

*Action: DCC Rich will bring to the BCACP meeting.*

E. <sup>RCMP Consult</sup> **The BC Tazer Inquiry – Standing for the BCAMCP – D/C/Cst. Clayton Pecknold**

C/Cst. Al MacIntyre indicated that this was a two part inquiry. The issue for us is do we want to ask for intervener status? It was suggested that the first step was to research the terms of reference.

*Action: D/C/Cst. Clayton Pecknold and C/Cst. Ian MacKenzie will review the terms of reference.*

F. **BC Fed Telemarketing – C/Cst. Dan Maluta**

A legal opinion has been received by Port Moody. [REDACTED]

S.14

*Action: C/Cst. Ian Mackenzie is going to ask for a legal opinion as the Chief of Abbotsford.*



**VANCOUVER POLICE DEPARTMENT**  
**OFFICE OF THE CHIEF CONSTABLE**  
**Planning, Research & Audit Section**

✓  
BCAMCP  
- WEAPONS  
- UOF

**Date:** April 8, 2008  
**To:** B.C. Association of Municipal Chiefs of Police  
**From:** Volker Helmuth, Director  
Planning, Research & Audit Section  
*volker.helmuth@vpd.ca*  
**Subject:** Conductive Energy Weapon (CEW) Inquiry

**Inquiry Written Submission Deadline:** **Friday April 25, 2008**

**1. Proposed BCAMCP Submission Timetable**

- **Friday April 11<sup>th</sup>** - Individual Departments' CEW incident analyses report back;
- **Monday April 21<sup>st</sup>** - VPD drafted submissions distributed to BCAMCP committee for review and comment;
- **Wednesday April 23<sup>rd</sup>** - BCAMCP committee comments due;
- **Thursday April 24<sup>th</sup>** - final edits;
- **Friday April 25<sup>th</sup>** - submission.

**2. Content Proposal for BCAMCP Submission**

It is proposed that the BCAMCP submission be prepared as per the following two part content and process:

**A. Individual Department's CEW Incident Analysis and General Use Data**

It is proposed that the BCAMCP establish the public benefit of the CEW, in terms of saving lives, by each Department submitting 3 to 5 reports of incidents in which a CEW was used and deemed the only use of force alternative to deadly force. The reports need to provide cogent analysis in relation to each incident, establishing that CEW use prevented the need for deadly force, and no other less than lethal force options would have been viable.

cc: Insp. Dwyer

As well, it is proposed that individual Departments provide details of:

- the number of CEWs deployed;
- the number of officers trained (if different than the above or a sign out system is used);
- use statistics;
- use policies;
- other.

NOTES:

B. Vancouver Police Department Research

It is proposed that the VPD Planning, Research & Audit Section prepare the BCAMCP submission by compiling all Departments' CEW incident analysis reports, and researching and writing additional content, in relation to the following points:

- adoption history;
- intended use - less than lethal force option vs. compliance tool;
- explanation of use of force continuum;
- alternative tools (what was used before / what would be used instead);
- supporting public policy;
- supporting operational benefits;
- accepted use / misuse analysis;
- analysis of current Departmental use policies;
- consideration of provincial standards;
- consideration of model policy;
- response to past Coroner's inquiries and recommendations (City Law Dept.);
- other.

NOTES:

**Background: NOTICE OF INQUIRY**

By Order-in-Council, the Honourable Thomas R. Braidwood, QC, has been appointed as commissioner under the Public Inquiry Act to inquire into and report on the use of conducted energy weapons by the following in the performance of their duties and the exercise of their power:

- a. Constables of police forces of British Columbia, other than the RCMP;
- b. Sheriffs under the Sheriff Act; and
- c. authorized persons under the Correction Act.

The commission plans to hold an open forum to study the use of conducted energy weapons (Tasers) during the month of May 2008 at a venue to be determined. Interested parties who wish to make a presentation at the forum are invited to make a written submission in advance of the planned forum, and by no later than Tuesday, April 15, 2008\*.

Further notice will be published with respect to the time and place for the forum. Please send your written submission, to arrive no later than April 15, 2008, to: Art Vertlieb, QC, Commission Counsel Thomas R. Braidwood, QC, Study Commission PO Box 48297, 595 Burrard Street Vancouver, BC V7X 1A1

\* Extended to April 25, 2008 at the request of the BCAMCP.



**Motion: That the minutes of the BC Association of Municipal Chiefs of Police Meeting of March 11<sup>th</sup>, 2008 be adopted as circulated. Includes the amendment to Item 3.E. Old Business, JI Report.**

**Moved: Cst. Lyle Beaudoin**

**Seconded: C/Cst. Derek Egan**

**3.**

**PRESENTATIONS**

**A. Olympic Update – Superintendents Al Niedtner and Kevin de Bruyckere, ISU**

The powerpoint presentation provided an overview of the Olympic Integrated Security Unit, with a summary of both planning to date and current challenges faced. A/Commissioner Bud Mercer is the Chief Operating Adviser and is responsible for all of the operations venues. The Integrated Security Unit consists of the RCMP, VPD, West Van and GVTAPS which recently joined the unit.

**RCMP Consult**

The presentation talked about various key locations such as the Vancouver International Airport, Robson and Granville and Callaghan Valley (Whistler area). Each venue will have a Commander and Deputy Commander. Kevin de Bruyckere explained that they are looking at enhanced transit patrols and that there may be designated Olympic routes. The role of private security was discussed.

The number of members the RCMP is putting into planning positions was discussed and the work being done on putting in place leave restrictions between (January 4<sup>th</sup>, 2010 to March 2010). A similar ban has already been instituted by the Vancouver Police Department. Court services have been requested to refrain from setting trials during the event so officers can be made available. It has been suggested from a health and safety aspect that for every member that has four days off, they should only be working, on callout, two of their four days off in order to not overextend themselves.

D/C/Cst. Lyle Beaudoin asked where all these members will be housed. Supt. Niedtner advised they are looking renting a passenger ship.

D/C/Cst. Rich asked how often the BCAMCP committee should be updated. C/Cst. Cessford suggested every other meeting.

**Action: D/C/Cst. Rich will contact Supt. Niedtner/Kevin de Bruyckere in Sept. to arrange for another update.**

**B. Braidwood Inquiry Into CEW's – Director Planning & Research, Volker Helmuth/D/C/Cst. Bob Rich**

D/C/Cst. Rich provided an update on the inquiry. D/C/Cst. Rich explained part 1 of the inquiry referred to policy, training, use and accountability for CEW use by municipal departments and the second part was a review of the Richmond incident. D/C/Cst. Rich contacted Patrick McGowan, one of the Commission Counsel, and was informed that any written submission by the Chiefs was due on April 25<sup>th</sup>.

D/C/Cst. Rich suggested the Association consider making one submission on behalf of everyone. Mr. Helmuth handed out copies of a prepared draft outline for the submission. The Chiefs agreed that there should be one submission. Various subject matter experts, such as 22(1) were discussed as well as other stakeholders and it was agreed that we should work to get input from these experts as well as ensure helpful stakeholders were contacted to be part of the process. A panel of Chiefs was selected to review the written submission and to present at the oral hearings before the Commission.

It was noted that following a recent police shooting in Williams Lake that critics are asking why a TASER wasn't used in this instance. The irony of this position was not lost on the group, in light of the recent backlash against the TASER.

*Action: The group will wait for the legal opinion report from Kevin Begg as to whether the CEW falls into the parameters of a firearm. When that opinion is in hand, the BCAMCP will consider the next course of action.*

*Action: C/Cst. Cessford will forward for general distribution among the group the e-mail from 22(1) outlining the CEW use of force issues.*

Bring forward to the next meeting.

**B. OPCC Protocol Development Regarding External Investigation – D/C/Cst. Clayton Pecknold**

*Action: D/C/Cst. Pecknold wishes to consult with the Office of the Police Complaint Commissioners Office regarding OPCC protocol development regarding external investigations, and will report back to the group.*

Bring forward to the next meeting.

**C. Secondments – Costing (carried over) - C/Cst. Brad Parker**

The MPFO Group met two weeks ago to discuss the true cost of secondments. Recruiting costs to backfill when sending members to secondment duties is only one of several complex factors to take into consideration when making these calculations.

*Action: C/Cst. Parker will draft a letter to Shelley Birdsill to inquire as to the status of the secondment cost analysis report.*

RCMP Consult

A/Comm. Macintyre indicated the RCMP practice is to compensate the seconded unit the equivalent of 1.5 clerical positions for associated administrative costs.

*Action: Sandra Sajko will obtain from 22(1) the formula that was proposed by PSD to be used for funding recruits to backfill positions that were seconded to the Aboriginal Policing Unit. She will also check on the Mainland IRSU MOU to determine the formula used to offset secondment costs when this unit was first established.*

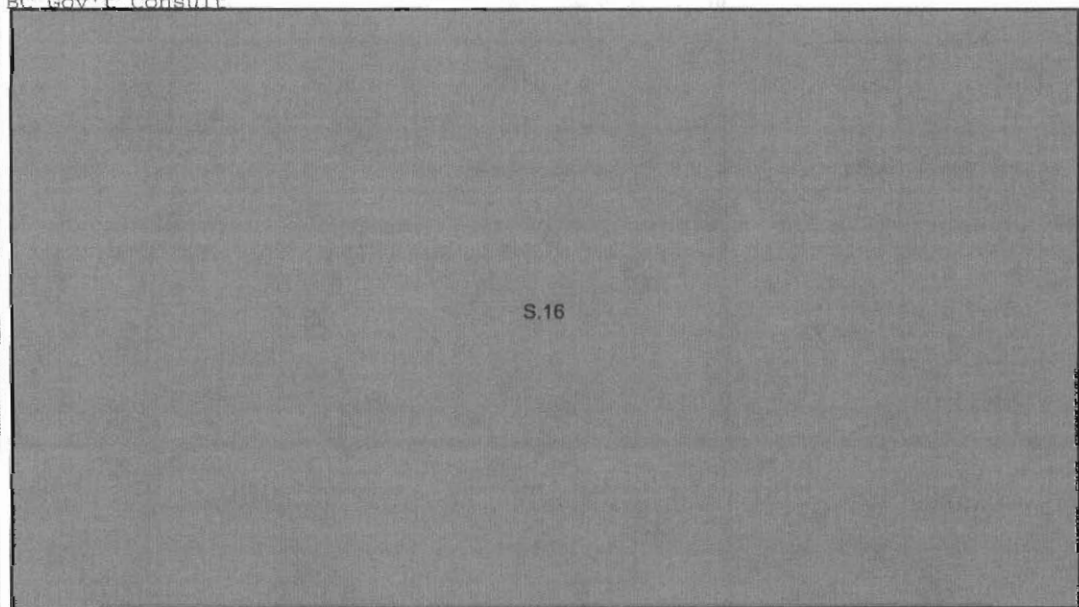
Bring forward to the next meeting.

adequately investigate the crash scene, giving the investigation priority over the effort to clear the highway. The intention of the protocol is to coordinate the best practices standards with other agencies and arrive at a master agreement among all stakeholders.

A workshop will be set up at the BCACP meeting on June 18, 2008 to discuss the protocol. Sandra Sajko will distribute copies to all those in attendance for their review prior to the workshop.

4. **NEW BUSINESS:**

A.



S.16

B.

C. **Municipal Police Officers Role on Full Time Secondment – A/Comm. Al Macintyre**

A/Comm. Macintyre reported on the RCMP's second phase of a three phase analysis of Municipal police officers roles on full time secondment. In this phase of analysis, mock call-outs were staged in order to evaluate any delays or problems in response. Because an emergency can happen in any jurisdiction, Municipal Departments wished to participate in this evaluation.

Two problems became evident in these mock call-outs.

S.15

A discussion ensued regarding whether an emergency trumps all jurisdictional entitlement. The governing secondment MOU's stipulate that members may return

back to their home Departments in an emergency call-out. It was also suggested that the *Police Act* Section 38(1) allows the Minister to direct assistance in the case of an emergency, therefore even superseding the MOU's. A/Comm. Macintyre indicated the RCMP will list this section of the *Police Act* when drawing up a protocol for emergency call-out, to be in place before the 2010 Olympics.

**D. Ride-Alongs for Police Board Members – C/Cst. Maluta**

The Nelson Police Department abandoned ride-alongs some time ago due to liability concerns. Recently a Nelson Police Board member has requested this decision be re-evaluated. C/Cst. Maluta canvassed other Departments as to their ride along policies.

The RCMP has a national policy that allows for ride alongs but stipulates a primary vehicle cannot be used and the vehicle engaged in ride-alongs used cannot respond to a Code 3 or a domestic call. The RCMP is self-insured rather than via ICBC.

*Action: A/Comm. Macintyre will forward the national RCMP ride-along policy to Association members for their information.*

Saanich Police, Oak Bay Police, Vancouver Police, and Delta Police Departments all have ride-along policies. Some offer ride-alongs as prizes for charity fund-raisers. The advantages of ride-alongs were discussed, including the educational value for family members, politicians and Board members as well as the benefits to potential recruits.

**E. FCM Position on Federal Funding – C/Cst. Dan Maluta**

C/Cst. Maluta reported that Federal Funding is being championed by various sources, including the Federation of Canadian Municipalities.

**E. Crown/Police Liaison Meeting – Approval of Police Reports to Crown Counsel – C/Cst. Derek Egan**

When an officer is involved in serious incidents such as shootings, a policy decision was made allowing the Department to forward to Crown a synopsis of an incident. Crown could then respond to the Court that they are not prepared to proceed with charges, due to insufficient grounds. Now Crown is asking for a Crown Council Report, rather than just a synopsis. C/Cst. Egan asked if the policy has changed.

