



# AGENDA

## Police Board Meeting

Tuesday, June 22, 2021 4:00 PM

Training Room, Oak Bay Police Department 1703  
Monterey Avenue

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We acknowledge that the land on which we gather is the traditional territory of the Coast and Straits Salish Peoples, specifically we recognize the Lekwungen-speaking Peoples, known today as the Songhees and Esquimalt First Nations, and that their historic connections to these lands continue to this day.

**NOTICE OF THE REGULAR MEETING OF THE OAK BAY POLICE BOARD  
DUE TO THE GLOBAL PANDEMIC, MEMBERS OF THE PUBLIC CAN PARTICIPATE IN THE  
OPEN PORTION OF THE MEETING BEING HELD BY  
ZOOM VIRTUAL MEETING ID #955 651 91318**

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1. CALL TO ORDER:	
2. APPROVAL OF AGENDA	
3. ADOPTION OF MINUTES:	
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<a href="#">OB 150 INDUSTRIAL ACCIDENTS</a>	
<a href="#">OK 040 SPECIAL EVENTS</a>	
<a href="#">OM 050 VICTIM SERVICES</a>	

7. ADJOURNMENT:

Recommendation:

*That the open portion of the Police Board meeting be adjourned and that a closed session be convened to discuss personnel issues, which may be dealt with in private under the Police Act.*

MINUTES of the open portion of the regular meeting of the OAK BAY POLICE BOARD held by Zoom Video Conference on Tuesday, April 27, 2021 at 4:00 p.m.

PRESENT:	Board Members:	Kevin Murdoch, Chair Blair Littler Wendy Zink Christine Hall Mary Kelly
	Chief Constable Police Board Secretary	Ray Bernoties Barbara Sherman
REGRETS:	Deputy Chief Constable	Mark Fisher

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**1. CALL TO ORDER:**

Chair called the meeting to order at 4:01 p.m.

**2. APPROVAL OF AGENDA**

***MOVED and seconded:*** To adopt the agenda of the April 27, 2021 regular board meeting as circulated.

***CARRIED***

**3. ADOPTION OF MINUTES:**

***MOVED and seconded:*** That the Minutes from the open portion of the regular meeting of the Oak Bay Police Board, held on March 23, 2021 be adopted as circulated.

***CARRIED***

**4. STANDING ITEMS:**

***4.1 Accountability Report***

Chief Bernoties advises that there have been no changes from the March report.

***4.2 Provincial Police Act Reform***

The Board identified some minor grammatical and typographical errors in the report. There was also a request from the Board to remove the words "high-crime" in reference to the city core that Oak Bay is next to.

***MOVED and seconded:*** That the amended Oak Bay Police Board submission be forwarded to the Special Committee on Police Act Reform for consideration.

***CARRIED***

***4.3 Strategic Plan Development***

Chief Bernoties advises that the contract with Tapestry Holdings has been received. Ashley, from Tapestry has been in touch with Ms. Zink and Deputy Chief Fisher. She has been provided with stakeholder contact information so that she can begin consultations in June.

## 5. DEPARTMENT REPORTS

### 5.1 Financial Report

Chief Bernoties presented the Quarter 1 Expense Report, noting that expenditures were well on track for the first quarter of the year, with the exception of Community Programs. With covid-related restrictions, community programs have been difficult to deliver. In response to a question from the Board, Chief Bernoties spoke of some success in delivering school-based programs delivered by video conferencing and the hope to reach out to the larger community once restrictions are eased.

**MOVED and seconded:** That the Q1 Financial Report be received.

**CARRIED**

### 5.2 Overtime Reports

Chief Bernoties presented the Quarter 1 Salary and Overtime Reports, noting that expenditures were well on track for the first quarter of the year, but that the second quarter may provide some challenges relating to overtime costs.

**MOVED and seconded:** That the Q1 Overtime Reports be received.

**CARRIED**

### 5.3 Chief's Monthly Update

- **Covid Update:** So far, no staff member has tested positive. One member in isolation due to a positive test from a member of their immediate family. Enforcement action of health orders has not been a major issue.
- **New Hire:** An offer of employment has been accepted by Cst. Jewkes, currently with the OPP, to fill the vacancy to be created when Sgt. Lucas retires in July. Prior to July, he will be sworn in as a Special Municipal Constable.
- **Special Municipal Constable:** As stated earlier, Cst. Jewkes will begin his employment with OBPD as a Special Municipal Constable prior to being sworn in as a regular in July. A recently retired OBPD officer is also being considered for the position. These additions will help to address the excessive overtime call-outs necessitated due to absences of several regular members.
- **Security Cameras:** Upgraded security cameras have been installed in and around the building. This was a capital budget item and has come in under budget.
- **Training Room:** Renovations to the Training Room are nearing completion. This space will be a multi-function room with the ability to accommodate meetings as well as training. This was also a capital budget item and anticipated to come in within the budget.

In light of the recent decision by the Vancouver School District to abolish the School Liaison Officer there, Chief Bernoties was asked if he anticipated a similar move here. Chief Bernoties has been contacted by a School Trustee who questioned the need for the SLO to be armed. While he respects his view, there is a requirement and expectation for officers to be armed. Chief Bernoties sees value in exploring ways to learn from BIPOC groups and Trustees suggestions for adjusting the program delivery. The Chief and the SLO have also been contemplating a student survey in the fall to ascertain students' needs and concerns. The Board supports input from the Diversity Awareness Committee and students themselves.

