS

Studies report a number of social and cultural protective factors for Aboriginal adolescent injury. These in addition to policy changes have shown evidence of preventing deaths and hospitalizations. For example:

- Aboriginal youth who felt they were part of their community, who ate traditional foods, and who had an Aboriginal Elder or Aboriginal education worker who they approached for support were more likely than youth who did not feel part of their community to report good or excellent mental health (87% versus 56%). (McCreary Centre Society, 2016)
- Aboriginal youth who had parents that ate an evening meal with them or knew what they were doing with their spare time were more likely to engage in injury prevention behaviours. (McCreary Centre Society, 2016)
- Studies and youth surveys have indicated how access to programs and engagement in community activities may affect risk taking behaviours.
- “Participation in at least one weekly recreational activity was associated with lower levels of heavy drinking and influenced the rate of change in the frequency of alcohol use over time.” (Rawana, et al., 2012)
- There is evidence that education completion is protective for health.
- “Youth who had supportive relationships at school and felt highly connected to school were more likely to plan to continue their education, less likely to skip class in the past month, or have attempted suicide or self-harmed in the past year compared to those with low school connectedness.” (McCreary Centre Society, 2016)

Higher levels of optimism were found to be protective of alcohol use and heavy drinking in early adolescence and emerging adulthood. (Rawana et al 2012)

These findings are consistent with earlier research that found that optimism was protective not only for substance use, but other mental health risks. (Carver, et al., 2010)

Chandler and Lalonde have examined suicide rates and their patterns among First Nations Bands in British Columbia. Suicide rates were lower for First Nations Bands that had made progress towards self-government and land claims, had cultural facilities to preserve and enrich their culture, and had control over local services such as health care, education, police and fire. (PHO 2007, Chandler and Lalonde, 2009)

Child and Youth Services

Youth services are primarily funded by government and developed or delivered by either government or contracted service agencies including:

- First Nations Health Authority⁸;
- Health Authorities⁹;
- Ministry of Children and Family Development;
- Fee-for-service health professionals;
- Ministry of Health;
- Ministry of Education and School Districts; and
- Local community agencies.

Access to services by children and youth varies across communities.

There is a need to increase the level of cultural humility and cultural safety when offering support, prevention programs and services for First Nations people. Practicing cultural humility is a core value of any work with First Nations peoples.

Being supported by service providers who are knowledgeable in **trauma-informed care** and provide a culturally safe environment will increase the likelihood that youth feel safe when accessing supports and services.

CULTURAL SAFETY is an outcome based on respectful engagement that recognizes and strives to address power imbalances inherent in the healthcare system. It results in an environment free of racism and discrimination, where people feel safe when receiving health care.

CULTURAL HUMILITY is a process of self-reflection to understand personal and systemic conditioned biases, and to develop and maintain respectful processes and relationships based on mutual trust. Cultural humility involves humbly acknowledging oneself as a life-long learner when it comes to understanding another's experience. Cultural humility enables cultural safety. (First Nations Health Authority, 2016)

Opportunities for Support

Youth and young adults may have contact with multiple agencies (e.g. schools, health care, service providers, or community agencies). These points of contact provide opportunities for further involvement or support.

Parenting

BCCS investigative notes indicated that more than one-fifth (23%, n=22) of the First Nations youth and young adults who died were parents of young children. In this review, 55% were mothers.

- Seven of the decedents with children had contact with MCFD services within a year of their death. Three decedents had children in care of the Ministry.
- Eight (27%) of the youth and young adults who died by suicide were known to have young children.

8 The First Nations Health Authority services provided to First Nations communities through health centres, nursing stations or other agencies delegated to provide services to First Nations people.

9 There are five regional health authorities: Northern, Interior, Vancouver Island, Vancouver Coastal, Fraser and one Provincial Health Services Authority.

BCCS case notes indicated mental health concerns for five youth and young adult who were parenting young children. As well, 47% of youth and young adult decedents who were parenting had a history of alcohol and/or drug misuse.

Parenting families may have more contact with community services and agencies. This may provide opportunities for additional support.

Some examples of maternal child programs include:

- Seabird Island connects parents with nurses and midwives, providing prenatal and parenting support and information.
- Sto:lo Health Agency partners with parents to reduce their stress and grow the essential parenting and life skills that will empower them to provide their children with a safe, loving home, and the inner strengths to reach their highest developmental potential.

A study looking at adverse childhood experiences has found that there is a relationship of health risk behaviour and disease in adulthood based on childhood emotional, physical or sexual abuse and household dysfunction. (Felitti, V.J., Anda, R.F., Nordenberg, D., Williamson, D.F., et al., 1998)

The Adverse Childhood Experiences (ACE) study has documented how early childhood experiences are strongly related to development of risk factors for disease and well-being across the life course. (Centers for Disease Control and Prevention, 2016)

School Involvement

As mentioned in this review, 29% of decedents were students (n=28). Of these:

- 14 youth had a history of MCFD involvement within a year of their deaths.
- 11 youth had mental health concerns identified (e.g. depression, anxiety, developmental delay, ADHD).
- Five youth were receiving school supports (e.g. one-on-one support worker at school, modified school week, or a First Nations support worker) or were recommended to be assessed by a psychologist.

Ministry of Children and Family Development Service involvement

The Ministry of Children and Family Development provides a variety of supports and services to families with children. These may include: parenting and family support, child protection services, foster care, youth agreement, child and youth mental health services, and services and medical benefits for children and youth with special needs.

In October 2016, government expanded supports to youth transitioning out of care. The Agreements with Young Adults (AYAs) program covers costs such as living expenses, child care, tuition and health care while a former foster youth attends school or rehabilitation programs. Specifically the expanded support increases the amount of time a youth can receive AYA supports, extends the eligible age of enrollment to 26 years, adds life skills programming, and offers improved access to lower barrier housing for at risk youth.

- In this review, 59% (n = 20) of First Nations youth (15-19 years) had MCFD involvement within 12 months prior to their death with 26% (n = 9) being children in care. As well, 76% (n = 26) of First Nations youth decedents, had received MCFD services at some time in their life (greater than 12 months prior to their death) with 21% (n = 7) being children in care. Youth may have been receiving more than one service.

OTHER EXAMPLES OF COLLABORATIVE APPROACHES WERE IDENTIFIED BY PANEL MEMBERS

- Ask Auntie.
- Indigenous Youth Wellness.
- National Collaborating Centre for Aboriginal Health.
- McCreary Centre First Nations youth engagement projects.
- Healthy Schools BC Committee.

TABLE 4

Barriers to Service and Care

INDIVIDUAL BARRIERS	COMMUNITY BARRIERS	SYSTEMIC BARRIERS
Lack of knowledge about risks	Remote locations	Impact of the historical legacy of colonization
Lack of transportation to access services	Lack of funding to support community programs	Lack of cultural safety and cultural humility in programs and services available
Anxiety or fear of services	Lack of human resources to support on-reserve programs	Differences in health models (a Western-based biomedical model versus a holistic model of health and wellness)
Fear of stigmatization and discrimination	Jurisdictional barriers between service providers	Jurisdictional barriers such as lack of communication or transition planning between providers and service agencies
Behaviours that do not support health and wellbeing	Perceived lack of community capacity to facilitate change	
Low income or education		

BARRIERS TO SERVICE AND CARE

Some First Nations people may face barriers to accessing health care, social service programs and services. Barriers may exist at the individual level, at the community level and at the broader systemic level (see Table 4).

Case reports indicated the following barriers to accessing supports and services for mental health:

- Decedents declined services, or did not attend services offered;
- Waitlists for Aboriginal Child & Youth Mental Health;
- No Child & Youth Mental Health service provider in the community;
- No referral made to psychiatric assessment services; or
- Stopped taking prescribed medications.

There is a need for greater cultural humility and cultural safety when offering support, prevention programs and services for First Nations people.

SPECIALIZED INVESTIGATIONS

Following a coroner's investigation, recommendations may be put forward to the Chief Coroner for consideration. These recommendations address systemic issues with policies and practices and are intended to prevent future deaths in similar circumstances. Of the cases reviewed there were five cases with Coroners recommendations and one case that went to an Inquest.

Recommendations were directed to the Ministry of Transportation and Infrastructure, the Kamloops Indian Band, the Representative for Children and Youth, Local School District, the Interior Health Authority, Ministry of Children and Family Development, and the BC Injury Research and Prevention Unit.

PART 4

RECOMMENDATIONS

This death review panel has developed a set of recommendations considering the current research and applying this knowledge to First Nations youth and young adult case findings. The recommendations arising from the death review panel were developed in a manner that was:

- Collaborative;
- Attributable to the deaths being reviewed;
- Focused on identifying opportunities for improving public safety and prevention of future deaths;
- Targeted to specific parties;
- Realistically and reasonably implementable; and
- Measurable.

27

The overall findings of this review indicate that injury deaths are preventable.

During this review the panel identified key risk factors in many of the deaths:

- Significant personal trauma touched the lives of a third of the young people who died and most of those who died by suicide.
- Alcohol was a contributing factor in over half (54%) of First Nations youth and young adult injury deaths.

The review also found that there were missed opportunities to provide support for some of the young people who died. This review found that many First Nations young people were engaged in school (29%), or had recent involvement with child welfare or health care programs or services (60%). As well, almost one-quarter of these First Nations young people were parents of young children; bringing them into contact with health programs and services.

The panel identified three key areas to reduce injury deaths and support wellness and wellbeing:

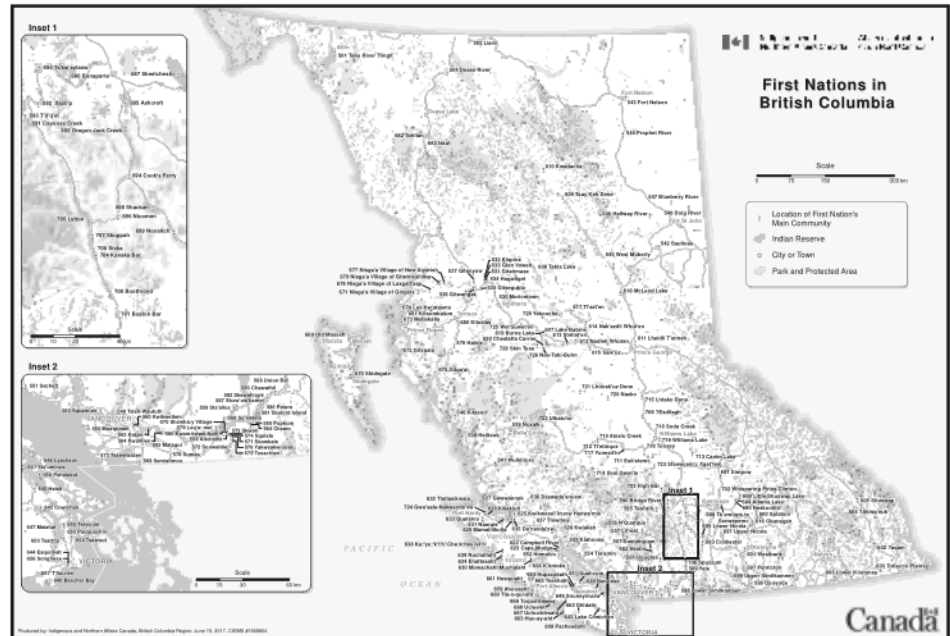
- Connectedness to peers, family, community and culture
- Access to services
- Cultural safety and humility and trauma-informed care

FIGURE 7

First Nations in British Columbia

SOURCE: Indigenous and Northern Affairs Canada, July 2017

See Appendix 1 for larger version



In developing the recommendations, the Panel recognizes the important role of First Nations communities and culture in responding to injuries and deaths and supporting the wellness and wellbeing of young peoples. It is imperative to have an integrated approach, with services and programs designed by local communities with youth involvement in the development and planning. In BC, there are 203 First Nations communities, spanning vast geography, and many isolated by distance and infrastructure.

These 203 communities are spread across five regional health areas (see Figure 7). They are culturally diverse and unique, representing 34 different languages, 26 cultural groups, with distinct histories, strengths and capacity.

FIGURE 8

Partnerships in Health and Wellness

SOURCE: First Nations Health Authority

Authority



CONNECTEDNESS

For First Nations people, culture and the inter-connectedness of individuals, families, communities and First Nations play an integral role in health and wellness. Studies report a number of social and cultural protective factors for Aboriginal adolescent injury. These, in addition to policy changes, have shown evidence of preventing deaths and hospitalizations.

Aboriginal youth who felt they were part of their community, who ate traditional foods, and who had an Aboriginal Elder or Aboriginal education worker who they approached for support were more likely than youth who did not feel part of their community to report good or excellent mental health. [McCreary Centre Society, 2016]

Geographic remoteness influences disparities in injury rates among Canadians. Although injuries are higher for all populations in rural areas, these rates are higher for First Nations peoples. In this review, more than half (57%) of First Nations youth and young adults who died lived in small population centres (1,000-29,000 residents), or rural areas (25%) (fewer than 1,000 population). Exposure to a harsher physical climate, particularly in remote, northern communities, poor housing conditions, increased use of certain vehicles, such as ATVs and increased use of licit and illicit substances, including alcohol, all contribute to higher levels of unintentional injuries resulting in mortality within First Nations populations.

Many of the young people who died were living on reserve; suicides in particular where five times higher for First Nations youth and young adults living on reserve than off reserve.

A study by Lalonde showed that from 1992-2006, more than 60% of First Nations Bands reported no youth (age 15-24) suicides. The Provincial Health Officer recommended “looking at what works in these communities may help more vulnerable communities to address these issues.” (PHO 2007)

Recommendation 1:

Promote Connectedness to Peers, Family, Community and Culture

By December 31, 2018, the First Nations Health Authority commits to:

- Encourage communities applying for wellness grants to incorporate traditional healing and ensure that applicants consult and engage with First Nations youth as part of the community wellness grant process.
 - Facilitate at First Nations gatherings such as ‘Gathering Our Voices’ and other community events eliciting youth views about how to increase connectedness, wellness and safety and resilience in their communities.
 - Partner with BC Injury Research and Prevention Unit (BCIRPU) regarding a project whereby youth identify safe/unsafe places in their community.
-

ACCESS TO SERVICES

Youth and young adults may have contact with multiple agencies (e.g. schools, health care, service providers, or community agencies). These points of contact may provide opportunities for further involvement or support. Evidence shows the most effective prevention and intervention programs for Indigenous people are grounded in the wisdom of traditional Inuit, Metis, and First Nation teaching about a holistic approach to a healthy life.” (Chansonneuve D., 2007)

Studies and youth surveys have indicated how access to programs and engagement in community activities may reduce risk taking behaviours. Study findings indicate that engagement in community practices, good school performance, regular church attendance, preserved ties to cultural past and local control, high community social networks and enhanced adult-youth relations and communications appear to protect individuals, families and communities from experiencing suicide. (Isaak, CA., et al, 2010)

Participation in at least one weekly recreational activity was associated with lower levels of heavy drinking and influenced the rate of change in the frequency of alcohol use over time (Rawana et., al, 2012)

As well, data shows that education completion is protective for health. “First Nations adults who reported having graduated from high school reported moderately higher percentages of physical, emotional, mental, and spiritual balance than those that did not graduate from high school, with the largest difference occurring for mental balance.”

This review found that First Nations young people may experience barriers to service.

In this review, 23 First Nations youth and young adults who died had a history of mental health concerns indicated on their case file. However, fewer than half (n=11, 48%) of First Nations youth and young adults who died and who had evidence of a history of mental health concerns had a record of receiving mental health supports and services. For those receiving services, some declined services offered, or did not attend services offered. For others there was a waiting list or a lack of service providers in the community. Fear or mistrust of services, lack of culturally relevant services, or lack of trauma informed practice may prevent young people from accessing care.

Recommendation 2: Reduce Barriers and Increase Access to Services

By December 31, 2018, the First Nations Health Authority in partnership with relevant agencies will:

- Review alcohol education and further develop First Nations harm reduction activities specific for alcohol.
- Achieve the target for trauma informed care training for all FNHA staff.
- Work with partners to increase access to culturally safe treatment services.
- Continue to partner on overdose crises response.

By December 31, 2018, the Ministry of Children and Family Development will:

- Work with BC Housing to increase access to low barrier access to housing for First Nations young people.
- Increase earlier and easier access to prevention focused mental health services.

By March 31, 2018, the First Nations Education Steering Committee and Ministry of Education will engage with First Nations youth on learning needs and what would improve connectedness to school.

By December 31, 2018, the Ministry of Advanced Education, Skills and Training (AEST) in collaboration with First Nations youth will identify and address barriers for First Nations young people entry to post-secondary education.

By December 31, 2018, the Ministry of Health, Ministry of Children and Family Development, and Ministry of Education in collaboration with FNHA will develop a plan to deliver trauma informed training to staff working/delivering services to First Nations young people.

CULTURAL SAFETY

Practicing cultural humility is a core value of any work with First Nations peoples. This approach combined with trauma-informed practice will increase the likelihood that First Nations young people feel safe accessing supports and services. Cultural safety is an outcome based on respectful engagement that recognizes and strives to address power imbalances. It results in an environment free of racism and discrimination, where people feel safe when receiving support or services.

