



# AGENDA OAK BAY POLICE BOARD

**Tuesday, March 3, 2026 - 4:00 PM**

Oak Bay Municipal Hall – Council Chambers

2167 Oak Bay Ave, Victoria, BC V8R 1G2

*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.*

[Virtual Meeting Link](#)

## 1. CALL TO ORDER & LAND ACKNOWLEDGMENT

## 2. APPROVAL OF AGENDA

## 3. ADOPTION OF MINUTES

Regular Meeting, of February 3, 2025

## 4. STANDING ITEMS

4.1. Report From the Chair

4.2. BC Association of Police Boards (BCAPB) Update (Chair Murdoch)

Resolution to present at BCACP: That a minimum of 50% of Municipal Police Board Members, must reside in the jurisdiction of the board they are appointed to.

4.3. Board Learning/Board Policy Review

- Review of Board Manual comments and recommendations submitted.
  - o Board Manual Sample Links for consideration from:
    - Central Saanich Police Board
    - Surrey Police Board
    - Delta Police Board

## 5. DEPARTMENT REPORTS:

5.1. Chief Constable's Monthly Update (CC Chanin)

5.2. Deputy Chief Constable's Monthly Update (DC Rice)

5.3. Accountability Report (DC Rice)

## 6. ONGOING BUSINESS (follow up on items from previous meeting)

- Review of sample Governance Committee Terms of Reference: Nelson, Metro Vancouver Transit, Port Moody

**7. RISE AND REPORT**

- OD 290 Profit Oriented Crime Investigations Policy

**8. NEW BUSINESS**

**9. CORRESPONDENCE FOR INFORMATION**

- E-Comm Update February 2026

**10. ADJOURNMENT**

*Motion to adjourn the regular meeting of the Oak Bay Police Board and go In-Camera (closed meeting) where the Board will consider confidential matters that deal with personal or private information as outlined in the Police Act, Section 69(2) (b) a matter concerning a person's financial or personal affairs, if the person's interest in the matter outweighs the public's interest in the matter; (c) a matter concerning labour contract discussions, labour management relations, layoffs, or another personnel matter.*

\*\*\* IN-CAMERA MEETING TO IMMEDIATELY FOLLOW \*\*\*



# MINUTES OAK BAY POLICE BOARD

Tuesday, February 3, 2026 - 4:00 PM

Oak Bay Municipal Hall – Council Chambers  
2167 Oak Bay Ave, Victoria, BC V8R 1G2

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**PRESENT:** Mayor Kevin Murdoch, Chair  
Christine Hall-virtual  
*Bob Plecas - regrets*  
*Ian Robertson - regrets*

*Heather Cochran - regrets*  
Winnie Lee  
Robert Richards

**STAFF:** Julie Chanin, Chief Constable  
Paula Kully, Board Secretary

Kris Rice, Deputy Chief Constable

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## 1. CALL TO ORDER & LAND ACKNOWLEDGMENT

The meeting was called to order late by Chair Murdoch at 4:12 pm followed by a territorial acknowledgement. The meeting start time was delayed due to technical issues.

## 2. APPROVAL OF AGENDA

***MOVED AND SECONDED THAT;*** the Agenda for the February 3, 2026, Regular Meeting be approved as presented.

**CARRIED**

## 3. ADOPTION OF MINUTES

***MOVED AND SECONDED THAT;*** THE Regular Meeting, of January 13, 2026, be approved as presented.

**CARRIED**

## 4. STANDING ITEMS

### 4.1. Report From the Chair

Chair Murdoch provided an update on his recent activities, including writing letters on behalf of the board in response to the Human Rights Commissioner's request for data associated with media exclusion zones and Minister Krieger's inquiry regarding regionalization.

### 4.2. BC Association of Police Boards (BCAPB) Update (Chair Murdoch)

BC Association of Police Boards Chairs from Victoria & Esquimalt and Saanich attended a meeting leadership at the Justice Institute of BC and discussed the challenges faced by the JI, including funding limitations and the need for additional support from the province. They also had the opportunity to see the work and training undertaken at the JI.

#### 4.3. Board Learning/Board Policy Review

- Paula has received feedback from several board members and is working on integrating the recommendations into the document. She will provide the revised document for the Board at the next meeting.