**Action:** Chair Murdoch will reach out to the School Board Chair to gain an understanding of any concerns that they may be having about the current SLO program.

**MOVED and seconded:** That the verbal Chief Constable's Monthly Update be received.

**CARRIED**

ADJOURNMENT:

**MOVED and seconded:** That the open portion of the meeting be adjourned and that a closed session be convened to discuss personnel issues, which may be dealt with in private under the Police Act.

**CARRIED**

The open portion of the meeting adjourned at 4:42 p.m.

Certified Correct:

\_\_\_\_\_  
Secretary, Oak Bay Police Board

\_\_\_\_\_  
Chair, Oak Bay Police Board





## Oak Bay Police Department

1703 Monterey Ave, Victoria, B.C., V8R5V6 Ph (250) 592-2424 Fax (250) 592-9988

### ACCOUNTABILITY REPORT

Reporting Period: May 2021

	# new	#ongoing	YTD	Not accepted*	Unsub.	Substantiated	File numbers
<b>OPCC Complaints</b>	2	4	3	2	1		OPCC 21-19098 (Concluded) OPCC 21-19289 (Concluded) OPCC 21-19281 (Monitor) OPCC 20-17320 (Unsubstantiated) OPCC 20-18719 (ongoing) OPCC 20-18885 (ongoing) OPCC 20-18899 (ongoing)
<b>IIO Notifications</b>	0	0	0				
<b>Harassment incidents</b>	0	0	0				
<b>Respectful Workplace incidents</b>	0	0	0				
<b>Use of Force Reports</b>	1	0	3				21-332 21-625 21-1509

\*Not accepted by OPCC and/or IIO  
Mark Fisher  
Deputy Chief Constable







**BRITISH  
COLUMBIA**

VIA EMAIL

April 23, 2021

Charla Huber  
President  
British Columbia Association of Police Boards  
c/o 1161 Fort Street  
Victoria BC V8V 3K9  
Email: bcapbs@gmail.com

Dear Charla Huber:

Thank you for your letter dated March 19, 2021, in which you outline the British Columbia Association of Police Board's (BCAPB) approved resolutions from its March 6, 2021 Annual General Meeting. As Minister of Public Safety and Solicitor General for British Columbia, I am pleased to respond to each resolution.

At the outset, I wish to advise that under the *Police Act* (BC), it is my responsibility as Minister to ensure that an adequate and effective level of policing and law enforcement is maintained throughout British Columbia. Further, I wish to confirm that each provided resolution represents an area of priority for the Province.

Amendments to *Motor Vehicle Act* (MVA) Regulations

I am pleased to advise you that the BC Ministry of Transportation and Infrastructure will respond to this resolution directly.

Increased JIBC Funding

The Ministry of Public Safety and Solicitor General (PSSG) and the Ministry of Advanced Education, and Skills Training are supporting the JIBC in discussions over budget issues for the 2021/22 fiscal year and continue to encourage the JIBC to collaborate with police stakeholders such as the BC Association of Municipal Chiefs of Police (BCAMCP) and BCAPB to develop a sustainable business and funding model for the long-term.

As you know, the JIBC is primarily funded through an annual provincial grant and recruit tuition. Part of this work will include the JIBC considering a rational tuition schedule that can be effectively communicated and considered in the annual municipal budget cycle.

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Ministry of  
Public Safety  
and Solicitor General

Office of the Minister

Mailing Address:  
Parliament Buildings  
Victoria BC V8V 1X4

Charla Huber  
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PSSG and AEST also engaged an external consultant to conduct an independent financial review of all delegation funded activities undertaken by the JIBC Police Academy in the last ten years. We look forward to sharing the results of this analysis with the BCAPB and BCAMCP to help inform discussions about future funding models for the JIBC PA.

#### Increased Fines and Impounding Under MVA

In response to the third resolution which recommends to increase fines for failing to stop for police under Section 73(1) of the *Motor Vehicle Act* and to amend Section 251 of the *Motor Vehicle Act* to include vehicle impoundment for drivers and registered owners that commit the offence of failing to stop for police, I can assure you that one of the provincial government's primary objectives is to promote a high level of safety for all road users on British Columbia's roads and highways, including law enforcement. RoadSafetyBC is interested in factors contributing to risks to the public and officer safety and will determine if there are opportunities to explore potential legislative amendments with respect to failing to stop for police.

However, you may be interested to learn that the *Firearms Violence Prevention Act* (FVPA), which received Royal Assent on March 25, 2021 but is not yet in force, will include a new discretionary power for peace officers to impound vehicles that have contravened s. 320.17 of the *Criminal Code*. Section 320.17 of the *Criminal Code* is the offence section for flight from police, which is a serious risk to public safety.

Under the FVPA, the intention is to impound vehicles that have been used to flee from police for 30 days and require owners of those vehicles to pay the impoundment fee before the vehicle will be released.