Recommendation 3: Promote Cultural Safety

By December 31, 2018, the First Nations Health Authority will collaborate with Ministry of Education and Ministry of Advanced Education, Skills and Training service partners to sign the Declaration of Commitment to advance cultural safety and humility within their organizations.

By December 31, 2018, the First Nations Health Authority will develop an injury surveillance and monitoring strategy.

COMMUNITY ENGAGEMENT

The panel recognized that the lives of the young people reviewed took place in individual communities that have unique needs and traditions and that the broad recommendations could be adopted quite differently based on local needs. It was always the intention of this panel to include local expertise to expand on how the broad recommendations could unfold in a meaningful way within communities. One of the primary purposes of this report is that it be used as a supporting tool to further engage communities on local actions to promote connectedness, reduce barriers to services and ensure cultural safety and humility for young people.

Recommendation 4: Elicit Feedback through Community Engagement

By March 31, 2018, the First Nations Health Authority will complete a community engagement process to elicit feedback on how the broad recommendations can further be adopted within local community actions. An addendum will be created and added to the report with the community responses.

PART 5

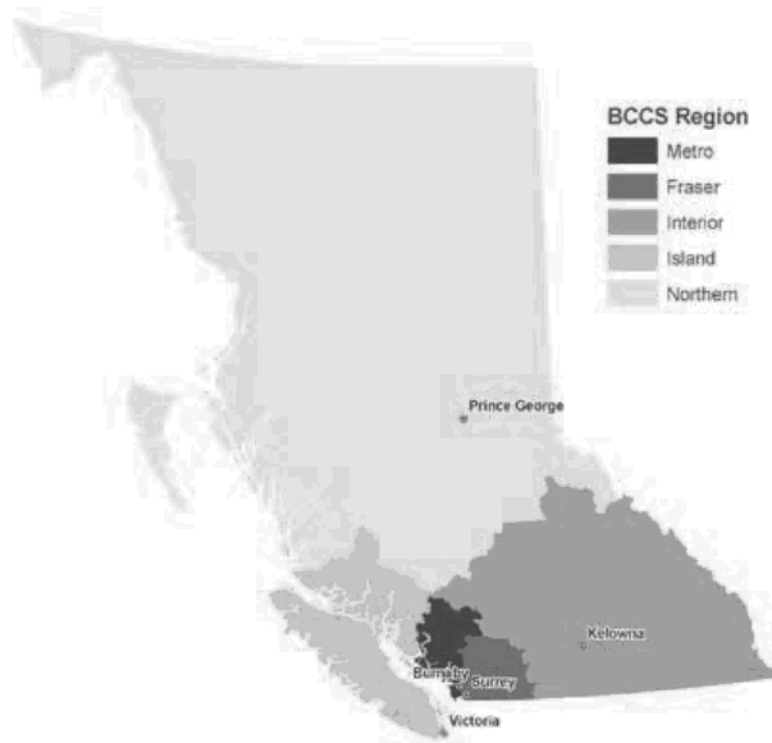
GLOSSARY & REFERENCES

Aboriginal	A collective term used to describe the three constitutionally recognized Indigenous populations in Canada – First Nations ('Status Indians'), Métis and Inuit. While the term Aboriginal is commonly accepted, identifying each of these populations specifically by name is preferable where appropriate.
Aggregate	Presentation of individual findings as a collective sum.
Cultural humility	A process of self-reflection to understand personal and systemic conditioned biases, and to develop and maintain respectful processes and relationships based on mutual trust. Cultural humility involves humbly acknowledging oneself as a life-long learner when it comes to understanding another's experience. Cultural humility enables cultural safety.
Cultural safety	An outcome based on respectful engagement that recognizes and strives to address power imbalances inherent in the healthcare system. It results in an environment free of racism and discrimination, where people feel safe when receiving health care.
First Peoples	Refers to First Nations, Métis, and Inuit Peoples in Canada, as well as Indigenous peoples around the world. The plural 'peoples' recognizes that more than one distinct group comprises the Aboriginal population of Canada compared to singular 'people' which might refer to individuals.
First Nations	The term 'First Nations' has largely become the preferred terminology for Indigenous peoples of North America in what is now Canada, and their descendants, who are neither Métis or Inuit. First Nations people may be 'Status' (registered) or 'non-Status' as defined under the <i>Indian Act</i> .
Indian	Refers to the legal identity of a First Nations person who is registered under the <i>Indian Act</i> . The term 'Indian' should be used only when referring to a First Nations person with status under the ' <i>Indian Act</i> ', and only within its legal context. Aside from this specific legal context, the term 'Indian' in Canada is considered outdated and may be considered offensive due to its complex and colonial use in governing identity through this legislation and other distinctions of 'Treaty, non-Treaty, Status, non-Status'.
Indian Act	The Canadian federal legislation, first passed in 1876, that sets out certain federal government obligations, determines the relationship between Aboriginal peoples and the Canadian government, and regulates the management of reserve lands. It is considered a paternalistic document that determines who is and who is not recognized with constitutionally enshrined rights as an 'Indian' or not. The act has had a largely negative impact on First Nations and Aboriginal peoples and communities, especially women in relation to marriage status transfer, and has led to the division of families and communities.
Indigenous	Is most frequently used in an international or global context and is referred to by the United Nations broadly as 'peoples of long settlement and connection to specific lands who have been adversely affected by incursions by industrial economies, displacement, and settlement of their traditional territories by others'. Similarly the term can also refer to groups of peoples or ethnic groups with historical ties a territory prior to colonization or formation of a nation state. Typically, Indigenous peoples have preserved a degree of cultural and political separation from the mainstream culture and political system of the nation state within the border of which the Indigenous group is located.
Inuit	The Inuit are the Indigenous inhabitants of the Arctic circle. They are a distinct population of Indigenous peoples who are registered as such under the <i>Indian Act</i> . They are united by a common cultural heritage and a common language. 'Inuit' means simply "the people" in Inuktitut.

Métis	Refers to a person who is of mixed First Nation and European ancestry. The Métis Nation Governing Members have formalized a national citizenship definition that is defined as a person who self-identifies as Métis, is of historic Métis ancestry, is distinct from other Aboriginal peoples and is accepted by the Métis Nation. Métis people identify themselves, and are recognized, as distinct from First Nations, Inuit or European descendants. The distinct Métis culture arose after contact with the first European explorer/settlers but prior to colonialism. The term Métis does not simply mean someone of mixed Aboriginal ancestry.
Non-Status Indian	An Aboriginal person who is not registered under the <i>Indian Act</i> . This may be because his or her ancestors were never registered, or because he or she lost status under paternal provisions of the <i>Indian Act</i> .
Sex and Gender	Sex refers to the anatomy of an individual's reproductive system and secondary sex characteristics, whereas gender refers to social roles based on the sex of the person or personal identification based on an internal awareness.
Status Indian	This term, while outdated and inappropriate, is still used in the Canadian government to mean an Aboriginal person who is registered under the <i>Indian Act</i> .
Trauma-Informed	Recognizes and acknowledges the impact of trauma and the need for awareness and sensitivity to its dynamics in all aspects of service delivery.
Trauma-Informed Practice	<p>An approach that both practitioners and organizations can take; the former in terms of clinical practice with individual patients, and the latter in terms of trauma-informed organizational policies which recognize the potential that trauma has occurred and strives to mitigate re-traumatization.</p> <ul style="list-style-type: none"> ▪ Trauma-informed principles include: avoiding re-traumatization, empowering the victim, working collaboratively with flexibility, understanding cycles of trauma and intergenerational trauma and recognizing trauma symptoms as adaptations).

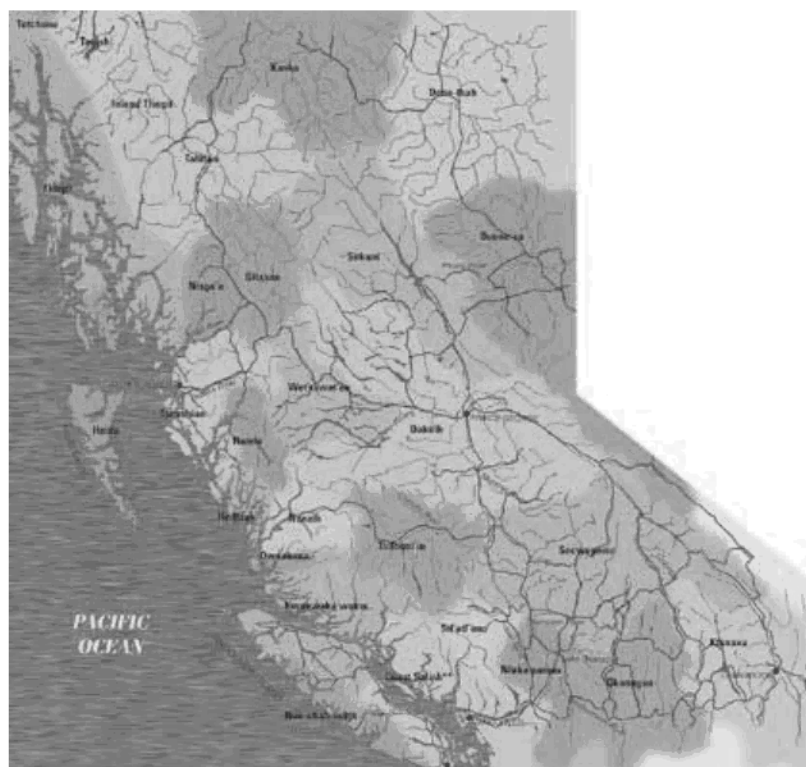
APPENDIX 1:

BC Coroners Service Regions

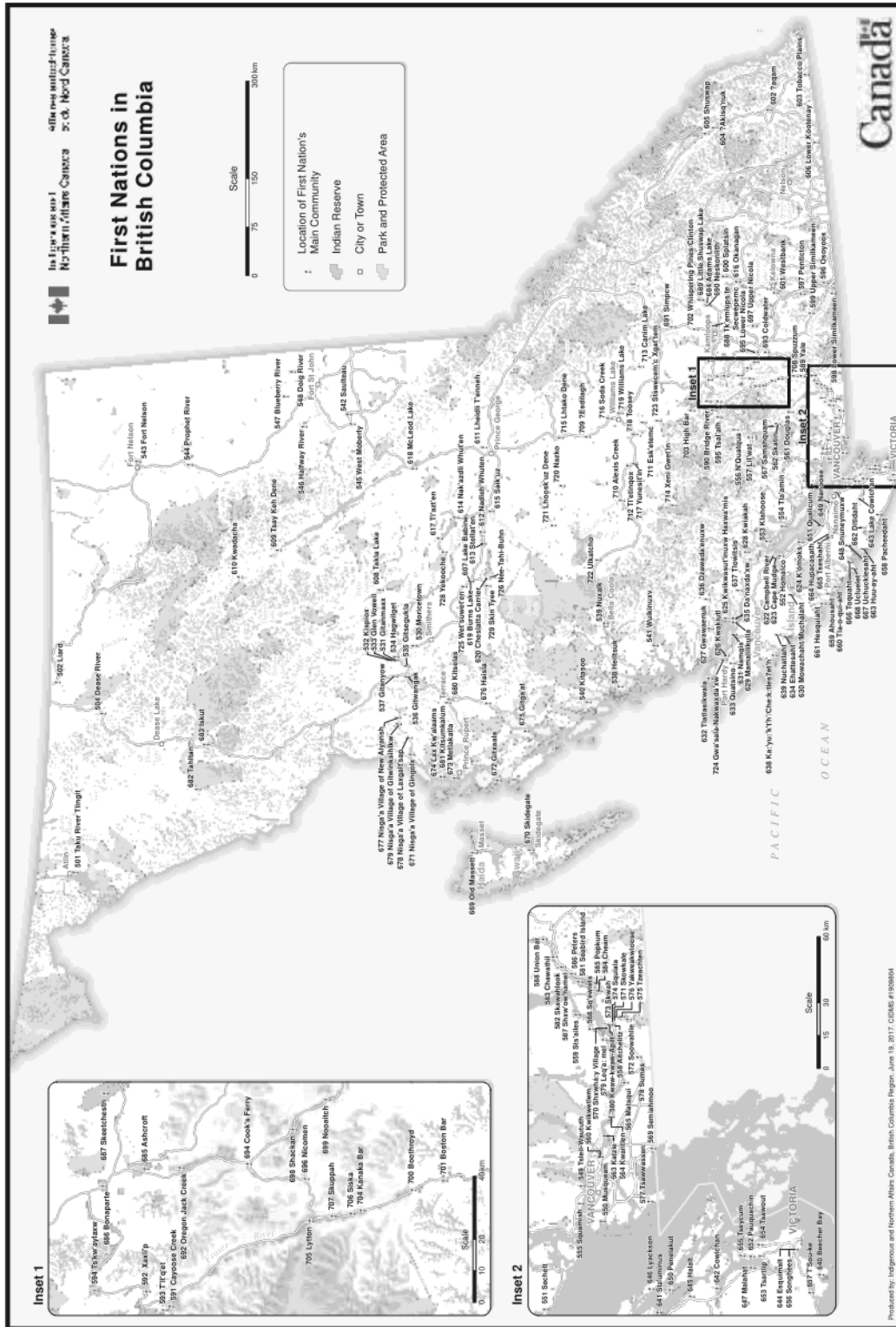


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First Nations Peoples of BC



First Nations in BC



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FOR FURTHER INFORMATION CONTACT:



Coroners Service

BC Coroners Service

PO Box 9259, Stn Prov Govt
Victoria BC V8W 9J4

Phone: 604 660-7745
Fax: 604 660-7766



First Nations Health Authority
Health through wellness

First Nations Health Authority

501-100 Park Royal South
West Vancouver, BC V7T 1A2

Phone: 604.693.6553
Fax: 604.913.2081



Coroners Service



First Nations Health Authority
Health through wellness

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

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

ISSUE: Meeting on November 22, 2017 at 4:00 p.m. with Norma Miller, A/Director, Communications and Public Affairs, BC Real Estate Association (BCREA) and a member of the BCREA board of directors regarding the government's response to cannabis legalization

SUMMARY:

- The federal *Cannabis Act* (the Act) to legalize and regulate non-medical cannabis is currently working its way through the parliamentary process.
- Under the proposed Act, adults will legally be able to grow up to four cannabis plants per household for their own personal use. These plants must be grown using seeds and/or seedlings from a licensed producer. It will also be legal to make various cannabis products, such as food or drinks, provided no dangerous chemicals or solvents (e.g., butane) are involved in the process.
- The Province is currently considering whether to impose additional restrictions on personal cultivation over and above those contained in the proposed Act. However, the Province may not be able to prohibit personal cultivation as this may be seen as frustrating the intent of the federal legislation.

BACKGROUND:

- Norma Miller is the Manager of Communications and Public Affairs for the BC Real Estate Association (BCREA). According to LinkedIn, she has been with the BCREA in various communications and government relations roles since 1998.
- In 2012/2013 the BCREA participated in the BC Provincial Marijuana Grow Operations Working Group, led by the Policing and Security Branch, which was created to develop strategies to eliminate, disrupt or otherwise mitigate the harmful effects of unsafe marijuana grow operations.
- The BCREA is the professional association that represents BC REALTORS®, and focuses on provincial issues that impact real estate. The organization works with BC's 11 real estate boards to provide professional education, advocacy, economic research and standardized forms to help REALTORS® serve their clients.
- The BCREA provided a written submission to the BC Cannabis Regulation Engagement. In their submission, the organization's primary focus with respect to cannabis legalization is on personal cultivation and the associated health and safety and property damage risks (e.g., mould and improper electrical installations). The BCREA recommends that the Province:
 - create provincial standards and certification for remediating properties involved in drug production;
 - develop a centralized, consistent process for disclosing property history information; and,
 - define "drug operation" in a meaningful way.

- In its submission to the BC Cannabis Regulation Consultation, the BCREA expressed its support for outdoor cultivation, provided soil is not contaminated, to avoid the negative property impacts of indoor cultivation. The organization also supports establishing a registration requirement for personal cultivation, and recommends that the system be tied to property and not individuals so that prospective tenants and homebuyers can more easily find information about a property they are considering.
- Under the proposed Act, adults will be able to legally grow up to four cannabis plants per household for their own use without a licence. These plants must be grown using seeds and/or seedlings from a licensed producer. It will also be legal to make various cannabis products, such as food and drinks, for personal consumption. The proposed Act also includes restrictions on the use of dangerous chemicals or solvents to make cannabis products.
- The Province has authority to impose additional restrictions on personal cultivation beyond those contained in the proposed Act. This could include the following:
 - establish more restrictive limits than those the federal government has placed on the number of plants that can be grown for personal use;
 - set restrictions on where and how British Columbians can grow cannabis for personal use at home, such as banning outdoor cultivation or requiring that indoor plants be made inaccessible to children; and,
 - impose a registration requirement for home cultivation of cannabis.
- Of the provinces and territories that have made policy decisions about a regulatory framework for non-medical cannabis, only Alberta has announced its intent to prohibit outdoor cultivation. Ontario and New Brunswick have yet to make specific policy decisions about personal cultivation.

