

## Councillors

Les Barkman  
Sandy Blue  
Kelly Chahal  
Brenda Falk



## CITY OF ABBOTSFORD

Mayor, Henry Braun

## Councillors

Moe Gill  
Dave Loewen  
Patricia Ross  
Ross Siemens

February 2, 2016

File: 7550-01

The Honourable Suzanne Anton  
Minister of Justice and Attorney General  
PO Box 9044 Stn Prov Govt  
Victoria, BC, V8W 9E2

Dear Minister Anton:

### **Re: Downloading of DNA Analysis Costs**

The Province signed an "Agreement Respecting Biology Casework Analysis" in January 2015; however, the City of Abbotsford only recently learned that the Province has decided to limit its contribution to the historical \$1.36 million contribution, regardless of demand. Instead of the Province increasing its contribution, as is specifically contemplated in the agreement, the significant funding gap between \$1.36 million and the Province's 54% commitment of approximately \$4 Million will be downloaded to individual municipalities that require these services.

In 2015, the Abbotsford Police Department (APD) and the City were informed about this change in policy by the Organized Crime Agency of British Columbia (OCABC) regarding DNA Testing. A copy of staff report CM 001-2016 including background information is attached. The costs of delivering Police services continues to rise for most British Columbian municipalities, regardless if the municipalities employ the Royal Canadian Mounted Police or have opted for a Municipal Police force.

The Provincial and Federal Governments continue to struggle with the same costs pressures as municipalities, with the only exception that they can allocate costs to local government where municipalities have no option but to increase costs. The shift in this responsibility, and costs, continues to add to the continuum of downloading to municipalities from senior levels of government, of which the tax burden is passed on to the taxpayer.

The City of Abbotsford supports the position of the District of Kent (copy of its letter attached to the above referenced staff report) requesting that the Province consider its position on this matter, the detrimental effects to municipalities, and an affordable resolution to DNA Analysis program.

Yours truly,

Henry Braun  
Mayor

Attachment

- c. Premier Christy Clark
  - Honourable Michael de Jong, Minister of Finance, MLA, Abbotsford-West
  - Clayton Pecknold, Assistant Deputy Minister and Director of Police Services
  - Simon Gibson, MLA, Abbotsford-Mission
  - Darryl Plecas, MLA, Abbotsford South
  - UBCM Member Municipalities
  - Fraser Valley Regional District
  - Council Members
  - George Murray, City Manager



## COUNCIL REPORT

Report No. CM 001-2016

EXECUTIVE COMMITTEE

Date: January 18, 2016

File No: 0400-30-20

To: Mayor and Council  
From: George M. Murray, City Manager  
Subject: Downloading of DNA Analysis

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### RECOMMENDATION

THAT the Mayor send a letter to the Honourable Suzanne Anton, Minister of Justice and Attorney General to share the City's concerns regarding the downloading of DNA analysis costs to municipalities.

### SUMMARY OF THE ISSUE

At its Regular meeting of Council on January 11, 2016, Council received a copy of correspondence dated December 2, 2015, from the District of Kent to the Honourable Suzanne Anton, Minister of Justice and Attorney General, which outlined their concerns regarding the introduction of a "user pay" model for the costs of DNA analysis services (**Attachment A**). In their letter, the District of Kent states the following:

*"This new charge to local governments follows the agreement between the Province of BC and the Government of Canada with regard to Biological Casework (DNA) analysis. Although DNA analysis services are not funded through the RCMP contract, and are now being billed to the municipalities, calculated by a user-pay formula municipalities with a population less than 5,000 are not billed or factored into the formula."*

Council referred this matter to staff for a report.

### BACKGROUND

The costs of delivering Police services continues to rise for most British Columbian municipalities, regardless if the municipalities employ the Royal Canadian Mounted Police or have opted for a Municipal Police force. The Provincial and Federal Governments continue to struggle with the same costs pressures as municipalities, with the only exception that they can allocate costs to local government where municipalities have no option but to increase costs.