#### Amendments to *Metal Dealers and Recycler Act*

PSSG is aware of an increase in theft of catalytic converters, in particular. Police agencies are targeting prolific offenders and others in an effort to deal with these thefts. As with all policing and public safety matters, the ministry will continue to liaise with police and other relevant stakeholders to assess the responsiveness of current legislative, enforcement and program tools to deal with emerging criminal trends.

#### Amendments to *Firearm Act*

The recently passed *Firearm Violence Prevention Act* (FVPA), which will come into force in the spring of 2022, includes a new prohibition on the possession of firearms, low-velocity firearms, and imitation firearms on designated properties. The designated properties are child-care properties, schools, post-secondary institutions, hospitals, court houses, and places of worship. New types of designated properties where firearms, imitation firearms, and low-velocity firearms will be prohibited may be identified, subject to further consultation with stakeholders, and added to the regulations under the FVPA.

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Charla Huber  
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The FVPA creates offences for minors and youth who misuse imitation and low-velocity firearms and adds a new offence for causing a public disturbance with a low-velocity firearm or imitation firearm. This addresses the high-risk scenarios where police respond to “man with a gun” calls, not knowing if the firearm is real or an imitation.

Police will have the authority to seize imitation or low-velocity firearms that are possessed in contravention of the FVPA and issue violation tickets.

In closing, I would like to thank you again for bringing these resolutions to my attention. I believe that through open communication and dialogue between the BCAPB and the ministry, we will continue to strengthen police governance in British Columbia. I look forward to meeting with members of the BCAPB Executive Committee on April 26, 2021.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Farnworth". The signature is stylized with a large, looped initial "M" and a long, sweeping underline.

Mike Farnworth  
Minister of Public Safety  
and Solicitor General



# YOUNG PERSONS

<b>OD 180</b>	<b>Effective Date: 99.04.20</b>
	<b>Review Date: 21-06-02</b>
	<b>By: Sgt. DALEP &amp; D/C/C FISHER</b>
	<b>Last Update:21-06-02</b>

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## 1.0 POLICY

- 1.1 The Oak Bay Police Department will address and treat young persons in a manner that complies fully with legal requirements.
- 1.2 The Oak Bay Police Department will annually review and update policies and procedures addressing young persons.

## 2.0 REASON FOR POLICY

- 2.1 To ensure that departmental practice with respect to young persons is in keeping with the current provisions of the Youth Criminal Justice Act.

## 3.0 PROCEDURES

- 3.1 The chief constable will direct an annual review of the Oak Bay Police Department's Policies and Procedures in relation to young people to be completed prior to April 30th of each year.
- 3.2 The designated member shall review applicable legislation, confer with youth crown counsel and research recent case law in relation to young offenders and incorporate required changes in policy & procedures.

- Statutory Provisions**     [INTERNAL INDEX](#)
- 3.3 The *Youth Criminal Justice Act* covers only offences against the Criminal Code of Canada and other federal statutes and regulations.
- 3.4 The [Principles](#) of the *Youth Criminal Justice Act* are set out in Section 3 of the act and should be carefully noted and their intent and spirit applied in dealing with young persons.
- 3.5 A person who commits a federal offence, and is under 12 years of age, may be dealt with under the provisions of the *Family and Child Services Act of British Columbia*.

- Arrest**     [INTERNAL INDEX](#)
- 3.6 The arrest of young persons will be conducted in the same manner as adults. SEE [ARREST & RELEASE OD 080](#)

- Appearance Notice**     [INTERNAL INDEX](#)
- 3.7 If a young person is found committing, or is suspected of committing a criminal offence, and there is no arrest, the investigating officer may issue an Appearance Notice for youth in the same manner as for an adult.
- 3.8 The investigating officer shall inform the parents or guardians if an Appearance Notice is issued.

- Identification**     [INTERNAL INDEX](#)
- 3.9 The Identification of Criminals Act applies to a young person although there are no provisions for taking the fingerprints of a person under the age of 12 years.

SEE [FINGERPRINTING & PHOTOGRAPHS OE 010, SECTION 3.14](#)

**Statements**  
SEE [STATEMENTS & INTERVIEWS OD 140 SECTION 4.0](#)

~~**Young Offenders – Confidential Human Sources**~~  
SEE [CONFIDENTIAL SOURCES OD 050, SECTION 17.0](#)

## 4.0 ~~YOUNG OFFENDERS ACT~~ ~~INDEX~~ ~~INTERNAL INDEX~~

### YOUTH CRIMINAL JUSTICE ACT

#### General

- 4.1 Young persons may be prosecuted for Federal Statute and Criminal Code offences under the ~~Young Offenders Act~~ YCJA, and for Provincial Statute Offences under the ~~Young Offenders Act~~ YCJA
- 4.2 Pursuant to certain exceptions, e.g. Youth Courts, notice to parents, proof of age, etc., young persons are subject to the same court procedures as adults.

#### Police

- 4.3 Investigators should make every effort to resolve juvenile cases informally by:
- referring matters to parents and community services; or
  - warning youths who commit offences.
- 4.4 When seeking formal action, refer applicable cases to Crown Counsel. Do not refer cases directly to probation services or sanction oriented community programs (e.g. diversion centres, community accountability boards).