A discussion ensued as to whether Crown has the right to request this report with much diversity of opinion. The problem with the current policy is that some incident

## **B. Chiefs Performance Appraisals**

C/Cst. Maluta reported the Nelson Police Board is conducting his first ever performance review and canvassed the other Chiefs as to their evaluation processes. The Nelson Police Board has borrowed from the Abbotsford model of evaluation. Most Chiefs do not undergo regular evaluations. Some are evaluated sporadically. It was suggested that a record of evaluations on file would be useful in the event a Chief was taken to task for mismanagement or misconduct.

## **C. Salary Disclosure**

C/Cst. Maluta reported that the MPFO Group has canvassed Chiefs and Deputies for their salaries. The VPU has concerns with publication of police salaries due to security issues. While City employees are required to publicly disclose their salaries, police are exempt from participation in publication of their salaries because they are not employees of the Cities but of Police Boards.

VPD Consult

## **D. VPD Chronic Offender Report**

C/C/Cst. LePard reported that this week C/Cst. Chu will release a VPD report "Thirty Strikes You are Out" concerning the lack of effective sentencing for chronic offenders. The information reports that among the Department's worst chronic offenders, that at 30 convictions their sentences plateau and then plummet. The report will be issued to a series of stakeholders and via public presentation and is expected to garner significant media attention.

## **E. Charge Approval**

C/Cst. Egan expressed the concern that the OPCC is already operating on the recommendations of the Wood Commission, although legislation has not yet been enacted. Additionally, the OPCC seems to have reorganized and rather than assigning an officer to a particular Department, the officers appear to respond to files as they arrive at their offices, on a rotational basis.

The OPCC appears to be engaging in a more aggressive and intimate role with the DA of investigations. This may be either on the initiative of individuals within the organization or as a result of a general shift in policy. The OPCC seems to be overly directive and involving themselves in some of the decisions. They are suggesting with higher frequency that Departments should be obtaining more opinions from the Crown.

## **PRESENTATION – Paul Patterson – Gang Poster Campaign**

Paul Patterson, Director of Public Affairs for VPD was present to provide an update on new ad campaigns which are being developed to try and deglamorize gang involvement by youth. The campaign is being championed by the IGTF-JMT.

Mr. Patterson commented that the "scared straight" strategy doesn't work. Kids don't believe the tactic "if you join you're going to die". Kids are more afraid of looking uncool than dying. The new campaign will strive to make it less desirable for kids to become involved in gangs and criminal activity.

The "Are You Helping Thieves" campaign was very successful in reducing crime during the six week period they ran and this campaign is being worked on by the same advertising agency.

Paul displayed several draft posters that are being created. The objective is to display these posters in areas where kids will see them as they don't usually read newspapers. Posters will have a tear-off portion providing a website address to engage youth to seek more information. He advised there are also plans to do radio spots in different languages.

The campaign is being developed in a way so that it can be used in any jurisdiction.

Paul has given this presentation to the IGTF-JMT, schools, Stockwell Day, ADM-Director Kevin Begg and others. Funds are required for the poster ads and radio spots, (approx 1.8 m in total). Some funds may come from the Proceeds of Crime program.

A question was raised regarding whether it was going National and Paul added that it could, as the message is universal; the ads refer to "local" police, without naming any particular jurisdiction. The website is very professional and interactive.

Next step is to obtain funding. Once approved, ads could be ready in two months.

If funding comes from Proceeds of Crime, ads would state "paid for by your local criminals".

Comment regarding whether Corporate BC has been solicited for funding. Paul advised that they had not gone to corporations as they usually want their logos added and we want the message to come from local police.

C/Cst. Rich asked if a school program should be developed with the Ministry of Education and target a particular grade, possibly grade 6 students. D/C/Cst. LePard added that this could be the catalyst for these materials to be developed for students.

A/Commr. Macintyre advised there's a National Crime Prevention Branch within the Province which is jurisdiction-neutral and could be produced in both official languages.

Paul was thanked for his presentation and left the meeting at 10:40 am.



Follow up to BCACP mtgs

• Trg- misc

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• clis pd

**Susan Willms**

**From:** Bob Rich  
**Sent:** Saturday, September 27, 2008 11:05 AM  
**To:** Susan Willms; Len Goerke  
**Subject:** FW: Follow up to BCACP mtgs  
**Attachments:** Terms Of Reference - LIMB .pdf

Susan

Also for the BCAMCP agenda

Len - see question 2 below - Would you please have one of your people respond to Supt. Dingwall

Thx

Bob

RCMP Consult

**From:** Bill Dingwall [mailto:bill.dingwall@rcmp-grc.gc.ca]  
**Sent:** Wed 24/09/2008 2:36 PM  
**To:** Bob Rich; Rick Lucy; clayton.pecknold@csaanich.ca; phames@csaanich.ca; lbeaudoin@deltapolice.ca; ken.allen@gvtaps.bc.ca; ward.clapham@gvtaps.bc.ca; ahovbrender@jlbcc.ca; chief@nelsonpolice.ca; lzapotichny@mwpolice.org; kthom@oakbaypolice.org; rgaudet@oakbaypolice.org; jcessford@police.delta.bc.ca; duckerj@police.victoria.bc.ca; naughtonb@police.victoria.bc.ca; bparker@portmoodypolice.com; degan@saanichpolice.ca; mchadwick@saanichpolice.ca; bob.rolls@vpd.ca; doug.lepard@vpd.ca; jlm.chu@vpd.ca; steve.sweeney@vpd.ca; kheed@wvpd.ca  
**Cc:** Al MACINTYRE; Alain Tousignant; Bill Dingwall; Gary BASS; Joella Taylor; Marianne RYAN  
**Subject:** Follow up to BCACP mtgs

This e-mail is a follow-up to the BCACP mtgs held last week at Fairmont.

*BCAMCP Agenda*  
**1. Nominating a Municipal PD representative to sit on the RCMP Regional Learning Investment Management Board (LIMB).**

As discussed, we put out an offer to have a representative of the Mun. Departments sit on our LIMB and the next meeting is set for Tuesday, Oct. 7th at "E" Division HQ (tentative start time of 1330 - 1400 depending on the completion of the senior Division Mgt. Team mtgs being held before) and is scheduled for 2-3 hours. This body provides oversight for learning within the RCMP and includes all senior executives from the Region (excluding Deputy Bass) and occurs approx. 4 times/year. A/Commr. MacIntyre and myself are the two co-chairs and I have attached the terms of reference.

Chief Rich, Bob --- as chair of the Assoc. of Mun. Chiefs of Police, it would be great if you could have your membership nominate a representative at your earliest convenience.

*han X*  
**2. Overtime for Instructors/course candidates**

As mentioned at the meeting, PRTC and LIMB are currently dealing with issues around potentially compensating instructors and course candidates for extra hours put in beyond the normal instructional day (eg. LTO, OT, rescheduling, providing 40 hours a year for e-learning/learning, etc.). It would be appreciated if each department could provide a very quick overview of any benefits/concessions made to deal with this issue within your department. Note, I have received a response from both Axel and Clayton.

Thank-you in advance.

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9/29/2008

**BCAMCP AGENDA ITEM  
October 15, 2008**

*Item 5.B.*  
FOI # 2013-0200-WIP  
BCAMCP  
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**Follow up to BCACP mtgs**

**PA LIMB**

**Bill**

C/Supt. Bill Dingwall  
BGS, LL.B., CHRP  
OIC Pacific Region Training Centre (PRTC)  
Royal Canadian Mounted Police  
"The Passion of Learning"

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9/29/2008



**TERMS OF REFERENCE  
LEARNING INVESTMENT MANAGEMENT BOARD (Regional/Divisional)**

**BACKGROUND:**

Governance of the RCMP national learning investment strategy was supported by Senior Executive Committee (SEC) on April 22<sup>nd</sup>, 2003 and reaffirmed on October 31<sup>st</sup>, 2005. Subsequently, a national Learning Investment Management Board (LIMB) was established with representatives from all corporate and operational areas.

As an evolving governance protocol, each of the Regional Deputies are a member of the national LIMB.

This document represents the Regional/Divisional approach to establishing a LIMB.

**MANDATE:**

To make strategic decisions and provide recommendations, expertise, advice and guidance to the Regional/Divisional Management Team for the efficient and effective management of the RCMP's learning investment. This includes reviewing and recommending for HQ Learning and Development approval, the Regional/Divisional Annual Learning Plan (ALP).

**MEMBERSHIP:**

The Board comprises within the Pacific Region:

Co Chair - OIC PRTC  
Co Chair - Criminal Operations Officer

**Members:**

- C.O. "M" Division
- OIC Corporate Management Branch
- OIC Federal Operations
- OIC Human Resources
- Deputy Criminal Operations Officers
- OIC Operational Strategy Branch
- OIC Informatics
- 2010 Integrated Security
- District Officers

**Non-voting members:**

- Staff Relations Representative
- USGE & PIPS

Participation on the Board may vary depending on need and circumstance, and may include other persons from the RCMP that have an issue that is of particular interest to the Board.

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**ACCOUNTABILITY:**

To the Deputy Commissioner Pacific Region and HQ Learning & Development for approval and contribution of the Regional /Divisional Annual Learning Plan and Report.

**REPORTING:**

The Co Chairs will table the Regional/Divisional Annual Learning Plan and Report to HQ Learning & Development for inclusion in the national Annual Learning Plan. Updates on the Board's activities will be provided to HQ Learning & Development as required.

The Regional/Divisional LIMB will produce a Learning Plan consistent with the dates of the organizational business cycle and to meet the requirements of the national LIMB and ALP.

**ROLES:****Chairs:**

The role of the Board Chairs is to:

1. Provide leadership and direction to ensure the efficient and effective functioning of the Board;
2. Bring to the Regional Deputy, or Division Management Team's attention, any issues resulting from the Board's decisions and/or recommendations; and,
3. Ensure the timely and effective implementation of any related national Policy Center decisions impacting on the Region/Division.
4. Ensure the effective governance of the learning/training investment for the RCMP at the Regional/Divisional level.
5. Provide leadership and direction to ensure the efficient and effective functioning of the Board;
6. Bring to the Deputy's attention any issues resulting from the Board's decisions and/or recommendations; and,
7. Ensure the timely and effective implementation of any related SEC decisions.
8. Ensure the effective governance of the learning/training investment for the RCMP.
9. To affirm, prioritize, modify Divisional learning investment priorities in support of Operations.

**Board Members:**

The role of Board members is to:

1. Review and approve the Regional/Divisional Annual Learning Plan for submission to HQ Learning & Development. This includes providing a challenge function for all learning and training activity included in the Plan.

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2. Review and recommend changes/revisions to the RCMP Learning Policy.

**FREQUENCY OF MEETINGS:**

The Board will meet twice a year consistent with the annual Business Planning Cycle. The Board may meet on a more frequent basis should exigent circumstances arise.

**PROCESS:**

Notification of upcoming meetings will be undertaken through the OIC Pacific Region Training.

- The OIC Pacific Region Training will ensure the provision of secretariat services to the LIMB including: briefing material and agenda; recording of the minutes; preparation of records of decisions/recommendations; and any necessary monitoring and follow up activities.
- All briefing/presentation material, including agenda will be distributed to the members at least one week prior to the meeting.

*Original signed by*  
2007-01-24

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A/Commr. Al MacIntyre  
"E" Div Criminal Operations Officer

*Original signed by*  
2007-01-24

\_\_\_\_\_  
C/Supt. Bill Dingwall  
OIC - PRTC

*Original signed by*

\_\_\_\_\_  
A/Commr. Gary D. Bass  
Deputy Commissioner - Pacific Region &  
Commanding Officer, "E" Division

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**G. 2009 Meeting Schedule – Revised**

ADM-Director Begg advised that there would be a second Police Honours night in Victoria in February due to the large number of recipients for 2007. He questioned whether the criteria needs to be tightened as there were several large group nominations where many members were nominated for the same incident.

**6. CORRESPONDENCE**

- A. Letter to Kevin Begg re: Organized Crime Initiative
- B. Letter from Kevin Begg re: Domestic Violence eLearning Initiative

RCMP Consult

**7. OTHER BUSINESS**

**Mr. Big Media Release – Further discussion from Closed meeting agenda**

A/Commr. Al Macintyre advised that a number of Mr. Big scenarios had caused much media attention. The RCMP in Ottawa issued release across Canada which was intended to set the record straight on excessive historical media coverage that has misrepresented the true nature of the program, its values and objectives. It was a national issue that had to be acted upon. Risk was evaluated and at any given time, Mr. Big operations were in progress while the articles appeared in the newspapers. The underlying theme was to be accountable to the Canadian public and to demonstrate that the RCMP conduct these operations within the rule of law. There was a discussion about consulting on issues like this when possible between the RCMP and Municipal police.

**ADJOURNMENT**

**Motion: To adjourn the BCAMCP meeting.**

**Moved: C/Cst. Egan Second: D/C/Cst. Chadwick**

**CARRIED**

**Adjourned: 1:15 pm Back into a CLOSED meeting for a presentation from Police Services Division.**

***Standing Items for future meetings (until further notice to remove)***

- 1) *PSD Monthly Update - A/D/M - Director Begg*
- 2) *Proposed Amendments to Police Act (for updates) – ADM-Director Begg*

***Bring forward items for next meeting:-***

- 1) *CACP Membership – C/Cst. Rich*

B.