**ACTION:** Paula will provide an edited version and clean version of the Manual for the next meeting.

### 5. DEPARTMENT REPORTS:

#### 5.1. Chief Constable's Monthly Update (CC Chanin)

- In addition to the written report, Chief Chanin advised that new recruit Lauren Carr is currently completing her second block at the JI. Her graduation is March 13 and Chief Chanin will attend. Chief Chanin offered to carpool if any members of the Board wished to attend with her.
- DC Rice has been working with the RCMP on an LOU between Oak Bay and the RCMP for officers to do a peace keeping tour overseas. The program supports police from other countries to provide training for usually a one-year secondment.
- Chief Chanin provided a brief update on the renovation which is set to begin in April during spring break to allow for as little disruption to staff as possible. The reno will begin with the front counter/records department.

#### 5.2. Deputy Chief Constable's Monthly Update (DC Rice)

- DC Rice highlighted the increase in calls and crime trends, noting that there was no specific pattern or root cause identified. He mentioned the importance of the Block Watch program and the need for reinvigoration post-COVID, which Inspector Almeida is working on.
- DC Rice noted the excellent work by one of the platoons on an intimate partner violence assault, work with the BIA on a robust safety plan for businesses.
- The Policy project is going very well, and he anticipates several policies coming forward for the Board's review very shortly.

#### 5.3. Accountability Report (DC Rice)

Nothing new to report.

#### 5.4. Annual Race Based Data Report

- The annual race-based data report to the province was discussed including the challenges in accurately capturing race data.
- The Board had an in-depth discussion on the complexities of reporting on the data the importance of transparency and accountability in reporting this data, Questions about the data, specifically the representation of people of color in the arrest data and the potential for repeat arrests by the same individuals.

**ACTION:** Christine Hall will provide a preamble to accompany the annual Race Based Data Report.

## 6. ONGOING BUSINESS (follow up on items from previous meeting)

### 6.1. Consideration of Formation of Governance and HR Committees.

Chair Murdoch proposed the formation of Governance Committee and HR Committee to manage Board policies and the annual review of the Chief. He suggested establishing a term of reference for a governance committee and creating an ad hoc HR committee.

***MOVED AND SECONDED THAT;*** a Governance Committee be established to oversee Board governance and policies and an ad hoc HR Committee be established to undertake the Chief Constable's annual review.

**CARRIED**

***ACTION:*** Paula will source a Terms of Reference template from BCAPB for review by the Board at the next meeting.

### 6.2. September Police Board Meeting Date – Council Chambers is not available September 8th. A decision is needed to move the September meeting to the 1st or the 15th.

- Due to holidays, there is a conflict with a Council for the Council Chambers meeting space on September 8<sup>th</sup>. The Board agreed that the location for the September 8<sup>th</sup> meeting be moved to Police Station.

## 7. RISE AND REPORT

## 8. NEW BUSINESS

- It was noted that a grant in the amount of \$140,000 was secured through the Guns and Gangs program and that the funds will be used to offset salaries associated with the work of the Community Support Division in this regard.
- Through a civil forfeiture application, OBPD was successful in securing a 2017 Acura which will be used for the Community Support Division. It will be branded as the "Community" vehicle.

## 9. CORRESPONDENCE FOR INFORMATION

## 10. ADJOURNMENT

*Motion to adjourn the regular meeting of the Oak Bay Police Board at 5:18 pm and go In-Camera (closed meeting) where the Board will consider confidential matters that deal with personal or private information as outlined in the Police Act, Section 69(2) (b) a matter concerning a person's financial or personal affairs, if the person's interest in the matter outweighs the public's interest in the matter; (c) a matter concerning labour contract discussions, labour management relations, layoffs, or another personnel matter.*

\*\*\* IN-CAMERA MEETING TO IMMEDIATELY FOLLOW \*\*\*

Rob Richards

Heather Cochran



#### MISSION STATEMENT

*The Oak Bay Police Board strives through good governance practices to maintain **and enhance** the safety and security of the Municipality of Oak Bay by ensuring that police services are delivered professionally, ethically and in partnership with the community.*

*This needs to be updated to include our Police Act s. 28 rule/policy (I believe we adopted this at our board meeting last June).*

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### Legislative Authority

The Oak Bay Police Board (**The Board**) is established as an independent and autonomous authority pursuant to the *Police Act*, RSBC 1996, c.367. Part 5, s.23 through to s.29 of the *Police Act* establishes the mandate of a municipal police board as follows:

#### *Police Act* Part 5 - Municipal Police Board

##### **s.23 Municipal police board**

- (1) If the council of a municipality is required to provide policing and law enforcement by the means referred to in section 3 (2) (a), the municipal police department must be governed by a municipal police board consisting of
  - (a) a member of the council appointed by the council,
  - (b) one person appointed by the council, and
  - (c) not more than 7 persons appointed, after consultation with the director, by the Lieutenant Governor in Council.
- (1.1) A person may not be appointed under subsection (1) (b) or (c) if
  - (a) the person is a councillor, or
  - (b) the person is not eligible to be elected as a councillor.
- (2) Subject to the approval of the minister, the councils of 2 or more municipalities may enter into an agreement to establish a joint municipal police board under subsection (1).
- (3) An agreement under subsection (2) must contain terms respecting the establishment of the municipal police board, membership on the municipal police board and division of expenditures.

##### **s.24 Term of membership on municipal police board**

- (1) In respect of a member of the council appointed under section 23 (1) (a) to a municipal police board, the council member's membership on the board is for the term that the council determines, subject to the following restrictions:
  - (a) the term must not be longer than 4 years;
  - (b) the term ends if the person ceases to be a member of the council.
- (2) In respect of a person appointed under section 23 (1) (b) or (c) to a municipal police board, the person's membership on the board is for the term, not longer than 4 years, that,
  - (a) in the case of an appointment under section 23 (1) (b), the council determines, or
  - (b) in the case of an appointment under section 23 (1) (c), the Lieutenant Governor in Council determines.
- (3) A person may be reappointed as a member of a municipal police board, but a person appointed under paragraph (b) or (c) of section 23 (1) must not, by way of appointments under either or both of those paragraphs, be an appointed member for a period of more than 6 consecutive years.

##### **s.25 Chair and vice chair of municipal police board**

- (1) Once every 2 calendar years, a municipal police board must elect one of its members as chair and another member as vice chair.
- (2) Despite subsection (1), if the office of the chair or vice chair becomes vacant, the municipal police board must elect a new chair or vice chair at the next meeting of the board after the vacancy occurs.
- (3) The vice chair must act as chair if the chair is absent or unable to act.

- (4) If both the chair and vice chair are absent or unable to act, the municipal police board members present at a meeting of the board must elect from among themselves a chair to preside at the meeting.
- (5) The chair is a non-voting member of the municipal police board, with the exception that if there is a tie vote at a meeting of the board, the chair must cast the deciding vote.

#### **s.26 Board to establish municipal police department**

- (1) A municipal police board must establish a municipal police department and appoint a chief constable and other constables and employees the municipal police board considers necessary to provide policing and law enforcement in the municipality.
- (1.1) If a municipality has entered into an agreement referred to in section 66.2 (1.1)(b) with a treaty first nation, or an agreement referred to in section 66.2 (1.11)(b) with the Nisga'a Nation, for the duration of the agreement, the reference in subsection (1) of this section to "municipality" must be read as including the treaty lands of the treaty first nation or Nisga'a Lands, as applicable.
- (2) The duties and functions of a municipal police department are, under the direction of the municipal police board, to
  - (a) enforce, in the municipality, municipal bylaws, the criminal law and the laws of British Columbia,
  - (b) generally maintain law and order in the municipality, and
  - (c) prevent crime.
- (3) Subject to a collective agreement as defined in the *Labour Relations Code*, the chief constable and every constable and employee of a municipal police department must be
  - (a) employees of the municipal police board,
  - (b) provided with the accommodation, equipment and supplies the municipal police board considers necessary for his or her duties and functions, and
  - (c) paid the remuneration the municipal police board determines.
- (4) In consultation with the chief constable, the municipal police board must determine the priorities, goals and objectives of the municipal police department.
- (4.1) In determining the priorities, goals and objectives of the municipal police department, the municipal police board must take into account
  - (a) the priorities, goals and objectives for policing and law enforcement in British Columbia established by the minister, and
  - (b) the priorities, goals and objectives of the council of the municipality.
- (4.2) The municipal police board must provide its priorities, goals and objectives and any changes to them to the director
  - (a) within 30 days after their establishment or change, and
  - (b) when requested to do so by the director.
- (5) The chief constable must report to the municipal police board each year on the implementation of programs and strategies to achieve the priorities, goals and objectives.