Amended  
02.07.16

- 4.5 When the investigating officer determines that the resolution to an investigation involving young persons is a warning to the young person(s), the parents or guardian of the young person(s) must be notified of the incident and resolution by phone or in person. That notification shall be followed by a "Young Offenders Warning Letter" to the parents or guardian under the chief constable's signature.

#### Crown Counsel [INTERNAL INDEX](#)

- 4.6 Crown Counsel is responsible for decision-making regarding the screening, diversion, and prosecution of all young offenders.

- 4.7 In lieu of diversion or formal prosecution, young persons alleged to have committed relatively minor offences will generally be referred to the parent by way of a letter from Crown.
- 4.8 Crown will formally prosecute cases involving serious offences or repeat offenders; all other cases would be subject to pre-court enquiries by probation staff, and diverted on approval of Crown and consent of the young person.
- Conditional Supervision, Deferred Custody & Supervision**  
**Section 26.2 YOA 42 YCJA** [INTERNAL INDEX](#)
- 4.9 Conditional supervision permits the youth court to issue an order, with specific conditions, releasing a youth from custody. The order is equivalent to adult parole except that youth neither earn remission nor are granted statutory release prior to the end of their warrant expiry date. A conditional supervision order remains in effect until the end of the custodial disposition or until it is suspended. Any changes to the conditional supervision order or status require a youth court review.

**Suspension of Supervision, Apprehension** [INDEX](#)  
[INTERNAL INDEX](#)

- 4.10 Section 26.3 42 of the ~~Young Offenders Act~~ YCJA permits the suspension of a young person's conditional release order if:
- the young person has breached a condition of the order, or
  - the young person is about to breach a condition of the order.
- 4.11 Between 0830 hrs - 1630 hrs on normal working days, officers should notify the;

~~Victoria Probation Office~~  
~~(250) 387-1938 or~~  
~~(250) 387-6781 fax;~~

Victoria Youth Probation  
(250) 953-3711  
(250) 953-3710

if a youth has breached, or is about to breach, a condition of the conditional supervision. The youth's probation officer will make the necessary arrangements to obtain a warrant or take whatever other action is deemed necessary.



4.12 After hours and on weekends, officers must contact the;

Provincial Release Authority in Burnaby at  
~~(604) 660-5986 or~~  
~~(604) 660-5994 fax;~~

The Ministry of Children & Family Development

1-800-663-9122

if a youth has breached, or is about to breach, a condition of the conditional supervision. The on-duty supervisor may issue a warrant for the arrest of the youth requiring police to take the youth into custody and transport to the ~~Victoria Youth Custody Centre~~. Saanich Police Department where they have separate cells for youths and the youth will be remanded for morning court/tele-bail.

4.13 The warrant will be faxed to the Oak Bay Police if the breach occurred, or is about to occur.

~~4.14 When the young person has been arrested on the warrant, the~~

~~Victoria Youth Custody Centre~~  
~~(250) 387-1938 or~~  
~~(250) 387-1938 fax~~

~~shall be notified of the apprehension. The Victoria Youth Custody Centre will then notify the local director of the probation office.~~

~~4.15 The local director will then review the case and advise the police as to the disposition of the young person's status.~~

## 5.0 PROBATION SERVICES & MINISTRY FOR CHILDREN AND FAMILIES (MCF) [INDEX](#)

[INTERNAL INDEX](#)

5.1 Probation Services will only accept cases referred by Crown Counsel or Youth Court. They will **not** receive those referred directly by:

- victims;

- informants;
  - police;
  - parents; or
  - school representatives.
- 5.2 MCF case workers will respond to calls only when the young person is:
- a ward of MCF.;
  - a victim of physical/sexual abuse; or
  - in need of protection (Child, Family and Community Services Act).
- 5.3 When a young person about to be questioned by police does not want counsel, and the parents and an adult relative are absent, probation staff or MCF case workers will not attend the interview if requested by the young person unless the young person is:
- on probation; or
  - a ward of MCF

**Breach of Probation** [INTERNAL INDEX](#)

- 5.4 Failure or refusal to comply with terms of a disposition (not including escape, prohibition, seizure, forfeiture or treatment orders), is a summary conviction offence, Section ~~26 YOA~~. **137 YCJA**

- 5.5 If considered necessary in the public interest or the interests of the young person to terminate observed non-compliance, arrest immediately and proceed under Section 26.

**NOTE:** Escapes are dealt with under Section 145 of the Criminal Code of Canada.

- 5.6 Adults breaching probation ordered when they were young offenders are dealt with under ~~the Young Offenders Act~~. **Section 137 YCJA**

**Children Under Twelve** [INTERNAL INDEX](#)

- 5.7 Although children under 12 cannot be prosecuted, Section ~~22.1-27~~ Child, Family and Community Services Act gives police authority to take charge of those who behave unlawfully and deliver them to their parents.

