

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
COMMUNITY SAFETY & CRIME PREVENTION BRANCH
INFORMATION BRIEFING NOTE**

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

ISSUE:

Call for applications to be issued December 3, 2021 to select an Indigenous organization to administer the \$4.55M Community Fund for Safety Planning and Capacity Building as part of BC's Response to the National Inquiry into Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People (MMIWG2S+).

SUMMARY:

- In September 2016 the federal government established the National Inquiry into MMIWG2S+. The final report of the inquiry was released on June 3, 2019 and on June 3, 2021, the National Action Plan, a path towards ending violence against Indigenous Women, girls and 2SLGBTQQIA+ peoples was released. On that day, BC also released its own plan, A Path Forward: Priorities and Early Strategies for BC (the Path Forward) that includes a funding commitment of up to \$5.5M this fiscal, \$4.55M of which is to be allocated to create a new community fund for safety planning and capacity building (the Path Forward Fund).
- Community Safety and Crime Prevention Branch (CSCP) is seeking to identify a lead Indigenous organization^{s.13} for the purpose of developing and operationalizing the Path Forward fund. The selected Indigenous organization will administer the fund by awarding smaller grants to other entities to support initiatives that increase capacity so that Indigenous communities can create and implement their own culturally safe solutions.
- CSCP is planning to engage prospected applicants through an open call for proposals in support of an inclusive, transparent process that would provide all interested and eligible entities an opportunity to apply, and would honour the sustained engagement with Indigenous partners to define community-led priorities related to the path forward.

- s.13; s.16

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- This is why CSCP engaged Alderhill Planning Inc. to hold consultation sessions in October 2021 in order to determine an appropriate selection process. Participants included Indigenous advocates, community members, and family members of MMIWG2S+ and their input has been incorporated into the proposed application process.
- We heard the lead Indigenous organization must:
 - Commit to the ongoing involvement of families, communities, and impacted individuals through a required governance structure (e.g., establish an advisory committee).
 - Demonstrate identified critical key attributes (e.g., a collaborative organization with established community connections, culturally safe processes, capable of supporting grant applicants through the process, etc.).
 - Commit that any and all activity will be aligned with the identified Guiding Principles in the Application Guide (e.g. accessible application process, equitable / regional approach, inclusive of survivors and families of MMIWG2S+, accountable with transparent reporting, etc.)

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- CSCP has developed an open call for an Indigenous organization to develop and manage the Path Forward Fund. The funds must be transferred to the selected organization by the end of this fiscal year (2021/22). In order to achieve this, CSCP will take the following next steps:
 - December 3, 2021: Post call for applications for the lead Indigenous agency that will develop and distribute the grant funds. GCPE will share the call via social media channels.
 - January 12, 2022 deadline for applications.
 - February 2022:
 - Review applications; CSCP will establish an Indigenous review panel to support the review process.
 - s.13
 - March 2022: Announce lead organization. GCPE will develop a news release.
 - Summer 2022: Develop an evaluation framework in collaboration with the selected organization.

- Summer, Fall and Winter 2022: CSCP will support the selected organization as they work to further develop and operationalize the grant program, launch the program, and distribute grants to Indigenous communities.

BACKGROUND:

- The Path Forward is driven by priorities set by Indigenous community members. The Province, in partnership with Indigenous-led consulting firm Alderhill Planning Inc., held two phases of engagement, in 2019 and in 2021 to set priorities and assist communities in visioning what they need to support themselves and build a safer future for their communities.
- The number one priority identified across all engagement sessions is the need for increased capacity so that Indigenous communities can create and implement their own culturally safe solutions. Planning is central to Indigenous communities' path to addressing systemic causes of violence and self-determination. The community fund is intended to meet this need.
- Examples of projects that may be funded include engagement and facilitation services to host planning sessions, support to develop crisis response plans, mechanisms and materials for communications plans, information sharing including tools to navigate the justice and public safety systems, culturally appropriate safety training, and healing and cultural supports.
- Recognizing the diversity of Indigenous communities across BC, the fund will be accessible to First Nations communities, urban / off reserve communities, Métis and 2SLGBTQQIA+ communities.

INDIGENOUS PEOPLES CONSIDERATIONS:

- The Path Forward is a key component to actualize the Province's commitment to ending violence against Indigenous women, girls, and 2SLGBTQQIA+ people.
- The Path Forward fund is intended to help address violence against Indigenous women, girls and 2SLGBTQQIA+ people, by actioning the number one priority identified through Indigenous-led community engagement sessions held in 2019 and 2021 – the need for safe spaces and safety plans so that Indigenous communities can create and implement their own solutions.