#### **s. 27 Estimates and expenditures**

- (1) On or before November 30 in each year, a municipal police board must prepare and submit to the council for its approval a provisional budget for the following year to provide policing and law enforcement in the municipality.
- (1.1) If a municipality has entered into an agreement referred to in section 66.2 (1.1)(b) with a treaty first nation, or an agreement referred to in section 66.2(1.11)(b) with the Nisga'a Nation, for the duration of the agreement, the reference in subsection (1) of this section to "municipality" must be read as including the treaty lands of the treaty first nation or Nisga'a Lands, as applicable
- (1.2) If a municipality is a specialized service provider, the reference in subsection (1) to "municipality" must be read as including areas within the specialized service area that are outside the municipality.
- (2) Any changes to the provisional budget under subsection (1) must be submitted to council on or before March 1 of the year to which the provisional budget relates.

- (3) If a council does not approve an item or amount in the provisional budget,
  - (a) the council must promptly notify the municipal police board, and
  - (b) the council or municipal police board may, at any time before May 15 of the year to which the provisional budget relates, request the director to determine whether the item or amount must be included in the budget.
- (3.1) If on May 15 of the year to which the provisional budget relates, there are items or amounts in the budget that have not yet been approved by the council,
  - (a) the council must promptly notify the municipal police board, and
  - (b) the council must request the director to determine whether the item or amount must be included in the budget.
- (3.2) After making a determination in respect of a request made under subsection (3) (b) or (3.1) (b), the director must notify the municipal police board, the council and the minister of the determination.
- (4) A council must include in its budget the costs in the provisional budget prepared by the municipal police board, as adjusted to reflect the following:
  - (a) changes agreed to by the council and the board;
  - (b) determinations made by the director under this section.
- (5) On certification by the municipal police board members that expenditure is within the board's budget, as adjusted under subsection (4), if applicable, the council must pay the amount of the expenditure.
- (6) Unless the council otherwise approves, a municipal police board must not make an expenditure, or enter an agreement to make an expenditure, that is not specified in the board's budget, as adjusted under subsection (4), if applicable.

#### **s.28 Rules**

- (1) A municipal police board must make rules consistent with this Act and the regulations respecting the following:
  - (a) the standards, guidelines and policies for the administration of the municipal police department;
  - (b) the prevention of neglect and abuse by its municipal constables;
  - (c) the efficient discharge of duties and functions by the municipal police department and the municipal constables.
- (2) A rule under subsection (1) is enforceable against any person only after it is filed with the director.

#### **s. 29 Studies by municipal police board**

- (1) A municipal police board may study, investigate and prepare a report on matters concerning policing, law enforcement and crime prevention in its municipality.
- (2) A municipal police board must submit its report of a study under subsection (1),
  - (a) on request, to the director,
  - (b) if the report suggests a breach of discipline by any of its municipal constables, special municipal constables, bylaw enforcement officers or safety officers, to the chief constable, and
  - (c) if the report suggests criminal liability of any of its municipal constables, special municipal constables, bylaw enforcement officers or safety officers, to the minister.

## **Governance and Oversight**

Under the legislated mandate, the Oak Bay Police Board must perform governance and oversight functions. Governance will provide the general direction for the department and be achieved through the establishment of a policy framework for the Police Department. Board monitoring practices will provide the oversight required to ensure that the legislated functions for the police department are carried out by the organization. If effective governance and oversight policies and practices are well established, implemented and routinely updated, the result will be an efficient and effective organization that constantly achieves peak performance and is accountable to the public it serves.

## **Independence and Jurisdiction Policy of Police Board**

It is the position of the Oak Bay Police Board that there is judicial authority to support the proposition that the legislative intent behind the creation of a Police Board is to ensure that the Police Department remains a separate and independent body from the municipality. The Police Board has a unique relationship with the Municipal Council and it exists, in part, to insulate the Police Department from the political decision making process. The Police Board is responsible for ensuring that the police provide effective and efficient services. The Municipal Council provides the Police Department with an annual budget to achieve these objectives.

The work of the Police Department necessitates confidentiality and adherence to security protocols, and, to that end, the Police Board has adopted policies and procedures to closely restrict access to, and disclosure of, information under the authority of the Police Department. The Police Board's independent status is achieved by ensuring accountability for the management of the Police Department and its employees.

The Oak Bay Police Board is responsible for ensuring that the security and confidentiality interests of the Police Department, and the safety interests of the public and Department are protected. Advancing joint ventures or shared services with the Municipal Council, or any other agency, can only occur where the Board is satisfied that confidentiality and security issues have been properly addressed.