**Referral to Ministry for Children & Families** [INTERNAL INDEX](#)

- 5.8 Before considering referral to MCF or action under the Children, Family and Community Services Act, members who take charge of children under 12 shall first contact parents who appear willing and able to deal privately with their children's problems.
- 5.9 Reasons for Referral to MCF may include;
- Parental Response
    - total disregard and lack of concern,
    - despair - won't/can't act for some reason,
    - abuse/excessive discipline - calls for **immediate** referral.
  - Seriousness of Event
    - crimes of violence, extreme vandalism/destruction, e.g. arson, that indicate severe underlying problems.
  - Frequency of Occurrence
    - child continues negative behaviour despite positive parental response when returned home.
    - behaviour deteriorates over time.
  - Parental Absence
    - child is clearly too young to be left alone.
    - no older sibling, neighbour, or relative is available to "stand in" for parents.
    - time of day, e.g. a child may be left alone pending parents' return at 1500, but not at 0300 hrs.
    - child fears abuse/excessive discipline when parents return and hear of their transgressions.

- Runaways
  - not possible to return to home, e.g. too far away
  - child fears retaliation (abuse/punishment).
  
- Statement of Abuse
  - any child who alleges abuse (sexual/physical) or substantial neglect should be referred immediately.
  
- Child is already a ward of MCF

**Aiding, Abetting, Counselling, Procuring of Children Under 12**  
[INTERNAL INDEX](#)

5.10 Section 23.1 of C.C.C. confirms that persons 12 years and older are liable to prosecution for aiding, abetting, counselling, procuring children under 12 to commit crimes.

**6.0 DETENTION OF YOUNG PERSONS** [INDEX](#)  
[INTERNAL INDEX](#)

6.1 The ~~Young Offenders Act~~ **YCJA** provides for temporary restraint of a young person, upon arrest, to give a police officer an opportunity to:

- take the young person to the police station;
- decide whether to lay a charge; or,
- decide on alternative measures.

**Not Confined with Adults** [INTERNAL INDEX](#)

6.2 Unless necessary due to exceptional circumstances, a young person held in custody will not be confined with adults, and then only on instructions from a youth court judge or justice of the peace.

**Notifying Parents** [INTERNAL INDEX](#)

6.3 Immediately after a young person is arrested or detained in custody, the parents shall be notified, by the supervising officer, either orally or in writing, of the place of detention and the reason for the arrest.

- 6.4 If no parent is available, a notice may be given to an adult relative or other adult known to the young person who is likely to provide assistance.
- 6.5 If the young person is married, the spouse of the young person may be notified instead of a parent.
- 6.6 Parents will be immediately notified, by the investigating officer, after a young person has been:
- issued with a summons or appearance notice, or
  - released on giving a promise to appear, or entered into a recognizance.

**Temporary Restraint** (~~Section 7(2) YOA~~) [INTERNAL INDEX](#)

- 6.7 During an investigation, grounds to detain by police are the same as for an adult under Part 14 of the Criminal Code of Canada and a young offender may be held for up to 24 hours, then taken before a Justice (Section 503 C.C.C.).

**Temporary Detention** [INTERNAL INDEX](#)

- 6.8 A young person under the supervision and control of a police officer after arrest will be transferred to a designated place of temporary detention:
- as soon as is reasonably practical, and
  - no later than after an appearance before a youth court judge or a justice of the peace, pursuant to the C.C.C.

- 6.9 ~~Section 7 of the Young Offenders Act indicates that there is only one place designated by Order In-Council for the TEMPORARY DETENTION (as defined in section 7) of young people in the Capital Region:~~

~~Victoria Youth Custody Centre  
1125 Pembroke St  
387-1938~~

- 6.10 When necessary to hold a young person, police require the approval of a Youth Court Judge, or if a Youth Court Judge is not

reasonably available, a Justice pursuant to Section ~~7(2)~~ 30 (3) YCJA, to use the adult facility.

- 6.11 In normal circumstances, a young offender will be held in a designated place of temporary detention only after the judicial process has officially commenced, i.e. formal charges are laid or the young offender has appeared before a youth court judge or a justice.
- 6.12 When a youth court judge or a justice is not reasonably available following temporary restraint, ~~Section 7(4)~~ 30(1) YCJA allows persons in authority to transfer a young person to place of temporary detention "as soon as is reasonably practicable" before a formal appearance.

#### **Intoxicated Young Persons** [INDEX](#) [INTERNAL INDEX](#)

- 6.13 Process young persons arrested under Section ~~54~~ 74 Liquor Control & Licensing Act (LCLA) ~~and Section 81 Offence Act, in order of precedence~~, as follows:
- referral to physician or medical facility (if medical problems exist);
  - release to parent/guardian, or if absent, an adult relative/family friend;
  - ~~restrain in Victoria City Police cell, isolated from adult prisoners.~~ If all above attempts have been unsuccessful, the officer will transport the youth to the Saanich Police cells, where the youth will be held separate from the adults in youth holding cells.
- ~~\*—NOTE: Where individual young persons repeatedly violate Section 43 LCLA, recommend prosecution.~~

#### **Appearance Notice/Promise To Appear/Recognizance** [INTERNAL INDEX](#)

- 6.14 The same forms used for the release of Adults shall be used for Young Offenders.
- ~~6.15—The area signified for the Court shall be changed to read "Youth Court".~~
- ~~6.16—All forms shall have stamped on the face the warning "You have the right to be represented by counsel".~~

**Violation Tickets, Non-Traffic Offences** [INTERNAL INDEX](#)

- 6.17 Circle the section marked "~~Y.O.A.~~ Young Person" in upper right-hand corner. This ensures disputed cases are referred to Youth Court.

