BRITISH COLUMBIA
Prosecution Service

February 17, 2021

PLEASE QUOTE THIS FILE NUMBER ON REPLY:
292-30
MAG-2021-10140-05

Kevin Walby
University of Winnipeg
Department of Criminal Justice
515 Portage Ave
Winnipeg, MB R3B 2E9

Sent via email to: k.walby@uwinnipeg.ca

Dear Kevin Walby:

**Re: *Freedom of Information and Protection of Privacy Act* (the "Act")**
**Requests for Information: MAG-2021-10140-05**

This is in response to your request received by Information Access Operations (IAO) on January 4, 2021 and forwarded to this office for reply as some of the records you have requested remain under the custody and control of the BC Prosecution Service. Your request is summarized as follows:

> *Copies of all policies, directions, memorandums or notes issued to Crown prosecutors with respect to bail and pre-trial detention related to COVID-19 pandemic prevention and management. Please provide the records separated into two time frames: Timeframe 1 (pre-pandemic planning): 5 January 2020 (WHO Disease Outbreak News) to 1 March 2020. Timeframe 2 (first 6 months): 1 March 2020 to 30 August 2020 (Date Range for Record Search: From 1/5/2020 To 8/30/2020)*

Please be advised the following policies may be of assistance including, but not limited to:

- ALT 1 – Alternative Measures for Adult Offenders

  https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/alt-1.pdf

- BAI 1 – Bail – Adults

Lori McMorran
Information Access and Privacy Coordinator | Crown Counsel
BC Prosecution Service | Ministry of Attorney General

PO Box 9276 Stn Prov Govt
Victoria, BC V8W 9J7
P: 250.387.3840 F: 250.387.0090

https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/bai-1.pdf

- RES 1 – Resolution Discussion

  https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/res-1.pdf

- TRI 1 – Trial Without Jury – Section 469 Offences – Consent of Attorney General

  https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/res-1.pdf

You may also wish to refer to the following for relevant links concerning past and current COVID-19 related notice, directions and information:

https://www.provincialcourt.bc.ca/COVID19 - In addition to the court notices, this link includes an additional link to multiple helpful news articles, seminars and learning opportunities regarding legal matters during COVID19.

https://www.bccourts.ca/supreme_court/ - The Supreme Court home page which includes links to all COVID-19 notices and announcements.

https://www.bccourts.ca/Court_of_Appeal/ - The Court of Appeal home page which includes links to all COVID-19 notices and announcements.

Any BC Prosecution Service (BCPS) records, such as inter-office memoranda, have been excepted from disclosure in their entirety pursuant to s. 15 (1)(g) (records relating to the exercise of prosecutorial discretion) of the Act. Other sections which also apply to the records withheld are s. 14 (legal advice); s. 16 (1)(b) (disclosure which would reveal information received in confidence from another government or organization); s. 17 (disclosure harmful to the financial or economic interests of a public body) and s. 22 (disclosure harmful to third party personal privacy) of the Act. If you wish to review these sections, please do so at:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

You may contact me at (250) 387-3840. You may be transferred to this telephone number free of charge by calling Enquiry BC at 660-2421 in Vancouver or at 1-800-663-7867 outside Victoria and Vancouver.

If you are not satisfied with how your request is being processed by the BCPS, the matter can be reviewed by the Information and Privacy Commissioner. A request for review should be received by the Commissioner within 30 days and should be delivered to:

Information and Privacy Commissioner
P.O. Box 9038, Stn Prov Govt
Victoria, BC V8W 9A4
Telephone 250-387-5629

If you request a review, please provide the Commissioner's office with:

1. the request number assigned to your request (MAG-2021-10140-05)
2. a copy of this letter; and
3. a copy of your original request for information.

Yours truly,

Lori McMorran,
Information Access and Privacy Coordinator | Crown Counsel
BC Prosecution Service | Ministry of Attorney General