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From: "Dick (Richard) BENT" <Dick.Bent@rcmp-grc.gc.ca>
To: "Bill Sweeney" <Bill.Sweeney@rcmp-grc.gc.ca>
CC: "Al MACINTYRE" <al.macintyre@rcmp-grc.gc.ca>, "Gary BASS" <Gary.BASS@rcm...>
Date: 2008-02-01 15:23
Subject: Request for Joint Federal - British Columbia Enquiry
Attachments: Dziekanski AG-SG Letter.pdf

Bill, I've checked with both Deputy Bass and Al Macintyre and neither were aware of the request from the Provincial AG and SG to their federal counterparts for a joint Federal-British Columbia enquiry, so by extension we were not consulted. I have yet to hear back from Kevin Begg, Police Services, to get his input, but will advise once I do hear from him.

For the benefit of Deputy Bass and Al, I've attached a scanned copy of the letter.

Further to our discussion, the obvious question is with respect to the jurisdiction of the province to have an enquiry into any federal government agency/department. I know in discussions with Kevin Begg that he is aware of this jurisdictional issue. He indicated that when the Solicitor General announced 07-11-19, that there would launch a full public enquiry into the death of Dziekanski and into the policy governing CEW use, that those advising the Solicitor General had not contemplated the jurisdictional question. Since then there has been discussion within the provincial government about changing the focus or wording to the effect that the province will review the findings of the various inquests and enquiries in order to work around this. It seems that they have settled on this option of asking for a joint enquiry.

Last week we had a meeting with Paul Kennedy and Police Services and others on an unrelated issue and the topic of the BC public enquiry came up. It was Paul Kennedy who said that there are a number of court cases which are clear that the provinces have no authority to investigate or hold enquiries into federal departments. He went on to say that it is his belief that even if we wished to cooperate, that the RCMP, or any other government entity, may not be able to waive that jurisdictional issue.

One final comment for consideration in the advice to the Minister. I note in paragraph two that one purpose, or the primary purpose of this proposed joint enquiry is that it is essential the Dziekanski's family and the public receive a full explanation of how the death occurred. There are upwards of 11 reviews which will take place. The Coroner's Inquest will address the majority of issues and while it is possible that the Coroner may refuse to examine certain things, I doubt that they would restrict this enquiry too much given its profile. Hopefully through these various processes that the Dziekanski family and the public will get the full explanation.

Part of me feels that we need to be as transparent and cooperative as possible and hate to be seen as saying, "Sorry Province, but you don't have jurisdiction." There are, as you well understand, larger issues here which potentially affect other federal government agencies, not just the RCMP.

Please advise whether you need anything further.

Dick

From: Al MACINTYRE
To: Elliott, William
CC: "Kevin.Begg@gov.bc.ca".GWIA.PROTB_GWIA_1; BASS, Gary; BENT, Dick (Rich...
Date: 2008-02-18 11:22
Subject: Re: AG to Announce the YVR Inquiry

Commissioner:

Information just in. A formal BN will follow which will also include some information on the toxicology results.

Al

(as A/CO "E")

(Al Macintyre)
Assistant Commissioner
OIC Criminal Operations
RCMP "E" Division - British Columbia
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>>> "Begg, Kevin L SG:EX" <Kevin.Begg@gov.bc.ca> 2008-02-18 11:13 >>>

I was just advised that AG will announce the inquiry in about an hour. I don't have a lot of detail on it but wanted to give you a heads up.

Kevin

Kevin L Begg
Assistant Deputy Minister
Policing and Community Safety Branch
Office 250 387-1100
Cell:

s.16(2)

From: Al MACINTYRE
To: BASS, Gary; BENT, Dick (Richard)
CC: Ward, John
Date: 2008-02-19 04:39
Subject: Re: Fwd: AG to Announce the YVR Inquiry

Gary, when John called on the response, that is exactly what we said. It was the Minister who raised the issues which then led them back to the RCMP asking the questions about co-operation and net effect etc.

Al

>>> Gary BASS 2008-02-19 02:44:51 >>>

As far as I know, this is the same Inquiry they have talked about all along Dick.

