

# APPENDIX B



May 14, 2018

Ref: 544191

Her Worship Lisa Helps  
Her Worship Barbara Desjardins  
Co-Chairs, Victoria and Esquimalt Police Board  
850 Caledonia Avenue  
Victoria BC V8T 5J8

Dear Mayor Helps and Mayor Desjardins:

**Re: Request of Director of Police Services Under Section 27(3) of the *Police Act***

I have been asked to make a determination under section 27(3) of the *Police Act* as to whether six additional officers should be included in the provisional budget as proposed by the Victoria and Esquimalt Police Board.

To assist in making this determination I am initiating a review of the Victoria Police Department including a review of the estimates and expenditures of the Victoria Police Department and the Victoria and Esquimalt Police Board. The review will be conducted under the authority of section 27 (3) and section 42 of the *Police Act*, which authorizes the Director to study, investigate and prepare a report on matters concerning policing, law enforcement and crime prevention in British Columbia.

The review will be conducted on my behalf by Policing and Security Branch staff and retained contracted services. In conducting the review, they will need to be informed of and have access to records, operations and systems relevant to the scope of the inspection which my office is authorized to inspect under section 40 (3). Please consider this letter as written notification of inspection as required by the *Police Act*.

Additional information about the review is available in the enclosed Terms of Reference.

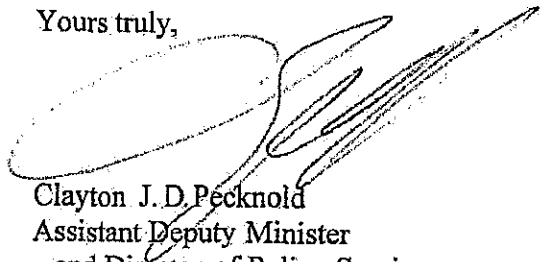
At this time, I am asking that you request the Chief Constable to identify a primary contact person for the review. Please provide their name and contact information by Friday May 18, 2018. Additional information requests will follow. The primary contact person from my office is Ms. Jenni Bard, Director, Standards & Evaluation Unit who can be reached at 604-775-2364 or [jenni.bard@gov.bc.ca](mailto:jenni.bard@gov.bc.ca)

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Thank you in advance for your cooperation.

Yours truly,

A handwritten signature in black ink, appearing to read 'Clayton J. D. Pecknold', written over a large, faint oval shape.

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

Enclosure

pc: Chief Constable Del Manak, Victoria Police Department  
Chief Administrative Officer, Victoria City Council  
Chief Administrative Officer, Esquimalt City Council

**Terms of Reference: Review under sections 27 (3) and 42 of the *Police Act*, of the budget and expenditures of the Victoria Police Department April 17, 2014 to April 6, 2018**

Section 27 of the *Police Act* provides for “Estimates and Expenditures” of a Municipal Police Board. The section outlines the obligations of both the Board and Municipal Council including a process related to budget disputes under sub-section 27 (3). This sub-section allows either the Board or Municipal Council to seek resolution of a dispute from the Director of Police Services. Further, sub-section 27 (6) provides that a Board must not make, or agree to make, an expenditure that is not specified in the budget approved by council.

The relevant sections of the Act are attached.

In addition to the provisions of the *Police Act*, the Victoria and Esquimalt Police Board budget process is also considered in a written agreement between the Victoria and Esquimalt Police Board, the City of Victoria and the Township of Esquimalt, signed April 17, 2014 (referred to in these Terms of Reference as “the Framework Agreement”).

On April 6, 2018, the co-chairs of the Victoria and Esquimalt Police Board made an application to the Director to exercise his authority under s. 27 (3) in relation to an item in the 2018 provisional budget for the Victoria and Esquimalt Police Board. The Director also received a letter dated February 1, 2018 from the Township of Esquimalt requesting a review of the supplementary budget request as per the Framework Agreement.

In consideration of the requests for the Director to exercise his authorities under the Act in relation to Victoria Police Department budgetary matters, the Director is initiating a review of the Victoria Police Department. The review will be conducted in two phases. The first phase will include a broader review of the estimates and expenditures of the Victoria Police Department and the Victoria and Esquimalt Police Board, covering the period from April 17, 2014 (the date of the Framework Agreement), to April 6, 2018 (the date of the Board’s application to the Director). This review will be conducted under the authority of s. 42 of the *Police Act*, which authorizes the Director to study, investigate and prepare a report on matters concerning policing, law enforcement and crime prevention in British Columbia. The second phase will relate to the 2018 provisional budget item in question, to assist the Director in carrying out his responsibilities under s. 27 (3).

Notice of the review has been provided to the Chief Constable and the co-chairs of the Board. In addition, as this matter includes an application under sub-section 27 (3) notice has also been provided to the City of Victoria and the Township of Esquimalt.

**Background:**

According to information provided to the Director by the co-chairs of the Victoria and Esquimalt Police Board in their April 6, 2018 letter, the Board’s 2019 provisional budget included the addition of six sworn officer positions and two civilian positions determined necessary by the Board. Victoria Council passed a resolution on January 11, 2018 approving its share of the cost for these positions under the

Framework Agreement, subject to Esquimalt Council approval. Actions of the Esquimalt Council on January 22, 2018 and March 5, 2018 effectively provided approval for the two civilian positions but not the six sworn officer positions.