S.16

**C. Top Secret Security Clearances for Integrated Units  
– A/Commr. McIntyre**

RCMP Consult

A Municipal member made [15(1)] aware of the fact they were being asked by the RCMP to undergo an on-line secret security clearance process. A direction was issued by [15(1)] to the OIC of the Gang Task Force that the members he represented would not be securing this clearance as there is no need for it since they have already been cleared in their departments. A/Commr. McIntyre advised that they needed to validate the clearance because they are bound under national security regulations. He also noted that this requirement is outlined in the MOU's.

Everyone is still working on their projects at this point and things are being risk managed. D/C/Cst. LePard will review the correspondence from Mr. Stamatakis.

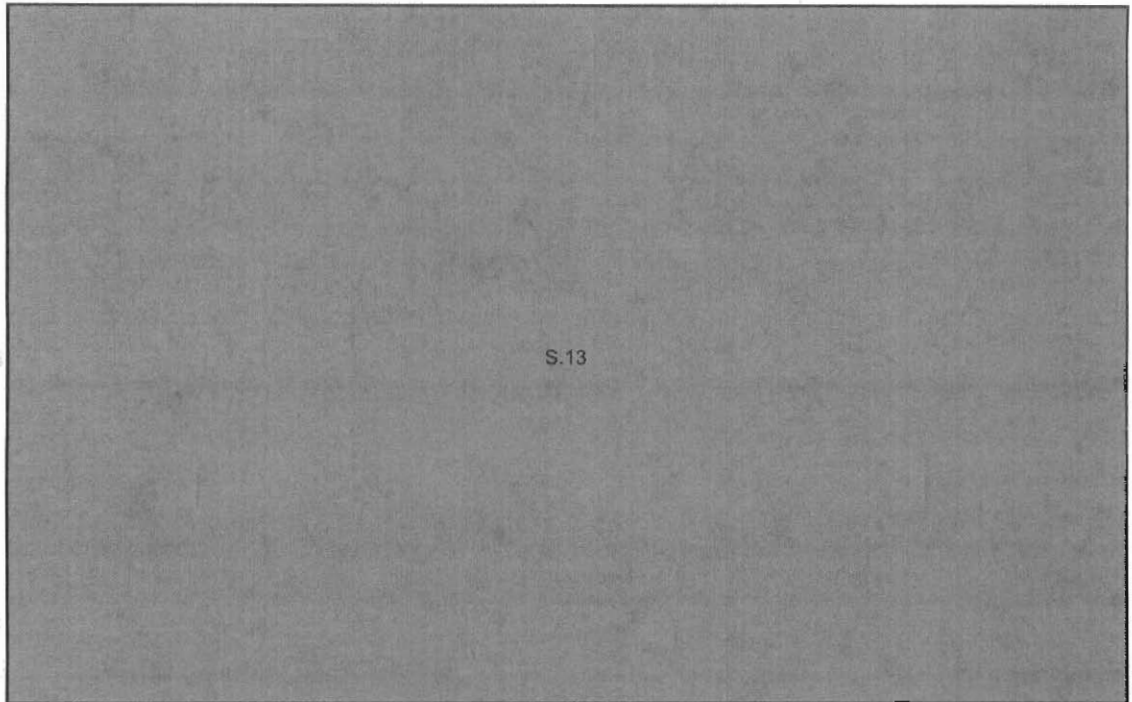
**D. Proposal for a meeting between BC Chiefs and Alberta Chiefs  
– D/C/Cst. Pecknold**

He would like to propose a meeting where BC and Alberta chiefs meet to discuss common issues. Mike Voight is the chair for Alberta and is supportive thus far. It will be discussed further tomorrow at the BCACP meeting.

**E. BCAPB Meeting – C/Cst. Rich**

*For information:* The BCAPB conference is being held this weekend in Vancouver. There will be a joint session between the Chiefs and Police Boards where amendments to *Police Act* in reference to regulatory power will be discussed. C/Cst. Rich suggested that the governance of organized crime integrated teams also be added to the agenda.

C.



S.13

**D. Firearms Team**

A/Commr. Macintyre advised that the original Firearms Team was to be a S.15 member team as part of CFSEU-BC but had not been staffed yet. The new model, with a total of S.15 seconded members will become additional positions in the new CFSEU. The Municipal PDs feel they need to see the total requirements for the new CFSEU before responding. A/Commr. Macintyre wants to ensure inclusiveness for the Municipal Departments.

C/Cst. Graham commented on a recent Crown Liaison meeting where it was reported that the Federal Government states that courthouses are too busy and cannot intake more charges. They are looking at chronic offenders and possibly fast-tracking them through court first. Mark Tatchell commented that we need to be more proactive regarding the number of appearances. Sometimes three or four appearances are scheduled before the trial begins because the accused or a witness doesn't show up for court.

**11:45 – lunch break**

*ADM-Director Kevin Begg arrived.*

2. **ADOPTION OF MINUTES**

**Motion:** That the Minutes of the BC Association of Municipal Chiefs of Police Regular Meeting of July 14, 2009 be adopted as circulated.

**Moved:** C/Cst. Gaudet      **Seconded:** C/Cst. Hames      **CARRIED**

3. **PRESENTATIONS**

RCMP Consult

**A. Police Involved Shooting / In-Custody Death Investigations  
– C/Supt. Craig Callens**

Before discussion ensued with the additional guests and members who joined the Regular meeting, C/Cst. Rich advised that the BCAMCP discussed this issue in the Closed meeting and they have formed a committee.

C/Supt. Callens advised that the Police Investigating Police – Final Report by Paul Kennedy, provoked thoughts and discussion by the RCMP about creating an investigation unit with civilian oversight.

He asked for the BCAMCP's thoughts on an interim strategy regarding the public debate of police investigating police. The new RCMP national policy will be received soon which will dictate that in serious incidents where there is serious injury or death - or an in-custody death, there will be an operational requirement to conduct an external investigation – if that's not feasible, then external oversight, or external review would be utilized.

The RCMP want to determine if it's feasible to form a Municipal team of investigators which the RCMP could call upon to investigate matters that meet a certain threshold. This could also work in reverse, i.e. to have an RCMP investigative team that could assist Municipal departments. Costs would be paid by the Department requiring the investigation.

C/Supt. Callens suggested there would be a degree of understanding where members would be ready to be called upon to begin an investigation. They looked at an RCMP only team that would travel and do investigations throughout BC. Members from Major Crime and IHIT could be used and it is estimated that it would require a team of 16 members full-time. An interim strategy was discussed where we could use the new model for critical, high profile incidents and continue to use our current procedures for more minor files.

C/Cst. Hames commented that there is a team of Victoria members and RCMP members who investigate homicides and serious crimes on Vancouver Island.

C/Cst. Rich advised that a committee has been formed and they will meet and report back ASAP.



C/Cst. Graham recommended that this motion should go to the BCACP also for referral to the Law Amendments Committee. He suggested it will be tough to get the Act changed. The drive should be through the Law Amendments Committee. He commented that 100% of people who apply for Pardons receive them as there is no one to step up and deny the request.

BC Govt. consult

S.16

D/C/Cst. Pecknold is on the Law Amendments committee and commented that CCRA has just completed a full review. The LAC agrees on mandatory minimums. They will be meeting with Judges in Montreal for a Chronic Offenders Symposium next year. He will invite the BCACP to identify areas to include on agenda for this national symposium.

VPD Consult

C/Cst. Chu commented that if we don't parole offenders there won't be enough room in prisons to keep everyone in custody. Mr. Stabler commented that it costs more in policing costs and insurance when offenders are released and re-offend.

BC Govt. consult

S.16

C/Cst. Graham commented that a proposal needs to be delivered to politicians.

C/Cst. Rich asked if D/C/Cst. Pecknold could assist the BCAMCP with developing a response. To be brought forward to BCACP in November.

#### 4. OLD BUSINESS

##### A. Privacy Complaint – 22(1) Appeal

C/Cst. Graham reported that this is progressing well and will report further developments as they occur.

RCMP consult

##### B. Pacific Region Training Centre – Structure and Funding Guest: C/Supt. Bill Dingwall

C/Supt. Dingwall and A/Commr. Macintyre are Co-Chairs of the Learning Investment Unit. This Unit provides oversight to the Government for training and incremental requests in the Region. Training that takes place at PRTC is funded on a cost recovery basis.

The PRTC facility is 70 acres of owned property and 10-15 acres of leased. A 25 year master capital plan is in place. There was contemplation toward collaboration with Corrections and CBSA but it is not currently advancing. The PRTC is

Page 3



RCMP Consult

working on having an indoor range with funding being sought from Ottawa and is hopeful that it will be completed in 3 years. The buildings are currently being re-roofed with costs being covered by Ottawa. RCMP members receive training with Municipal, Provincial and Federal resources. When a Provincial member receives training, funds come from Provincial portion of funding, etc. PRTC has approx 110 staff. In addition, there are IT staff, Hotel staff, and Corp Commissionaires who provide security. Food services are contracted out.

S.16 - BC Gov't Consult

C/Cst. Graham asked if the Island can form its own unit on the South Island. C/Supt. Dingwall commented that they are currently trying to secure training locations off-base from PRTC .

Mr. Hovbrender commented on Ontario's Major Case Management course which is recognized as being very good and is offered through CPC. Unfortunately the RCMP does not recognize the course which indicates that mandatory standards are necessary. C/Supt. Dingwall advised that PRTC has made big investments in Management and Leadership courses to encourage members to use PRTC instead of traveling to CPC in Ottawa.

C/Supt. Dingwall commented that RCMP medical exams are done at PRTC. It is cost effective to cover medical tests, hearing tests, lab tests, etc. all in one location. D/C/Cst. Pecknold asked about PRTC's medical costs and C/Supt. Dingwall advised it costs \$1,000 plus transportation and accommodation. A/Commr. Macintyre added that a member spending one full week at PRTC can obtain all annual qualifications and medical, which saves money in the long run.

**C. BC Independent Investigative Unit – Update**

C/Cst. Rich, D/C/Cst. Pecknold and D/C/Cst. Sweeney have held a preliminary meeting for this committee. C/Cst. Rich invited anyone to stay for the 11:30 meeting today. He advised that concepts are being developed. One idea being discussed is splitting costs for members, vehicles and Admin support amongst all the participating Departments / Detachments.

**D. BC Municipal Undercover Program – Funding**

D/C/Cst. LePard advised that the details of the MOU have been worked out. ADM-Director Begg commented that it may be a few more weeks before it's confirmed. D/C/Cst. LePard added the demand is very great for the services of this unit. VPD is currently funding a third position.

**D. Replacement of Datamaster with Intoximeter**

C/Cst. Maluta raised discussion regarding the Datamaster which is seemingly becoming defunct. It appears to be a National issue looking for a new instrument. Police have been using the Datamaster for a longtime which is well accepted in court. A new instrument would require training and building trust in court. It could cost \$1.7 m to install Intoximeter. The Datamaster has never been a problem.

C/Cst. Chadwick added that he understands that the ability to service Datamaster will not be available in three years. It requires frequent calibrating and maintenance. The Intoximeter is less expensive and requires less maintenance.

RCMP E Division is looking for a financial commitment from the BC Government to purchase new equipment. A/Commr. Macintyre believes the issue is due to service. The Intoximeter is being suggested as a long term solution to replace the Datamaster as they need replacing. Mr. Hovbrender is working with Traffic Safety Committee to develop training standards. It will be a burden on all Departments to re-certify everyone and it will be problematic if there's a lack of funding.

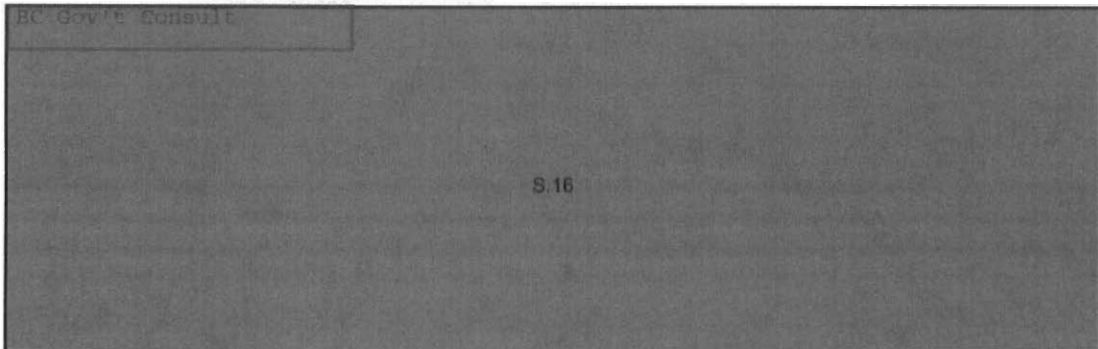
**E. MOU with OPCC re: Criminal Investigations**

D/C/Cst. LePard asked for a consensus on this MOU. C/Cst. Graham had some concerns and is waiting for a submission from Steve Ing, of Victoria PD before suggesting an amendment. C/Cst. Graham advised that he will probably not use the OPCC but would prefer to get an independent legal opinion on such matters.

The MOU provides the BCAMCP with the option of soliciting an opinion from the OPCC. It is not a direction, but a choice. D/C/Cst. LePard advised that he sent a file to the OPCC for a review and was advised that they were satisfied that the member's conduct was appropriate in the circumstances. The file was then sent to Crown and was concluded.

D/C/Cst LePard will ensure the wording is worked out and get the MOU ready for the BCAMCP to sign.