The Province signed an "Agreement Respecting Biology Casework Analysis" in January 2015; however, we only recently learned that the Province has decided to limit its contribution to the historical \$1.36 million contribution, regardless of demand. Instead of the Province increasing its contribution, as is specifically contemplated in the agreement, the significant funding gap between \$1.36 million and the Province's 54% commitment of approximately \$4 Million will be downloaded to individual municipalities.

## DISCUSSION

In 2015, the Abbotsford Police Department (APD) and the City were informed about this change in policy by the Organized Crime Agency of British Columbia (OCABC) regarding DNA Testing. Currently, it is estimated that the increased costs to the City (through the APD budget) is \$86,000.

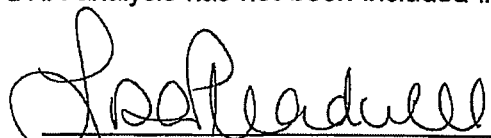
The District of Kent goes to great extent to reference the increased costs are detrimental to small/smaller municipalities. Regardless of the size of municipalities receiving these additional costs, this shift in policy will once again create yet another "downloading" of costs from one of the senior levels of government.

The Federation of Independent Business releases a report annually criticizing municipalities for passing tax increases which exceed the rate of "inflation and population growth". Cities continue to have costs downloaded as well as are being asked to provide services beyond their original mandate (e.g. Homelessness) and as such are having a difficult time keeping their budget increases within inflationary and population increase.

Based on the foregoing, staff recommend that the Mayor write to the Honourable Suzanne Anton, Minister of Justice and Attorney General, and reinforce the District of Kent's concerns regarding the continuing downloading of costs without additional grants and/or offsetting revenues.

## FINANCIAL PLAN IMPLICATION

Downloading of costs makes it difficult for municipalities to support their spending on services and programs provided to the residents. The redistribution of responsibilities without the ability to set program standards and control costs, places a lot burden on the municipality without the mechanism for the municipality to procure an alternative service provider. The financial implications related to a "user pay" model for DNA analysis has not been included in the 2016-2020 Financial Plan.



Lisa Pleadwell, Chief Financial Officer

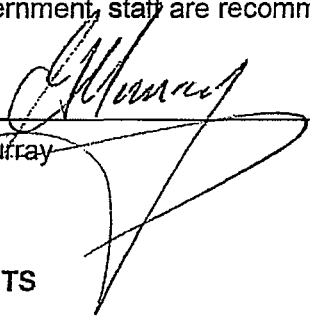
## IMPACTS ON COUNCIL POLICIES, STRATEGIC PLAN AND/OR COUNCIL DIRECTION

The increase in costs, or service requirements, downloaded from senior levels of government continues to put pressure on Council's Strategic Cornerstone "Fiscal Discipline" without sacrificing one of the City's other objectives.

## SUBSTANTIATION OF RECOMMENDATION

This report supports the District of Kent's position that the downloading of the costs associated with DNA testing needs to be reconsidered by the Provincial Government. As municipalities are

fairly consistently experiencing the downloading of costs and/or additional services from senior levels of Government, staff are recommending support be provided for Kent's position.



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George M. Murray  
City Manager

**ATTACHMENTS**

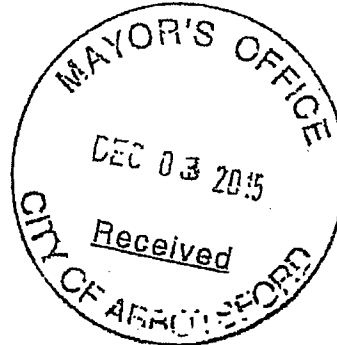
Attachment "A": Correspondence from the District of Kent to the Honourable Suzanne Anton regarding Downloading of DNA Analysis Costs.