OTHER MINISTRIES IMPACTED/CONSULTED:

- CSCP works closely with the Ministry of Indigenous Relations and Reconciliation for general advice and to make connections and presentations to the Minister's Advisory Council on Indigenous Women regarding the Path Forward.
- CSCP has also been working with the Ministry of Attorney General & Housing through the implementation phase of the Path Forward fund as a liaison given their relationship

with the First Nations Justice Council, as well as for lessons learned in their experiences developing the Indigenous and Metis Justice Strategies, respectively.

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

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

ISSUE:

BC Provincial Policing Standards on police response to and investigations of sexual assaults (the Sexual Assault Standards) – status of development and next steps.

SUMMARY:

- In spring 2020, following a meeting between the Minister of Public Safety and Solicitor General and then Parliamentary Secretary for Gender Equity, the Director of Police Services initiated the development of Sexual Assault Standards. Initial work included a cross-jurisdictional scan to understand the current state of and potential gaps in police training and policies related to sexual assault in BC. Subsequently, the project team began seeking initial input from police, government colleagues, and community-based advocates to inform the development of draft standards, a training strategy, and further engagement processes with service providers.
- Since this work began, new ministerial mandate letter commitments were issued, including a shared commitment of the Minister of Public Safety and Solicitor General and the Parliamentary Secretary for Gender Equity to develop a plan to end gender based violence, which is relevant to this work. As a result, the project team is collaborating with colleagues in the Gender Equity Office (GEO) and the Ministry's Community Safety and Crime Prevention (CSCP) Branch and is participating in a cross-sectoral steering committee and working group that have been established to support the development of the Gender Based Violence Action Plan (GBVAP). In particular, the project team is exploring with GEO and CSCP Branch staff the coordination and alignment of stakeholder engagement on the Sexual Assault Standards and the GBVAP.

BACKGROUND:

- The engagement plan for development of the Sexual Assault Standards includes engaging with service providers with expertise in supporting survivors of sexual assaults (e.g. Sexual Assault Centers such as the Victoria Sexual Assault Centre and the Surrey Women's Centre as well as organisations serving Indigenous women, sex workers organisations, and other groups). Given the overlap with the GBVAP, stakeholders and engagement plans, a coordinated engagement is preferred and the project team is liaising with GEO and CSCP Branch to explore options.

- GEO and CSCB Branch who are leading the GBVAP engagement, have indicated that the engagement process announced publicly on November 25, 2021 (<https://news.gov.bc.ca/releases/2021FIN0076-002260>), includes:
 - December 2021 – Preliminary engagement between the Parliamentary Secretary for Gender Equity and key stakeholders and partners to discuss and validate the proposed engagement approach, ahead of formal targeted engagement.
 - February-March 2022 – Formal targeted engagement with a broad range of external stakeholders and partners on specific themes and topics.
- PSB is considering options to leverage the formal engagement process planned for February-March 2022, to seek input from service providers and others on key areas related to the Sexual Assault Standards.
- This will build on other engagement the PSB project team has conducted to date on the Sexual Assault Standards with:
 - A working group of police practitioners (started October 2020 – ongoing).
 - Community-based stakeholders that are provincial in scope (1:1 started January 2021 – July 2021 and paused pending GEO's initial engagement):
 - Ending Violence Association of BC;
 - BC Society of Transition Houses;
 - Disability Alliance BC;
 - Police-Based Victim Services of BC;
 - West Coast Leaf;
 - BC Minister's Advisory Council on Indigenous Women.
 - The First Nations Justice Council (ongoing)
 - The Advisory Committee on Provincial Policing Standards (ongoing)
 - Government partners (ongoing), including:
 - PSSG and CSCP staff;
 - Ministry of Health staff responsible for policy-related work on Sexual Assault Forensic Examination to ensure alignment between the health and policing sectors in responses to sexual assaults;
 - BC Prosecution Services;
 - GEO including briefings with PS Lore, and meetings with the Assistant Deputy Minister and staff.
- The PSB project team is aiming to finalize the draft Sexual Assault Standards by Summer/Fall 2022.

INDIGENOUS PEOPLES CONSIDERATIONS:

- The Sexual Assault Standards will have implications for Indigenous peoples in BC given the overrepresentation of Indigenous women as victims of violent crimes, concerns expressed about police responses to incidents involving Indigenous women and calls to improve police relationships with Indigenous peoples.