**F. Sheriffs – 2010 Olympic Security**



2. ADOPTION OF MINUTES

Motion: THAT the Minutes of the BC Association of Municipal Chiefs of Police, Regular Meeting of 17 November 2009, be adopted as circulated.

Moved: C/Cst. Zapolichny Seconded: D/C/Officer George Beattie  
CARRIED

3. PRESENTATIONS

A. ASSISTANCE TO SHELTER ACT – BILL 18

Cst. Jodyne Keller, Vancouver Police Department, and Lori Dennis and Dominic Flanagan from BC Housing, gave a 20 minutes presentation on the Assistance to Shelter Act Bill 18 (2009).

The intent of the legislation is to assist vulnerable people and provide police with the authority to intervene in extreme weather conditions.

The presentation was followed by a question and answer period. One alarming statistic provided was that there are usually vacancies in the shelters.

B. <sup>RCMP Consult</sup> POLICING COMPLEXITIES PROJECT – Dick Bent

Dick Bent addressed the meeting regarding a Policing Complexity Feasibility Study that is underway and introduced his fellow presenters 22(1) SFU and Kjerstine Holmes from Police Services.

The study is carried out by the Institute of Canadian Urban Research Studies (ICURS) in conjunction with Police Services Division and Stats Canada and is looking at developing an index for various ways or measures to determine what the impacts are on the complexities of policing.

The study will be divided into two categories:

- RTCC's - when an RTCC comes in to see how many resources are required for that RTCC.
- Prosecutions

The project is in the very early stages with no real clear definitions of what the drivers of the complexity of policing are.

The team will be asking senior managers to specifically identify what tools they use to look at the complexity of various work:

- What do you extract from PRIME, JUSTIN, and how do you use that?
- Build on more than the Crime Severity Index. There are lots of variables in each type of crime.
- What makes police work more difficult now than 10 years ago.
- Every call for service takes more time than it used to, what makes the process more complicated. The study will try and track this.
- The expanding requirements of warrants are adding to the complexity of policing. Things that are supposed to speed things up, like computers in cars, slowed things down.
- How much officer time is used up by taking an intoxicated person to Emergency?

The study will have several different objectives:

1. Stats Canada's objective is to get measurements that would parallel the Crime Severity Index to reflect the difficulty of doing the job.
2. From a Provincial perspective, SFU is working on a model of the Criminal Justice System used to test policy and resource alternatives. Policy is reflected by calls to police, the time spent on calls cleared and reports to Crown Counsel; needs to be more complex.
3. Analyze some types of cases, situations, including non-crime calls that have to be dealt with and feed those in. Instead of simple boxes have boxes that really reflect what goes on.

The project has national implications with BC taking the lead role. Kjerstine Holmes is the Project Manager for Police Services on the project.

A joint study was done a few years ago between two schools, and that study was one of the starting points. The project went forward across the Province, did exercises with current and retired members studying 2 ½ years of cases.

For example, a simple *possession drug bust* went from 4 steps to approximately 65 steps, whereas *break and enters* changed the least going from 4 to 8 steps.

Supt. Pat Fogerty advised that CFSEU started a project on the steps that they take in Canada compared to other countries. An index was created noting all the items that have to be done pursuant to an investigation. Mr. Brantingham would like to see a copy of the study and any other research projects that anyone would be interested in sharing to assist the study. Studies can be anonymous.

The study is not at the check list stage yet, but hope to come back with a check list in a week or two.

After the presentation Mr. Brantingham answered questions from the committee:

- The starting point for the study would be from 2007 and 2008 the date when all agencies went on PRIME.



- D/C/Cst. Pechnold offered his assistance to Mr. Brantingham on the complexities around the Police Act and Disclosure.

Mr. Brantingham asked for volunteers to form a sub-committee to assist in the Feasibility Study for laying the first ground work. The following volunteered to form the committee:

1. C/Cst. Lepine
2. D/C/Cst. Naughton
3. D/C/Officer Beattie
4. C/Cst. Brad Parker
5. A/Comm Al Macintyre (or designate)

Mr. Bent, Mr. Brantingham and Ms. Holmes left the meeting at 11:50 am

4. **OLD BUSINESS**

A **BC Municipal Undercover Program – Update on funding - TABLED**

This item was tabled to the next meeting, however, Mr. Tatchell advised that the funding for this program depends on the 2011 budget which is not available at this time.

Presently there is one body on loan, in addition to Mike Serr's position. C/Cst. Chu will get the details and draft a memorandum.

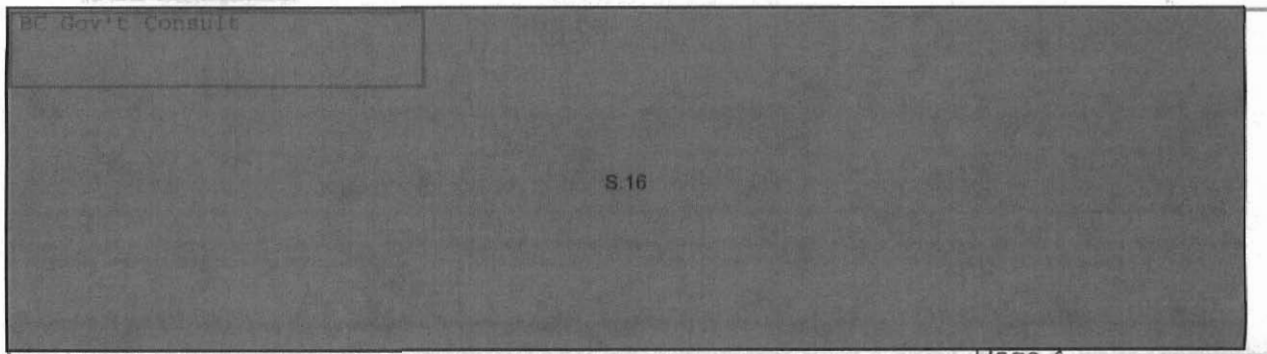
B **OPCC/BCAMCP MOU – Update on final version for signing**

The OPCC have reviewed the document and their input changed a few sections. The goal is to have the document signed off today. D/C/Cst. Lucy circulated copies of the OPCC-BCAMCP MOU for signature. All in attendance agreed to sign the document. The MOU will be forwarded to those individuals not in attendance.

Committee members do not want to see the document go public at this time. D/C/Cst. Lucy will follow up with the OPCC to determine if the document will be released and will report back.

Follow up next meeting

5. **NEW BUSINESS**



Page 4

A. None

RCMP Consult

4.

A.

**OLD BUSINESS**

**BC MUNICIPAL UNDERCOVER PROGRAM – UPDATE ON FUNDING**

Supt. Rothwell briefed the BCAMCP on the status of the BCMUCP.

An application was in to Police Services to increase the size of the BC Municipal Undercover Program, first of all by five (5) and then by three (3) members. Supt. Rothwell is asking for support from the BCAMCP to determine the status of the program from Police Services, and to secure the funding.

Presently there is one Acting Sgt. and one Acting Corporal in the Unit, however, a S/Sgt. is needed to look after the administrative tasks. With only two investigators the program is hampered and can only do a small part of what they want to accomplish. In 2009 alone the number of files increased by 22% with a number of great successes. BCAMCP agreed that most have used and benefited from the program.

C/Cst. Graham suggested that a letter be sent from the BCAMCP to Police Services, requesting clarification on whether or not they will provide the funding for the BC Municipal Undercover Program, and when it will be available.

Supt. Rothwell will draft a letter for C/Cst. Parker's signature.

S.16 - BC Gov't Consult

**Motion:**

**THAT the BCAMCP forward a letter to Police Services requesting the status of the BC Municipal Undercover Program, and when the funding will be made available.**

**Moved: C/Cst. Maluta Seconded: C/Cst. Graham....CARRIED**

**Meetings with Solicitor General**

Further to this discussion, C/Cst. Cessford would like the BCAMCP to have structured meetings with the Solicitor General, invite him to come and talk to us on topical issues. Meetings could be quarterly or every six months.

**ACTION**

D/C/Cst. Pecknold is meeting with the Solicitor General on 23rd March, and will use this opportunity to raise this issue.

- 10-8 Newsletter – Mike Novakowski has been producing the newsletter for ten years and has asked for an increase in the honorarium. Any ideas for the newsletter please forward them to Mike.
- The Academy is moving towards paper free. Students will be using laptops commencing with the March 29<sup>th</sup> class.
- Two new courses will be available in Block 3:
  - LGBT (Lesbian, gay, bi-sexual and transgender), and
  - Police Ethics and Professionalism.
- Looking for new location for Driver Training. If any one knows of a 20 acre industrial area please contact Mr. Hovbrender. Prefer to stay within the GVRD to keep costs down.
- Advanced training was closed down from January to March because of the Olympics.
- Partnered with OPP and CPC for courses this year.
- UCO Level 2 course – expensive course. At the last minute Police Services said they weren't going to fund it.
- Put together a course training business case to Police Services for training on the new Police Act over 3 years ago. Police Services has pointed out that the responsibility of the training funds belongs to the Office of Police Complaints Commissioner. The one day workshop that they put on is not sufficient to provide a standardized investigation protocol for Professional Standards investigators, Discipline Authorities or outside agencies delegated to conduct Police Act investigations.
- No funding for the Intoximeter - new breathalyzer machines.
- Crisis Intervention and De-escalation Skills training curriculum is in the early stages of development and we are working with Police Services Division and PRTC.
- Mr. Hovbrender is looking for funds for the Assessment Centre, and asked for feedback on the Centre.

6. **CORRESPONDENCE**

None

7. **OTHER BUSINESS**

8. **ROUND TABLE**

RCMP Consult

- A. **A/Comm McIntyre**  
**G8 AND G20 - DEERHURST AND TORONTO, ONT.**  
 Security force of some 17,000 required for the event.

As requested by the RCMP G8/G20 Coordinators in "O" Div, "E" Division's RCMP commitment to G8/G20 is around 1382 members.

Plan on using 85 % ratio from the RCMP federal business line then we will require less resources from other business lines such as RCMP provincial and RCMP municipal (roughly 10-15 percent). Furthermore, we are also tapping into resources from PRTC, corporate and administrative areas.

The deployment of members will include ERT, Public Order, PDS and other

Page 6

RCMP Consult

specialized units such as VIP and Marine Units.

Once the specialized teams have been identified for deployment then this will follow with general deployment.

22(1)

RCMP Consult

A/Comm Macintyre's purpose in alerting the BCAMCP was to advise that this is a huge event and that PD will also be approached by the OPP and the Toronto Police to assist.

C/Cst. Chu advised that they are looking for volunteers, but there is a union issue, however, will do what they can to support the event.

**B PBL for 2010**

No funds for public safety across the board, nothing for growth and no new positions. Continuing the program for Air1 and Air2

RCMP Consult

C/Cst. Maluta asked A/Comm Macintyre if the RCMP will be coming under the jurisdiction of the OPCC down the road. A/Comm Macintyre advised that the RCMP Act would have to be re-written. There are a team of people working on a number of items, discipline, pension, but he is not sure of the status to date.

**C OLYMPICS**

C/Cst. Cessford congratulated VPD on their outstanding work during the Olympics. All concurred. C/Cst. Chu thanked all the agencies for their support.

**D C/Cst. Lepine**

Questioned the procurement of the new Data masters.

A/Comm Macintyre advised that the matter was in the hands of the Chair of the Traffic Safety Committee. They are in the process of trying to negotiate a good deal, however, can't secure same kind of funding as the RCMP received.

**McNEIL POLICY**

C/Cst. Lepine asked if other agencies had implemented the McNeil Policy:

Abbotsford PD – has a directive – the policy is not going to be the same. D/C/Cst. Lucy will come back to this group when it is completed.

Saanich PS - Identified McNeil officers, and those officers will be disclosed to Crown by SPS.

Delta Police Department has fully implemented the Policy.

New Westminster Police Service – Mirrored the VPD policy. Canvassed the members back 5 years on self disclosure, complaints, etc., and received 100% compliance. New recruits have to fill out a 5 year disclosure.

The BCAMCP did adopt the Vancouver McNeil Policy.

**E BLUE LINE MAGAZINE ARTICLE**

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2. The members will be given the right to correct any statements that were mistranscribed [sic]. ✓
3. The member must also be given the opportunity to correct any errors or misstatements the member may have made during the interview and that such corrections will be included in the Final Investigation Report. ✓
4. The agreement must also provide that the investigation will not be concluded until the member has had a reasonable opportunity to exercise these rights. ✓

If the investigator refuses these requests members will not participate in the interview. In the context of a Police Act investigation the BCPA sees no legal or procedural justification for a video taped interview, and as such members will not participate in such an interview. X ?

#### Disclosure

→ 6-2nd or weekly  
The BCPA has stated the amended *Police Act* does not address how much disclosure a member is entitled to prior to providing a statement. The BCPA believes there is an implicit requirement under the *Police Act* for an investigator to provide a member with "reasonable" disclosure prior to engaging the "duty to cooperate" (section 101). It seems the BCPA has defined "reasonable" as all pertinent/relevant information related to any allegation. It requires all relevant information in the possession of the investigator to be disclosed to a member (including a witness member) prior to a member providing a statement or attending for an interview. X

The Vancouver Police Department (VPD) recently received an opinion after the Vancouver Police Union invited a response from the Professional Standards Section with respect to statements, interviews, and disclosure. In conclusion and based on the advice received, the VPD believes there is an inherent risk in each municipal police department negotiating an agreement with its respective union. It is quite conceivable an example of unfair practice would arise based on one department's agreement to certain parts of the BCPA's position paper that another department opposed. The VPD strongly believes a unified agreement reached between the BCAMCP and the BCPA will uphold the principles of fairness and recommends a discussion on this topic at the next BCAMCP meeting.

