



February 24, 2010

To: See Distribution List

Re: **MOU between OPCC and BCAMCP**

Please find enclosed a fully executed copy of the above Memorandum of Understanding for your files.

Brad Parker, President  
BCAMCP

Encl.

Distribution list:

C/Cst. Cessford, Delta Police Department  
C/Cst. Maluta, Nelson Police Department  
C/Cst. Zapotichny, New Westminster Police Service  
C/Cst. Gaudet, Oak Bay Police Department  
C/Cst. Chadwick, Saanich Police Department  
C/Cst. Chu, Vancouver Police Department  
C/Cst. Graham, Victoria Police Department  
C/Cst. Lepine, West Vancouver Police Department  
C/Cst. Hames, Central Saanich Police Service  
C/Cst. Seniuk, Stl'at'imx Tribal Police  
Chief Officer Clapham, Greater Vancouver Transportation Authority Police Service  
C/Cst. Rick, Abbotsford Police Department  
C/Officer Kiloh, CFSEU

*Kim*  
*Is this the original?*  
*I guess we keep this*  
*somewhere?*

RECEIVED-CHIEF CONSTABLE'S OFFICE

10-0349

MAR 01 2010

REFER TO: *Chief*

COMMENTS: *Insp. Guimond, P.S.*  
*D. Manajlovic, P.R.*



DELTA



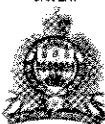
NELSON



NEW WESTMINSTER



OAK BAY



PORT MOODY



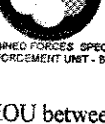
SAANICH



VANCOUVER



WEST VANCOUVER



**MEMORANDUM OF UNDERSTANDING**  
**Respecting the Oversight of Investigations of a Police Incident**  
**Resulting in Death or Serious Harm**

**BETWEEN:**

The Office of the Police Complaint Commissioner

**AND:**

Abbotsford Police Department  
as represented by the Chief Constable

**AND:**

Central Saanich Police Service  
as represented by the Chief Constable

**AND:**

Delta Police Department  
as represented by the Chief Constable

**AND:**

Nelson Police Department  
as represented by the Chief Constable

**AND:**

New Westminster Police Service  
as represented by the Chief Constable

**AND:**

Oak Bay Police Department  
as represented by the Chief Constable

**AND:**

Port Moody Police Department  
as represented by the Chief Constable

**AND:**

Saanich Police Department  
as represented by the Chief Constable

**AND:**

Vancouver Police Department  
as represented by the Chief Constable

**AND:**

Victoria Police Department  
as represented by the Chief Constable

**AND:**

West Vancouver Police Department  
as represented by the Chief Constable

**AND:**

South Coast BC Transportation Authority Police Service  
as represented by the Chief Officer

**AND:**

Stl'Atl'imx Tribal Police  
as represented by the Chief Constable

**AND:**

Organized Crime Agency of BC  
as represented by the Chief Officer

**Whereas**, a municipal police agency will need, from time to time, to investigate a police incident involving death, serious harm, or conduct an investigation which raises significant concerns regarding the administration of justice, where the police agency may determine that there is no evidentiary basis upon which to forward a report to the Criminal Justice Branch (the "Branch") for charge approval.

**And Whereas**, the Branch has advised that unless the police believe that, or are uncertain whether, there is an evidentiary basis to charge an offence a report should not be submitted to the Branch and that reviewing such a report for the purpose of providing independent oversight of a police investigation is outside the mandate of the Branch.

**And Whereas**, in these circumstances, municipal police agencies have determined that there is a need for an independent review of their decision that there is no evidentiary basis upon which to charge an offence.

**Therefore**, the municipal police agencies agree that, upon request from the police agency involved in an incident, the Office of the Police Complaint Commissioner (the "OPCC") will perform a review of an investigation of a case involving death, serious harm, or matters that raise significant concerns regarding the administration of justice, where the municipal police agency's assessment is that there is no evidentiary basis upon which to forward a report to the Branch.

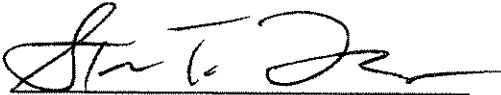
The following protocol will be used to review a report in the circumstances noted above:

1. Cases that would be considered for review would be those cases involving death, serious harm, or matters that raise significant concerns regarding the administration of justice, where the police agency determines that there is no evidentiary basis upon which to charge an offence.
2. In order to establish jurisdiction for the OPCC, there must be a Police Act investigation already in place, and the incident submitted for review must be the subject of a *Police Act* complaint or an investigation ordered by the OPCC pursuant to the *Police Act*.
3. Once a police agency has referred a matter to the OPCC for review, that police agency is responsible for notifying and informing those parties directly impacted by the incident of the referral.
4. The OPCC will have the ability to request further investigation on any matter submitted for review, and such investigation must be undertaken as a condition precedent for a review.
5. The proposed standard to be applied by the OPCC in cases of death and serious injury is as follows:

Does the available evidence disclose a reasonable basis to consider that the conduct of an officer or former officer may constitute an offence under any Federal or Provincial legislation?