7170 Cheam Avenue  
RD, Box 70  
Agassiz, British Columbia  
Canada V0M 1A0

Tel: (604) 796-2235  
Fax: (604) 796-9854  
Web: [www.district.kent.bc.ca](http://www.district.kent.bc.ca)

December 2, 2015



File: 0400-20  
7400-01

The Honourable Suzanne Anton  
Minister of Justice and Attorney General  
PO Box 9044 Stn Prov Govt  
Victoria, BC V8W 9E2

Dear Minister Anton:

**Re: Downloading of DNA Analysis Costs**

We are in receipt of the letter dated October 31, 2015 from the *Organized Crime Agency of British Columbia* (OCABC) regarding Cost Recovery on DNA analysis services (attached as Appendix 'A'). Specifically, a new *Agreement Respecting Biology Casework Analysis 2014-2024* (BCAA) has been endorsed by the Provincial Minister of Justice and Attorney General, and the Federal Minister of Public Safety and Emergency Preparedness, introducing a "user pay" model for the costs of DNA analysis services.

Our Council has now had the opportunity to review the letter from the OCABC, along with the DNA Analysis Fact Sheet, prepared by the Ministry of Justice and we have some serious concerns.

When signing the updated Municipal Police Unit Agreement in 2012, the District of Kent Council expressed our concerns regarding rising policing costs, hidden costs and financial uncertainty affecting the District's budget. As we predicted at that time, policing costs have risen substantially every year since, resulting in significant tax increases for our community. Every year we are presented with additional costs and new expenditures, of which we have little or no control. The downloading of the DNA analysis services is just the latest example of costs that have been shifted to our municipality.

Local governments in British Columbia (with a population over 5,000) have begun to receive invoices for DNA analysis services. This new charge to local governments follows the agreement between the Province of BC and the Government of Canada with regard to Biological Casework (DNA) analysis. Although DNA analysis services are not funded through the RCMP contract, and are now being billed to the municipalities, calculated by a user-pay formula,

municipalities with a population less than 5,000 are not billed or factored into the formula. Further, the October 31<sup>st</sup> letter from OCABC advises that our total invoice amounts include costs resulting from partnering in an Integrated Team where DNA costs have been identified. As a municipality with a population between 5,000 and 15,000, our integrated team costs are billed to the municipality at 70%. Therefore, although we are totally opposed to further downloading; at the very least, we would not expect to be billed for than our normal 70% share of all but accommodation costs.

With respect, we remind you, as we did in 2012, that our Council entered into the policing agreement in 2009 under protest with the Province incorporating 470 (federal) prisoners from the Kent/Mountain Institutions. We are a relatively small town and continuing increases to the Policing budget has an adversarial effect on our operating budget and tax rates.

We ask you, Honorable Minister Anton, to review our concerns and reconsider the funding of the DNA costs to determine a solution affordable to communities such as ours.

Sincerely yours,



John Van Laerhoven  
Mayor

Pc: Clayton Pecknold, Assistant Deputy Minister and Director of Police Services  
Premier Christy Clark  
Laurie Throness, MLA  
UBCM Member Municipalities



ORGANIZED  
CRIME  
AGENCY  
of  
BRITISH COLUMBIA

## APPENDIX 'A'

Mailing Address:  
Mailstop #408/409  
14200 Green Timbers Way  
Surrey, B.C., V3T 6P3  
(778) 290-2040

October 31, 2015

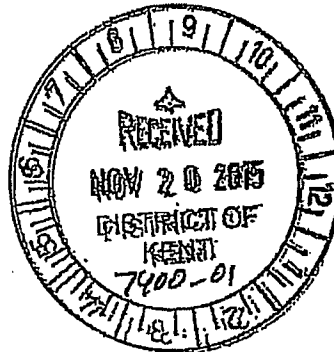
ORIGINAL

RECEIVED

-11- 12 2015

AGASSIZ RCMP

District of Kent  
C/O – Cpl. Darren Rennie  
Kent Detachment  
6869 Lougheed Hwy  
Agassiz, BC  
V0M 1A0



Dear Cpl. Darren Rennie,

Re: Cost Recovery on DNA Analysis Services

A new *Agreement Respecting Biology Casework Analysis 2014-2024 (BCAA)* has been endorsed by the Provincial Minister of Justice, Attorney General and the Federal Minister of Public Safety and Emergency Preparedness. While the Province of British Columbia will continue to contribute the historical annual amount of \$1.366 million dollars and Public Safety Canada will pay 46% of ongoing costs; a "user pay" model has been introduced.