If you have any questions regarding the above, please feel free to contact me at 604-717-2955.

Sincerely,

  
Jim Chu  
Chief Constable

/kc

11:45 a.m. - Break for lunch  
Meeting re-convened at 12:06 p.m

**E. TRAFFIC SAFETY-ADMINISTRATIVE SANCTIONS**

C/Cst. Graham addressed the group on an issue that came up at the Traffic Safety Committee and will be discussed at the BCACP meeting tomorrow, that has the propensity to cause some issues.

The current IRP legislation gives police the authority to immediately issue a 3 day suspension, plus tow a car if an individual blows a warn. The issue is the Approved Screening Devices (ASD's) have a built in margin of error at the low end reading.

C/Cst. Graham has been assured this variance was built into the legislation, and that these instruments have had this variance since 1975. Up until 3 months ago the warning had little significance, now with warn readings, penalties are so serious people are waiting to challenge.

Inspector Diack agrees that we have an ethical dilemma. We are putting our officers on the road with an ASD that you cannot be certain if the reading is 0.05 or 0.08. C/Cst. Graham believes that we may have to recalibrate all these ASDS, and send them back to the factory.

A development of a fund to pay back all the tow bills was on the table, and then taken off the table. We have a business case with Dav Tech, ready to pull them in but we were asked to wait.

RCMP consu

S.13

BC Gov't Consult

S.16

BCAMCP agreed to have a collaborative response in the event this goes public and to come up with some consistency on how to deal with cars that have been towed. The previous fines become a government problem.

**F. LAW ENFORCEMENT TORCH RUN**

A workshop is scheduled for 22 November 2010 in Burnaby. The program has been on the decline and D/C/Cst. Beaudoin and D/C/Cst. Lucy asked for support from each agency to recommit to this event.

**G. REGIONAL CLIENT CONSULTATION COMMITTEE**

D/C/Cst. Beaudoin addressed the group on an issue that came up at the last meeting of the above committee relating to a new threshold for DNA samples measuring in pictograms.

With this new scientific development samples that were previously of insufficient DNA concentration for analysis can now be utilized for further analysis in unsolved cases.

The plan is for a sub-committee to be formed comprising of two Municipal Police

*C/Cst. Rich departed the meeting at 11:14 a.m.*

**B. No monthly report from PSD**

**C. PTGSC/PACC MEMBERSHIP**

The Police Training Governance Steering Committee has vacant seats due to members retiring and Ms. McNally is looking for volunteers. The Police Academy Chief's Committee meets directly after the PTGSC and Ms. McNally suggested that volunteers sit on both committees. The committees meet monthly and can be done by conference call.

D/C/Cst. Rattenbury, Port Moody Police and A/D/C Officer Brian MacDonald, Transit Police volunteered to sit on both committees.

**RCMP Consult**

**D. USE OF MUNICIPAL FUNDS REQUEST BY RCMP TRAFFIC/GV IRSU**

D/C/Cst. Jones received a telephone call from Jan Staples. At the last GV IRSU Meeting a discretionary request came from Supt. Norm Gaudet, RCMP. Supt. Gaudet requested that D/C/Cst. Jones bring this to the BCAMCP and ask that we forego the municipal funding of \$750,000 because of budget shortfalls and that these funds be returned for use to the IRSU units. The funds would be used for evergreen items and vehicles.

IRSU is having budget reductions, and in order to alleviate some reductions they have shut down some IRSU units in the province, their budgets have been cut in half. They did ask us to review this request and come up with a decision if we could assist them for one year only.

This request is premature at this stage as budgets have not been finalized yet.

**E. ROAD SAFETY ADVISORY COMMITTEE AND IMPACT POLICY BOARD VACANCY**

Due to the impending retirement of [REDACTED] 22(1) there will be a vacancy on these committees. Both committees are chaired by ADM-Director Begg. One of the roles of the Policy Board is to endorse who the OIC of IMPACT will be and deals with a very significant budget that comes from ICBC. Committee meets four times a year.

Wayne Holland was the OIC of IMPACT before his promotion to Chief Constable at Nelson PD, and C/Cst. Zapotichny took it upon himself to approach C/Cst. Holland.

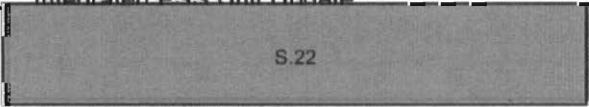
BCAMCP unanimously supported the appointment of C/Cst. Holland to the Road Safety Advisory Committee and the IMPACT Policy Board.

## B. C. ASSOCIATION OF MUNICIPAL CHIEFS OF POLICE

Tuesday, 15 February 2011 at 10:00 am

Pacific Region Training Centre, Chilliwack  
Building 1102 - Room 218

### AGENDA – Regular Meeting

ITEM	Attachment	PRESENTER
1.	<b><u>ADDITIONS TO AGENDA</u></b>	
2.	<b><u>MINUTES OF BCAMCP MEETING</u></b>	
✓	A. Adopt minutes of Regular meeting held on 11 January 2011	C/Cst. Graham
3.	<b><u>OLD BUSINESS</u></b>	
✓	A. BCMUCP – Financial Update	D/C/Cst. Lemcke
	B. Use of Force Instructor/Recertification Processes	D/C/Cst. Jones
	C. Use of Force Coordinator	D/C/Cst. Lemcke
4.	<b><u>NEW BUSINESS</u></b>	
	A. Monthly Report - Ministry of Public Safety and Solicitor General and Police Services Division	Lynne McNally
	B. Request by RCMP Traffic / GV IRSU – Use of Municipal funds designated for Enhanced Counter Attack programs 2011. <ul style="list-style-type: none"><li>RCMP (Supt Gaumont) has asked if the approx \$750, 000 in funding designated for use by Lower Mainland Municipal Police Agencies for Enhanced Counter Attack be returned for use to the IRSU units due to budget shortfalls.</li></ul> <p>(This request was verbally presented at the January GV IRSU Joint management Meeting.)</p>	D/C/Cst. Jones
	C. PTGSC/PACC membership	Lynne McNally
	D. Road Safety Advisory Committee and IMPACT Policy Board - vacancy	D/C/Cst. Jones
	E. Integrated PSS Unit Update	D/C/Cst. Lemcke
✓	F. 	C/Cst. Paul Hames
5.	<b><u>CORRESPONDENCE</u></b>	
✓	A. BCAPB Executive and Conference – Nelson, BC May 5-7, 2011	
6.	<b><u>OTHER BUSINESS</u></b>	

2.

#### **OLD BUSINESS**

##### **A. REQUEST FOR ASSOCIATE MEMBERSHIP**

22(1)

##### **B. WORKING GROUP UPDATE**

C/Cst. Cessford advised that work has commenced on forming this group with D/C/Cst. Lemcke and Darryl Plecas and discussions have taken place on developing police effectiveness. C/Cst. Cessford will bring something back to the table fairly quickly.

*At this point A/Director Ciaccia, C/Supt. Armstrong and Shabnem Afzal, Police Services joined the meeting.*

3.

#### **NEW BUSINESS**

##### **A. POLICE ACADEMY CHIEF'S COMMITTEE (PACC) Presentation**

D/C/Cst. Drinovz gave a 20 minute power point presentation on the Police Academy Chief's Committee (PACC).

The structured response to BC police training issues has resulted in four initiatives:

- Braidwood Recommendations Implementation Committee (BRIC)
- Police Provincial Learning Strategy (PPLS )
- Police Training Governance Steering Committee, (PTGSC)
- Police Academy Chief's Committee (PACC )

The committees have been looking at the erosion of public trust, critical issues and next steps. PACC will provide options, in consultation with stakeholders to overcome the issues.

Governance was discussed and the need to have it clearly defined what the JIBC is accountable for. No conclusions have been reached yet, however, the committee will bring some recommendations back to the BC Chiefs. A survey was done 18 months ago; feedback suggested that the Director of the JI should report to some sort of board. There hasn't been a police representative for some time on the JIBC Board of Governors.

Funding is a critical issue. Currently the grant from Police Services is under 2 million a year. Last week the academy provided the committee with about 23 documents that relate to funding. These documents are being reviewed and a list of follow up questions are being developed to forward to JIBC for clarification on the documents.

A/Director Ciaccia advised there are class debriefs after each graduation. The general feedback is that the training has prepared them for the job. Comments have been made regarding the tuition fees, some wish it was the way it used to be, while others recognize that they are receiving pay while training.

##### **VPD Consult**

D/C/Cst. LePard commented that he is surprised that no one is suing saying that it is our responsibility to pay the tuition under the Employment Standards Act. D/C/Drinovz advised that the legislation was amended to allow the JIBC to charge for training.

A/Director Ciaccia advised that for years the JI operated on the grant letter; *for a set amount we want you to provide recruit training*. It needs to closely resemble what is in place and provide to the Director of the Academy more direction. In terms of what the actual training looks like is somewhat left with us. We have to be able to respond to the needs of the community, need to be able to react to issues, for example what came out of the Braidwood enquiry, while realizing that there are municipal budgets we have to be

Page 2



**C. PUBLIC SAFETY COOPERATION PROTOCOL BETWEEN THE FIRST NATIONS SUMMIT AND THE BCAMCP**

The Agreement was originally signed by the former President of the BCAMCP, C/Cst. Rich. If no one has any objections C/Cst. Parker will forward his signature on the renewal document as the current President of the BCAMCP.

**D. CAMASO CIVIL COURT RULING**

C/Cst. Chadwick thanked everyone for their support. An appeal was filed on 04 May 2011. Have to wait 30-60 days before we find out if we will file a cross appeal. Mike Hargreaves was the prosecutor for the original trial.

We are obligated to take it to Council under the Police Act, to get their concurrence. We did that and they accepted the recommendation of staff to appeal the decision. We have received support from the BC Police Association. C/Cst. Chadwick will keep the committee apprised of future developments.

**E. SECONDMENT OPPORTUNITY – BC POLICE MISSING PERSONS CENTRE UNIT**

The position is going to be filled this month and is being handled by Human Resources.

**F. REPORT IMPAIRED DRIVERS CALL 9-1-1-**

C/Cst. Cessford was approached by Mothers Against Drunk Driving (MADD) to participate in their program to educate the public to dial 9-1-1 to report suspected impaired drivers.

MADD had a very successful project in Nanaimo and based on that success they approached Delta to kick this off. E-Comm would like to be involved in it.

**RCMP Consult**

Norm Gaumont has gone to the RCMP detachments in the lower mainland to get their support, however, a lot of detachment commanders are not committed to the program. If the BCAMCP and BCACP support the program maybe the RCMP detachments will be convinced to support it.

The BCAMCP support the program in principal, but there needs to be some clarification on follow up, i.e. sending letters, compiling stats for evaluation, who is compiling stats.

C/Cst. Cessford supports this program and would like to move ahead with it if the BCAMCP are in support. C/Cst. Cessford will try and arrange for Norm Gaumont and DPD's Traffic Sgt. to attend a future meeting and arrange for a power point presentation.

**G. SERVICE ANIMALS ACT – LEGISLATION PROPOSAL**

C/Cst. Chadwick is looking for endorsement by the BCAMCP in support of a change to the provincial legislation to protect law enforcement animals and to include all service animals. The Legislation passed the first reading. The letter comes from Cst. Whittaker of the Saanich Police Canine Unit who was approached by Wes Shoemaker, Deputy Minister of Agriculture. The next step is to bring this up with the BCACP.

D/C/Cst. LePard advised that the VPD membership support this and VPD recently put forward a resolution to the Police Board to take to the CACP.

**MOTION:** That C/Cst. Parker write a letter of support on behalf of the BCAMCP supporting a proposed change to the Provincial Legislation to protect law enforcement animals through amendments to the Criminal Code.

**Moved by C/Cst. Chadwick    Seconded by: C/Cst. Jones    CARRIED**

Chief Constable Parker will draft a collaborative letter of support from the BCAMCP.

S.13, 15 - VPD Consult



S.13, 15 - VPD Consult

S.13, 15 - VPD Consult

S.13, 15 - VPD Consult

S.13, 15 - VPD Consult

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S.13, 15 - VPD Consult

4F.



Royal  
Canadian  
Mounted  
Police

Gendarmerie  
royale  
du  
Canada

Major Crime Section  
12992 - 76th Avenue  
Surrey, British Columbia  
Canada V3W 2V6

Security Classification / Designation  
Classification / Désignation sécuritaire

Protected "A"

April 14, 2011

Supt. Jim GRESHAM, Officer in Charge  
"E" Division Major Crime Section  
12992 76th Avenue  
Surrey, BC V3W 2V6

Your file

Voire référence

Our file

Notre référence

Supt. Tonia ENGER  
OIC North Van and President of the BC Chiefs of Police  
147 E 14th St.  
North Vancouver, BC V7L 2N4

Supt. ENGER,

We are requesting your assistance to fill a vacant Constable position in the BC Police Missing Persons Centre Unit. We are looking to have a Municipal member seconded into the position. The following is the job description:

The mandate of the BC Police Missing Persons Centre is to provide guidance and support to investigators during the course of missing persons investigations.

This is a plainclothes position working out of E Division Major Crimes Office located at 7485-130th Street in Surrey, BC. They will directly report to a RCMP Corporal. The NCO i/c of the unit is an RCMP Sergeant.