- The development of the Sexual Assault Standards will consider the findings and recommendations from, and representatives involved in the implementation of the National Inquiry into Missing and Murdered Indigenous Women and Girls, the BC First Nations Justice Strategy, the Métis Justice Strategy, and government's commitment to implement the United Nations Declaration on the Right of Indigenous Peoples.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Justice and Attorney General
- Ministry of Health
- Ministry of Finance, Gender Equity Office

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

PURPOSE: For INFORMATION for Mark Sieben,
Deputy Solicitor General, Ministry of Public Safety and Solicitor General.

ISSUE:

The Community Safety Unit's (CSU) declining budget and impact on enforcement against illicit cannabis operations.

SUMMARY:

- The CSU was established in fiscal 2018/19 under the *Cannabis Control and Licensing Act* (CCLA) with the authority to conduct compliance and enforcement activities against the illegal sale of cannabis and related activities.
- Significant efforts were employed to establish the CSU as well as to attract and retain experienced, skilled and professional staff from both inside and outside of the BC Public Service that could inform the development and delivery of this new compliance and enforcement unit.
- The CSU's cannabis enforcement activities have helped to foster the legal cannabis market, yet illicit cannabis sales remain. The CSU continues to enforce against a complex illicit market which includes brick and mortar retail stores as well as online illegal sales and illicit production facilities.
- The 2022/23 CSU budget represents a 26% decrease from the 2020/21 budget. The impact of a declining budget is becoming apparent with CSU now unable to staff vacant positions. This will have a growing impact on the CSU's ability to carry out its mandate to enforce against illegal cannabis operations in BC.
- This impact is further amplified by expectations from Treasury Board Staff (TBS) that Policing and Security Branch (PSB) reduce CSU operations to a level consistent with the reduced budget to mitigate against operating with a deficit.
- To achieve this, CSU would be required to consider phasing-out operations. This could involve closing office location(s), reducing the number of, or stopping new investigations, stopping current investigations underway as well as reducing or stopping engagement activities and subsequent enforcement activity in First Nations communities.

BACKGROUND:

- The CSU is a compliance and enforcement unit established under the Cannabis Control and Licensing Act (CCLA). The Director of the CSU has a statutory responsibility for carrying out the unit's mandate of conducting enforcement against unlicensed cannabis retailers and other illegal sellers or producers of cannabis across the province. The Director of the CSU is also mandated through legislation

to make decisions on applications for the return of seized cannabis received from non-licensees.

- The CSU was provided with operating Contingencies access up to \$3.940M in 2018/19 and \$6.795M in 19/20, and capital Contingencies of up to \$2.224M in 2018/19 and to \$1.440M in 2019/20.
- Funding was used to develop and implement the program. Facilities contracts for four regional offices were acquired, office space was renovated, and locations for the secure storage of and destruction of seized cannabis were determined and secured. A new IM/IT case management system for the unit was also created.
- A team of over 40 full-time employees were hired and trained; many receiving designations as Special Provincial Constables. Policies and procedures, including forms and templates required for the program, have been implemented into standard operating procedures.
- Significant efforts and novel methods were used to support expedient staffing of the CSU with personnel who possessed the necessary knowledge, skills, and experience to develop and deliver a new regulatory compliance and enforcement program. For example, a monetary recruitment and retention incentive negotiated between the employer and the GEU was used to support the CSU to attract experienced and skilled staff (many with extensive law enforcement backgrounds) from well established positions both within and from outside of the BC Public Service.
- Methods for communicating about the CSU's mandate, such as a website and an educational brochure, were completed. The CSU has also engaged with multiple stakeholders on the mandate of the unit such as the British Columbia Association of Chiefs of Police, local governments, Indigenous communities, Health Canada, the Liquor and Cannabis Regulation Branch and others.
- In April 2019, the CSU began visiting unlicensed cannabis retailers to educate and raise awareness about cannabis laws, the penalties, and consequences for violating federal and provincial regulatory regimes, how to obtain a non-medical cannabis retail licence, and the enforcement activities of the CSU.
- On July 31, 2019, the CSU began conducting enforcement action through seizures of cannabis and records of sales at those illegal unlicensed cannabis retailers across the province that continued to sell cannabis illegally following an education and awareness visit from the CSU.
- The CSU's successes to date are reported in regular program statistics which highlight:
 - Over 270 illegal unlicensed cannabis retail stores visited by CSU officers to provide education and awareness about BC's cannabis laws and the penalties associated with continuing to operate illegally;