Police Services has created a cost sharing model calculated on the total cost for DNA analysis in British Columbia, minus the provincial contribution, distributed proportionally based on your agency's two year average usage compared to the usage of other law enforcement agencies in British Columbia.

The Organized Crime Agency of British Columbia's (OCABC) mandate has been expanded by the Minister of Justice. As a result, OCABC will now act in the capacity of Financial Administrator for the new Biology Casework Analysis Agreement (BCAA). OCABC is providing all users of the DNA Analysis Services, including the RCMP and Municipal Police Agencies, an invoice detailing the apportioned costs for the last quarter of the 2015/16 Federal Government Fiscal year. Full payment can be made to OCABC prior to \* February 28, 2016.

Moving forward OCABC will be providing all users of the DNA Analysis Services an annual invoice. This annual process will start on April 1, 2016. Payment will be due by June 30 of each year also starting in 2016.

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☒ GAG ☐ Ch. Eng. ☐ Building ☐ PEP ☐ Agenda Date \_\_\_\_\_  
☐ Corp S. ☒ Dr. Fin. ☐ Dylaw ☐ RCMP ☒ In Camera Date Dec. 14/2015  
☐ Dev S. ☐ Dep. Fin. ☐ GIS/HR ☐ FIRE ☐ Agenda Place "A"  
☐ MAYOR ☐ Council ☐ Dir. Rec. ☐ Other \_\_\_\_\_

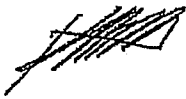


In addition, please be advised that should your Department or Detachment be involved/partnered in an Integrated Team where DNA costs have been identified, these costs have been included in your total invoice amounts.

You will find three attachments: an OCABC invoice for your last quarterly use of DNA Analysis for the 2015/16 year, a BC Police Services DNA Fact Sheet, and a Billing Calculations explanation sheet.

Should you have any questions about your invoice or this new process, please contact Superintendent John Grywinski at 778-290-3003 for further information.

Yours truly,



Kevin Hackett, C/Supt.  
Chief Officer

*Attachments*

# Billing Calculation for Agencies

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The first three years of the Biology Casework Analysis Agreement include an escalation period which uses fixed costs to grow to British Columbia from the historical payment amount of \$1.366 million to paying 54% of actual costs. The Federal Government pays the costs for British Columbia's DNA analysis each year after the escalation period. The remaining 54% of the costs will be the contribution and formulas outlined below.

## Escalation Period

### ***2014/2015 (Year 1 Fixed Amount \$2.5M)***

The Province paid the bill for all Agencies for the first year of the escalation period.

### ***2015/2016 (Year 2 Fixed Amount \$3.6M)***

The Province will pay its historical contribution of \$1.366 million plus (75%) three quarters of the bill (i.e. April to December) in the second year.

Agency's cost is =

Your Agency's two year average usage compared to the usage of other Law Enforcement Agencies in British Columbia.

X [(Fixed cost of \$3.6M) – (Historical Contribution)]

Province's cost is \$ x = (\$3.6M - 1.366M) x 75%

### **2016/2017 (Year 3 Fixed Amount \$4.9M)**

The Province will pay its historical contribution (\$1.366 million). The rest of the cost to British Columbia will be invoiced to e their proportionate two year average usage compared to the two year average usage for British Columbia as a whole.

Agency's cost will be \$x =

Your Agency's two year average usage compared to the usage of other Law Enforcement Agencies in British Columbia.

X

[(Fixed cost of \$4.9M) – (Historical Contribution of

### **Integrated Teams**

Partner Agencies involved in an Integrated Team where DNA costs have been identified; these costs are included in your tot Splits are based on the respective MOU split formula and applied pro-rata to participating agencies.