The member is responsible for:

1. Enforcing the provisions of the CC, federal and provincial statutes, except those under investigation by special sec.; and
2. Establishing and maintaining community-based policing measures, e.g. crime prevention, promoting community relations and liaising with client groups.

The Municipal member would be required to work 9 hr shifts, and the shifts may include afternoon/evening shifts. I would also request that the Constable to have no operational restrictions that would prevent them from working, driving or carrying a firearm as expected of a fully functioning police officer. The commitment being asked for is for one year minimum, 2 years maximum.

If you know of any applicants that may be interested, could you please have them contact me at (604) 543-4850 or by email [jim.gresham@rcmp-grc.gc.ca](mailto:jim.gresham@rcmp-grc.gc.ca).

Yours truly,

(J.R.D. GRESHAM), Superintendent  
OIC - "E" Division Major Crime Section

Canada



## VANCOUVER POLICE DEPARTMENT

### Emergency Operations Planning

**Date:** 2011-06-03

**To:** Inspector Cope

**From:** DSM J. Pearson

**Subject:** Granting of a Queen's Commission to BC Municipal Police Officers

#### Opportunity

At present, the Vancouver Police Department does not have a formal ceremony that marks the promotion of an Officer into the senior ranks of the organization. The absence of a formal ceremony means that the Department is losing out on a valuable opportunity to celebrate the achievements of its members and recognize a moment of symbolic importance.

#### Executive Summary

The granting of a Commission from the Sovereign through the Governor General or Lieutenant Governor is a long standing military tradition from which the VPD will benefit. A Commissioned Officer is one who derives his or her authority directly from a sovereign power, and as such, holds a commission from that power. In Canada, senior ranking police Officers are commissioned under the Great Seal of Canada by the Lieutenant Governor of their respective province. In Canada, agencies whose Officers receive commissions include the Saskatoon Police Service, the Regina Police Service, the Ontario Provincial Police, all municipal police departments in the province of Alberta, and the RCMP. This report proposes a change to the BC Police Act that would allow the Lieutenant Governor in Council to annually authorize the issuance of Commissions under the Great Seal of Canada to each member who, in the year for which the Commission is issued, was first appointed to any one of the following ranks: Inspector, Superintendent, Deputy Chief, and Chief Constable.

#### Background

While the Military and the RCMP have long enjoyed a history of ceremonial recognition of achievement, the Vancouver Police Department has not. Recently, however, some Canadian police agencies have begun to recognize the importance of celebrating the advancement of a police member to the Officer rank, in a formal, institutionalized manner. For instance, in Saskatchewan, the Saskatchewan Police Act was amended in 2005 so that police members newly appointed to the rank of Inspector and above would receive a Queen's Commission granted by the Lieutenant Governor under the Great Seal of Canada.

## **The Great Seal of Canada**

According to the Office of the Governor General, the great seal of Canada is, "one of the oldest and most venerated instruments of our Government. Since the earliest days of our nation, Canada's most important documents have been made official through its imprint. The Great Seal signifies the power and authority of the Crown flowing from the Sovereign. The presence of the Seal melds together the notions of authenticity, authority, and the will of the Crown, while at the same time lending a certain prestige to a document".

The granting of a Commission, therefore, formally confers dignity, respect, and acknowledgement presently absent in the Officer rank today. The commissioning of an Officer allows the police department and the family, friends, and co-workers of newly promoted Officer to publicly celebrate a prestigious achievement. The commissioning of a VPD Officer also places the VPD on a level playing field with its municipal counterparts and the RCMP.

## **Recommendations**

- 1) The VPD senior executive advocate for an amendment to the BC Police Act that would allow the Lieutenant Governor in Council to annually authorize the issuance of a Commission under the Great Seal to each police member who, in the year for which the Commission is issued, was first appointed to any one of the following ranks: Inspector, Superintendent, Deputy Chief, and Chief Constable.
- 2) The VPD senior executive requests that the VPD Police Board support this amendment.
- 3) The VPD executive solicits the support for this amendment from the BCAMCP.
- 4) With the support of VPD executive, the VPD Police Board and the BCAMCP, the next step is that an understanding member of the Legislative Assembly be contacted to advocate for an amendment to the BC Police Act.

## **Sample Wording**

Suggested wording for the BC Police Act is derived from the Saskatchewan Police Act (1990) and is included below:

### **Appointment to ranks**

94.1(1) The Lieutenant Governor in Council shall annually authorize the issue of a Commission under the Great Seal to each member who, in the year for which the Commission is issued, was first appointed to any one of the following ranks:

- (a) inspector;
- (b) superintendent;
- (c) deputy chief; or
- (d) chief.

(2) In the case of a member who holds one of the ranks mentioned in subsection (1) on the day that this section comes into force, the Lieutenant Governor in Council shall authorize the issue of a Commission under the Great Seal to the member if:

(a) in the case of a member other than a chief, the minister receives written confirmation from the chief of the police service in which the member serves that the member was appointed to that rank; or

(b) in the case of a chief, the minister receives written confirmation from the board of the police service in which the chief serves that the chief was appointed to that rank.

2005, c.25, s.34.

### **Implementation Plan**

Step 1 VPD senior executive to discuss and approve this proposal.

Step 2 Proposal is brought to the VPD Police Board for further support.

Step 2 Chief Constable to solicit additional support from the BCAMCP.

Step 3 Obtain Ministerial support.

Step 4 MLA proposes amendment to the BC Legislative Assembly.

### **Financial Implications**

There should be few costs to the VPD unless the Provincial Government determines that the Commissions will be granted at a ceremony occurring in a City other than Vancouver.

### **Policy Implications**

Vancouver Police policy will need to be amended to include the process that describes the granting of a Queen's Commission, and an "Oath of Office" will need to be drafted for the newly commissioned officers.

Police Department regulations will need to be amended to include situations in which a senior officer is subjected to service discipline and found guilty of an offense. Where the penalty is demotion or termination, the officer in question would be required to resign their Commission.

*Sgt. Major James Pearson*

2. **ADOPTION OF MINUTES**

Motion: That the Minutes of the BC Association of Municipal Chiefs of Police Regular Meeting of 12 October 2011 be adopted with the following amendment:

Page 2 – re: Fugitive Return Program – Program is situation in E-Division Major Crime Unit.

Moved: D/C/Cst. Downie      Seconded: C/Cst. Lepine    CARRIED

3. **UNFINISHED BUSINESS**

A. **PROJECT PLAN FOR THE OPERATIONAL REVIEW OF THE BCMUCP**

With the expansion of the BCMUCP from 15(1) members, D/C/Cst. Lemcke reported that the Audit Unit will be looking into best practices across the country and he is looking for an endorsement from the BCAMCP to move forward on this. As there is no cost involved D/C/Cst. Lemcke was asked to proceed.

B. **ACQUISITION OF GRANDFATHERED BC POLICE MEDALS**

In the past members were given pins for meritorious service. A formal declaration was made to the government, and adopted. C/Cst. Graham has still not heard from one or two departments. If you have some older members who are eligible to get a medal for meritorious service please contact him.

**RCMP Consult**

One wrinkle in the process is that the RCMP received direction that they would not pay for the medals; if a member wanted a medal they had to pay for it themselves. If a formal declaration isn't gazetted through the federal system a member cannot wear the medal. A few other provinces have applied the same rule. Of the 300 RCMP officers who have applied for the medal, 80 have already written cheques.

C/Cst. Graham wrote to D/Comm Peter German who will be looking into this. It could become a bit of a moral issue if this became public.

A/Comm Callens has been communicating with D/Comm German and concurred with C/Cst. Graham's take on the issue.

C/Cst. Lepine suggested the solution is getting some priority attention to get the medals gazetted, however, the Herald process can take years.

C/Cst. Graham will check with 15(1) and also see if Police Services have something documented.

4. **NEW BUSINESS**

A. **MONTHLY REPORT** – Report will be presented at the BCACP meeting.

B. **NEW FAMILY ACT**

C/Cst. Rich briefly mentioned a new Family Law Act that has been introduced. The new law has a lot of implications for how police enforce family order.

C. **2012 MEETING SCHEDULE**

Saanich Police Department and Central Saanich Police Service agreed to share the hosting of the island meetings. A revised 2012 schedule will be distributed.

D. **EXECUTIVE NOMINATIONS - 2012**

The executive nominations for 2012 were discussed:



discusses themes for the following year. C/Cst. Cessford will take those comments back to Peter Cuthbert and CPMS.

If anyone has any concerns please e-mail C/Cst. Cessford.

6. **CORRESPONDENCE**

- A. Reply to ADM Pecknold re travel costs incurred by C/Cst. Holland to attend the IMPACT and Road Safety Advisory Committee Meeting.

B. **REQUEST FOR POLICE MOTOR VEHICLE STATISTICS INVOLVING DEATH AND SERIOUS HARM**

Russ Nash and Dick Bent have only heard from three agencies to date and asked for a reminder to go out to everyone that they are collecting stats involving death and serious harm to assist them in relation to the formation of the IIO.

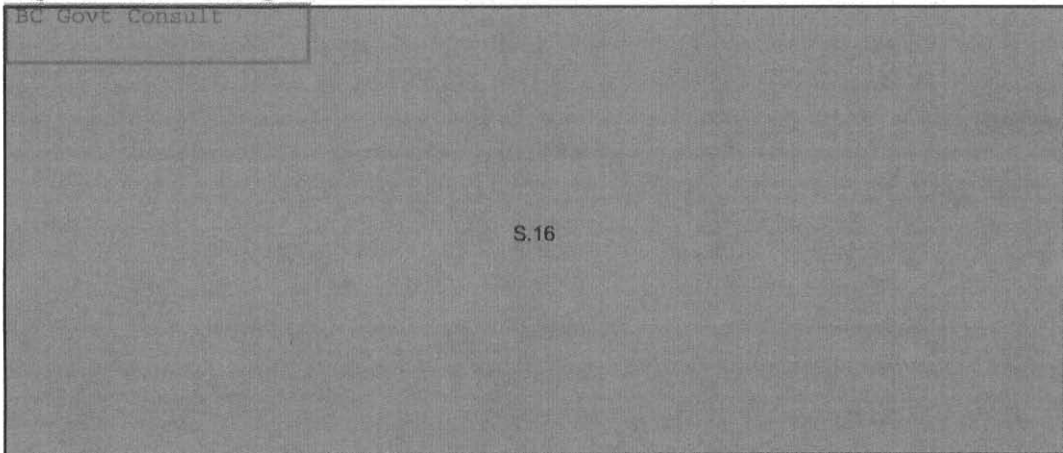
If you have not already done this is a friendly reminder to please reply to Russ Nash.

C/Cst. Rich stated that we are losing public trust in this province at an alarming rate and to get your stats to these gentlemen.

C/Cst. Graham does not know if he is in favour of this request.

C. **A/COMM CRAIG CALLENS**

A/Comm Callens was asked to comment on pending RCMP investigations that agencies are assisting the RCMP with.



RCMP Consult

A/Comm Callens will send letters out to those agencies concerned and will send the OPCC a summary of those 6 cases.

A/Comm Callens advised that the MOU is the same as the one the municipal departments have; they may ask for additional investigation as a condition to accepting the file. If they concur there is no reason to advance to Crown, they will speak publically to it. If they deem that it should go to the Criminal Justice Branch, the Crown will accept it from the OPCC.

A/Comm Callens advised that beyond what the municipal departments are already doing for us, an additional step would be when you are done your investigation you could contact Rolly Woods and Stan Lowe, and have a discussion on the proposed way forward.

RCMP Consult

A/Comm Callens summarized that if the OPCC is not going to take the case, and you are going to go out with a media release, the RCMP ask to discuss the content of your media release before you make it so the RCMP can consider their own release.

C/Cst. Rich would like to get an update on the IIO, he is concerned by the silence so far. C/Cst. Lepine advised that the Minister will be making a presentation to the BC Chiefs, it will be very precise and she will not be taking any questions.

7.

**ROUND TABLE**

A. **VICTORIA PD – C/Cst. Graham**

C/Cst. Graham displayed a copy of the department's re-vamped Strategic Plan. The department borrowed some ideas from the private sector, created a short brochure and hired a young film maker who put it into a one minute video. It has been picked up by social media and the department has been receiving twitters from New York.

B. **A/DIRECTOR CIACCIA**

The JIBC graduation for Class 134 is on December 16<sup>th</sup>. Class 135 starts soon and is a full class. The JIBC continues to work with Police Services to review the ongoing audit along with PACC.

A/Director Ciaccia announced that he will be retiring at the end of January 2012.

C. **SANNICH POLICE DEPARTMENT – D/C/CST. DOWNIE**

Reminder of the collaborative training with the OPCC and the JIBC on November 22<sup>nd</sup> and 23<sup>rd</sup>. There is still time for Police Act amendments with the DA's in the room to go over what some of the amendments are. The BCAMCP Police Act sub-group will be meeting this afternoon with the OPCC on outstanding issues.

D. **DELTA POLICE DEPARTMENT – D/C/CST. Beaudoin**

D/C/Cst. Beaudoin congratulated to D/C/Cst. Lemcke on his Cops for Cancer tour. The planning will start soon for the Law Enforcement Torch Run which will commence on June 7, 2012. This year we had a 24% student participation and raised \$180,000 for the program. A workshop is planned for 28 November 2011 at the Burnaby Hilton to set the course for the upcoming year and plan some fundraising. D/C/Cst. Beaudoin will send something out about this and request representation from your agency.

D/C/Cst. Beaudoin thanked everyone for their support of this worthwhile cause.

8.