## **Composition of Board, Selection and Appointments**

The *Police Act*, Part 5, s.23, requires that the Board consist of a member of the Municipal Council appointed by the council, one person (who is not a councillor) appointed by the Municipal Council, and not more than seven persons appointed by the Lieutenant Governor in Council. The Board must elect a chair and vice chair.

All members of the Oak Bay Police Board are appointed, and their terms of office set out in s. 24 of the *Police Act*. The Police Services Division indicated that Board members are chosen to reflect the demographics of the community, and to bring appropriate qualifications and demonstrated ability to act in the best interest of the community.

For the municipal appointee who is not a member of council, the municipality is expected to solicit and receive names of interested and suitable individuals and submit the name of the candidate selected by Municipal Council to the Police Services Division. The selected and qualified candidate from the municipality is then forwarded to the Attorney General and appointed by Cabinet.

Police Services Division has established a Board Member selection and reappointment process. The appointments are governed by the overriding principle of selection based on merit. This is an objective assessment of the fit between the skills and qualifications of the prospective candidate and the needs of the Board.

Prospective Board Members are to meet the following qualifications:

- Preferably are a resident and/or have business interest in the municipality served by the Board.
- Willingness to submit to a criminal record review and personal interview
- Knowledge about, and interest in, the community

- Ability to understand the complexities of policing
- Commitment to protecting fairness, avoiding conflict of interest and maintaining neutrality and objectivity
- Willingness, ability and availability to meet time commitments related to board duties
- Ability to work with a variety of situations, groups and people
- Ability to deal with difficult and complex interpersonal situations
- Willingness to contribute to consensual solutions.

Notwithstanding the above, Board members are appointed through an order-in-council for a period not to exceed six consecutive years. Appointments are staggered in order to have some continuity from year to year.

### **Oath of Office**

In accordance with s.70(1)(c) of the Police Act, a person appointed to the Oak Bay Police Board must take an oath or affirmation in the prescribed form before assuming office and exercising any power or performing any duty or function as a member of the Oak Bay Police Board.

The oath or affirmation as specified in the Police Oath/Solemn Affirmation Regulation shall be made before the Chair of the Oak Bay Police Board, or alternatively, before a Commissioner for taking affidavits for British Columbia. A copy of the signed oath/affirmation shall be filed with the Minister of Public Safety and Solicitor General, as designated in s.2 of the Police Oath / Solemn Affirmation Regulation.

## **PART 2 OAK BAY POLICE BOARD POLICIES & PROCEDURES**

### **1. Role of Board Members**

A Member has a fundamental responsibility to assist the Board in making effective and informed decisions that promote the achievement of the mission of the Police Department.

A Member has a responsibility to become informed of the substantive issues impacting upon the Police Department and the community, and to participate in Board activities that will enhance and expand the knowledge required to be an effective Board Member.

A Member, as representative of the community and primarily representing the interests of the public, shall seek to foster a strong and positive relationship between the Police Department and the community.

A Member has no direct authority over members of the Police Department. All authority of the Board flows through the approved resolutions of the Board and is contained within approved Minutes of the Board.

A Member must be a full partner with the Chair and work with the other Members so that the Board functions as a unit. This does not mean that consensus needs to be reached on every issue. It should mean that there has been full debate and Members accept the decision of the majority.

A Member understands that the authority of the individual police officer to investigate crime, arrest suspects and lay information before the justice of the peace comes from the common law, Criminal Code and other statutory authority and must not be interfered with by any political or administrative body, including the Board.

## 2. Code of Conduct of Board Members

### Guidelines for Conduct

This section should reference the [Municipal Police Board Member Code of Conduct Regulation](#) and [s. 68.3 of the Police Act](#).

The Oak Bay Police Board achieves effective governance by Board Members fulfilling their roles and responsibilities with the highest standards of conduct. All board members must sign an annual acknowledgment that they have read and will comply with the following guidelines:

**Integrity:** Board members shall act in good faith and with honesty, impartiality and due diligence in accordance with the Police Act, any other Act and any regulation, rule or by-law as provided for in their oath or affirmation of office. Appointees must avoid any conflict of interest that might impair or impugn the independence, integrity or impartiality of the Board, and must avoid the perception of bias, based on what a reasonable person might perceive. Where a conflict of interest should arise, it is the duty of the Board member to notify the Board of the conflict and recuse themselves from any debate or decision making related to the conflict-of-interest matter.