### **Integrated Detachments**

Usage and cost split is based on Member Establishment for Integrated Detachments.

RCMP Municipal Establishment is based on Annex Letters.

RCMP Provincial Establishment is based on RCMP HRMIS system.



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## DNA Analysis Fact Sheet

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### Background:

- Biological Casework Analysis (DNA) for police agencies in British Columbia is provided by the RCMP Forensic Sciences and Identification Services (FS&IS) lab under the National Police Services (NPS).
- NPS is a federally funded program operated under the stewardship of the RCMP. It provides services (such as the FS&IS Lab, the Canadian Firearms Program, the Violent Crime Linkage Analysis System, the National Sex Offender Registry, etc.) directly to police agencies across Canada.
- In 2004, provinces and territories agreed to contribute to Biological Casework Analysis and entered into Contribution Agreements with Canada.
- Historically, the Province of BC has contributed \$1.366 million for the RCMP FS&IS lab to provide DNA analysis services to police agencies in BC.
- In 2013, the Federal Government advised that it would no longer continue to provide BCAA services at the historical flat rate contribution and would require reimbursement based on actual costs.
- The new *Agreement Respecting Biology Casework Analysis 2014-2024 (BCAA)* has been negotiated as a result.
- After negotiations between the Province and Public Safety Canada (PSC) regarding the provision of DNA analysis services to police agencies in British Columbia, the new agreement was endorsed by both the Provincial Minister of Justice and the Federal Minister of Public Safety and Emergency Preparedness. The PSC billing for fiscal years 2014/15, 2015/16 and 2016/17 are fixed amounts per the agreement. After the three-year escalation period, Canada will contribute 46% of the total costs.
- Under the new BCAA, after a three-year escalation period (which began in fiscal 2014/15), DNA analysis services will be charged based on a calculation that reflects two-year average actual usage. As per s. 15 (1) of the *Police Act*, in British Columbia, police agencies are responsible for bearing expenses necessary to maintain law and order, to adequately enforce criminal law, and to provide adequate equipment and supplies for the operations of and use by the police.
- DNA analysis is not a service provided under the Provincial (or Municipal) Police Service Agreement.
- In order to allow police agencies time to transition the Province is paying the full cost of the new BCAA from April 1, 2014 to December 31, 2015 of the escalation period.
- All police agencies will be responsible for their actual use of the service as of January 1, 2016.

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### New Process:

Ministry of Justice

Policing and Security Branch

Mailing Address:

PO Box 9285 Stn Prov Govt  
Victoria BC V8W 9J7

Telephone: 250 356-7926

Facsimile: 250 356-7747

Website: [www.gov.bc.ca/pssg](http://www.gov.bc.ca/pssg)

- The Organized Crime Agency of British Columbia (OCABC) will function as the administrator for the new BCAA.
- OCABC will invoice police agencies in October 2015 for their January 1, 2016 to March 31, 2016 BCAA services. Payment of this invoice will be due by February 29, 2016.
- Annually OCABC will invoice police agencies in April starting in 2016 for BCAA services for the period April 1 to March 31. Payment of this invoice will be due by June 30 of each year also starting in 2016 (i.e. approximately 60 days from invoice date).
- Starting in fiscal year 2017/18 when the charges from PSC are no longer fixed, OCABC will invoice police agencies based on an estimate. Any difference between this estimate and actual PSC invoice, which is received later in the year, will be adjusted in the following year's invoice to police agencies.

**Billing Calculation:**

- The method of calculation for determining the total cost for DNA analysis in Provinces and Territories each year is set out in the new BCAA.
- The Province of British Columbia will continue to contribute the historical amount of \$1.366 million.
- The amount of the total cost for DNA analysis in the province that remains after the Province has paid its contribution of \$1.366 million will be distributed proportionally among police agencies based on each agency's two year average usage compared to the total usage of all law enforcement agencies in British Columbia.