## 7.0 YOUNG OFFENDER RECORDS / DISCLOSURE

[INDEX](#) [INTERNAL INDEX](#)

BACK TO [SECURITY & CONFIDENTIALITY AF 070](#)

- 7.1 A young person's records will be handled in a manner that complies fully with the provisions of the ~~Young Offenders Act (YOA)~~ Youth Criminal Justice Act including origination of the records, security and confidentiality, access and disposal.
- 7.2 Before proceedings under the ~~YOA~~ YCJA commence, any "personal" information (identifies the individual) the Oak Bay Police Department possess pertaining to a young person is kept/utilized pursuant to the Access to Information Act and the Privacy Act.
- 7.3 When formal action (cautionary letter, alternative measures, charges laid) is taken under the ~~YOA~~ YCJA, the ~~YOA~~ YCJA, assumes jurisdiction over personal information pertaining to the young offender. See ~~Section 38 and Section 40-46, Young Offenders Act.~~
- 7.4 Documents identifying **only** the young person, or **only** the offence, are not ~~YOA~~ YCJA records and, therefore, not subject to the ~~YOA's~~ YCJA disclosure / non-disclosure requirements. For example:
- a photograph that merely identifies the young person, but gives no indication of criminal proceedings.
  - a police accident report that does not identify the young offender who was subsequently charged.
  - a physician's medical report used in proceedings, providing it contains no reference to the proceedings, even though it identifies the young person.

~~7.5 — In addition to those persons or classes of persons allowed access to disclosable records, the Lieutenant Governor in Council has, by Order in Council #2162, dated 86-12-04, pursuant to Section 44.1(1)(h), approved and ordered that records, **when disclosable**, may **on request** be made available to:~~

- ~~• the Ombudsman, for a purpose necessary to fulfill the obligations or duties imposed under the Ombudsman Act;~~
- ~~• the Workers' Compensation Board or an officer or employee of that Board carrying out a statutory function under the Workers' Compensation Act or Criminal Injury Compensation Act;~~
- ~~• a person authorized in writing by the provincial director carrying out an approved program of research relating to or affecting young persons; and,~~
- ~~• a minister of the Crown, or an officer or employee of a provincial ministry, or agent of the Crown, having statutory functions or duties relating to the employment, education, health, welfare or other matter relating to young persons, but only in relation to the exercise of those functions or duties.~~

## 8.0 Referral to Victoria Restorative Justice

8.1 The Oak Bay Police Department will, in partnership with the Restorative Justice Victoria (RJV) identify incidents where resolution by extrajudicial measures are an acceptable alternative to the court process.

8.2 Restorative Justice Victoria, as a community program, is considered an extrajudicial measure and is an alternative method of justice where the affected community addresses an offence and determines reparation.

8.3 RJV uses a variety of restorative justice models and is one of the few programs in the province that accepts referrals at almost all stages of the criminal justice system (except for matters that will result in a federal sentence). RJV receive referrals for a wide range of offences, with the most common being mischief, various forms of assault, and theft. A restorative justice process can potentially be used for any incident or crime in which harm has occurred. This can happen when the offender shows an adequate degree of responsibility and willingness to address the resulting harms, and when the victim would like an opportunity to be heard, have



questions answered, or seek restitution. All cases must be individually assessed for appropriateness.

8.4 If the file is deemed an appropriate referral to VRJ the police member shall either email [office@rvictoria.com](mailto:office@rvictoria.com) or call their office at 250-383-5801 and refer the file to their coordinator. The investigating officer will make arrangements with the VRJ coordinator to have a copy of the file prepared for pick up at the Oak Bay Police Department. The VRJ will complete the appropriate disclosure documents, contact all parties involved and email the investigator with the disposition.

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~~8.0 REFERRAL TO VICTORIA RESTORATIVE JUSTICE~~

# INDUSTRIAL ACCIDENTS

<b>OB 150</b>	<b>Effective Date: 99-03-16</b>
	21-06-23
	<b>Review Date: 04-12-14</b>
	21-06-04
	<b>By: Cst P. Bryant</b>
	<b>Sgt. DALEP &amp; D/C/C FISHER</b>

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## 1.0 POLICY

- 1.1 The Oak Bay Police Department will investigate industrial accidents in co-operation with **Worksafe BC** the Workers Compensation Board (WCB).

## 2.0 REASON FOR POLICY

- 2.1 To assist **Worksafe BC** WCB, and the injured worker, through initial response to the scene and investigation of the cause of the accident.

## 3.0 PROCEDURES

- 3.1 Industrial accidents include, but are not limited to, any place or time that a worker is injured on a work site. This can include everything from a worker in a factory, to a secretary in an office, to a courier on a bike.
- 3.2 Officers attending the scenes of industrial accidents should initially determine the extent of injuries.