OTHER MINISTRIES IMPACTED/CONSULTED: N/A

Prepared by:

Chris Bordeleau
Policy Analyst
Cannabis Legalization and Regulation
Secretariat
778 698-8165

Approved November 7, 2017 by:

Diana Moffat
Senior Policy Manager
Cannabis Legalization and Regulation
Secretariat
604 660-4451

Approved November 8, 2017:

Lisa Anderson
Executive Director
Cannabis Legalization
and Regulation Secretariat
Policing and Security Branch

Approved November 10, 2017:

Clayton Pecknold (*via eApproval*)
A/Deputy Solicitor General
250 387-1100

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Attachment

- Appendix A: BC Real Estate Association submission to the BC Cannabis Regulation Engagement



BRITISH COLUMBIA
REAL ESTATE
ASSOCIATION

October 18, 2017

Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
Victoria, BC

Sent by email: cannabis.secretariat@gov.bc.ca

Dear Secretariat Members,

Re: BCREA Submission to BC Cannabis Regulation Engagement

The British Columbia Real Estate Association (BCREA) welcomes the opportunity to provide feedback on the province's plan to regulate non-medical cannabis.

BCREA is encouraged that one of the government's six focus areas in this public engagement process is personal cultivation. The Association is concerned about the dangers posed by properties used in the production of drugs, including cannabis, and hopes the federal government's forthcoming cannabis legislation will be a catalyst to the development of robust regulations for home drug production.

When a property has been involved in drug production, citizens can be exposed to serious health and safety risks resulting from mould, chemicals and electrical fires, even if the property is no longer being used for drug production. The *Cannabis Legalization and Regulation in British Columbia Discussion Paper* from the Ministry of Public Safety and Solicitor General notes these risks, as does the federal government's 2016 *Final Report of the Task Force on Cannabis Legalization and Regulation*. Further, properties used in drug operations often become stigmatized, which can result in financing and insurance challenges.

BCREA appreciates there are significant differences between large-scale grow operations and an individual growing up to four plants in their residence. However, the potential property damage from even four plants per residence is not yet quantified. Depending on the circumstances and the size of the residence, four plants could still potentially cause damage. Growing four plants in a 400-square foot apartment, or in a small closet, may have very different impacts than growing four plants in a large, open space.

In addition, the proposed legislation does not account for multiple residences in the same property, such as high-rise buildings or homes with secondary suites. These properties may experience significant damage if several residents grow their own cannabis at home. Moreover, some individuals may grow more than their allotted amount, and enforcing the size and number of plants will be difficult. This

1420 – 701 Georgia Street W, PO Box 10123, Pacific Centre, Vancouver, BC V7Y 1C6

President Jim Stewart
Past President Deanna Horn

President-Elect James Palanio
Interim CEO Damian Stathonikos

bcrea@bcrea.bc.ca | 604.683.7702 (tel)
www.bcrea.bc.ca | 604.683.8601 (fax)



creates the potential for even greater property damage and subsequent financing and insurance complications for future residents, and leaves renters and buyers unable to make informed decisions about their homes.

In cases where homes are damaged by personal cannabis cultivation, the provincial government can play a critical role by implementing strong, consistent standards for property remediation. In BC, there are currently no such standards for remediating and certifying properties that have been used to produce drugs. This means there are no consistent standards for what constitutes a safe, successful remediation.

In November 2016, BCREA hosted a forum on properties used in drug production with more than 50 stakeholders from the financial, insurance, real estate, home inspection, business and government sectors. The overwhelming consensus of this forum was that the provincial government should implement standards for property remediation and certification.

A related issue is the lack of consistency across British Columbia as to how municipalities make information available on a property's past drug production. REALTORS®, mortgage brokers, insurance agents, contractors, renters and potential homebuyers may not have access to a property's history and therefore may be unable to make an informed decision about the residence. Residents and industry would benefit from having ready access to basic information about whether properties have been used in drug operations, as well as information about remediation of those properties.

Based on these concerns, BCREA recommends that the provincial government:

1. Develop a centralised, consistent process for disclosure of property history information.
2. Describe a healthy building, and then develop a centralized, consistent process for remediation of buildings used in drug operations, to ensure these buildings are safe for people.
3. Define a "drug operation" in a meaningful way.

Specific to this consultation, BCREA is pleased to see the government consider options to further regulate personal cultivation in BC, as noted in the *Cannabis Legalization and Regulation in British Columbia Discussion Paper*. The Association is in favour of outdoor cultivation, assuming soil is not contaminated, to avoid the previously mentioned property impacts of growing cannabis indoors.

The Association would also support a registration requirement for personal cultivation of non-medical cannabis, but recommends that such a system be tied to the property instead of the individual. It is true that those who do not plan to comply with the laws on home cultivation may be unlikely to register in the first place; however, we believe most British Columbians are law-abiding and would use the registry. This measure would help potential tenants and homebuyers make informed decisions about properties they may want to call home.

October 18, 2017

BCREA notes there are gaps in the existing research on this file, and advocates for a risk-averse policy approach. The Association is taking active steps to help provide evidence, including through original research on remediation processes in other jurisdictions and their potential applicability in BC. The Association also recently established a Drug Operations Advisory Group, which brings together industry professionals to advance the establishment of remediation and certification standards. BCREA is happy to provide any further resources or assistance to the government based on this research and expertise. BCREA's research is available at www.bcrea.bc.ca/government-relations/drug-operations.

BCREA is the professional association for about 22,000 REALTORS® in BC, focusing on provincial issues that impact real estate. Working with the province's 11 real estate boards, BCREA provides continuing professional education, advocacy, economic research and standard forms to help REALTORS® provide value for their clients.

To demonstrate the profession's commitment to improving Quality of Life in BC communities, BCREA supports policies that encourage economic vitality, provide housing opportunities, respect the environment and build communities with good schools and safe neighbourhoods.

Yours sincerely,



Damian Stathonikos
Interim Chief Executive Officer

Copy: Hon. Mike Farnworth, Minister of Public Safety and Solicitor General
(mike.farnworth.mla@leg.bc.ca)
Mike Morris, MLA – Prince George-Mackenzie (mike.morris.mla@leg.bc.ca)

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
POLICING AND SECURITY PROGRAMS BRANCH
POLICE SERVICES DIVISION
BRIEFING NOTE**

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

ISSUE: Workplace Death and Serious Injury Investigations

BACKGROUND:

- A Memorandum of Understanding (MOU) between WorkSafeBC and the independent municipal police departments has existed since 2006.
- In August 2012, the BC Federation of Labour met with the Attorney General and then Labour Minister MacDiarmid to ask the province for the following:
 - Dedicate a Crown prosecutor to deal with workplace fatality and serious injury cases;
 - Train police services on section 217.1 of the *Criminal Code*; and
 - Mandatory police investigations of all workplace fatalities and serious injuries.
- At the October 2012, Federal, Provincial and Territorial Justice Ministers meeting, the issue of workplace serious injury and death was discussed. The Justice Ministers expressed their concerns with respect to the lack of prosecutions involving workplace fatalities and injuries. There was recognition that this is an important and complex issue which also involves Ministers responsible for workplace safety. A Federal, Provincial and Territorial (FPT) Working Group was created to examine the need for changes to section 217.1 of the *Criminal Code*. Justice Services Branch within the Ministry of Justice represents British Columbia on the FPT Working Group.
- Policing and Security Branch was assigned the task of facilitating the updating of a Memorandum of Understanding between police and WorkSafeBC for the purposes of investigations and training. A working group made up of representation from the police, WorkSafeBC and Police Services Division (PSD) was created.
- A draft of the proposed MOU was presented by Ministry staff to the BC Federation of Labour for feedback. A number of the points raised by the BC Federation of Labour during this consultative process were included in the final version of the MOU (see Appendix 1).
- The purpose of the MOU was to establish a cooperative agreement between WorkSafeBC and the police to ensure the investigation of any work related death or injury is conducted in a thorough, timely and effective manner with a view to the broader public interest as reflected in the respective legislative mandates of the participants. The Province is not a signatory to the MOU.
- During the consultations, it came to the attention of Ministry staff that the mandate of WorkSafeBC did not include mines. Within British Columbia, mines are the authority of the Ministry of Energy and Mines, Chief Inspector of Mines. The definition of a mine as per the *Mines Act* goes well beyond the traditional mine setting and includes any disruption of earth which encompasses such operations as gravel pits. Current *Mines Act* provides the Chief

Inspector of Mines, or his delegate, authority to make an investigation of and report about an accident that has caused serious personal injury, loss of life or property or environmental damage. The *Act* only gives the Chief Inspector a period of 90 days from the date of incident to file charges under the *Act*.

- The Chief Inspector of Mines produced a 1990 Protocol Agreement between his Ministry and the RCMP for the investigation of fatal mine accidents. A refresh of the Protocol Agreement into an MOU which includes all police agencies was finalized in July 2016 and has been signed by all parties (see Appendix 2). The Province is not a signatory.
- This MOU was created to ensure the investigation of any work related to death or bodily harm is conducted in a thorough, timely and effective manner with a view to the broader public interest as reflected in the respective legislative mandates of the participants.
- In addition to mines, WorkSafeBC does not have authority to investigate death or serious injury incidents which occur within areas of federal jurisdiction. Human Resources and Skills Development Canada (HRSDC) is responsible for investigating workplace accidents and deaths involving:
 - Federal department and Crown Corporation employees;
 - Federally regulated commercial enterprises (e.g. aviation and marine industries); and
 - First Nations (e.g. individuals employed by Band Councils).

Current Status:

- The process to obtain signature and ratification of the MOU between WorkSafeBC and police agencies was completed in April 2014. Since the MOU was signed off, a government review of WSBC operations was completed. This review of WSBC resulted in the need for some minor modifications to the existing WSBC / police MOU. An amended MOU was signed and ratified on October 24, 2014.
- A second MOU between the Ministry of Energy and Mines, Chief Inspector of Mines and all police agencies was finalized in July 2016. This MOU has been signed by all parties.
- The Ministry of Energy and Mines participated in the creation of the joint training video with WorkSafe BC and Police. The training includes a joint video with WorkSafeBC, Mines and Police explaining their respective roles, responsibilities and legislation. This training video has now been rolled out to all police agencies and both WorkSafeBC and Mines.

Prepared by:

Jesse Ross
Research and Policy Analyst
Policing Operations Support
Policing and Security Branch
604 660-3724

Approved by:

Tom Steenvoorden
Director
Policing Operations Support
Policing and Security Branch
250 387-0076

Approved by:

Wayne Rideout
Deputy Director of Police Services
Policing and Security Branch

s.17

Approved November 24, 2017 by:

Clayton Pecknold (*via e-mail*)
Assistant Deputy Minister
and Director of Police Services
Policing and Security Branch
250 387-1100

Attachments:

Appendix 1: MOU – WorkSafeBC and Police
Appendix 2: MOU – MEM and Police

MEMORANDUM OF UNDERSTANDING

BETWEEN:

The Workers' Compensation Board of British Columbia
(Hereinafter referred to as "WorkSafeBC")

AND:

Abbotsford Police Department
as represented by the Chief Constable

and

Central Saanich Police Service
as represented by the Chief Constable

and

Delta Police Department
as represented by the Chief Constable

and

Nelson Police Department
as represented by the Chief Constable

and

New Westminster Police Department
as represented by the Chief Constable

and

Oak Bay Police Department
as represented by the Chief Constable

and

Port Moody Police Department
as represented by the Chief Constable

and

Saanich Police Department
as represented by the Chief Constable

and

Vancouver Police Department
as represented by the Chief Constable

and

Victoria Police Department
as represented by the Chief Constable

and
West Vancouver Police Department
as represented by the Chief Constable
(Hereinafter referred to as the "Municipal Police Departments")

AND:
South Coast British Columbia Transportation Authority Police Service
as represented by the Chief Officer

and
Stl'atl'imx Tribal Police as represented by the Chief Officer
(Hereinafter referred to as the "Designated Policing Units")

AND:
Royal Canadian Mounted Police
as represented by the Commanding Officer of "E" Division
(Hereinafter referred to as the "RCMP")

RESPECTING INVESTIGATION OF WORKPLACE FATALITIES AND SERIOUS INJURIES

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PREAMBLE

WHEREAS WorkSafeBC is created by and charged with the administration of the *Workers Compensation Act*, R.S.B.C. 1996, c 492 and in particular with the administration of Parts 1 and 3 of the *Workers Compensation Act*.

WHEREAS under Part 1, section 87 of the *Workers Compensation Act* provides WorkSafeBC with the like powers of the Supreme Court to compel the attendance and examination of witnesses and to compel the production and inspection of books, papers, documents and things; and section 88 of the *Workers Compensation Act* provides that an officer of WorkSafeBC and every other person appointed to make an inquiry has all the powers conferred by section 87;

WHEREAS WorkSafeBC, pursuant to Part 3 of the *Workers Compensation Act*, R.S.B.C. 1996, c. 492, is mandated to investigate workplace incidents resulting in fatalities or serious injury to workers for the purpose of promoting workplace safety and enforcing the *Workers Compensation Act* and *Occupational Health and Safety Regulation* (the "OHSR");

WHEREAS under Part 3, WorkSafeBC has been given a number of options to promote workplace safety which include but are not limited to conducting inspections, investigations, inquiries, writing orders, imposing administrative penalties and referring matters for prosecution under the *Workers Compensation Act*;

WHEREAS the participants recognize that evidence collected for the purpose of a criminal investigation or prosecution under Provincial Statutes, the *Workers Compensation Act* and the OHSR (a Prosecution or Prosecutions) must be obtained in accordance with the requirements of the *Criminal Code* of Canada, the *Canadian Charter of Rights and Freedoms* and criminal and quasi-criminal rules of evidence (referred to collectively as the Prosecutorial Evidentiary Rules);

WHEREAS the participants recognize that Part 3, Division 11 of the *Workers Compensation Act* grants wide powers for purposes of conducting inspections, investigations and inquiries. Evidence gathered using some of those powers whether during an inspection, investigation or an inquiry, although admissible for decisions under the *Workers Compensation Act*, may not be admissible for purposes of a Prosecution. In view of these limitations, it is important for the participants to be aware that during the course of gathering evidence, the predominant role of WorkSafeBC Officers may evolve intentionally or inadvertently from the consideration of writing orders or potentially imposing administrative penalties to the predominant purpose of evidence gathering for a prosecution. The participants should take the steps necessary to limit the risk of such a change in purpose from compromising a Prosecution;

WHEREAS section 179 of the *Workers Compensation Act* provides officers of WorkSafeBC with authority to enter a place to conduct an inspection or investigation and to require persons to attend and answer questions, take photographs and recordings, require a workplace not be disturbed, take samples and conduct tests of materials and things, require the production of records, and exercise other powers necessary or incidental to carrying out WorkSafeBC Officer's

functions; and section 179(5) permits an officer of WorkSafeBC to request the assistance of a Police Officer in carrying out his or her duties;

WHEREAS section 172(2) of the *Workers Compensation Act* provides that the scene of a reportable workplace accident must not be disturbed unless otherwise directed by an officer of WorkSafeBC or a Police Officer;

WHEREAS with the exception of violations of the *Workers Compensation Act* or the OHSR, the Police, pursuant to the *Police Act*, R.S.B.C. 1996, c. 367 and the *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10, are mandated to investigate violations of Provincial Statutes and the *Criminal Code* of Canada, R.S.C. 1985, c. C-46, which result in fatalities or serious injuries;

WHEREAS criminal negligence in the workplace can result in fatal and serious injuries and the investigation of any work related death or serious injury should include a consideration of the applicability of *Criminal Code* ss. 22.1 – 22.3, s. 217.1, and the other “Westray” amendments to the *Criminal Code*;

WHEREAS the participants recognize each other as engaged in law enforcement activities, as those activities relate to privacy legislation under the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 and the *Privacy Act*, R.S.C. 1985 c. P-21;

WHEREAS sections 33.2(a) and 33.2(i) of the *Freedom of Information and Protection of Privacy Act*, sections 8(2)(a) and (8)(2)(f) of the *Privacy Act*, and the 1983 Canada-British Columbia agreement on disclosure of personal information permit the disclosure of personal information: for the purpose for which it was obtained or compiled or for a use consistent with that purpose; and to a public body or a law enforcement agency in Canada to assist in a specific investigation;

WHEREAS it is in the public interest that the participants cooperate and share information when conducting concurrent, joint, or sequential investigations into the same incident;

AND WHEREAS WorkSafeBC and the Police wish to enter into an agreement for cooperation on activities that enable the participants to carry out their responsibilities in a comprehensive and coordinated manner, without compromising the independence of the participants, and within the provisions of applicable legislative authorities governing privacy and access to information; the following agreement is hereby entered into.

THE PARTICIPANTS AGREE AS FOLLOWS:

1 PURPOSE AND OBJECTIVE

The purpose of this Memorandum of Understanding (MOU) is to establish a cooperative agreement between WorkSafeBC and the Police to ensure the investigation of any work related

death or injury is conducted in a thorough, timely and effective manner with a view to the broader public interest as reflected in the respective legislative mandates of the participants.