A. The purpose of the review is to examine the following matters:

#### Phase One

The first phase will be focused on gathering and analyzing information related to Service Delivery, the Board's budget, estimates and expenditures since the April 17, 2014, including but not limited to:

- Forecast and actual spending each year;
- Analysis of budget expenditures against budgets approved by the respective municipal councils;
- Budget monitoring and reporting processes;
- Resource levels and metrics, statistical and other related information;
- Deployment model within the two municipalities;
- Examination of budget expenditures and deployment against the terms of the Framework Agreement; and
- Examination and analysis of any internal or external efficiency reviews.

#### Phase Two

The second phase will relate to the February 1, 2018 and April 6, 2018 requests of the Township of Esquimalt and the Victoria and Esquimalt Police Board, specifically whether the additional resources are required to provide adequate and effective policing under the *Police Act*. This will include, without limitation, consideration of the following:

- The intended use/deployment of the additional resources;
- The process used by the police department and the police board to identify and evaluate the need for the additional resources and their intended use/deployment;
- Metrics related to service levels and demands for service, broken down by community (i.e., Victoria and Esquimalt) including but not limited to crime rates, crime severity indexes, calls for service data, victimization rates and data, response times, unallocated time, and scheduling patterns;
- Service delivery expectations and priorities as identified by the Police Board, the City of Victoria and the Township of Esquimalt;
- Police Executive and Police Association views on health and safety, deployment and effectiveness of operations;
- Use of available mechanisms for community input into priority and budget setting;
- Emerging external influences on service delivery and expenditures including but not limited to judicial decisions, emerging socio-economic and crime trends; and
- Use of available integrated or specialised policing units or mutual aid arrangements.

- B. The review will consist of examining and considering written and electronic records and selected interviews.
- C. Records may include but are not limited to:
- Budget documents and financial records relevant to the scope of the review;
  - The Framework Agreement, dated 17 April 2014;
  - Any reports prepared by or on behalf of the Department or the police board relevant to the scope of the review, including the Facilitator's Report on the Victoria-Esquimalt Police Framework Agreement, dated August 30, 2013 and the March 2017, MNP Efficiency Review of Victoria Police Department;
  - Departmental and/or police board policies and procedures governing budget processes;
  - Minutes and agendas of police board meetings relevant to the scope of the review, including in camera minutes and agenda items;
  - Communication (e.g., emails, memos) relevant to the scope of the review;
  - Operational-related statistics, records, data or other information that may assist the review team to consider matters relevant to the scope of the review;
  - Relevant sections of the *Police Act*; and
  - Any other applicable documents.
- D. The review will not examine any records related to a criminal investigation or prosecution, criminal intelligence, police investigative records or other sensitive law enforcement information, or personnel records.
- E. Interviews will also be conducted with members of the Department, Board, and police association, representatives of the City of Victoria and the Township of Esquimalt, as well as other stakeholders.
- F. The review will be conducted in the manner specified below:
- Under the overall direction of the Director of Police Services, the review team will include two consultants and staff from the Policing and Security Branch.
  - The review team will develop a review plan, including the methodology to be used, for approval by the Director.
  - In conducting the review, the review team shall have access to the documents described under section C, above, and other documents as identified by the review team.
- G. The review team will submit a written report to the Director for each phase of the review. Each report will summarize the information gathered and considered during the review, and present the review team's analysis, findings, and recommendations to the Director.
- H. The Phase One report will summarize information gathered regarding the overall management of the Board's budget and must be submitted to the Director by August 16, 2018.

- I. The Phase Two report will summarize information regarding the request for additional resources, and provide factual findings to the Director in order to support the Director's consideration of the applications under section 27 (3). The Phase Two report must be submitted by October 19, 2018.

### **Estimates and expenditures**

**27** (1) On or before November 30 in each year, a municipal police board must prepare and submit to the council for its approval a provisional budget for the following year to provide policing and law enforcement in the municipality.

(1.1) If a municipality has entered into an agreement referred to in section 66.2 (1.1) (b) with a treaty first nation, or an agreement referred to in section 66.2 (1.11) (b) with the Nisga'a Nation, for the duration of the agreement, the reference in subsection (1) of this section to "municipality" must be read as including the treaty lands of the treaty first nation or Nisga'a Lands, as applicable.

(1.2) If a municipality is a specialized service provider, the reference in subsection (1) to "municipality" must be read as including areas within the specialized service area that are outside the municipality.

(2) Any changes to the provisional budget under subsection (1) must be submitted to council on or before March 1 of the year to which the provisional budget relates.

(3) If a council does not approve an item in the budget, the director, on application by the council or the municipal police board, must

(a) determine whether the item or amount should be included in the budget, and

(b) report the director's findings to the municipal police board, the council and the minister.

(4) Subject to subsection (3), a council must include in its budget the costs in the provisional budget prepared by the municipal police board.

(5) On certification by the municipal police board members that an expenditure is within the budget prepared by the municipal police board, the council must pay the amount of the expenditure.

(6) Unless the council otherwise approves, a municipal police board must not make an expenditure, or enter an agreement to make an expenditure, that is not specified in the board's budget and approved by the council.