- 3.3 In the event the injuries are minor, the officer should obtain full particulars of the injured person, witnesses, management or supervisor, personnel present, as well as the company or firm's name.
- 3.4 A brief outline of the circumstances of the accident should also be obtained.
- 3.5 The officer should then contact **Worksafe BC** at 1-888-621-7233 to advise of the accident. A copy of the PRIME incident report shall be forwarded to the appropriate **Worksafe BC** investigator.

#### **Serious Injury or Death**

- 3.6 In the event of an industrial accident involving serious injuries or death:
- A patrol member will attend and secure the scene
  - The supervisor will be notified
  - In incidents where a death is involved, or there is any evidence of possible criminal negligence, the Saanich Police Detectives should be called to assume conduct of the investigation
  - ~~Worker Compensation Board~~ **Worksafe BC** will be notified as soon as possible of an industrial accident that involves serious injury or death;
  - If ~~Workers Compensation~~ **Worksafe BC** attends, the incident will be jointly investigated by the police and ~~WCB-Worksafe BC~~, and
  - The investigating member, in consultation with the Patrol Sergeant will decide if other specialty squads are required to assist (e.g. identification, detective office)
- 3.7 A death at an industrial accident scene will also require notification of the on-call Coroner and a joint investigation with the police, ~~Workers Compensation Board~~ **Worksafe BC** and the Coroner will result.
- 3.8 Industrial accident deaths may lead to a Coroner's Inquest, and members must consider that possibility when conducting the investigation.

3.10 In accidents where there is an indication that electricity had a part, the Electrical Safety Branch Inspection Office of the Electrical Safety Branch of B.C. must be notified within three days at:

**WBC Worksafe B.C. Victoria**

**Street address**  
4514 Chatterton Way  
Victoria, B.C.

PH: 1 888 621 7233  
<http://www.worksafebc.com/>

**Claims mailing address**

**Workers**  
~~PO Box 4700 Stn Terminal  
Vancouver, BC V6B 1J1~~  
PO Box 5350 Stn. Terminal  
Vancouver BC, V6B-5L5

**Employers**  
~~PO Box 8940 Stn Terminal  
Vancouver, BC V6B 1H9~~  
PO Box 5350 Stn. Terminal  
Vancouver BC, V6B-5L5

**Claims telephone**

Self-serve status update (24 hr)  
Monday - Friday, ~~8:30 a.m. - 4:30~~  
8am- 6p.m.

~~1-888 WORKERS (967-5377)~~  
1-604-231-8888  
~~250-881-3400~~

**Claims toll-free fax**

**Workers**  
**Employers 1**  
888-922-8807

1 888 922-8807  
~~1-888-922-8803~~

**Employer services/Assessments**

Telephone  
Toll-free fax

1 888 922-2768  
1 888 992-6622

**Prevention**

Telephone  
Toll-free  
Fax

~~250 881-3418~~ ~~1-604-276-3100~~  
~~1-800-663-7593~~ ~~1-888-621-7233~~  
~~250-881-3482~~ ~~1-604-276-3247~~

### Health and safety emergency and accident reporting

Monday- Friday,  
~~8:30-4:30 pm~~  
8 a.m.-4:30 p.m.

1 888 621-SAFE (7233)

After hours  
(Richmond)  
toll-free

~~1-866-WGB-HELP (922-4357)~~  
~~1-604-273-7711~~

~~SEE ALSO — SUDDEN DEATHS OB 080~~

~~GENERAL CRIMINAL INVESTIGATIONS OD 020~~

# SPECIAL EVENTS

<b>OK 040</b>	<b>Effective Date: 99.05.18</b> <b>2021-06-24</b> <b>Review Date: 03.02.19</b> <b>By: Sgt S. Weed</b> <b>D/C M. Fisher</b> <b>Last Update: 2021-06-11</b>
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## 1.0 POLICY

1.1 The Oak Bay Police Department will develop written plans for handling special events that will provide for the following:

- the designation of a single person or position as ~~supervisor~~ and co-ordinator;
- the estimate of traffic, crowd control and any **policing issues** ~~crime problems~~ expected;
- traffic direction and control;
- use of special operations personnel;
- logistics requirements;
- VIP escort (if required);
- co-ordination of operations within the department and with outside departments;
- debriefing and documentation;
- co-ordination with other department components and functions, as required; and,
- co-ordination with other departments and agencies, as required.

## 2.0 REASON FOR POLICY

- 2.1 To provide for the development of individual plans setting out requirements for specific operations for each individual event.

## 3.0 PROCEDURES

- 3.1 Each special event shall be assigned to an individual member of the department for evaluation and development. Supervision shall be provided by the member's direct supervisor. Overall control of each special event will rest with the Deputy Chief Constable.
- 3.2 Upon receipt of notice of a special event the assigned member shall develop an operational plan, which will include:
- an estimate of traffic, crowd control and **policing issues** ~~crime problems~~ expected;
  - arrangement of appropriate traffic direction and control;
  - use of special operations personnel such as the detective office, the emergency response team and Victoria Police Forensic Identification;
  - logistics (officer requirements, vehicles, equipment, etc.) requirements;
  - VIP escort, if not provided by the **RCMP VIP Unit** ~~Federal or Provincial Police~~;
  - coordination of operations within the Department and liaison with other departments and agencies as required;
  - debriefing and documentation after the event.
- 3.3 The development of the operational plan shall be monitored by the assigned member's supervisor.