2 DEFINITIONS

In this Memorandum of Understanding each of the following terms shall, unless the context otherwise requires, have the meaning set out beside it:

"Chief Constable"	Means any Chief of Police for a Municipal Police Department.
"Chief Officer"	Means the Chief Officer for the Designated Policing Units.
"Commanding Officer"	means the Commanding Officer of the Royal Canadian Mounted Police, "E" Division.
"MOU"	Means this Memorandum of Understanding respecting the Investigation of Workplace Fatalities and Serious Injuries.
"Police"	Means the provincial police force (Royal Canadian Mounted Police), municipal police departments and designated policing units listed in section 1.1 of the <i>Police Act</i> , R.S.B.C. 1996, c. 367.
"Police Officer"	Means any sworn member of the Police Department, appointed pursuant to the <i>Police Act</i> and regular members of the RCMP.
"Prosecution"	Means a prosecution under the <i>Criminal Code</i> , provincial statutes, the <i>Workers Compensation Act</i> or the <i>Occupational Health and Safety Regulation</i>
"Prosecutorial Evidentiary Rules"	Means the rules of evidence under the <i>Criminal Code</i> , the <i>Canadian Charter of Rights and Freedoms</i> , and other criminal or quasi-criminal rules of evidence.
"Provincial Police Service Agreement" or "PPSA"	Means the Memorandum of Agreement made between the Government of Canada and the Government of British Columbia, dated April 1, 2012.
"RCMP" or "R.C.M.P."	Means the Royal Canadian Mounted Police, Government of Canada.
"WorkSafeBC Officer"	Means any Officer appointed by WorkSafeBC.

"Workplace"

Means any place where a worker is or is likely to be engaged in any work and includes any vessel, vehicle or mobile equipment used by a worker in work.

3 AGREEMENT AUTHORITY

- 3.1 This MOU is entered into by the Senior Vice President of Worker and Employer Services WorkSafeBC under the authority of the *Workers Compensation Act* in aiding the administration of justice in the province and in carrying into effect the applicable legislation.
- 3.2 This MOU is entered into by the Chief Constables of their respective Municipal Police Departments and Chief Officers of their Designated Policing Units located in British Columbia under the authority of sections 26 and 34 of the *Police Act* to aid in the prevention of crime and offences against the law, and the enforcement of municipal bylaws, the criminal law and the laws of British Columbia.
- 3.3 This MOU is entered into by the Commanding Officer under the authority of section 5 and in relation to section 20 of the *Royal Canadian Mounted Police Act* in aiding the administration of justice in the province and in carrying into effect the applicable legislation.

4 ROLES IN RESPONDING TO WORKPLACE INCIDENTS

- 4.1 WorkSafeBC and the Police each recognize that the other has authority to access workplaces and investigate fatalities or serious injuries by way of conducting interviews, seizing evidence and recording information.
- 4.2 The Police or WorkSafeBC, on notification of any work related death or serious injury, will notify the other participants as soon as practicable.
- 4.3 Officers of WorkSafeBC and the Police who attend a workplace incident will each protect the scene for the other and will consult and cooperate as much as possible on issues of site security, interviewing of witnesses, seizing and securing evidence, and exchanging information to ensure the integrity of each agency's investigation.
- 4.3.1 While ensuring that potential offences are investigated by the appropriate agency the Police and WorkSafeBC shall consider all offences that could reasonably apply in the circumstances. This includes a consideration of the applicability of *Criminal Code* ss. 22.1 – 22.3, s. 217.1, and the other “Westray” amendments to the *Criminal Code*.

- 4.4 If the Police initiate a criminal investigation of the incident, the Police will assume control of the investigation at the scene and may request assistance from WorkSafeBC.
- 4.5 In the absence of a criminal investigation by the Police, WorkSafeBC will assume control of the investigation at the scene and may request assistance from the Police.
- 4.6 Where Police and WorkSafeBC have reason to maintain joint control of an incident scene, they may consider entering into a formal Unified Command agreement using the Incident Command System model recognized by all participants in order to facilitate a joint incident action plan and collaboration in other areas of scene management.
- 4.6.1 Where practicable and warranted by the nature of the incident being investigated the participants shall use appropriate case management practices which may include major case management methodologies. Such major case management methodologies shall include at a minimum the appointment of a senior investigator to act as a macro-manager overseeing the inquiries of both WSBC and the responsible police agency. The senior investigator, consistent with major case management, shall seek the appropriate advice to ensure recognition of both the criminal and regulatory offences that may arise in workplace death and injury cases.
- 4.7 Where Police Officers are first responders to a workplace incident, they will confirm the employer has notified WorkSafeBC and, in the absence of a criminal investigation, will make all reasonable attempts to secure the incident scene undisturbed until WorkSafeBC officers assume control or release the scene.
- 4.8 Where officers of WorkSafeBC are first responders to a workplace incident and identify that a criminal offence may have occurred, they will secure the scene undisturbed until the Police has assumed control or released the scene.
- 4.9 WorkSafeBC and the Police each acknowledge that, when attending the scene of a workplace fatality or serious injury, their personnel are subject to the provisions of the *Workers Compensation Act*, OHSR; and for the RCMP, the *Canada Labour Code* and regulations under federal legislation. WorkSafeBC and the Police will collaborate in complying with these statutory requirements. In particular, before accessing the scene of an incident, the participants will assess the safety risks and take appropriate precautions to ensure safe entry.

5 INVESTIGATIONS

- 5.1 WorkSafeBC and the Police may conduct joint or concurrent investigations into a workplace incident and will coordinate activities on such investigations so as to ensure each agency is able to effectively discharge its legal mandate.

- 5.2 Where there are concurrent investigations underway, neither agency will release any physical evidence it has seized without first advising the other agency and providing an opportunity for that agency to assume control of the evidence.
- 5.3 WorkSafeBC and the Police will mutually consult and coordinate on the interviewing of witnesses to ensure the integrity of their respective investigations, and avoid unnecessary duplication.
- 5.4 The Police may request WorkSafeBC technical assistance or expertise for the purpose of assisting in a criminal investigation of a workplace incident and WorkSafeBC will provide such assistance where possible.
- 5.5 If WorkSafeBC identifies a potential criminal offence during the course of an investigation into a workplace incident, WorkSafeBC will notify the Police and suspend its investigation until the two agencies are able to consult and exchange information on the matter.
 - 5.5.1 Where WorkSafeBC has identified a potential criminal offence and intends to turn the matter over to the Police under 5.5 or 5.6, both the Police and WorkSafeBC shall seek appropriate legal advice, which may include advice from the Criminal Justice Branch, before the exchange of evidence to ensure that any potential investigation by the Police is not compromised by the receipt of evidence not gathered in compliance with all of the Prosecutorial Evidentiary Rules.
- 5.6 If the Police do not consider there to be sufficient evidence to initiate a criminal investigation, WorkSafeBC will continue its investigation and any further evidence gathered will be in a manner consistent with the requirements of the *Criminal Code* of Canada and the *Canadian Charter of Rights and Freedoms* so as to enable the admissibility of any additional evidence to the Police and Crown Counsel, should it be required at a future date.
 - 5.6.1 Where warranted by the nature of the incident WorkSafeBC, in meeting its obligations under 5.6, may employ major case management methodologies and a dual investigation stream, one for compliance and prevention purposes and the other for prosecutorial investigation purposes.

6 EXCHANGE AND SECURITY OF INFORMATION

- 6.1 WorkSafeBC and the Police agree to exchange information and records for the purpose of assisting in their respective investigations.
- 6.2 Where WorkSafeBC or the Police receive notice that it may become, or is, subject to a Court order, summons or subpoena requiring the disclosure of exchanged information

or records, WorkSafeBC or the Police shall immediately consult with the originating participant before disclosing the records or information.

- 6.3 WorkSafeBC and the Police shall not further disclose information and records, exchanged pursuant to this MOU, without the permission of the originating participant, unless the disclosure is for the purpose of and limited to, complying with the legal standard of disclosure in a judicial or administrative law proceeding, or where required by law.
- 6.4 Despite 6.3, if either WorkSafeBC or the Police, for the purpose of complying with the legal standard of disclosure in a judicial or administrative law proceeding, is required to disclose information or records obtained from the other, the originating participant must be notified prior to any such disclosure.
- 6.5 WorkSafeBC and the Police recognize that, in the course of an investigation it may be necessary to disclose exchanged information or records to third parties; however, each agrees that such disclosure shall not occur without the prior permission of source agency.
- 6.5.1 Despite 6.5, WorkSafeBC and the Police recognize that in order to protect the public or persons on worksites from risk of harm, it may be necessary to disclose information that was gathered by one or more of the participants during an investigation. **Unless exigent circumstances exist**, the participant intending to release the information will, prior to the release of the information, consult with any other participants involved in the investigation.
- 6.6 All information and documentation provided to, collected by, delivered to or compiled on behalf of the participants to this MOU in the performance of their duties and responsibilities shall be dealt with subject to and in accordance with federal and provincial statutes, particularly the *Privacy Act*, the *Access to Information Act*, and the *Freedom of Information and Protection of Privacy Act*.
- 6.7 The participants agree that for the purposes of section 13(1) of the *Access to Information Act*, section 19(1)(c) of the *Privacy Act* and section 16(1)(b) of the *Freedom of Information and Protection of Privacy Act*, all information disclosed and received between the participants under this MOU is disclosed and received in confidence.
- 6.8 Where a participant receives a request under the *Access to Information Act*, the *Privacy Act*, or the *Freedom of Information and Protection of Privacy Act*, or a Court order, summons or subpoena for disclosure of records relating to this MOU, that participant shall consult all other affected participants to this MOU before disclosing the records to the applicant.

7 DECISION TO PROSECUTE

- 7.1 Police will notify WorkSafeBC as soon as practicable where a police investigation concerning a workplace serious injury or fatality is referred to Crown Counsel for prosecution. Police will notify WorkSafeBC as soon as practicable of Crown Counsel's decision in this regard.
- 7.2 WorkSafeBC will notify the Police as soon as practicable where a WorkSafeBC investigation concerning a workplace serious injury or fatality is referred to Crown Counsel for prosecution under the *Workers Compensation Act*. WorkSafeBC will notify Police as soon as practicable of Crown Counsel's decision in this regard.

8 COMMUNICATIONS

- 8.1 Where there are concurrent investigations, WorkSafeBC and the Police will consult and coordinate on all communications with the victim, the victim's family and the media.
- 8.2 The participants agree to establish a media relations plan to regulate contacts with the media in relation to this MOU. All media releases shall be reviewed by all affected participants to the MOU before disclosing those media releases to the media and the public.
- 8.3 Where WorkSafeBC, in the course of an investigation, identifies an existing risk to health and safety that may impact other employers and workers, WorkSafeBC may immediately publicize sufficient information to alert employers and workers of the risk.

9 TRAINING

- 9.1 WorkSafeBC and the Police will enter into joint training initiatives regarding occupational health and safety and law enforcement investigations.
- 9.2 WorkSafeBC and Police investigators will undertake training that includes but is not limited to: investigations of criminality in workplace settings; *Criminal Code* provisions for conducting investigations of workplace serious injuries and fatalities; and procedures and requirements for collecting evidence and writing Reports to Crown Counsel.

10 DISPUTE RESOLUTION

- 10.1 Disputes between WorkSafeBC and the Police will be resolved jointly by the Director of Investigations Services, WorkSafeBC and the Chief Constable, Chief Officer or Commanding Officer or delegate.

- 10.2 Police and WorkSafeBC will work cooperatively and will attempt to resolve any matters of disagreements regarding the requirements of Prosecutorial Evidentiary Rules and may contact the Criminal Justice Branch to resolve any areas of disagreement.

11 LIABILITY

- 11.1 Each participant waives all claims against the other participants in respect of damage caused to its personnel and/or its property by personnel or agents (excluding contractors) of that other participant arising out of, or in connection with, the implementation of this MOU.
- 11.2 However, if the damage described in section 11.1 results from reckless acts or reckless omissions, willful misconduct or gross negligence of a participant, its personnel or agents, the liability for any costs will be the responsibility of that participant alone.
- 11.3 If one participant receives notice of a claim by a third party for damage of any kind, caused by one of the participants' personnel or agents arising out of, or in connection with, the implementation of this MOU, the receiving participant will notify the other participants as soon as is practicable.
- 11.4 In the event of a notice of claim as described in section 11.3, the participants will consult and attempt to resolve the claim. Where appropriate, the participants will divide financial responsibility between themselves to satisfy the claim. If such liability results from reckless acts or reckless omissions, willful misconduct or gross negligence of a participant, its personnel or agents, the liability for any costs will be the responsibility of that participant alone.
- 11.5 The above provisions of section 11 will survive the termination of this MOU for any reason whatsoever.


12 TERM OF THE AGREEMENT

- 12.1 This MOU will come into effect when signed by all participants.
- 12.2 This agreement will remain in effect until replaced by another agreement or terminated in accordance with this agreement.
- 12.3 In compliance with the Ministerial Directive issued by the Solicitor General of Canada (2002) to the Commissioner of the RCMP that addresses agreements entered into by the RCMP, the participants agree:

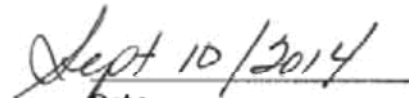
(a) To reviews, audits and evaluations of any aspect of this agreement;

- (b) To amendments by mutual written agreement duly executed by participants to this agreement; and,
- (c) That any of the participants to this agreement may terminate participation in this agreement upon provision of 30 days written notice to the other participants of their intention to terminate this agreement.
- 12.4 Nothing in this agreement is in any way intended to replace or amend any obligation that any of the participants is bound to or required to perform by operation of law.
- 12.5 Nothing in this MOU shall be interpreted to conflict with or derogate from the *Police Act*, Regulations under the *Police Act*, the *Royal Canadian Mounted Police Act*, or *Royal Canadian Mounted Police Regulations, 1988*, but shall be interpreted in all respects to be subject to the *Police Act* and Regulations under the *Police Act*, the *Royal Canadian Mounted Police Act* or *Royal Canadian Mounted Police Regulations, 1988*. Should any provision of this MOU be found in conflict or derogation of *Police Act*, Regulations under the *Police Act*, the *Royal Canadian Mounted Police Act* or *Royal Canadian Mounted Police Regulations, 1988*, such provision shall be null and void.
- 12.6 Nothing in this agreement shall be interpreted as in any way derogating from the responsibilities and obligations of the RCMP pursuant to the *Provincial Police Service Agreement* entered into between Canada and the Government of the Province of British Columbia, effective April 1, 2012.
- 12.7 This MOU reflects the good faith and spirit of cooperation of the participants, but is not legally binding on any of the participants.