I see the AGs comments on it indicating he expects the RCMP would cooperate. Wouldn't hurt to go out again and say something to the effect that as the Provincial Force, we are pleased to cooperate and will do so.

Gary

>>> Dick (Richard) BENT 2008-02-18 14:55 >>>

Yes, I just talked to John on the same thing. Dick

>>> Al MACINTYRE 2008-02-18 14:45 >>>

You have what we have. John has received calls from the media regarding a comment the AG made over jurisdiction.

>>> Dick (Richard) BENT 2008-02-18 14:39 >>>

Gary/Al, I'm trying to understand why the AG is ordering this enquiry. Seems he's once again inserting himself in policing matters. Also, did we hear whether this is a joint one with the feds? Might be the reason that Wally is announcing. Dick

>>> "Begg, Kevin L SG:EX" <Kevin.Begg@gov.bc.ca> 2008-02-18 11:13 >>>

I was just advised that AG will announce the inquiry in about an hour. I don't have a lot of detail on it but wanted to give you a heads up.

Kevin

Kevin L Begg
 Assistant Deputy Minister
 Policing and Community Safety Branch
 Office 250 387-1100
 Cell:

s.16(2)

s.23

From: AI MACINTYRE
To: BASS, Gary s.23
CC: BENT, Dick (Richard); Ward, John
Date: 2008-02-19 05:41
Subject: Re: Fwd: AG to Announce the YVR Inquiry

Copy loud and clear Gary and just to repeat, to repeat, that is what I said yesterday....we will co-operate and we are eager for the story to be told!

I have added John in as he was noted copied on your message. Dick,

AI

>>> Gary BASS 2008-02-19 05:37:04 >>>

Thanks AI. Frankly, I don't care what ottawas position on it is at this stage. The Provincial Force will cooperate. I will try to talk to the Cmmr on it this morning.

John can release those comments I sent under my signature.
 (And post them).

Gary

-----Original Message-----

From: AI MACINTYRE
 Cc: MORRISON, Robert <000033989.Admin.EDIV_EHQ>
 To: BASS, Gary <000001654.OPS.EDIV_EHQ>
 To: BENT, Dick (Richard) <000001730.OPS.EDIV_EHQ>
 Cc: Ward, John <000029321.OPS.EDIV_EHQ>
 Cc: Sweeney, Bill <000001531.NHQ4.NCR_HQ>

Sent: 19/02/2008 8:10:40 AM

Subject: Re: Fwd: AG to Announce the YVR Inquiry

Gary, not sure if you have seen Justine Hunter's G&M piece posted 4 hours ago. She is the reporter that John would have dealt with where in he said all of these things, but the head line is that the Federal Government rebuffed the Prov AG in terms of not having authority etc. Not sure where that is coming from as there is not cite as to source etc.

I will follow up this AM. We may have to simply post to our own site as right now, this and with the ICD story, we sure as hell are not getting much help. Yesterday and on the weekend, I bet I spent well over four hours on it, speaking with two reporters and in the end, numbers stay the same in the follow up editorial and it was like we had not even spoken with them.

AI

>>> Gary BASS 2008-02-19 03:13:41 >>>

How about something like this AI?

"The RCMP would like to confirm the Attorney General's stated understanding that we are pleased to participate voluntarily with this Inquiry or any other process with the goal of ensuring that our policies, techniques, methodologies and equipment are working properly and doing what they were designed to do. We have stated consistently that we welcome any review of the use of CEWs and that should we be presented with evidence that policies should be changed, then we would do so. We view this Inquiry as an important step in maintaining our close working relationship with the Province as the Provincial Police Force and in maintaining the high level of trust with the members of the public of B.C."

s.23

I think we should avoid any legalistic jargon which leaves any room for suggestion that we may opt out at some point or under some circumstances.

My thoughts, let me know what you think.

Gary

>>> AI MACINTYRE 2008-02-18 14:45 >>>

You have what we have. John has received calls from the media regarding a comment the AG made over jurisdiction.

s.23