**ADJOURNMENT**

**Motion to adjourn:**

**Moved by: C/Cst. Rich      Seconded by: D/C/Cst. Beaudoin      CARRIED**

**To adjourn the BC Association of Municipal Chiefs of Police Meeting.**

*Meeting adjourned at 12:45 p.m.*

**FOLLOW UP**

**Standing items for next meeting:-**

- 1) PSD Monthly Update
- 2) 2012 Meeting Schedule

VPD Consult

S.15(1)

2. **OPCC Decision: Criminal vs. Civil Trials (Chief Cst. Graham)**

Refer to the Regular Minutes of January 10, 2012 for the background on this issue. Chief Graham reported that the OPCC had put out either a directive or adopted a position instructing departments to refrain from proceeding with a Police Act (PA) matter if there is a parallel criminal one because the criminal investigation must be completed first. Discussion ensued and it was questioned whether or not the OPCC could/did order such a directive because the PA indicates that the DA can ask the OPCC to put a PA matter on hold until the criminal matter is complete; therefore it appears that discretion is with the DA, not the OPCC.

ADM Pecknold reminded the table that a special committee has been struck to review the post Woods amendments regarding discipline and suggested that concerns such as this one be brought forward to them.

**ACTION:**

- The Professional Standards Committee will raise this issue at the next meeting with the OPCC in order to gain clarification.
- Tabled the March meeting for an update.

3. **Video Conferencing (Deputy Chief Cst. Lucy)**

Consideration had been given to providing a video conferencing option for those members that cannot attend the BCAMCP meetings in person. Inquiries were made to the various departments as to their video conferencing capabilities and it was determined that it is not a viable option at this time.

VPD Consult

4. **Lawful Access Update (Lemcke)**

Government has made the announcement that the bill is forthcoming and the CACP document was previously circulated for review. It simplifies things and it is critical that the police provide consistent messaging on this controversial issue. D/C Cst. Lemcke clarified that it actually does not give access but it does allow for preservation orders on demand. Everything else is by warrant and the process is actually more restrictive now because there are only designated people that can request them. An audit trail and a requirement to report out every year is also a new directive. The Privacy groups are pushing for each request to be done by warrant which would be nearly impossible for police agencies to handle. This topic will be discussed at the upcoming Reboot Privacy Conference in Victoria which D/C Cst. Lemcke and C/Cst. Graham are attending.

Reference attachment:

Briefing Notes – Lawful Access Legislation (Feb 2012)

**C. NEW BUSINESS**

1. **Monthly Report (ADM Pecknold)**

BC Gov't Consult

S.16



RCMP Consult

Insp. Brendan Fitzpatrick, Operation Officer, E Division Major Crime Section provided an update on the program and returns made to date. Interprovincial discussions are still underway to keep streamlining the program and most agencies are cooperative but there are some examples out of Saskatchewan and Ontario where they were not. It was suggested that in these circumstances, a letter be written to the victims to advise them that their province is not willing to bring them back to face the charges. This may prompt the victim to put the pressure on the province instead. Approximately 50% of the warrants are out of Alberta and Sam McLeod advised that once the MOU gets signed, they will share it with them to see if further progress can be made between the two provinces. Chief Graham reported that the Downtown Victoria Business Association is very pleased with the success of the program and would like to help raise money for it.

6. **Patrol Based Training by BCACP Financial Crime Sub-committee** (Deputy Chief Cst. Goerke)  
Tabled to the March meeting.
7. **Queens Diamond Jubilee Medals** (Chief Cst. Graham)  
The Governor General receives 60,000 of the Queens Jubilee medals for Canada. Each LG receives a portion and the MLAs distribute them. C/Cst. Graham would like to see municipal members become eligible to receive these medals, however they are currently only issued at the federal level. He has written to his local MPs regarding this issue and it now lies with the Premiers office. He encouraged the table to write to their MPs to garner the support of having municipal police officers recognized for their dedication to the Crown and the work they do as it relates to public safety.
8. **Monthly Financial Report** (Chief Cst. Hames)  
C/Cst. Hames circulated the Financial Statement ending February 13<sup>th</sup>. D/C Cst. Downie will now take over as the BCAMCP Treasurer. Each department has submitted their dues and special assessment.

*MOTION: To accept the Monthly Financial Report as presented.*

*Moved: C/Cst. Hames*

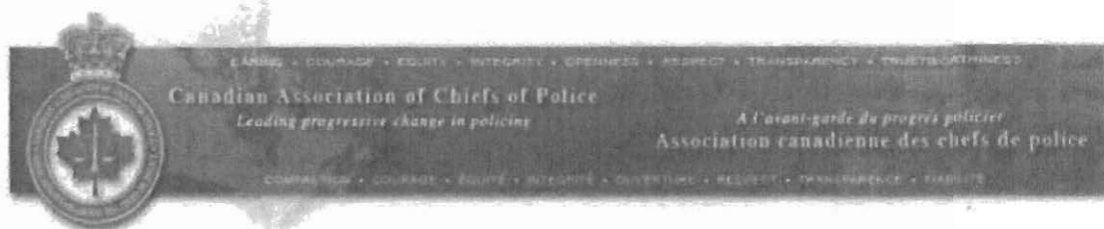
*Seconded: C/Cst. Jones*

**CARRIED**

Reference attachment:

*Financial Statement (Feb 13)*

8. **Patrol Based Training by BCACP Financial Crime Sub-Committee**  
Tabled to the next meeting.
9. **Discussion on Building Public Trust** (Chief Cst. Rich)  
C/Cst. Rich advised was asked by ADM Pecknold to form a working group to discuss crisis media management and the overall issue of how to regain public trust. A meeting was held on February 19<sup>th</sup> and this issue will be brought forward for discussion tomorrow at the BCACP meeting. There is an encouraging response from the RCMP and the



## Briefing Notes – Lawful Access Legislation

### Introduction:

The purpose of this document is to provide law enforcement leadership with background and communication material regarding Lawful Access legislation which is forthcoming. This legislation has garnered significant interest from the public, privacy groups and media. Many of the concerns are primarily based on misinformation.

When law enforcement uses words such as electronic interception, intercept capable, electronic surveillance and combines such words with the most widely used forms of communications by society – internet, cellars, social media.....it understandably raises concerns of many Canadians. So much so that when Canada's Privacy Commissioner surveys Canadians and states "More than eight in 10 respondents (82 percent) opposed giving police and intelligence agencies the power to access e-mail records and other Internet usage data without a warrant from the courts" most of us in law enforcement would back such a statement. But let's be fair, this is not what governments and Canada's law enforcement leaders are proposing.

These same medias are providing a safe haven for serious criminal activity in Canada – organized crime, sexual predators, gangs, identity theft are among the many examples. New technologies allow for old crimes to be committed in new ways, as well as new crimes to develop, including viruses, trojans, worms, hacking, spyware, spam, phishing, identity theft, internet fraud and money laundering. The fact is that Canada's obsolete legislative scheme was implemented in 1975 during the days of the rotary dial telephone. Modernization of current legislative provisions is urgently required to reflect significant advancements in communications technologies. Without modernization, the current legislation challenges police investigative techniques and compromises public safety. Urgent amendments are required to allow the police to lawfully and effectively investigate serious offences. This new law is not about giving police new powers, but rather to update laws to reflect new technologies.

We believe new legislation will:

- assist police with the necessary tools to investigate crimes while balancing privacy rights for Canadians and without imposing an undue burden on industry
- help law enforcement investigate and apprehend those who commit serious crime and avoid apprehension due to outdated laws and technology
- allow for timely access to basic information to assist with emergent matters where it is reasonable to suspect that someone's safety is at risk



One of the difficulties with regard to the lawful access legislation is presenting it in a fashion that the public can understand as it can be very technical. Our goal should be to assist the public to allow them to base their opinion on fact, not rhetoric.

*The FAQ section at the end of this document is there to assist in providing clear messaging on the issues.*

### **The Important Facts Around the Legislation:**

Police need the power to conduct judicially authorized electronic interception during investigations.

#### **Actual Data or Content:**

*Fact: To gain content of electronic communications, a warrant is required. Data or content of transmissions can only be released to law enforcement through a court ordered warrant process. The legislation does not change this. (There are very limited exceptions to this in emergency situations where serious harm must be prevented).*

The preservation of data (a 'demand' by a police agency) is a request from a service provider that they preserve data for a time period not exceeding 21 days (to provide the police the opportunity to apply for the requisite warrant to obtain the information). This will necessitate the securing of existing data by the provider and the housing of that data in anticipation of the warrant.

*Fact: There is nothing in the bill that asks the provider to specifically monitor the traffic of the individual and report back to the law enforcement agency on the activity of an individual (i.e., this is not a "collection order").*

#### **Basic Subscriber Information:**

The information which companies would be compelled to release would be: names, addresses, phone numbers, email addresses, Internet protocol addresses, and device identification numbers. All of these would involve police providing one identifying set (e.g., IP address and time/date) and the communication service provider providing the matching subscriber information (e.g., customer name). While there is a much lower expectation of privacy in this type of information, it can be of critical importance in cases where it is urgent that police locate a caller or originator of information that reasonably causes the police to suspect that someone's safety is at risk. (Note - Section 7(3) of PIPEDA would cover such a case, but it is not mandatory.) Without this information, the same kind that is provided when dealing with a land line, the police may not have timely access to information that could assist the police in locating the location from which the person made the call or sent the information giving rise to the concern.

*Fact: To gain Basic subscriber information (names, addresses, phone numbers etc.) would be obtainable pursuant to requests from designated officials in policing agencies through an audited process. This reflects the reality that phone directories do not necessarily exist in the digital world.*

### Compliance by telecoms and ISPs:

Often, telecommunication providers or ISP's will provide this information to police without a warrant recognizing that warrants are both time consuming and not appropriate when dealing with emergent matters. Currently law enforcement agencies are not directly accountable for these requests and for the information that they obtain. Many other telecommunication providers or ISP's will not provide this basic tombstone information to police without a warrant.

*Fact: The new legislation compels audit capability on the part of law enforcement.*

Intercepting communications has been cited as an issue because of the cost-prohibitive nature of these upgrades to existing service provider and new entrants into the market.

*Fact: Within previous legislation there has been detailed wording that speaks to grandfathering existing providers and the permission of a catch-up period with the possibility of government financial assistance. The government recognizes the cost of development for the providers and is prepared to assist in specific circumstances.*

### Other:

Tracking of Phones (which have GPS) in the absence of a warrant. Such a possibility currently exists within the Criminal Code (s.487.11), but only for an exigent circumstance (i.e. a kidnapping or extortion). This same section will remain (slightly revised to include a Number Recorder) in the new legislation.

### Understanding "Investigative Powers for the 21<sup>st</sup> Century Act"

The "Investigative Powers for the 21<sup>st</sup> Century Act", introduced in the last parliamentary session did not complete the third-reading prior to the calling of the last election. The following summarizes key aspects of the proposed legislation:

#### Former Bill C-50:

There were two major components of Bill C-50:

- the provision of a single process for obtaining courts orders relating to an investigation for which a wiretap authorization was obtained.
- the addition of safeguards requiring the reporting of use and notification to the government and targets for interceptions made under section 184.4 (warrantless interception of private communications in exceptional circumstances) of the *Criminal Code*.

The impetus for this change is a number of cases that have identified shortcomings in the existing section that may render the section "unconstitutional". The decision of the Supreme Court is pending.

The new safeguards for s.184.4 were previously introduced as part of the former Bill C-31 (*An Act to amend the Criminal Code, the Corruption of Foreign Public Officials Act and the Identification of Criminals Act and to make a consequential amendment to another Act*).

Bill C-31 was tabled in the House of Commons on May 15, 2009. It had received Second Reading and was awaiting consideration by a Legislative Committee when it died on the Order Paper with prorogation on December 30, 2009.

The former Bill C-50 was introduced as part of an initiative to respond to the problem of Missing and Murdered Aboriginal Women. It has been linked to former Bills C-51 and C-52 given it relates to wiretapping.

#### Former Bill C-51:

Bill C-51 amends substantive offences and procedural powers of the Criminal Code to better address cybercrime and crimes committed using new technology. It had been previously introduced as Bill C-46 in June 2009.

This Bill contained a complete tool kit for acquiring digital evidence: appropriate thresholds, more tailored investigative powers constrained to minimally impair human rights. For example: no information without a court order, preventing the destruction of data (preservation orders), protection from self incrimination (production orders)

The components of the former Bill were focused primarily on procedural powers.

- **Preservation of data:** No disclosure of information – merely a "do-not-delete" requirement ensuring data will be available when an order compelling disclosure is signed by a judge
  - Demand: police, 21 days (reasonable grounds to suspect)
  - Order: court, 90 days (reasonable grounds to suspect)

To be clear this applies to only the subscriber that the request is made for . This is NOT collection and storage of data on an ongoing basis and could only be utilized if the subscriber is subject to an investigation.

- **Production orders:** Disclosure of information, court order, third party, historic information
  - General (reasonable grounds to believe)
  - Tracking data (reasonable grounds to suspect or reasonable grounds to believe)
  - Transmission data (reasonable grounds to suspect)
    - This is a new warrant and production order used to compel third parties, such as telecommunications companies, to produce transmission data (data related to the routing of communications via telephone or internet).
    - It replaces the current Number Recorder Warrant section in the Code (492.2). Content is explicitly excluded.