Signed on behalf of the Workers' Compensation Board of British Columbia



Diana Miles, Acting President & CEO
WorkSafeBC

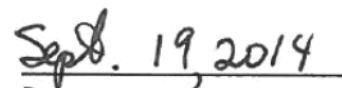


Date

Signed on behalf of Abbotsford Police Department



Bob Rich, Chief Constable
Abbotsford Police Department



Date

Signed on behalf of the Central Saanich Police Service


Paul Hames, Chief Constable
Central Saanich Police Service

Oct. 1/2014
Date

Signed on behalf of Delta Police Department


Jim Cessford, Chief Constable
Delta Police Department

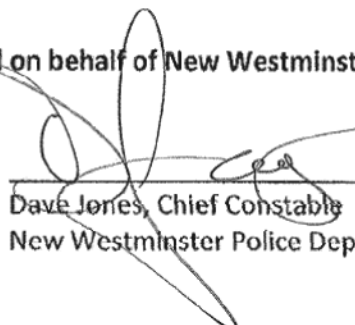
30th Oct. 2014
Date

Signed on behalf of Nelson Police Department


Wayne Holland, Chief Constable
Nelson Police Department


1/10/14
Date

Signed on behalf of New Westminster Police Department


Dave Jones, Chief Constable
New Westminster Police Department

Oct 1 2014
Date

Signed on behalf of Oak Bay Police Department


Andy Brinton, Chief Constable
Oak Bay Police Department

Sept. 08, 2014
Date

Signed on behalf of Port Moody Police Department


Chris Rattenbury, Chief Constable
Port Moody Police Department

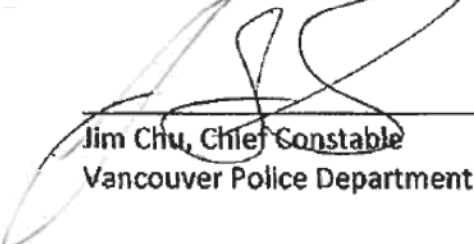
2014-09-23.
Date

Signed on behalf of Saanich Police Department


Bob Downie, Chief Constable
Saanich Police Department


2014-10-01
Date

Signed on behalf of Vancouver Police Department


Jim Chu, Chief Constable
Vancouver Police Department


SEPT 8/14
Date

Signed on behalf of Victoria Police Department


DCC S. ING
Frank J. Elsner, Chief Constable
Victoria Police Department

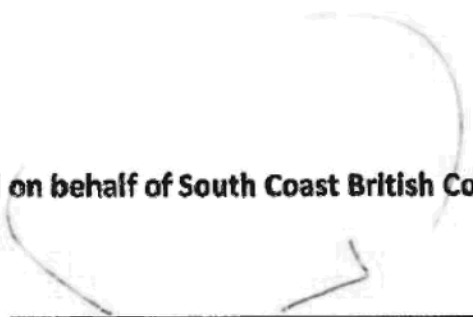
2014/10/24
Date

Signed on behalf of West Vancouver Police Department


Len Goerke, Chief Constable
West Vancouver Police Department

140919
Date

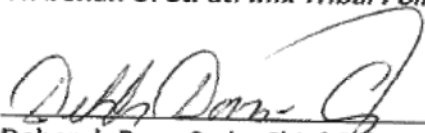
Signed on behalf of South Coast British Columbia Transportation Authority Police Service



Neil Dubord, Chief Officer
South Coast British Columbia Transportation
Authority Police Service

20140919
Date

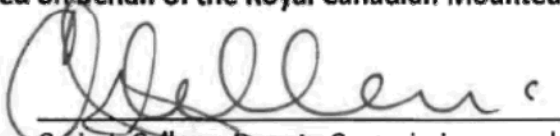
Signed on behalf of Stl'atl'imx Tribal Police



Deborah Doss-Cody, Chief Officer
Stl'atl'imx Tribal Police

2014/09/02
Date

Signed on behalf of the Royal Canadian Mounted Police



Craig J. Callens, Deputy Commissioner and
Commanding Officer
"E" Division
Royal Canadian Mounted Police

2014.09.17
Date

MEMORANDUM OF UNDERSTANDING

BETWEEN:

The Ministry of Energy and Mines
Mines and Mineral Resources Division

AND:

Abbotsford Police Department
as represented by the Chief Constable

and

Central Saanich Police Service
as represented by the Chief Constable

and

Delta Police Department
as represented by the Chief Constable

and

Nelson Police Department
as represented by the Chief Constable

and

New Westminster Police Department
as represented by the Chief Constable

and

Oak Bay Police Department
as represented by the Chief Constable

and

Port Moody Police Department
as represented by the Chief Constable

and

Saanich Police Department
as represented by the Chief Constable

and

Vancouver Police Department
as represented by the Chief Constable

and

Victoria Police Department
as represented by the Chief Constable

and
West Vancouver Police Department
as represented by the Chief Constable

(Hereinafter referred to as the "Municipal Police Departments")

AND

Stl'atl'imx Tribal Police as represented by the Chief Officer

(Hereinafter referred to as "Designated Policing Units")

AND:

Royal Canadian Mounted Police
as represented by the Commanding Officer of "E" Division
(Hereinafter referred to as the "RCMP")

RESPECTING INVESTIGATION OF MINE-SITE FATALITIES AND BODILY HARM

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PREAMBLE

WHEREAS the Chief Inspector of Mines, pursuant to the *Mines Act*, R.S.B.C. 1996, c. 293, is mandated to investigate mine-site incidents resulting in fatalities or bodily harm to workers for the purpose of promoting mine-site safety and enforcing the *Mines Act* and the *Health, Safety and Reclamation Code*;

WHEREAS section 6 of the *Mines Act* provides Inspectors any of the powers conferred on the Chief Inspector under the *Mines Act*;

WHEREAS section 7 of the *Mines Act* provides Inspectors to make an investigation of and report about an accident;

WHEREAS section 8 of the *Mines Act* provides an Inspector with the power to compel the attendance and examination of witnesses and to compel the production and inspection of records and things in an investigation under section 7 of the Act;

WHEREAS under the *Mines Act*, a mine inspector has been given a number of options to promote mine-site safety through compliance and prevention which include but are not limited to conducting inspections, investigations, inquiries, writing orders, and referring matters for prosecution under the *Mines Act*;

WHEREAS the participants recognize that evidence collected for the purpose of a criminal investigation or prosecution under Provincial Statutes, the *Mines Act* (a Prosecution or Prosecutions) must be obtained in accordance with the requirements of the *Criminal Code* of Canada, the *Canadian Charter of Rights and Freedoms* and criminal and quasi-criminal rules of evidence (referred to collectively as the Prosecutorial Evidentiary Rules);

WHEREAS the participants recognize that sections 7 and 15 of the *Mines Act* and the *Mines Regulation* grant wide powers for purposes of conducting inspections, investigations and inquiries. Evidence gathered using some of those powers whether during an inspection, investigation or an inquiry, although admissible for decisions under the *Mines Act*, may not be admissible for purposes of a Prosecution. In view of these limitations it is important for the participants to be aware that during the course of gathering evidence the predominant role of *Mines Act* inspector may evolve intentionally or inadvertently from an investigation for compliance and prevention to the predominant purpose of evidence gathering for a prosecution. The participants should take the steps necessary to limit the risk of such a change in purpose from compromising a Prosecution;

WHEREAS with the exception of violations of the *Mines Act*, the *Mines Regulation* or the *Health, Safety and Reclamation Code*, the Police, pursuant to the *Police Act*, R.S.B.C. 1996, c. 367 and the *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10 are mandated to investigate violations of provincial statutes and the *Criminal Code* of Canada, R.S.C. 1985, c. C-46, which result in fatalities or bodily harm;

WHEREAS criminal negligence at a mine-site can result in fatalities and bodily harm and the investigation of those incidents should include a consideration of the applicability of *Criminal Code* ss. 22.1 – 22.3, s. 217.1, and the other “Westray” amendments to the *Criminal Code*;

WHEREAS the participants recognize each other as engaged in law enforcement activities, as those activities relate to privacy legislation under the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 and the *Privacy Act*, R.S.C. 1985, c. P-21;

WHEREAS sections 33.2(a) and 33.2(i) of the *Freedom of Information and Protection of Privacy Act*, sections 8(2)(a) and (8)(2)(f) of the *Privacy Act*, and the 1983 Canada-British Columbia agreement on disclosure of personal information permit the disclosure of personal information: for the purpose for which it was obtained or compiled or for a use consistent with that purpose, and to a public body or a law enforcement agency in Canada to assist in a specific investigation;

WHEREAS it is in the public interest that the participants cooperate and share information when conducting concurrent, joint, or sequential investigations into the same incident;

AND WHEREAS the Chief Inspector of Mines and the Police wish to enter into an agreement for cooperation on activities that enables the participants to carry out their responsibilities in a comprehensive and coordinated manner, without compromising the independence of the participants, and within the provisions of applicable legislative authorities governing privacy and access to information; the following agreement is hereby entered into.

THE PARTICIPANTS AGREE AS FOLLOWS:

1 PURPOSE AND OBJECTIVE

The purpose of this Memorandum of Understanding (MOU) is to establish a cooperative agreement between the Mines and Mineral Resources Division of the Ministry of Energy and Mines and the Police to ensure the investigation of any work related death or bodily harm is conducted in a thorough, timely and effective manner with a view to the broader public interest as reflected in the respective legislative mandates of the participants.

2 DEFINITIONS

In this Memorandum of Understanding each of the following terms shall, unless the context otherwise requires, have the meaning set out beside it:

"Bodily harm"	Also known as serious personal injury as per section 7 of the <i>Mines Act</i> , as per section 2 of the <i>Criminal Code</i> of Canada, bodily harm means any hurt or injury to a person that interferes with the health or comfort of the person and that is more than merely transient or trifling in nature.
"Chief Constable"	Means any Chief of Police for a Municipal Police Department.
"Chief Officer"	Means the Chief Officer for the Designated Policing Units.
"Chief Inspector of Mines"	Means the individual appointed under the <i>Public Service Act</i> , as the Chief Inspector of Mines.
"Commanding Officer"	Means the Commanding Officer of the Royal Canadian Mounted Police, "E" Division.
"Inspectors"	Means persons appointed as Inspectors for the purposes of the <i>Mines Act</i> .
Mine-site	Means workplaces under the jurisdiction of the Ministry of Energy and Mines, as defined in the <i>Mines Act</i> . In general, a mine includes those sites performing exploration, production or reclamation activities, closed or abandoned, and any cleared areas used in servicing a mine as well as any other place designated by the Chief Inspector as a mine.
"MOU"	Means this Memorandum of Understanding respecting the Investigation of Mine-site Fatalities and bodily harm.
"Police"	"Police", means the provincial police force (Royal Canadian Mounted Police), municipal police departments and designated policing units listed in section 1.1 of the <i>Police Act</i> , R.S.B.C. 1996, c. 367.
"Police Officer"	Means any sworn member of the Police Department, appointed pursuant to the <i>Police Act</i> and regular members of the RCMP.

"Prosecution"	Means a prosecution under the <i>Criminal Code</i> , provincial statutes, and the <i>Mines Act</i> .
"Prosecutorial Evidentiary Rules"	Means the rules of evidence under the <i>Criminal Code</i> , the <i>Canadian Charter of Rights and Freedoms</i> , and other criminal or quasi-criminal rules of evidence.
"Provincial Police Service Agreement" or "PPSA"	Means the Memorandum of Agreement made between the Government of Canada and the Government of British Columbia, dated April 1, 2012.
"RCMP" or "R.C.M.P."	Means the Royal Canadian Mounted Police, Government of Canada.

3 AGREEMENT AUTHORITY

- 3.1 This MOU is entered into by the Chief Inspector of Mines in aiding the administration of justice in the province and in carrying into effect the applicable legislation.
- 3.2 This MOU is entered into by the Chief Constables of their respective Municipal Police Departments and Chief Officers of their Designated Policing Units located in British Columbia under the authority of sections 26 and 34 of the *Police Act* to aid in the prevention of crime and offences against the law, and the enforcement of municipal bylaws, the criminal law and the laws of British Columbia.
- 3.3 This MOU is entered into by the Commanding Officer under the authority of section 5 and in relation to section 20 of the *Royal Canadian Mounted Police Act* in aiding the administration of justice in the province and in carrying into effect the applicable legislation.

4 ROLES IN RESPONDING TO MINE-SITE INCIDENTS

- 4.1 The Chief Inspector of Mines and the Police each recognize that the other has authority to access mine-sites and investigate fatalities or bodily harm by way of conducting interviews, seizing evidence and recording information.
- 4.2 The Police or the Chief Inspector of Mines or appointed Inspectors on notification of any work related death or bodily harm at a mine-site, will notify the other applicable participants as soon as practicable and as appropriate.
- 4.3 Notification procedures between the parties are outlined in Appendix A.

- 4.4 Where Police Officers are first responders to a mine-site incident, they will confirm the employer has notified the Chief Inspector of Mines and, in the absence of a criminal investigation, will make all reasonable attempts to secure the incident scene undisturbed until the Chief Inspector of Mines or appointed Inspector assumes control or releases the scene.
- 4.5 If the Police initiate a criminal investigation of the incident, the Police will assume control of the investigation at the scene and may request assistance from the Chief Inspector of Mines.
- 4.6 Where the Chief Inspector of Mines or an appointed Inspector are first responders to a mine-site incident and suspect that a criminal offence may have occurred, they will leave the scene undisturbed until the Police have assumed control or released the scene.
- 4.7 In the absence of a criminal investigation by the Police, the Chief Inspector of Mines or appointed Inspector will assume control of the investigation at the scene and may request assistance from the Police.
- 4.8 Inspectors and the Police who attend a mine-site incident will each take reasonable steps to protect the scene for the other and will consult and cooperate as much as possible on issues of site security, site safety, interviewing of witnesses, seizing and securing evidence, and exchanging information to ensure the integrity of each agency's investigation.
- 4.9 Where Police and the Chief Inspector of Mines have reason to maintain joint control of an incident scene, they may consider entering into a formal Unified Command agreement using the Incident Command System model recognized by all participants in order to facilitate a joint incident action plan and collaboration in other areas of scene management.
- 4.10 Where practicable and warranted by the nature of the incident being investigated the participants may use appropriate case management methodologies. Such case management practices shall include, at a minimum, a lead investigator identified by the responsible police force of jurisdiction to act as a macro-manager overseeing the inquiries of the participating agencies. The lead investigator shall seek the appropriate advice to ensure recognition of both the criminal and regulatory offences that may arise in mine-site death and bodily harm cases.
- 4.11 Throughout the course of their investigations the Police and the Chief Inspector of Mines shall consider all offences within their knowledge that could reasonably apply in the circumstances. This includes a consideration of the applicability of *Criminal Code* ss. 22.1 – 22.3, s. 217.1, and the other “Westray” amendments to the *Criminal Code*.
- 4.12 The Chief Inspector of Mines and the Police each acknowledge that, when attending the scene of a mine-site fatality or bodily harm, their personnel are subject to the provisions

of the *Mines Act*; the *Health, Safety and Reclamation Code*; and for the RCMP, the *Canada Labour Code* and regulations under federal legislation. The Chief Inspector of Mines and the Police will collaborate in complying with these and any other applicable statutory requirements. In particular, before accessing the scene of an incident the participants will assess the safety risks and take appropriate precautions to ensure safe entry.

5 INVESTIGATIONS

- 5.1 The Chief Inspector of Mines and the Police may conduct joint or concurrent investigations into a mine-site incident and will coordinate activities on such investigations so as to ensure each agency is able to effectively discharge its legal mandate.
- 5.2 Where there are concurrent investigations underway, neither agency will release any physical evidence it has seized, unless required by law, without first advising the other agency and providing an opportunity for that agency to assume control of the evidence.
- 5.3 The Chief Inspector of Mines and the Police will mutually consult and may coordinate on the interviewing of witnesses to ensure the integrity of their respective investigations, and avoid unnecessary duplication.
- 5.4 The Police may request the Chief Inspector of Mines for technical assistance or expertise for the purpose of assisting in a criminal investigation of a mine-site incident and Chief Inspector of Mines will provide such assistance where possible.
- 5.5 If the Chief Inspector of Mines identifies a potential criminal offence during the course of an investigation into a mine-site incident, the Chief Inspector of Mines will notify the Police and suspend its investigation until the two agencies are able to consult and exchange information on the matter.
 - 5.5.1 Where the Chief Inspector of Mines has identified a potential criminal offence and intends to turn the matter over to the Police under 5.5 or 5.6., both the Police and the Chief Inspector of Mines may seek appropriate legal advice before the exchange of evidence to ensure that any potential investigation by the Police is not compromised by the receipt of evidence not gathered in compliance with all of the Prosecutorial Evidentiary Rules.
- 5.6 If the Police do not consider there to be sufficient evidence to initiate a criminal investigation, the Chief Inspector of Mines will continue, if the Chief Inspector believes it is warranted, with an investigation under the *Mines Act* and any further evidence gathered will be in a manner consistent with the requirements of the *Criminal Code* of Canada and the *Canadian Charter of Rights and Freedoms* so as to enable the

admissibility of any additional evidence to the Police and Crown Counsel, should it be required at a future date.

5.6.1 Where warranted by the nature of the incident the Chief Inspector of Mines, in meeting its obligations under 5.6, may employ appropriate case management principles.

6 EXCHANGE AND SECURITY OF INFORMATION

- 6.1 The Chief Inspector of Mines and the Police agree to exchange information and records for the purpose of assisting in their respective investigations to the extent permissible by law.
- 6.2 Where the Chief Inspector of Mines or the Police receive notice that either may become, or is, subject to a Court order, summons or subpoena requiring the disclosure of exchanged information or records, the Chief Inspector of Mines or the Police shall immediately notify the originating participant before disclosing the records or information.
- 6.3 The Chief Inspector of Mines and the Police may not further disclose information and records, exchanged pursuant to this MOU, without the permission of the originating participant, unless the disclosure is for the purpose of and limited to, complying with the legal standard of disclosure in a judicial or administrative law proceeding.
- 6.4 Despite 6.3, if either the Chief Inspector of Mines or the Police, for the purpose of complying with the legal standard of disclosure in a judicial or administrative law proceeding, is required to disclose information or records obtained from the other, the originating participant must be notified prior to any such disclosure.
- 6.5 The Chief Inspector of Mines and the Police recognize that, in the course of an investigation it may be necessary to disclose exchanged information or records to third parties; however, each agrees that such disclosure shall not occur without the prior permission of the source agency, except where the disclosure is for the purpose of and limited to, complying with the legal standard of disclosure in a judicial or administrative law proceeding.
- 6.6 Despite any other provisions of this MOU, all information and documentation provided to, collected by, delivered to or compiled on behalf of the participants to this MOU in the performance of their duties and responsibilities shall be dealt with subject to and in accordance with federal and provincial statutes, particularly the *Privacy Act*, the *Access to Information Act*, and the *Freedom of Information and Protection of Privacy Act*.
- 6.7 The participants agree that for the purposes of section 13(1) of the *Access to Information Act*, section 19(1)(c) of the *Privacy Act* and section 16(1)(b) of the *Freedom of Information*

and Protection of Privacy Act, all information disclosed and received between the participants under this MOU is considered by the parties to be disclosed and received in confidence.

- 6.8 Where a participant receives a request under the *Access to Information Act*, the *Privacy Act*, or the *Freedom of Information and Protection of Privacy Act*, or a Court order, summons or subpoena for disclosure of records relating to this MOU, that participant shall consult with all other affected participants to this MOU before disclosing the records to the applicant.