- 75 enforcement actions involving seizures of cannabis against those who continued to operate despite earlier warnings;
 - Cannabis seizures resulting in the removal of over \$25 million (actual retail value) of illicit cannabis from the market;
 - The CSU's activities directly resulting in 173 illegal unlicensed cannabis retailers either closing or stopping the illegal sale of cannabis;
 - Over 80 illicit cannabis websites successfully disrupted;
 - 42 Notices of Monetary Penalty (NAMPs) issued with proposed administrative monetary penalties totalling approximately \$24 million, with nearly \$1.45M collected in penalties to date.
- The CSU's enforcement activities have had a direct impact on the decline of the illegal cannabis market and enforcement activities such as seizures of cannabis have resulted in increased legal non-medical cannabis retail sales. According to the latest numbers available from Statistics Canada, total retail sales in BC, for July 2021 were \$48.52 million compared to \$34.71 million in July 2020, and \$5.97 million in July 2019.
- Despite a growing legal cannabis market there remain persistent unlicensed retail stores, illegal production/distribution facilities, and illegal online retailers. Amendments to the CCLA are being explored that will assist the CSU to enforce against the remaining illegal market and improve efficiencies in the administrative hearing process tied to the CSU's monetary penalties.
- *Budget 2020* provided the CSU with a base budget of \$4.760M in 20/21, \$4.197M in 21/22 and \$3.537M in 22/23 to continue operations. Treasury Board Staff did not consult with PSB or CSU to identify risks, discuss mitigation strategies, or understand impacts to cannabis enforcement and the broader implications to the cannabis industry.
- *Budget 2020* decisions represented a reduction to the amount previously funded through year end Contingencies of \$5.692M, allowing for full operational capacity of 44 FTEs. The CSU requires a budget of \$5.683M creating a budget pressure of \$2.146M in fiscal 2022/23. The Treasury Board budget reduction does not take into consideration the monies collected through monetary penalties into the General Revenue account, which reduces governments total fiscal impact. The CSU has collected \$1.45M on monetary penalties so far.
- The Crown Agencies Secretariat has been tasked to undertake a cross-government review of cannabis legalization which is intended in part to inform/direct future funding requests in relation to cannabis. The latest draft of the report did not sufficiently highlight the risks to government or the cannabis industry from a declining cannabis enforcement budget. The draft report did outline a process to re-evaluate budgets; however, this would only occur after operational impacts from reduced service delivery have materialized.

- Currently, CSU is operating with 31 FTEs, which requires \$2.706M for salaries and benefits alone, leaving \$0.831M for operations during fiscal 2022/23. As a result, CSU will be hindered in carrying out enforcement actions, will be unable to complete hearings in a timely manner and fulfill its mandate.
- CSU enforcement activities are conducted in teams and the inability to staff these teams will impact enforcement activities. s.15
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s.15 Furthermore, the current total number of investigators, administrative hearing officers and supporting staff impedes the CSU's ability to finalize enforcement matters through issuance of NAMPs and completion of administrative hearings in a timely manner. Future vacancies will continue to amplify these challenges.

- There are multiple stages in the life cycle of an investigation carried out by the CSU. These cases are complex and labour intensive given the high retail value of seizures and legal representatives participating in administrative hearing processes. Slowing or stopping the CSU's enforcement activity is likely to result in a reversal of gains realized against the illicit market.
- Attention on the CSU and enforcement of the illicit cannabis market is increasing:
 - In fiscal year 2021/22 (as of December 9, 2021) the CSU received an average of 60 complaints per month.
 - The CSU has received 12 Freedom of Information requests over two years.
 - The CSU has received an increasing number of requests to support Ministerial correspondence to address concerns from legal retailers and MLAs about enforcement against illicit cannabis operations. A recent request seeks specific information on CSU's current budget and staffing levels.
 - There is also increased public advocacy efforts by licensed cannabis retailers from the Okanagan region (Okanagan Cannabis Collective).

INDIGENOUS PEOPLES CONSIDERATIONS:

- The CSU takes into consideration the government's broader goals of reconciliation as well the needs and interest of Indigenous Nation governments and communities. Enforcement activities undertaken by the CSU on reserve lands without local support may impact government's reconciliation agenda since some Indigenous nations would view CSU action to be against their right to self-governance.
- The CSU has developed relationships with several Indigenous communities, and they have been invited to conduct enforcement on Indigenous lands on multiple occasions. Developing these relationships with Indigenous communities requires a significant investment of staff resources and time.
- Inaction by the CSU would put Indigenous communities, including Indigenous children and youth, at risk of consuming unregulated cannabis products. It would

also mean that organized crime could continue to proliferate in the cannabis industry in Indigenous communities.

OTHER MINISTRIES IMPACTED/CONSULTED: None

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