6. When a case meets the threshold noted above, the OPCC will submit an investigation report to the Branch for charge assessment. The OPCC will not recommend any charge, but would be recommending a charge assessment. The OPCC will not engage in a comprehensive assessment of the evidence in terms of the Branch's charge assessment standard.
7. Once the OPCC has completed a review of a matter submitted pursuant to this Memorandum of Understanding, the OPCC will notify and inform those parties directly impacted by the incident of its decision.
8. The OPCC may disclose its decision to the public, if the Police Complaint Commissioner determines it would be in the public interest, having considered the privacy rights of those directly, the potential impact on the integrity of any ongoing **Police Act** matter, and the provisions of the **Act** as they related to confidentiality.
9. Once a charge assessment has been concluded, the Branch will notify the OPCC and those parties directly impacted by the incident of its charge assessment decision.

Signed on behalf of the Office of the Police Complaint Commissioner of BC;



Stan Lowe  
Police Complaint Commissioner  
Victoria, British Columbia

Date 2010/02/10

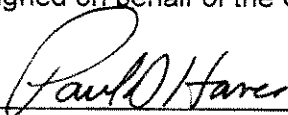
Signed on behalf of the Abbotsford Police Department;



Chief Constable Bob Rich  
Abbotsford, British Columbia

Date 2010/01/08

Signed on behalf of the Central Saanich Police Service;



Chief Constable Paul Hames  
Central Saanich, British Columbia

Date Jan. 12/2010

Signed on behalf of the Delta Police Department;



Chief Constable Jim Cessford  
Delta, British Columbia

Date Jan 12/2010

Signed on behalf of the Nelson Police Department;

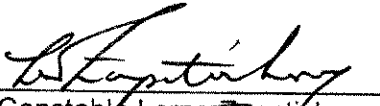


For

Chief Constable Dan Maluta  
Nelson, British Columbia

Date JAN 12, 2010

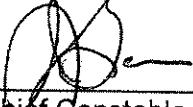
Signed on behalf of the New Westminster Police Service;



Chief Constable Lorne Zapotichny  
New Westminster, British Columbia

Date JAN 12, 2010

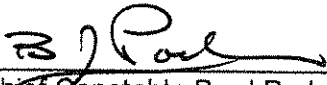
Signed on behalf of the Oak Bay Police Department;



Chief Constable Ron Gaudet  
Oak Bay, British Columbia

JAN 20, 2010  
Date

Signed on behalf of the Port Moody Police Department;



Chief Constable Brad Parker  
Port Moody, British Columbia

Date JAN 12, 2010

Signed on behalf of the Saanich Police Department;



Chief Constable Michael Chadwick  
Saanich, British Columbia

Date JAN 12, 2010

Signed on behalf of the Vancouver Police Department;



Chief Constable Jim Chu  
Vancouver, British Columbia

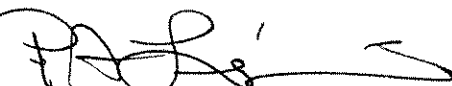
Date Jan 12 2010

Signed on behalf of the Victoria Police Department;

  
Chief Constable Jamie Graham  
Victoria, British Columbia


Date JAN 12, 2010

Signed on behalf of the West Vancouver Police Department;

  
Chief Constable Peter Lepine  
West Vancouver, British Columbia

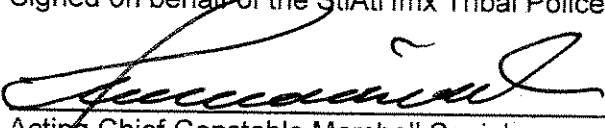
Date JAN 12, 2010

Signed on behalf of the South Coast BC Transportation Authority Police Service;

  
Chief Officer Ward Clapham  
Vancouver, British Columbia

Date JAN 12, 2010

Signed on behalf of the StAtI'mx Tribal Police;

  
Acting Chief Constable Marshall Seniuk  
Lillooet, British Columbia

Date Feb 5, 2010

Signed on behalf of the Organized Crime Agency of BC;

  
Chief Officer Doug Kiloh  
New Westminster, British Columbia

Date 2010-02-02