- 3.4 The completed operational plan shall be submitted to the Deputy Chief Constable for approval with sufficient time for re-consideration prior to the event.
- ~~3.5 Unless otherwise designated, the assigned member shall be the operational commander for the event, responsible for the implementation and control of the police involvement in the event.~~



# VICTIM SERVICES

<b>OM 050</b>	<b>Effective Date:</b> <del>99-03-16</del> <b>21-06-30</b> <b>Review Date:</b> <del>03-03-04</del> <b>21-06-01</b>  <b>By:</b> <del>Gst E. Thompson</del> <b>Sgt. Dalep &amp; D/C/C FISHER</b> <b>Last Update:</b>
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## 1.0 POLICY

- 1.1 The Oak Bay Police Department will provide a victim services program, or access to a program, that will:
- provide emotional support and referrals to victims of crime;
  - provide information concerning criminal injuries compensation;
  - involve crime victims in the process to ensure that they remain informed about the status of their case and the submission of reports to Crown counsel;
  - provide for cooperation and coordination between the victim;
  - services program and other department components or functions;
  - be administered under the authority of Chief Constable, and the;
  - responsibility of Deputy Chief Constable; and
  - be conducted by the program coordinator of the Greater Victoria Victim Services Program, using appropriately selected and trained personnel and the appropriate equipment and techniques.
- 1.2 The Oak Bay Police Department will ensure that, in coordination with the Greater Victoria Victim Services Program, only persons

having the appropriate attitudes, background, skills and abilities are engaged in this component or function.

1.3 Employees of the Oak Bay Police Department should be mindful of their obligations under the British Columbia Victims of Crime Act (VOCA) and federal Canadian Victims Bill of Rights (CVBR)

1.4 Under section 5 of VOCA, all "Justice System Personnel," which includes employees of the Oak Bay Police Department, have the primary responsibility of offering the victim general information concerning:

a. the structure and operations of the justice system;

b. Victims Services;

c. The Freedom of Information and Protection of Privacy Act;

d. The Criminal Injury Compensation Act; and

e. The Victims of Crime Act.

f.

## 2.0 REASON FOR POLICY

2.1 To provide emotional support and referrals to victims of crime and to support and enhance the criminal investigation function and provide an important public service.

## 3.0 PROCEDURES

3.1 Officers can fulfill the requirements under section 5 of VOCA by advising a victim that Victim Services can provide information regarding victim legislation.

3.2 The Greater Victoria Victim Services Program is a police based volunteer program that provides moral support, information and assistance to victims and witnesses of crimes that occur in the Greater Victoria area.

- 3.3 The program coordinator has access to police files for information regarding victims who may require assistance. The program then contacts the victims and witnesses of offences such as:
- Break and Enters
  - Common Assaults
  - Spousal Assaults
  - Sexual Assaults (adults and children)
  - Robberies
- 3.4 Police Officers may refer victims and witnesses of those offences, or any other offence where the officer feels it would be beneficial to that victim or witness to be assisted by the program.
- 3.5 The assistance process may be any of the following:
- providing the victim/witness with a Greater Victoria Victim Services Program business card so that they may be aware of the services available to them;
  - explanation of police and court procedures;
  - provide police and court file progress information;
  - court orientation;
  - court accompaniment;
  - transportation to court;
  - assistance to the Community Services Section with presentations when it relates to prevention of victimization [Crime Victim Assistance Program](#) applications;
  - restitution applications; and,
  - referrals to appropriate social service agencies;

- Request For Service**
- 3.6 If there is an immediate need for Victim Services to attend a scene, the officer will personally contact, or have the communications staff contact, Victim Services' office at the Victoria Police Department:  
995-7351  
995-7320 FAX

- 3.7 Office hours (regular staff) are 0900 to 1730 1700 hrs, Monday through Friday. If there is no answer at Victim Services office, the officer may:
- ~~contact the Victoria Police Communication Operator who will be able to advise whether Victim Services is available.~~
  - ~~page regular staff at 475-8111 (police use only)~~
  - contact the Ecomm who will be able to advise whether Victim Services is available.
  - After hours call Victim Link at 1-800-563-0808
- 3.8 The Victim Services Crisis Team is available from 0900 to 2300 seven days a week through the Victoria City Police communications center to provide emergency assistance when there is no one available to answer the phone.
- 3.9 If Victim Services is unavailable, or there is no immediate need for their attendance, the officer will note in the body of the report that the file is being referred to Victim Services.
- 3.10 In the daily review of files, the Deputy Chief Constable or Chief Constable will indicate on the occurrence log which files should be reviewed by the referred to Victim Services if the referral has not already been done.
- 3.11 The Victim Services co-ordinator shall review the occurrence log and obtain information from the files directed to Victim Services.
- 3.12 Once a file is past the initial review stage, it is incumbent upon the investigating officer to request Victim Services if needed or requested.

## 4.0 SUPERVISOR RESPONSIBILITIES

Supervisors will:

- a. ensure that victim services has been offered where appropriate or requested, that the request is documented and that a "V" flag has

been entered on the face page of the general occurrence if the victim has consented to victim services.