7 DECISION TO PROSECUTE

- 7.1 Police will notify the Chief Inspector of Mines as soon as practicable where a police investigation concerning mine-site bodily harm or fatality is referred to Crown Counsel for prosecution. Police will notify the Chief Inspector of Mines as soon as practicable of Crown Counsel's decision in this regard.
- 7.2 The Chief Inspector of Mines will notify the Police as soon as practicable where an investigation concerning mine-site bodily harm or a fatality is referred to Crown Counsel for prosecution under the *Mines Act*. The Chief Inspector of Mines will notify Police as soon as practicable of Crown Counsel's decision in this regard.

8 COMMUNICATIONS

- 8.1 Where there are concurrent investigations, the Chief Inspector of Mines and the Police will consult and coordinate on all communications with the victim, the victim's family and the media.
- 8.2 The participants agree to establish a media relations plan to regulate contacts with the media in relation to investigation to which this MOU applies. All media releases shall be reviewed by all affected participants to the MOU before disclosing those media releases to the media and the public.
- 8.3 Despite Section 8.2, where the Chief Inspector of Mines, in the course of an investigation, identifies an existing risk to health and safety that may impact other employers and workers, the Chief Inspector of Mines may immediately publicize sufficient information to alert employers and workers of the risk.

9 TRAINING

- 9.1 The Chief Inspector of Mines and the Police will enter into joint training initiatives regarding occupational health and safety and law enforcement investigations.
- 9.2 The Mines and Mineral Resources Division of the Ministry of Energy and Mines and Police investigators will undertake training that includes but is not limited to: investigations of criminality in workplace settings; *Criminal Code* provisions for conducting investigations of mine-site bodily harm and fatalities; and procedures and requirements for collecting evidence and writing Reports to Crown Counsel.

10 DISPUTE RESOLUTION

- 10.1 Disputes between the Mines and Mineral Resources Division of the Ministry of Energy and Mines and the Police will be resolved jointly by the Chief Inspector of Mines and the Chief Constable, Chief Officer or Commanding Officer or delegate.
- 10.2 Police and the Chief Inspector of Mines will work cooperatively and will attempt to resolve any matters of disagreements regarding the requirements of Prosecutorial Evidentiary Rules and may contact the Criminal Justice Branch to resolve any areas of disagreement.

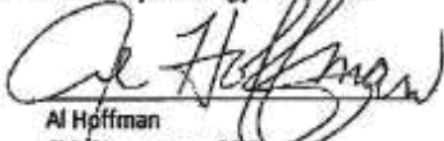
11 CLAIMS AND NOTIFICATION OF CLAIMS

- 11.1 Subject to section 11.2, it is the intent of the participants that a participant not make claims against the other participants in respect of damage caused to its personnel and/or its property by personnel or agents (excluding contractors) of that other participant arising out of, or in connection with, the implementation of this MOU.
- 11.2 The intention expressed in section 11.1 is not intended to apply if the damage described in section 11.1 results from reckless acts or reckless omissions, willful misconduct or gross negligence of a participant, its personnel or agents, and in those cases the intention is that the responsibility for any costs will be the responsibility of that participant alone.
- 11.3 If one participant receives notice of a claim by a third party for damage of any kind, caused by one of the participants' personnel or agents arising out of, or in connection with, the implementation of this MOU, the receiving participant will notify the other participants as soon as is practicable.
- 11.4 The above provisions of section 11 will survive the termination of this MOU for any reason whatsoever.

12 TERM OF THE AGREEMENT

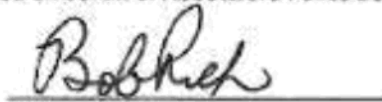
- 12.1 This MOU will come into effect when signed by all participants.
- 12.2 This MOU will remain in effect until replaced by another agreement or terminated in accordance with this agreement.
- 12.3 In compliance with the Ministerial Directive issued by the Solicitor General of Canada (2002) to the Commissioner of the RCMP that addresses agreements entered into by the RCMP, the participants agree:
- (a) to reviews, audits and evaluations of any aspect of this MOU;
 - (b) to amendments by mutual written agreement duly executed by participants to this MOU; and,
 - (c) that any of the participants to this MOU may terminate participation in this MOU upon provision of 30 days written notice to the other participants of their intention to terminate this MOU.
- 12.4 Nothing in this MOU is in any way intended to replace or amend any obligation that any of the participants is bound to or required to perform by operation of law.
- 12.5 Nothing in this MOU shall be interpreted to conflict with or derogate from the *Police Act*, R.S.B.C. 1996, c. 367, Regulations under the *Police Act*, the *Royal Canadian Mounted Police Act*, or *Royal Canadian Mounted Police Regulations, 2014*, but shall be interpreted in all respects to be subject to the *Police Act* and Regulations under the *Police Act*, the *Royal Canadian Mounted Police Act* or *Royal Canadian Mounted Police Regulations, 2014*. Should any provision of this MOU be found in conflict or derogation of *Police Act*, Regulations under the *Police Act*, the *Royal Canadian Mounted Police Act* or *Royal Canadian Mounted Police Regulations, 2014*, such provision shall be null and void.
- 12.6 Nothing in this MOU shall be interpreted as in any way derogating from the responsibilities and obligations of the RCMP pursuant to the Provincial Police Service Agreement entered into between Canada and the Government of the Province of British Columbia, effective April 1, 2012.
- 12.7 Nothing in this MOU shall be interpreted as in any way derogating from or conflicting with the responsibilities and obligations of the Chief Inspector of Mines or an Inspector under the *Mines Act* or any other applicable legislation.
- 12.8 This MOU reflects the good faith and spirit of cooperation of the participants, but is not legally binding on any of the participants.

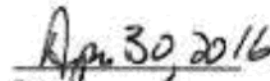
Signed on behalf of the Mines and Mineral Resources Division
of the Ministry of Energy and Mines


Al Hoffman
Chief Inspector of Mines


Date


Signed on behalf of Abbotsford Police Department


Bob Rich, Chief Constable
Abbotsford Police Department

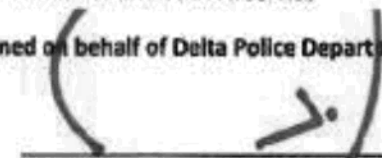

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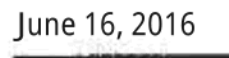
Signed on behalf of Central Saanich Police Service


Les Sylven, Chief Constable
Central Saanich Police Service


Date

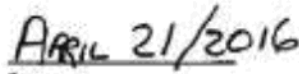
Signed on behalf of Delta Police Department


Neil Dubord, Chief Constable
Delta Police Department

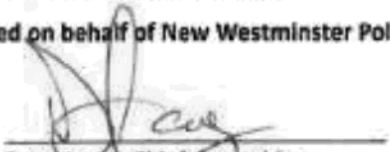

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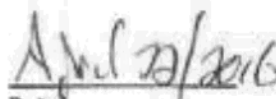
Signed on behalf of Nelson Police Department


Paul Burkart, Chief Constable
Nelson Police Department



Date

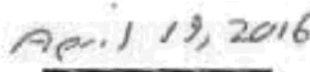
Signed on behalf of New Westminster Police Department


Dave Jones, Chief Constable
New Westminster Police Department


Date

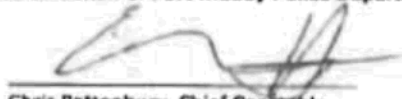
Signed on behalf of Oak Bay Police Department


Andy Brinton, Chief Constable
Oak Bay Police Department


Date


Revision Date: 7/20/2016

Signed on behalf of Port Moody Police Department


Chris Rattenbury, Chief Constable
Port Moody Police Department

2016-07-20
Date

Signed on behalf of Saanich Police Department


Bob Downie, Chief Constable
Saanich Police Department


2016 May 16
Date

Signed on behalf of Vancouver Police Department


Adam Palmer, Chief Constable
Vancouver Police Department

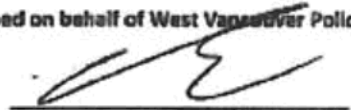
2016-04-19
Date

Signed on behalf of Victoria Police Department


Del Manak, A/Chief Constable
Victoria Police Department

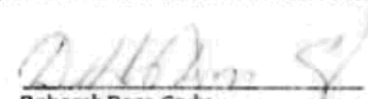
June 16, 2016
Date

Signed on behalf of West Vancouver Police Department


Len Goerke, Chief Constable
West Vancouver Police Department

160420
Date

Signed on behalf of Stl'atl'imx Tribal Police


Deborah Doss-Cody
Chief Officer
Stl'atl'imx Tribal Police

2016 June 16
Date

Signed on behalf of the Royal Canadian Mounted Police


Craig J. Callens
Deputy Commissioner and
Commanding Officer
"E" Division
Royal Canadian Mounted Police

29 JUNE 2016
Date

APPENDIX A - NOTIFICATION POLICY

Between Ministry of Energy and Mines and Police in British Columbia, Commencing: June 24, 2015

Purpose:

To establish the responsibilities of notification of parties involved in the event of a mine emergency.

Definitions:

The following definitions will apply:

“BC Mine Emergency Line” also known as “MEL” is a dedicated telephone number to access a 24/7 on-call mines inspector for emergencies at a mine site or related to mining;

“MEM” means the Ministry of Energy and Mines.

Responsibilities of the parties:

Police

1. Should police be dispatched to an incident that may involve mining activity, police will make a determination regarding whether an emergency they have been notified about, may be situated at a mine site or related to mining. If it is determined an emergency may be situated at a mine site or related to mining they will contact the BC Mine Emergency Line for assistance.
2. Police may also be asked directly by MEM to attend a mining related emergency.
3. Police may be contacted via 9-1-1.

MEM

4. An on-call mines inspector at the BC Mine Emergency Line may be reached at 1-888-776-8666.
5. The on-call mines inspector will provide responders with additional mine hazard information as they are able to provide given the circumstances. The on-call mines inspector will not conclude whether a scene is safe to attend, but will only provide advice regarding possible hazards present.
6. The on-call mines inspector may determine that additional persons should be notified, or arrange for additional resources as required and will communicate this information to the police of jurisdiction attending.

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

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

ISSUE: Release of Canadian Centre for Justice Statistics Juristat, *Canadians' perceptions of personal safety and crime, 2014*, on December 12, 2017.

s.16

OTHER MINISTRIES IMPACTED/CONSULTED:

- Not applicable.

Prepared by:

Ben Woolsey
Research Analyst
Standards and Evaluation
Policing and Security Branch

s.17

Approved by:

Jenni Bard
Director
Standards and Evaluation
Policing and Security Branch
604 775-2364

Recommended by:

Gabi Hoffmann
Program Manager
Standards and Evaluation
Policing and Security Branch

s.17

Approved on Nov 23 (via eApprovals) **by:**

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

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

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

ISSUE: Provide information on the proposed formation of an Opioid Operational Anti-Trafficking Task Force within the Combined Forces Special Enforcement Unit of BC (CFSEU-BC).

SUMMARY:

- To further address the Opioid Overdose Emergency, \$14 M over three years, has been approved through the September, 2017 budget allowing CFSEU-BC to establish an initiative focussing upon mid-level (dial a dope) traffickers that includes links to other organized crimes such as the trafficking and use of illegal firearms.
- CFSEU-BC has proposed the formation of a 34 person unit, with a breakdown of 22 of whom will be police officers and 12 which will be support resources.
- The work of this unit will complement the enforcement activity already being led by the CFSEU-BC against high level organized crime drug importers and traffickers.
- The CFSEU-BC is the provincial agency with the greatest operational intelligence and self-contained resources from which to lead, co-ordinate and implement operations against the interconnected issues of gangs, illegal firearms and drug trafficking.

BACKGROUND:

- Illicit drug overdose deaths continue to occur at an unprecedented rate in BC and are now the leading cause of unnatural deaths in the Province.
- In April, 2016 the Provincial Health Officer, Dr. Perry Kendall declared a public health emergency due to the rapid number of preventable opioid-related deaths.
- In July, 2016 a Joint Task Force led by Dr. Kendall and Clayton Pecknold, Assistant Deputy Minister and Director of Police Services was established.
- To continue the efforts made in response to the overdose crisis through initiatives within the Ministry of Public Safety and Solicitor General, an additional \$31.3 million over three years was approved through the September 2017 budget.
- \$14 million of the \$31.3 million at the provincial cost share over three years has been allocated to create a unit within CFSEU-BC that will focus on those identified as mid-level drug traffickers who do not meet the high level threshold for investigation by the CFSEU-BC. The \$31.3 million also includes an additional \$5 million over the same period allocated to projects that target high-level opioid and firearms traffickers through the Provincial Tactical Enforcement Priority (PTEP).

- CFSEU-BC is proposing the formation of a unit consisting of thirty four (34) staff. Twenty two (22) officers will occupy either investigative or specialty support roles. The operational component will be supported by twelve (12) civilian staff with specialisations including asset/civil forfeiture, intercept, operational information management and analysis.
- It is expected that, as part of its response the unit will address the challenges posed by the increasing links between gangs, drug trafficking and other forms of organized crime including trafficking in firearms.
- The CFSEU-BC leads on providing co-ordinated provincial response to illegal firearms. The unit will be housed within the CFSEU-BC with governance, oversight and performance metrics provided within the existing formal structure. The strong foundation of province-wide intelligence gathering, investigation and disruption of organized crime will greatly assist in delivering an integrated response leveraging skills and resources in the most efficient and effective manner.

OTHER MINISTRIES IMPACTED/CONSULTED:

- None

Prepared by:

Lance Talbott
Director, Policing Operations Support
Policing and Security Branch
250-356-7708

Approved by:

Wayne Rideout
Deputy Director of Police Services
Policing and Security Branch
s.17 ;

Recommended by:

Tom Steenvoorden
Director, Public Safety Initiatives
Policing and Security Branch
250-387-0076

Approved December 21, 2017 by:

Clayton Pecknold
A/Deputy Solicitor General
250 387-1100

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

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

ISSUE: December 15, 2017 meeting with Mayor of Delta regarding police service agreement with Tsawwassen First Nation

SUMMARY:

- Tsawwassen First Nation (TFN) is signatory to two policing agreements to receive policing services from Delta Police Department.
- The Corporation of Delta and TFN Police Services Agreement (April 1, 2014 to December 31, 2019) – this is an agreement between the City of Delta and TFN that sets out the terms for funding policing and law enforcement to Tsawwassen Lands.
- Quad-partite Agreement on Funding of Dedicated Policing Services to TFN (April 1, 2014 – March 31, 2018) – this is a cost-share agreement between Canada (52%) and the Province (48%) with the City of Delta and TFN for a Delta member (Liaison Officer) to provide a policing service that is dedicated and responsive to the needs and cultures of TFN. The City of Delta may express concern about the lack of communication from Canada on the renewal of the Quad-partite agreement that expires March 31, 2018.

BACKGROUND:

The Corporation of Delta and TFN Police Services Agreement

- Initially TFN was policed by the Province Police Service from the Surrey RCMP Detachment but because of response times and the level of RCMP visibility in their community, TFN entered into an agreement with the Corporation of Delta and Delta Police Board in 2006 to receive their policing from the Delta Police Department. At the time, TFN was still a First Nation band and paid \$110,000 annually for Delta's policing services. This funding arrangement continued when TFN became a Treaty First Nation in 2009.
- During negotiations of the current agreement that came into effect in 2014, it was agreed between the parties that the service fee would be calculated by applying to TFN lands, the identical rate that the Corporation of Delta applies to properties in Delta for the purposes of policing services.
- The retail developments of Tsawwassen Mills and Tsawwassen Commons were exempt from this calculation until December 31, 2015. Since 2014, TFN has paid the following for its policing services:
 - 2014 - \$337,079

- 2015 - \$490,829
- 2016 - \$1,138,603
- 2017 - \$2,018,026
- On October 1, 2014, TFN wrote to the former Attorney General requesting the Province pay 50% of TFN's policing costs.
- The rationale for this request is one of fairness. In 2014, TFN had a population of 800 residents. Under the *Police Act*, the Province is responsible for providing policing and law enforcement to unincorporated areas and municipalities under 5,000 populations. In TFN's view, it would cost the Province less to pay 50% of TFN's Delta policing costs than it would be for the Provincial Police Service to police TFN.
- Further analysis is being completed to determine a response to the request which will take into consideration any renewal of the Quad-partite Agreement under the First Nation Policing Program (FNPP). No decision has yet been made on whether the Province will contribute further to the costs.
- In November 2017, Delta Police Department advised that in order to better service TFN Lands, it was developing a TFN Service Team that would include one Sergeant and five Constables, who would work with the Canada/BC funded TFN Liaison Officer for a total of 7 full-time members policing TFN. The Liaison Officer would continue to focus on the TFN community, while the Service Team would focus on the leasehold lands.
- s.16

Quad-partite Agreement on Funding of Dedicated Policing Services to TFN

- This cost-share agreement is under the federal FNPP. Over the past two years, Public Safety Canada (PSC) has conducted broad surveys, a study, site visits, consultations with a Federal-Provincial-Territorial (FPT) Working Group and three cross-Canada First Nations engagements in support of the review of the FNPP.
- In the 2017 Federal Budget, Canada announced a \$102 million investment for the FNPP but has provided no information on how that money will be allocated to provinces/territories. To date, Public Safety Canada has not communicated any information on the program renewal or the FNPP budget beyond March 31, 2018. This lack of communication is of concern to the provinces/territories that have agreements expiring March 31, 2018, with no roll-over provision (such as the Delta/TFN Quad-Partite Agreement).

