



December 09, 2010

Our File Number: 292-30/PSS-2010-01850

David Eby  
British Columbia Civil Liberties Association  
Suite 550 – 1188 West Georgia Street  
Vancouver BC V6E 4A2

Dear David Eby:

**Re: Request for Records**  
***Freedom of Information and Protection of Privacy Act (the Act)***


I am writing in response to your request received by the Ministry of Public Safety and Solicitor General on October 12, 2010. You requested access to

*"All correspondence, including letters, emails, and reports between the B.C. Solicitor General and/or Deputy Solicitor General and Paul Kennedy, the former head of the Commission for Public Complaints Against the RCMP, between May and December 2009, including but not limited to, correspondence concerning the Prince George RCMP Department and/or the death of Clayton Alvin Willey."*

Please find enclosed a copy of the records that are responsive to your request. These records are being sent to you in their entirety. Your file with this office is now closed.

You have a right to request a review of this decision. You have 30 business days to request a review. I have enclosed information regarding this process. If you have any questions or concerns relating to your request, please contact [REDACTED], the analyst assigned to your request at [REDACTED]. You may be transferred to this telephone number free of charge by calling Enquiry BC at 604-660-2421 in Vancouver or at 1-800-663-7867 outside Victoria and Vancouver.

Yours sincerely,

  
Vicki Hudson  
Manager

Enclosures

Ministry of  
Citizens' Services

Information Access  
Operations

Mailing Address  
Ministry of Citizens' Services  
PO Box 9569  
Stn Prov Govt  
Victoria BC V8W 9K1

Facsimile (250) 387-9843

Web Address  
<https://www.qa.gov.bc.ca/citizen/>



November 20, 2009

Mr. Paul E. Kennedy  
Chair  
Commission for Public Complaints  
Against the RCMP  
Bag Service 1722 Stn B  
Ottawa ON K1P 0B3  
E-mail: Paul.Kennedy@cpc-cpp.gc.ca

Dear Mr. Kennedy:

I write further to our conversation of November 20, 2009 with respect to the death of Mr. Clayton Willey. As you are aware, his death was the subject of a coroner's inquest conducted by the British Columbia Coroner's Service in October, 2004. According to the Verdict At Coroner's Inquest, Mr. Willey died in Prince George on July 22, 2003, approximately 16 hours after being apprehended by members of the Prince George RCMP Detachment following complaints of a public disturbance. One of the pieces of evidence considered at the coroner's inquest was a compilation of video footage from a number of security cameras located throughout the Prince George RCMP Detachment.

I first became aware of this issue following recent, widespread reports in the British Columbia media. Media have raised concerns with the in-custody treatment of Mr. Willey and have expressed concern that the video in question has not been released to the public. Allegations have also been made in the media that further video evidence exists beyond that contained in the compilation video.

Following these media reports, I requested a briefing from my senior staff and the RCMP on this issue. On November 19, the RCMP provided my staff and me with a briefing on this matter, which included viewing of the compilation video. Following this meeting, and in light of growing public concerns regarding this matter, I contacted you for the purpose of determining what further steps could be taken. I understand that your office is currently conducting a review of in-custody taser related deaths across the country and that this incident forms part of your review. However, I understand the terms of reference of your current review are focussed on the involvement of tasers in these incidents.

.../2

Mr. Paul E. Kennedy  
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My purpose in writing is to ensure that British Columbians have the benefit of a single, comprehensive and transparent accounting of the circumstances of Mr. Willey's death. It is my understanding that you have broad legislative powers to examine issues of this nature, including the ability to hold public hearings and hear testimony from witnesses. At this time, I am requesting that you review the circumstances surrounding the death of Mr. Willey so that British Columbians can have continued confidence in the RCMP.

I appreciate your prompt attention to this matter.