- The two parts of the current s.492.2 have been split into a production order (formerly restricted to telephone toll records but now extended to Internet) and real-time acquiring of transmission data (formerly the dial number recorder now also extended to the Internet)
- Partial disclosure of transmission data (reasonable grounds to suspect)
  - This will reveal the previous "hop" in the communication, and enable police to serve the same order on the upstream provider, rather than lose time returning to the judge for a new order
- Financial information (reasonable grounds to suspect)
- Warrants: Court order, real-time collection
  - Tracking warrant
    - Transmission data warrant

#### Former Bill C-52:

The legislative proposals in Bill C-52 were previously introduced as part of the former Bill C-47 in October 2009 and the former Bill C-74 in November 2005, as well as in several private members bills by then-opposition Liberal M.P. Marlene Jennings (Bills C-416 in March 2007 and C-285 in February 2009.)

#### *Former Bill C-52: Technical Assistance for Law Enforcement in the 21st Century Act (TALEA)*

- compels telecommunications service providers to implement and maintain systems that are intercept-capable; and
- Ensures timely and consistent access to basic subscriber information (such as name, address, telephone number, email address and IP address) pursuant to requests from designated officials from police services, the Canadian Security Intelligence Service (CSIS) and the Competition Bureau.

Currently in Canada there is no requirement for service providers to build interception capability into existing or new networks, criminals and terrorists are aware of gaps and exploit them, while new technologies increase the problem.

The nature of modern communication services challenge law enforcement and CSIS' ability to access basic subscriber information. Current practice in this area is ad hoc and inconsistent, and clarification is needed.

The legislative reforms proposed in the former Bill C-52 were developed through a multi-year project involving consultations with stakeholders from across Canada.

### **Focus of Concerns in the Media:**

*Anonymity Concerns:* Some have suggested that the updates proposed to the offences in s.371 (Telegram, etc. in false name) and s.372 (False messages) would criminalize anonymity on the Internet.

The Bill updates offences in s.371 and s.372 to reflect modern technology, by replacing references to technologies such as "telegrams" and "cablegrams" with more technology neutral language of a "message" that is "sent" and "information" that is "conveyed by letter or any means of telecommunication".

The current requirements of the offences will not be altered. The offence under s.371 requires an "intent to defraud" among other criteria and the offence under s.372(1) requires an "intent to injure or alarm," for example.

*Conspiracy/Collusion:* Articles reflecting the premise that there is some kind of collusion between the telecommunications or ISP companies and the Police that creates the role of "agent of the state" in private industry.

*Cost:* Articles implying that the small ISPs will be crippled by the costs related to intercept capability and data retention under the new laws and that these costs will invariably be passed on to the consumer and thereby drive the smaller ISPs out of the market.

*General Privacy (Big Brother) & Access Concerns:* Invasion of privacy is the primary focus of most of the objections to the legislation. The concerns appear to centre around the creation of a "police state", concerns in relation to unrestricted collection of data without judicial oversight (without a warrant) and unchecked police powers

*Linking (Hate Crime) Concern:* Some have suggested that the amendment proposed to the definition of "communicating" in the context of public incitement of hatred (s.319(1)) and wilful promotion of hatred (s.319(2)) would make posting a link to a website a hate crime. The purpose of the changes proposed would clarify that these crimes can be committed using new technology. The substance of the offences remains the same.

It is also arguable that the use of a link to commit these crimes would be covered presently under the definition of "communicating." Commission of an offence under s.319(1) or s.319(2) does not occur with a simple "posting of a link".



## **Lawful Access Frequently Asked Questions**

**Q1**

Why do police need warrantless access to "tombstone" information (i.e. subscriber name, address, the existence of services, account information)?

**A1**

Police require this information for a variety of reasons: (Further information to this area is forthcoming)

- Ascertain the address of a witness who has provided their phone number(s).
- To follow up leads in an investigation where they have been provided a phone number and need to:
  - know if it belongs to the person it is purported to belong.
  - establish an address at which the person resides (presuming the number is a landline because address information on cellular phones is unreliable at best)
- To have the information required to obtain a warrant (customer name and address, IP address, phone number, etc.)
- As identified above, in emergent cases such as 9-1-1 calls from a cell phone or similar distress communication over the internet.
- In an exigent circumstance crime – like a kidnapping or extortion – though this is available to law enforcement under s. 487.11 of the Criminal Code
- To notify next of kin when there has been an accident or homicide
- To notify owner when stolen property is recovered.
- Requiring a warrant to obtain basic tombstone information would simply delay investigations and create a level of workload on both the police and the provider that appear to be unnecessary given that they reveal nothing "personal" about the person.

Examples:

- If someone posted a suicidal message on a social networking site. Basic subscriber information is required to potentially save a life.
- Criminals or disturbed persons may also use social networking sites to make threats of imminent violence against individuals, groups, or society as a whole. Time will be of the



essence and police will again need immediate access to basic subscriber information in order to follow-up and intervene before the tragic events take place.

- Another example involves the use of new Internet-based telephone technology called "VOIP" to make ransom calls in incidents of kidnapping. As with old fashioned landline phones, basic subscriber information is urgently needed by police so that they may further the investigation. Legislation provisions require VOIP vendors and Internet service providers to produce the same type of basic subscriber information that is routinely available from landline-based telephone service providers. This will allow effective police intervention, save lives, and hold offenders accountable for their actions. Criminals should not be protected simply by using a new kind of telephone technology.
- Denial of service attacks are a relatively new technique used by criminal or other groups to attack individuals, businesses, and governments. These are typically financial extortions, but may also be part of organized "cyber warfare". The perpetrators use tens of thousands of "hacked" computers from all over the world to disrupt the operation of the target's business and Internet site. This impacts their business, but may also threaten the operation of critical infrastructure if power grids, transportation systems, government agencies and other key facilities are improperly connected to the Internet. Police need immediate access to basic subscriber information in order to attend and intervene.
- Other examples include the receipt of email or real-time messages threatening violence, suicide or other serious and/or criminal events. Police need quick access to basic subscriber information in order to be able to identify the sender, attend, and intervene or prevent the violent act.

**Q2**

*Who can ask for tombstone information from service providers?*

**A2**

Currently any sworn or civilian police personnel can request this information from a telecommunications company. The new legislation will require the head of a law enforcement agency (i.e. the Chief or Commissioner) to designate a limited number of people within the organization to obtain this information. Mandatory training will be required of all designated officials. Law enforcement will be required to document all requests and disclose them through an audit procedure contained within the bill.

**Q3**

*What is done with the tombstone information obtained by law enforcement personnel from the service providers?*

**A3**

This information is provided to police personnel to aid in investigations.

- There is currently an accepted rule that the information obtained may only be used for the purpose for which it was obtained. There is no body which monitors this at the moment, and

*no requirement for law enforcement agencies to be accountable for why the information was obtained and how it was used.*

- *The new legislation ensures that:*
  - *law enforcement agencies can account for the reason the information is obtained and also what the information was used for.*
  - *the agency may only use the information for the purpose for which it was obtained.*
  - *the agency organize the information in a fashion that would permit an audit of that information to determine why it was requested and what the information was used for.*

**Q4**

*Do law enforcement agencies actually engage in the interception of private communications without a warrant/judicially approval?*

**A4**

*Since 1993, Section 184.4 of the Code has provided that peace officers can intercept private communications without prior judicial authorization, where the peace officer believes on reasonable grounds that: (i) an authorization cannot be obtained with reasonable diligence, given the urgency of the situation; (ii) an interception is immediately necessary to prevent an unlawful act that would cause serious harm to any person or to property; and (iii) either the originator or the intended recipient of the private communication is the person who would perform the harmful act or is the intended victim.*

*In 2008 the constitutionality of this Section was questioned in a Court case R v. 6 Accused (There is a pending SCC decision). The legislation, as currently written lacks the requirement of reporting to the Attorney General (Provincial) or to Public Safety Canada (Federal) of the use of this measure. Additionally, unlike traditional judicially approved interception, it lacks the requirement of notification to the person(s) intercepted. The former Bill C-50 intended to amend the current legislation to ensure that both these deficits were rectified.*

**Q5**

*Will the new legislation actually empower Internet Service Providers (ISPs) to collect information and provide it to law enforcement agencies in the absence of a warrant?*

**A5**

*Absolutely not. The law enforcement agency will be permitted the ability to make a "demand" to preserve data for 21 days, which means that the data will be preserved for that time period by the service provider, but the law enforcement agency MUST have a warrant to obtain the data that was preserved by that demand (or to extend the preservation by judicial order for an additional 90 days).*

Q6

*Won't the new legislation cripple the telecommunications and internet service provider companies financially with all the new requirements to have intercept capability?*

A6

*This was considered in the drafting of the legislation. In the former Bill C-52 s.32.(2)(c) (d) and in the new legislation, there are provision to allow service providers to apply for an exemption based on significant technological issues, cost or the ability to be competitive.*

Q7

*For those of us who live our lives online and presume that there is some anonymity in that realm, doesn't this legislation provide the state the ability to watch our actions and collect information about us on a whim?*

A7

*This is absolutely not true. This legislation is not designed to do away with the need for a warrant for information currently obtained by way of warrant. This legislation is designed to bring the Criminal Code into this century and this decade and provide for the ability to preserve data that might not otherwise be retained, to allow for law enforcement agencies to apply for the warrants to obtain the information. Crimes involving the use of services and sites available on the internet are on the increase – from child exploitation to identity theft – and law enforcement agencies require the ability to obtain the data required to determine whether the person suspected has committed a crime. This information could only be obtained with the issuance of a warrant by a judge.*

Q8

*I heard that telecommunications companies and ISPs will track my location through my phone or internet use and will provide this information to law enforcement. Is this true?*

A8

*Currently, and as well with the new legislation, such action can only take place with a warrant or in an exigent circumstance telecommunications companies and ISPs will provide this information to law enforcement agencies. A warrant will be required to obtain this information unless a law enforcement agency invokes either s. 487.11, s. 184.4, or s.492.1 of the Criminal Code. Where there have been changes, the new legislation puts new privacy and Charter protections in place and ensures that the service providers must have the capability to provide the information.*

**Q9**

*Isn't this legislation simply an attempt by the government and police to position the state to have eyes and ears everywhere and have the ability to invade personal privacy at a whim?*

**A9**

*The intent of the legislation is to compel service providers to have the capability to intercept private communications under judicial order or in an exigent circumstance. It also stipulates that tombstone information must be provided to law enforcement personnel in the absence of a warrant (whereas there is no legislation dictating this or otherwise at the moment) but clarifies the rules that both the police and the service provider must follow. For example, because a service provider would be compelled to disclose, it now places an additional burden on the law enforcement community to provide a clear audit of what the information was requested for and how it was utilized once received (for which there is no current requirement).*

S.13

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**Legal Services Division**

**Mailing Address**

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Fax 604 279-8116

2012

BC Association of Municipal Chiefs of Police  
850 Caledonia Avenue  
Victoria, BC V8T 5J8

Attention: Jamie H. Graham

Dear Mr. Graham:

Re: WorkSafeBC Coverage – International Peace Operations Branch Program

VICTORIA POLICE DEPT.

JUL 02 2012

POLICE CHIEF'S OFFICE

Thank you for your letter of June 4, 2012 which followed our meeting of May 16.

The scope of the IPOB program which you describe in your letter is impressive. Further, there can be little doubt of the public interest these valuable missions serve. Accordingly, I have directed senior staff to review WorkSafeBC coverage for officers participating in these missions.

In addition, the Board's General Counsel, Ed Bates, has had a very informative discussion with Inspector Mike Rattray who you kindly referred us to. We look forward to continued dialogue with him on this important issue.

Due to the wording of Section 8 of the *Workers' Compensation Act*, a copy of which is attached for easy reference, this issue falls into two categories, i.e. missions lasting up to six months and those lasting longer.

In regard to missions lasting up to six months, I am advised that the opinion you referenced in your letter that there probably would not be coverage, was based on an interpretation of Section 8(1)(c) that officers would not be "required" to accept these assignments. I am of the opinion, however, shared by our General Counsel, that such an interpretation is unnecessarily narrow and that officers who undertake these missions for less than six months and who continue their employment with their home agency during the mission would be entitled to workers' compensation benefits under the Act pursuant to Section 8.

Unfortunately, unlike other jurisdictions who have the legislative ability to extend coverage longer than six months, WorkSafeBC does not, Section 8 being restricted to a period of less than six months "but not otherwise".

As you mentioned, legislative amendment would be helpful and WorkSafeBC would support such a change and will put it on our legislative "wish list" for the future.

In the interim, our senior officers suggested and Messrs Bates and Rattray discussed the possibility of bringing assigned officers "home" before the expiry of the six month period so that they could work a period of time in B.C. and then be reassigned so that the Section 8 six month clock would start again. This might be a very workable solution.

Please send correspondence to "ATTENTION: Legal Services Department"  
and include claim or account number

Workers' Compensation Board of British Columbia

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WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA 2

At Mr. Bates request I am taking the liberty of copying Mr. Rattray with this letter and I understand after your consideration he and Mr. Bates will prepare a MOU for our mutual consideration. I will support and give Mr. Bates instructions in this regard. I hope this letter moves this matter forward to your satisfaction.

Yours truly,



Dave Anderson  
President and CEO  
WorkSafeBC

DA/fc

cc: Inspector Rattray, WVPD

Enclosure

Y:/LS41/Letters(misc)/IPOB ltr Jun 2012

*Jamie*  
This looks like the foundation  
of a solution. Can you get back to  
me if this doesn't appear to work  
for you & your colleagues.

*ADD*  
Collette

→ copy the municipal  
chiefs. on agenda  
for next mtg.  
JG 2012.7-6