OTHER MINISTRIES IMPACTED/CONSULTED:

- Staff from the Ministry of Public Safety and Solicitor General (Police Services Division), Ministry of Finance (Taxation Policy Branch), and MARR are developing options on how the Province could respond to Chief Williams' request. ^{s.16}

s.16

Prepared by:

Linette Logie
A/Senior Program Manager
Policing and Security Branch
250 356-0531

Approved December 11, 2017 by:

Therese Nicholson
Director, Boards, Appointments, and
Strategic Initiatives
Policing and Security Branch
250 387-2787

Approved December 11, 2017 by:

Tonia Enger
Executive Director of Policing, Law
Enforcement and Associate Director of Police
Services

s.17

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

PURPOSE: For DECISION by the Honourable Mike Farnworth, Minister of Public Safety and Solicitor General

ISSUE: Ministerial approval of the outstanding Vancouver Airport Policing Agreements

SUMMARY:

- Public Safety Canada (PSC) is requesting the Minister's signature to finalize the two multi-year supplemental policing agreements that will authorize the provision of airport policing services by the RCMP through the City of Richmond:
 1. The Richmond Municipal Police Unit Supplemental Agreement - Vancouver International Airport between the Province of British Columbia (Province), the City of Richmond and the Vancouver Airport Authority (the Airport Authority); and
 2. The Municipal Policing Supplemental Agreement - Vancouver International Airport between the Government of Canada (Canada) and the Province.
- The proposed agreements continue the arrangement for airport policing services, in place since 1997 but without formal agreements since 2012. Both agreements will be effective April 1, 2012 through March 31, 2032, the same term as the current Provincial and Municipal Police Services Agreements.

BACKGROUND:

- The two agreements were received during the interregnum period and have been signed by the Federal Minister of Public Safety and Emergency Preparedness.
- The two agreements are required to maintain consistency with the Provincial/Municipal Police Services Agreements which exclude airport security from provincial and municipal responsibility.
- The first supplemental agreement commits the Airport Authority to reimburse the City of Richmond for the costs of airport policing, estimated at \$5-6M annually. The second agreement requires Canada to provide and maintain an airport police component as part of the Municipal Police Unit for the City of Richmond.
- The Province is a signatory given its responsibility for policing in British Columbia and is ultimately liable for obligations under these policing agreements.
- Legal Services Branch reviewed the policing agreements.
- The key update to the agreements is in the detail of the cost items and allocation for administration. In the previous Agreement the Airport Authority paid a flat rate for "buildings, support staff, equipment, supplies, and other administrative and overhead

costs" of \$120,000 per year plus Consumer Price Index (CPI), plus 20/28ths of three supervisors' time. In the proposed agreement, Richmond has detailed the administrative elements, positions and costs of its involvement in supporting the YVR arrangement.

- The City of Richmond is supportive of the arrangement because the blended detachment provides benefits to the City, including a facility built by the Airport Authority that houses the municipal members located on Sea Island.
- Airport protective security services are excluded from provincial and municipal responsibility under the Provincial/ Municipal Police Services Agreements.
- After the 1992 Provincial/Municipal Police Services Agreements were reached, Canada transferred the operation of Vancouver International Airport to the Airport Authority including the responsibility for airport protective security provided by Canada.
- As a result, supplemental policing agreements were reached to enable the services previously provided by Canada to be provided through the Richmond Municipal Police Unit on the basis that the Airport Authority would be responsible for 100% of the costs associated with those services.
- The *RCMP Act* has not been amended to allow the Federal Minister to enter into policing agreements with Airport Authorities, and there is no indication that Canada intends to make the amendment. As a result, supplemental policing agreements are still required to facilitate the provision of airport policing services.
- The Vancouver International Airport is located on Sea Island within the geographic boundary of the City of Richmond. The RCMP sub-detachment on Sea Island has 27 Airport Authority funded members comprising the Airport Police Component (providing the airport protective security services), and 7 City of Richmond funded members performing General Duty policing services making a total of 34 members in the sub-detachment.
- The Airport Authority worked closely with the RCMP and the City of Richmond to determine the appropriate number of officers necessary to fulfil the federally regulated requirements of airport protective security services, and the appropriate number necessary to fulfil the General Duty requirements of Sea Island. This system works to the advantage of both the Airport Authority and the City of Richmond and enables a fluid movement between the two as required, resulting in a higher level of service to both.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Legal Services Branch

Prepared by:

Thérèse Nicholson
Director, Boards, Appointments, and
Strategic Initiatives
Policing and Security Branch
250 387-2787

Approved by:

Tonia Enger
Executive Director of Policing, Law
Enforcement and Deputy Director of Police
Services
Policing and Security Branch

s.17

Approved December 21, 2017 by:

Clayton Pecknold (*via eApproval*)
Assistant Deputy Minister
and Director of Police Services
Policing and Security Branch
250 387-1100

ATTACHMENT:

French and English copies of the bilateral Municipal Policing Supplemental Agreements

Province of British Columbia

Municipal Policing Supplemental Agreement

Vancouver International Airport

April 1, 2012

**Municipal Policing Supplemental
Agreement Vancouver International Airport**

April 1, 2012

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ARTICLE 4.0	2012 Municipal Police Service Agreement
ARTICLE 5.0	Miscellaneous
ANNEX "A"	Schedule of Personnel Resources Assigned to the Airport Police Component City of Richmond Municipal Policing Unit

PROVINCE OF BRITISH COLUMBIA
Municipal Policing Supplemental Agreement
Vancouver International Airport

Memorandum of Agreement dated as of April 1, 2012

BETWEEN:

THE GOVERNMENT OF CANADA (herein called "**Canada**")

AND

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA (herein called the "**Province**")

WHEREAS Section 20 of the Royal Canadian Mounted Police Act provides that the Federal Minister may, with the approval of the Governor in Council, enter into an arrangement with the government of any province for the use or employment of the Royal Canadian Mounted Police or any portion thereof, in aiding the administration of justice in the province and in carrying into effect the laws in force therein;

AND WHEREAS Section 14 of the *Police Act* (British Columbia) provides that the Provincial Minister of the Province may, with the approval of the Lieutenant Governor in Council, enter into, execute and carry out an agreement with Canada authorizing the Royal Canadian Mounted Police to carry out the powers and duties of the provincial police force to be engaged in the provision of municipal police services;

AND WHEREAS Canada and the Province entered into such an arrangement by an agreement entitled the Province of British Columbia Municipal Policing Agreement dated as of April 1, 1992 (the "1992 Municipal Policing Agreement") which agreement excluded the airport protective security services then provided by the Royal Canadian Mounted Police from Provincial responsibility;

AND WHEREAS Canada subsequently determined to transfer the operation of the Airport (hereinafter defined) to an airport authority, and, as part of the transfer of operations, determined that the Airport Authority (hereinafter defined) would be responsible for airport security including airport protective security previously provided by Canada;

AND WHEREAS the Province was requested to facilitate the transfer of the operations of the Airport to the Airport Authority by accommodating within the 1992 Municipal Policing Agreement some of the services previously provided by Canada, on the basis that the Airport Authority operating the Airport would bear all of the costs associated with the services to be provided;

AND WHEREAS Canada and the Province entered into the Municipal Policing Supplemental Agreement - Vancouver International Airport dated as of April 1, 1997, which has now expired;

AND WHEREAS Canada and the Province entered into an agreement entitled Municipal Police Service Agreement dated April 1, 2012 (the "2012 Municipal Police Service Agreement") which agreement excludes airport protective security services;

AND WHEREAS Canada and the Province have agreed to enter into this Agreement to enable the Municipal Police Unit for the City of Richmond to provide enhanced police services at the Airport;

AND WHEREAS by Order in Council P.C. 2017-0230 dated March 10, 2017 the Governor in Council Authorized the Minister of Public Safety and Emergency Preparedness to enter into this Agreement on behalf of the Government of Canada;

AND WHEREAS by Order in Council number 063 dated February 17, 2017, the Lieutenant Governor in Council authorized the Minister of Public Safety and Solicitor General of British Columbia to enter into this Agreement on behalf of the Government of British Columbia;

AND WHEREAS after this Agreement is signed, the Province, the City of Richmond and the Airport Authority intend to enter into the Richmond Supplemental Agreement (hereinafter defined) to be effective as of April 1, 2012.

THE PARTIES AGREE AS FOLLOWS:

ARTICLE 1.0 INTERPRETATION

1.1 In this Agreement each of the following terms shall, unless the context otherwise requires, have the meaning set out beside it:

- (a) **"1992 Municipal Policing Agreement"** means the definition contained in the Recitals of this Agreement;
- (b) **"2012 Municipal Police Service Agreement"** means the definition contained in the Recitals of this Agreement;
- (c) **"2012 Richmond Supplemental Agreement"** means the agreement between the Province, the City of Richmond and the Airport Authority with respect to the Airport Police Component dated as of April 1, 2012, entitled *Richmond Municipal Police Unit Supplemental Agreement- Vancouver International Airport*;
- (d) **"Airport"** means Vancouver International Airport, situated on lands and premises leased by the Airport Authority from Her Majesty the Queen in Right of Canada, comprised of parts of Sea Island, British Columbia, and other lands and property in the vicinity;
- (e) **"Airport Authority"** means the Vancouver Airport Authority being a corporation incorporated under the *Canada Not for-profit Corporations Act* S.C. 2009, c.23;
- (f) **"Airport Police Component"** means that portion of the aggregate of resources and Members of the Municipal Police Unit for the City of Richmond as listed in Annex "A" to this Agreement employed by Canada to provide the enhanced police services at the Airport for the following additional responsibilities:
 - (i) compliance with federally mandated levels of service for aerodrome safety as required by the *Aeronautics Act*, the *Canadian Aviation Security Regulations*, 2012, and all applicable security measures made pursuant to section 4.72 of the *Aeronautics Act*, and any other applicable sections of the *Aeronautics Act*, all as they may be amended or replaced from time to time, (including, without limitation, a prompt armed response to designated security checkpoints at the Airport and a continuous armed service presence in the US Preclearance area during its hours of operation); and
 - (ii) provision of police services needed to support comply with the Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America, as it may be amended or replaced from time to time, (including, without limitation, maintaining an armed police presence while the US Preclearance area is open);

- (g) **"Member"** means any member of the RCMP appointed pursuant to the *Royal Canadian Mounted Police Act* and any Regulations made pursuant thereto and, without limitation, includes any regular member, special constable, special constable member and civilian so appointed; and
 - (h) **"Royal Canadian Mounted Police" or "RCMP"** means the police force for Canada continued under the *Royal Canadian Mounted Police Act*.
- 1.2 All other terms used in this Agreement shall, unless the context otherwise requires, have the meanings set out in the 2012 Municipal Police Service Agreement.
 - 1.3 The singular number includes the plural and the plural number includes the singular where such is consistent with the context.

ARTICLE 2.0 SUBJECT MATTER

- 2.1 (a) Canada will, subject to and in accordance with the terms and conditions of this Agreement, provide and maintain an Airport Police Component as part of the Municipal Police Unit assigned to the City of Richmond.
- (b) The initial number of personnel for the Airport Police Component is set out in Annex "A".
- 2.2 Notwithstanding Article 11 of the 2012 Municipal Police Service Agreement, the Province shall pay to Canada 100 per cent of the cost of the Airport Police Component.
- 2.3 Canada agrees that every invoice for the Municipal Police Unit for the City of Richmond will separately identify the cost of the Airport Police Component from the cost of the balance of the Municipal Police Unit for the City of Richmond.

ARTICLE 3.0 INCREASE OR REDUCTION OF THE AIRPORT POLICE COMPONENT

- 3.1 Notwithstanding Article 5 of the 2012 Municipal Police Service Agreement, Canada will increase the number of Members in the Airport Police Component as soon as practicable within one year from the receipt of a written request from the Minister of Public Safety and Solicitor General of British Columbia and confirmation of the corresponding financial commitment from the Province.

3.2 Canada will decrease the number of Members as soon as practicable within 180 days from receipt of a written request from the Minister of Public Safety and Solicitor General of British Columbia unless the Commissioner gives written reasons, within fourteen days of receiving the request, to the Minister of Public Safety and Solicitor General of British Columbia stating that the requested reduction would lower the level of resources below the level needed to deliver an effective and efficient dedicated police service presence at the Airport or to maintain public or officer safety.

3.3 In the event that:

- (a) the Airport Authority is unable or unwilling, or otherwise fails to reimburse the Municipality, or the Province, for the cost of the Airport Police Component in accordance with this Agreement; and
- (b) the Minister of Public Safety and Solicitor General of British Columbia has requested the number of Members in the Airport Police Component be reduced; and
- (c) if, in accordance with sub article 3.2, the Commissioner has provided written reasons as to why such a reduction cannot be made; and
- (d) the Province is unwilling to continue to accommodate the Airport Police Component as part of the Municipal Police Service;

Then effective 180 days following the receipt of confirmation that the Province is unwilling to continue to accommodate the Airport Police Component as part of the Municipal Police Service, this agreement will terminate and the RCMP will cease to provide the Airport Police Component as part of the Municipal Police Unit assigned to the City of Richmond.

ARTICLE 4.0 2012 MUNICIPAL POLICE SERVICE AGREEMENT

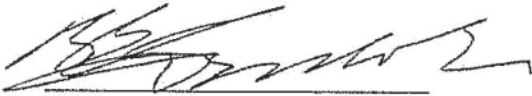
4.1 It is understood and agreed by Canada and the Province that except as modified by this Agreement all of the provisions of the 2012 Municipal Police Service Agreement continue to apply to the Municipal Police Unit, including the Airport Police Component, for the City of Richmond.

ARTICLE 5.0 MISCELLANEOUS

- 5.1 Subject to article 3.3, this Agreement will terminate on the expiration or earlier termination of either the 2012 Municipal Police Service Agreement (between Canada and the Province) or the 2012 Richmond Supplemental Agreement (between the Province, City of Richmond and Airport Authority).
- 5.2 This Agreement may be terminated on March 31 in any year by any party giving the other party notice of such termination not less than 12 months prior to the date of the intended termination.
- 5.3 If the 2012 Richmond Supplemental Agreement (between the Province, City of Richmond and Airport Authority) is terminated before the expiration or termination of the 2012 Municipal Police Service Agreement (between Canada and the Province), then the Municipal Police Service for the City of Richmond shall, as of that time, expressly exclude the policing services provided by the Airport Police Component.
- 5.4 If other arrangements are established for the provision of the services which are the subject matter of this Agreement such that this Agreement requires modification or is no longer necessary then this Agreement may be varied or cancelled by the written agreement of both parties.
- 5.5 This Agreement shall not be varied or cancelled by any oral agreement or representation or otherwise than by an instrument in writing of concurrent or subsequent date hereto duly executed by the parties.
- 5.6 If some or all of the issues arising from a dispute from this Agreement or the 2012 Richmond Supplemental Agreement, are not resolved within 180 days of receipt of the notice identifying the nature of the dispute, then the matter may be referred to the Federal Minister and the Provincial Minister for resolution in such manner as they will see fit.

IN WITNESS WHEREOF the parties hereto have executed this agreement through duly authorized representatives.

SIGNED on behalf of Canada



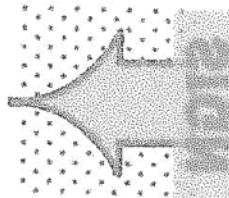
Minister of Public Safety and Emergency Preparedness

Date signed: AVR 26 2017
APR 26 2017

SIGNED on behalf of the Province of British Columbia

Minister of Public Safety and Solicitor General

Date signed: _____



ANNEX"A"

SCHEDULE OF PERSONNEL RESOURCES ASSIGNED TO THE AIRPORT POLICE COMPONENT CITY OF RICHMOND-MUNICIPAL POLICE UNIT

Effective Date	Total Number of Members	Amending Document References
April 2012	27	For the Province This Agreement For the Municipality This Agreement

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
CORPORATE POLICY AND PLANNING OFFICE
BRIEFING NOTE**

PURPOSE: For DECISION for the Honourable Mike Farnworth,
Minister of Public Safety and Solicitor General.

ISSUE: Event ticket reselling.

DECISION REQUIRED/ RECOMMENDATION:

Direction is sought on a regulatory model, including options for legislation, for selling tickets to live events.

SUMMARY:

- There are concerns that British Columbians are not able to purchase tickets for popular live events and tickets are often resold on secondary market platforms at much higher prices.
- A number of jurisdictions have recently modernized their ticket reselling laws and engaged with the public and ticketing industry. The legislation recently introduced in Ontario represents the most comprehensive model to regulate against systemic manipulation of ticket price and ticket availability.