Yours truly,

*Original signed by:*

Kash Heed  
Solicitor General

pc: The Honourable Peter Van Loan

Commission for Public Complaints Against the  
Royal Canadian Mounted Police



Commission des plaintes du public contre la  
Gendarmerie royale du Canada

Office of the Chair

Bag Service 1722, Station B  
Ottawa, Ontario  
Canada K1P 0B3

Cabinet du Président

Service de bag 1722, succursale B  
Ottawa (Ontario)  
Canada K1P 0B3

November 23, 2009

File No.: PC-2009-3397

kash.heed.mla@leg.bc.ca

Honourable Kash Heed  
Minister of Public Safety and  
Solicitor General  
Room 238  
Parliament Buildings  
Victoria, BC B8V 1X4

Dear Solicitor General Heed:

**Re: Complaint of the Chair (Mr. Clay Willey)**

As per our conversation and your letter of November 20, 2009 with respect to the death of Mr. Clayton Willey, I have initiated an amended complaint and public interest investigation (a copy of which is attached for your ease of reference) under subsection 45.37(1) of the *RCMP Act*. The Commissioner of the RCMP, as well as the Minister of Public Safety have been informed accordingly.

In light of the sensitive nature of this matter, I have appointed a former chief of police from a large Ontario municipality to carry out the public interest investigation. I will keep you informed as the investigation progresses.

Thank you very much for your consideration.

  
Paul E. Kennedy

Attach.

<b>RECEIVED</b>	
MINISTER OF PUBLIC SAFETY AND SOLICITOR GENERAL	
NOV 24 2009	
REFER TO MAIL REGISTRY	
OTHER	381558
<input type="checkbox"/> DRAFT REPLY	<input type="checkbox"/> REPLY DIRECT
<input type="checkbox"/> JATIN FILE	<input type="checkbox"/> FILE <input type="checkbox"/> INFORMATION

Canada

## Chair-Initiated Complaint – Amended Complaint

File No.: PC-2009-3397  
Subject: Clay Alvin WILLEY  
Date: November 23, 2009

On January 16, 2009, I initiated a public complaint into the conduct of those unidentified RCMP members present at, or engaged in, incidents where individuals in the custody of the RCMP died following the use of a conducted energy weapon (CEW), which incidents have taken place anywhere in Canada between January 1, 2001 and January 1, 2009.

The arrest and subsequent death of Mr. Clay Alvin Willey in Prince George, British Columbia on July 22, 2003 is one of the incidents referred to in the complaint. Mr. Willey's death was the subject of a Coroner's Inquest conducted by the British Columbia Coroner's Service in October 2004. One of the pieces of evidence considered at the Coroner's Inquest was a compilation of video footage from a number of security cameras located throughout the Prince George RCMP Detachment.

The original complaint was initiated to examine:

1. whether the RCMP officers involved in the aforementioned events, from the moment of initial contact with the individual until the time of each individual's death, complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to the use of force; and
2. whether existing RCMP policies, procedures and guidelines applicable to such incidents are adequate.

I also commenced a public interest investigation into this complaint, pursuant to subsection 46.43(1) of the RCMP Act.

Subsequent to the launch of my complaint and public interest investigation, the Solicitor General of British Columbia has on behalf of the residents of British Columbia, raised concerns directly with me regarding this incident and in particular with respect to the integrity of the video evidence relating to the arrest and detention of Mr. Willey. In correspondence to the CPC, the Solicitor General commented that members of the media have "raised concerns with the in-custody treatment of Mr. Willey and have expressed concern that the video in question has not been released to the public. Allegations have also been made in the media that further video evidence exists beyond that contained in the compilation video." Consequently, the Solicitor General requested that I "review the circumstances surrounding the death of Mr. Willey so that British Columbians can have continued confidence in the RCMP."

As such and without limiting the generality of the foregoing, I am expanding my public complaint and public interest investigation to examine:

3. whether the RCMP members involved in the investigation of Mr. Willey's arrest and subsequent death conducted an investigation that was adequate, and free of actual or perceived conflict of interest; and
4. whether any other video evidence (other than the compilation video referred to above) exists and whether any RCMP member concealed, tampered with or otherwise inappropriately modified in any way, any evidence, in particular any video evidence, relating to the arrest of Mr. Willey.