• s.13

• s.13

BACKGROUND:

Ticket resale problems

- Consumers express concerns that:
 - Tickets to popular events sell out too quickly;
 - Industry insiders and scalpers with bot technology, designed to bypass security and jump the queue, quickly buy up ticket inventories;
 - Resale prices for tickets to popular events are too high;
 - Often tickets become available on secondary sellers' sites at higher prices immediately after or even before tickets go on sale; and
 - Consumer protections with regard to ticket seller misrepresentation and fraud are unsatisfactory.
- With the evolution of the internet, most ticket sales occur online. Unlike many other market areas, the internet impacts sales of tickets to the disadvantage of an individual consumer.

- The secondary ticket reselling market is a useful service because it enables those who cannot participate in the initial sale to still purchase tickets and those who purchased tickets early and cannot use them to recoup their value.
- Government cannot guarantee that people will be able to purchase tickets to events where demand exceeds supply. It can, however, strive to create a level playing field for those trying to obtain tickets.

Key ticket market issues

- **Scarcity of tickets.** The demand for tickets to popular live performance events such as the last tour of the Tragically Hip greatly outweighs the supply. The scarcity of ticket supply, and particularly when the ticket price in the primary market is low, creates an opportunity for ticket resale for profit in the secondary market.
- **Withholding tickets.** Ticket scarcity is further impacted by an industry practice called 'holds'. For some popular events, it is believed that less than half of tickets are made available to the general public. Most tickets are reserved for artists, promoters or industry insiders or for pre-sale events to certain credit card holders or fan club members.
- **Market opacity.** Reportedly, primary sellers make some of the withheld tickets available directly on the secondary market, over time and at a higher than face value price. Public perception of the value of a ticket is based on scarcity. However, this should not be manipulated by the practice of withholding tickets in the primary market.
- **Bots.** Online bulk buying of tickets for the specific purpose of reselling for profit is enabled by the use of specialised software that circumvents the normal rules of online purchasing. Bot use is motivated by underpricing tickets in the primary market and low supply-high demand perception.
- **Secondary ticketing websites.** StubHub was recently investigated by the United Kingdom's Competition Markets Authority and it was determined that it offers incentives for top-volume resellers, e.g., preferred rates for those who make a minimum of \$250,000 in sales per year, as well as software for bulk uploads.

Ticket reselling laws

- Many jurisdictions have laws regulating ticket reselling for sports, concerts and cultural events. In Canada, the provinces of Ontario, Saskatchewan, Manitoba and Quebec have specific ticketing legislation.
- In British Columbia, the Business Practices and Consumer Protection Act (BPCPA), administered by Consumer Protection BC, offers general application consumer protections, including regulation around certain types of consumer contracts.

- In 2009, a private member bill introduced by MLA Spencer Chandra Herbert, proposed amendments to the BPCPA. The bill called for a ban on ticket resale above face value, as well as for a ban for diverting tickets by event promoters and organizers at increased prices. The bill proposed regulation making powers for exemptions and reasonable service charges.
- Recently, several jurisdictions embarked on changes to ticket reselling laws, including the United Kingdom (2017), USA (2016), New York State (2016), Ontario (2017) and Alberta (2017).

DISCUSSION:

s.13

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Withheld pursuant to/removed as

s.13

OTHER MINISTRIES IMPACTED/CONSULTED:

- Discussions with Consumer Protection BC to gather information about operational impacts will continue.

DECISION APPROVED / NOT APPROVED

DATE:



December 21, 2017

The Honourable Mike Farnworth,
Minister of Public Safety and Solicitor General

Prepared by:

Anita Nadziejko
Senior Policy Advisor
Corporate Policy and Planning Office
250 387-4842

Approved by:

Toby Louie
Executive Director
Corporate Policy and Planning Office
250 356-6389

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

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

ISSUE: Policing responsibilities for the South Fraser Perimeter Road (SFPR).

SUMMARY:

- Traffic enforcement responsibilities on the SFPR have been a topic of discussion between the Province, Delta Police Department (Delta PD), the Royal Canadian Mounted Police “E” Division (RCMP provincial force) and Surrey Municipal RCMP since the roadway opened in December 2013. ^{s.16}
s.16
- In early 2014, Policing and Security Branch (PSB) helped facilitate an interim agreement between the affected police agencies to share policing responsibilities of the SFPR.
- In April 2014 the MoTI provided \$50,000 to the PSB as a contribution to enforcement on the SFPR ^{s.16}
s.16
- In January 2015, the Chair of the Delta Police Board stated in a letter to PSB that it was imperative that a long-term solution be reached outlining required resources and associated funding, if the Province wanted Delta PD to continue enforcement on the SFPR.
- ^{s.16}
- The interim arrangement established in early 2014 remains in place; ^{s.16}
s.16

BACKGROUND:

- SFPR (also known as Highway 17) is a four-lane divided highway that extends approximately 37kms along the south side of the Fraser River from southwest Delta to northeast Surrey. SFPR was completed and fully opened as of December 2013.
- The RCMP provincial force previously provided services to the former Highway 17 (now Highway 17A), which was the main thoroughfare through south Delta to the Tsawwassen ferry terminal.
- Most of BC's provincial highways run through rural and unincorporated areas. However, certain portions also run through municipal boundaries. Provincial highways that run through municipal boundaries are designated as "arterial highways" under the *Transportation Act*.
- Most of the SFPR (approximately 98%) is now officially designated as an arterial highway under the *Transportation Act*. Currently, both Delta PD and Surrey Municipal RCMP enforce comparable lengths of the SFPR; it extends approximately 19kms through the Corporation of Delta and 18kms through the City of Surrey.
- Section 15 of the *Police Act* imposes a duty on municipalities to bear the costs of providing policing and law enforcement within their municipal boundaries. Section 17 sets out what the Director of Police Services may do if a municipality fails to comply.
- Due to historical enforcement practices, there is a common perception that the Province is solely responsible for providing police services for "provincial" highways.
- There is no written provincial policy on policing responsibility for arterial highways. Consequently, three different approaches are being used across the province:
 1. The RCMP provincial force provides policing services to arterial roads within municipalities.
 - i.e. Northern Rockies Regional Municipality
 2. The RCMP provincial force and local municipal police share service provision.
 - i.e. In the City of Surrey, Deas Island Traffic Services Unit exclusively provides policing services along the stretches of Highways 91 and 99 that pass through the municipality. However, other arterial highways that traverse this municipality (such as Highways 1A, 10 and 15) are policed by the local municipal police agency (Surrey Municipal RCMP).
 3. The local municipal police agency assumes full responsibility for providing police services to all arterial classed highways within their municipality.
 - i.e. The District of West Vancouver and City of Vancouver both provide policing services to those portions of Highways 1 and 99 running through their

respective municipalities. (**Note:** The Province does not reimburse West Vancouver or Vancouver for these services).

• s.14

- The interim service delivery arrangement established on January 13, 2014 between the Ministry of Justice (now Ministry of Public Safety and Solicitor General), Delta PD, the RCMP provincial force and Surrey Municipal RCMP is still in effect and consists of the following terms:
 - Delta PD and Surrey Municipal RCMP will provide patrols/enforcement along those portions of the SFPR that fall within their municipal boundaries;
 - Deas Island Traffic Services Unit will provide support along all portions of the SFPR where operationally feasible;
 - The RCMP's Integrated Collision Analysis and Reconstruction Services (ICARS) is available to provide services for serious motor vehicle collisions along all portions of the SFPR;
 - Lower Mainland Integrated Road Safety Unit (LMD IRSU) will continue to provide enforcement activities along the SFPR as a course of normal business;
 - Deas Island Traffic Services Unit will be available upon request to provide investigate services support in the event of resource capacity challenges for Delta PD and Surrey Municipal RCMP as a result of multiple fatal collisions;
 - Delta PD, Deas Island Traffic Services Unit and Surrey Municipal RCMP will jointly develop and agree on the operations plan for the enhanced enforcement along the SFPR.

• s.16

• s.13, s.16

CURRENT STATUS:

- Section 15 of the *Police Act* imposes a duty on municipalities to bear the costs of providing policing and law enforcement within their municipal boundaries; as such, the Corporation of Delta and the City of Surrey are responsible for providing funding

and resources to police the stretches of SFPR that intersects their respective municipalities.

- Delta PD continues to work with and benefit from additional RCMP support through Deas Island Traffic Services Unit and ICARS, at no cost to the municipality.

• s.16

• s.13,s.16

OTHER MINISTRIES IMPACTED/CONSULTED:

N/A

Prepared by:

Jan Staples
Director
Policing and Security Branch
604 775-2108

Approved December 12, 2017 by:

Sandra Sajko
Executive Director
Policing and Security Branch
250 387-1387

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

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

ISSUE: Update on proposed British Columbia Gang Suppression Action Plan

SUMMARY:

- The Policing and Security Branch is leading the development of a British Columbia Gang Suppression Action Plan. The Action Plan comprises a multi-pronged, long term approach to address issues related to illegal guns and gangs in BC.
- A Ministry working group was established under the leadership of the Office of Crime Reduction and Gang Outreach (OCR-GO) to identify and develop comprehensive, focused and sustained strategies, actions and activities to address guns and gangs in BC.
- A Cabinet Submission is in draft and dates have been scheduled for presentation of the proposed Action Plan to relevant committees in January and February.

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OTHER MINISTRIES IMPACTED/CONSULTED:

- Not Applicable

Prepared by:

Jamie Lipp
Director, Office of Crime Reduction
and Gang Outreach
Policing and Security Branch
604 398-4606

Approved December 12, 2017 by:

Wayne Rideout
Executive Director, Serious and Organized
Crime Initiatives and Deputy Director
Policing and Security Branch

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

PURPOSE: For INFORMATION for the Honourable Mike Farnworth, Minister of Public Safety and Solicitor General and the Honourable David Eby, Attorney General

ISSUE: The Pan-Canadian Cannabis Tracking System (seed-to-sale tracking)

SUMMARY:

- Under the proposed federal *Cannabis Act* (Bill C-45), the federal Minister of Health can establish a national seed-to-sale tracking system for cannabis. The system would enable cannabis to be tracked, help prevent cannabis from being diverted to an illegal market or activity, and help prevent illegal cannabis from becoming a source of supply into the legal market. The Minister of Health would have the authority to order federally and provincially or territorially authorized, licensed industry participants (i.e., producers, distributors and retailers) to provide any information relating to their activities, such as cannabis receipt, sales, and disposal.
- Health Canada has advised that it is unable to deliver a comprehensive national seed-to-sale tracking system by July 2018, and is instead developing an interim seed-to-sale “accounting” system for implementation by July 2018 that would track bulk movements of cannabis products throughout the supply chain. This system is based on the existing medical cannabis tracking system which requires licensed producers to provide monthly reports to Health Canada.
- Similarly, non-medical cannabis licensees will be required to report to Health Canada on a monthly basis by manually uploading data via Health Canada's online portal. See Appendix A for Pan-Canadian Cannabis Tracking System graphic and Appendix B for Draft seed-to-sale tracking reporting form.
- Under this system, PTs will be required to report on the distribution and sale of non-medical cannabis in their respective jurisdictions. As B.C.'s wholesale distributor of non-medical cannabis, the Liquor Distribution Branch (LDB) will be required to track and report on the distribution and sale of non-medical cannabis through government-run stores and e-commerce. Private retailers will need to report sales either through the regulatory agency, Liquor Control and Licensing Branch (LCLB), or directly to Health Canada.
- Although LDB may be able to use existing business systems, there would be costs associated with system customization and resources needed to track and report data as per federal requirements. LCLB has no existing systems to draw data from private retailers, and would incur significant IT and HR costs to develop and roll out a new system.

- The Council of the Federation has expressed concern to the federal government that the interim accounting system will not provide effective product tracking and recall capabilities, or the monitoring and compliance required to prevent diversion to the illegal market.
- Although Health Canada intends to replace this interim accounting system with a more robust seed-to-sale tracking system by winter 2019, little information has been provided to date on system requirements and implementation timelines.

BACKGROUND:

- Seed-to-sale tracking systems typically employ barcodes or other signature markers, such as radio-frequency identification (RFID) or near-field communication tags (NFC) to identify product. Barcodes or markers are scanned at each point in the supply chain, creating a record in the tracking system. These tracking systems can trace single items through the supply chain and provide real-time information to enable effective product recalls, support security and compliance and enforcement efforts, while also providing inventory management capabilities for businesses.
- Washington and Colorado State officials advised provincial staff during their visits in February 2016 and July 2017, respectively, that an effective seed-to-sale tracking system is an essential element of an effective regulatory regime, creating valuable efficiencies for compliance and enforcement and product recall.
- The Council of the Federation (the CoF) has expressed concern about the federal interim system. In November 2017, the CoF issued a report on Cannabis Legalization and Regulation that identified a number of areas of common concern among provinces and territories, including:
 - The need for an “effective tracking that will enable regulation and monitoring of the licit cannabis market” to be in place for April 2018
 - Provincial and territorial access to the data from the tracking system
- Provincial/territorial representatives have also expressed concern that the federal interim system will not provide adequate information for compliance and enforcement activities. Under this system, Health Canada will collect data uploaded manually by licensees throughout the supply chain, analyze short and long term trends, and flag any discrepancies in data collected. PTs will have to rely on Health Canada reports and flags to follow up on compliance issues as required. PTs won’t have access to real-time information and will have to rely on a licensee’s own records to acquire information about movements of specific products.
- Meeting federal interim system requirements will create some challenges for B.C. Using existing business systems, LDB would obtain data on product received from licensed producers; products distributed to private retailers and government retail stores; and sales made to the public through government retail stores and LDB’s e-commerce retail site. However there will be costs associated with system customization and human resources needed to track and report on data.

- LCLB does not have an existing tracking system that could be used to collect data from private retailers. There would be significant costs associated with creating a new system. Alternatively, private retailers could report data directly into the Health Canada portal which would remove the need to create a new system for tracking private retail data. This could be used as an interim solution until Health Canada develops a robust seed to sale tracking system; however with direct reporting to the federal government, B.C. may not have access to relevant data from private retailers.

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- A Federal/Provincial/Territorial Working Group chaired by Health Canada and comprised of representatives from each Province and Territory meets on a monthly basis to discuss requirements for the national seed-to-sale tracking system.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Liquor Distribution Branch (Ministry of Attorney General)
- Liquor Control and Licensing Branch (Ministry of Attorney General)
- Legal Services Branch (Ministry of Attorney General)
- Ministry of Agriculture

Approved January 17, 2018 by:

Sophie Mas
Director
Cannabis Legalization and Regulation
Secretariat
604 660-4451

Approved January 17, 2018:

Lisa Anderson
Executive Director
Cannabis Legalization
and Regulation Secretariat
Policing and Security Branch

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Approved January 19, 2018 by:

Clayton Pecknold *(via eApproval)*
Assistant Deputy Minister
and Director of Police Services
Policing and Security Branch
250 387-1100

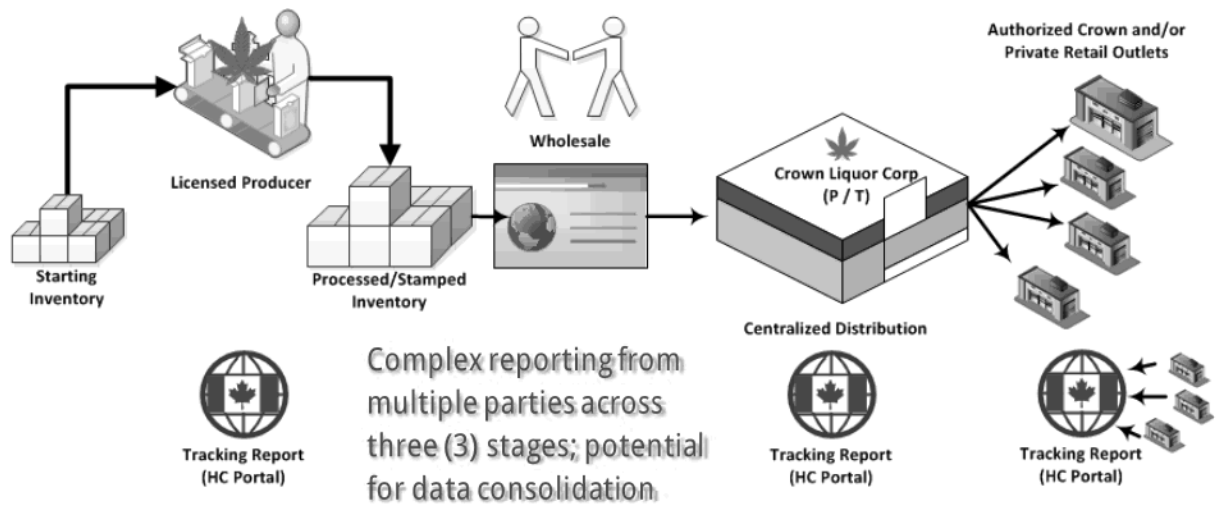
Approved January 19, 2018 by:

Michelle Carr *(via eApproval)*
Assistant Deputy Minister
and General Manager
Liquor Control and Licensing Branch
Ministry of Attorney General
250-952-5777

Attachments

- Appendix A: Pan-Canadian Cannabis Tracking System graphic
- Appendix B: ^{s.13}

III - Cannabis Distribution: Crown Corporation & Authorized Private Retailers



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