**Participation and Preparation:** Board members shall regularly attend board meetings, adequately prepare for the duties expected of them, and use their knowledge and expertise when dealing with the affairs of the Oak Bay Police Department. Board members will engage in discussions constructively and must respect and give fair consideration to diverse and opposing views.

**Non-interference:** Board members shall not interfere with the Oak Bay Police Department's operational decisions and responsibilities or with the day-to-day operation of the department, including the recruitment and promotion of police officers.

**Behaviour:** Board members' conduct at the Board table and in public should reflect social standards of courtesy, respect and dignity; Board meetings must meet Respectful Workplace requirements, and their conduct and language must be free from any discrimination or harassment prohibited by the Human Rights Code and the Canadian Charter of Rights and Freedoms. Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the Oak Bay Police Department.

**Confidentiality:** Board members must not reveal or divulge confidential information received in the course of their duties, including any information disclosed or discussed at an in-camera meeting of the Board, as required under the oath or affirmation of office. Confidential information is that which cannot be obtained from other sources. Confidential information must not be used for any purpose outside that of undertaking the work of the Oak Bay Police Board.

**Public Commentary:** No Board member shall purport to speak on behalf of the Oak Bay Police Board unless they are authorized by the Board to do so. Board members acknowledge that the board speaks with a united voice and members who abstain or vote against a motion must adhere to the decision of the majority. A Board member who expresses disagreement with a decision of the Board shall make clear that they are expressing a personal opinion. Board members should refer to the Chair for guidance before making public comment on board matters.

**Loyalty:** Board members shall give their un-conflicted loyalty to the Oak Bay Police Board when acting on behalf of the Board in its role as civilian oversight and governing body. Board members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated.

**Duty of Care:** Board members shall act in a prudent and diligent manner, keeping informed as to the policies, business and affairs of the Oak Bay Police Department.

**Skill:** Board members shall use their level of knowledge and expertise effectively in dealing with the affairs of the Oak Bay Police Department. Board members shall undergo any training that may be required of them by the Ministry of Public Safety and Solicitor General.

## Breaches

Members will be proactive in identifying and reporting any breach of these guidelines. Reporting can be made by any member of the Board, Police Department, or public. Reporting should be made to the Board Chair, or where the Chair is the subject of the Complaint, to the Vice Chair or a senior member of the Board. Where clarity is required, the complainant may seek the advice of the Police Chief.

If a Board member is determined to have contravened the provisions, spirit and intent of these guidelines, the Board has the ability, through the chair, to take action to address the behaviour, consisting of the following progressive steps: verbal notification; written warning; final written warning; and recommendation to the appointing body to revoke the appointment of the Board member. It is intended for actions to be taken progressively; however, the board may decide on the appropriateness of taking any of the actions directly, depending on the nature of the contravention determined to have taken place. In the case of the Chair, where the Chair cannot be removed from the board, the board may recommend that another Board member act as Chair.

## Acknowledgement

I acknowledge that I have read and understood the Oak Bay Police Board's Guidelines for Conduct and agree to conduct myself in accordance with it.

Signature: _____	_____
Name: _____	Date: _____

## 3. Conflict of Interest Guideline

[This section should reference the Municipal Police Board Member Code of Conduct Regulation.](#)

Members are expected to perform duties conscientiously and in a manner that will not put their personal interests in conflict with the best interests of the Oak Bay Police Board and Police Department. A conflict of interest arises when a Member's private interests supersede or compete with the Member's dedication to the interests of the organization. This could arise from real, potential, or apparent conflict of interest:

- i) A "real" conflict of interest occurs when a Member exercises an official power or performs an official duty or function and, at the same time, knows that in the performance of that duty or function or in the exercise of power, there is the opportunity to further a private interest.
- ii) A "potential" conflict of interest occurs when there exists some private interest that could influence the performance of a Member's duty or function or in the exercise of power, provided that he/she has not yet exercised that duty or function.
- iii) An "apparent" conflict of interest exists when there is a reasonable apprehension that a reasonably well-informed person could properly believe, that a real conflict of interest exists on the part of the Member.

A Member has an obligation to declare a conflict of interest and make a full disclosure prior to discussion of an issue. This enables the Board to resolve unclear situations and gives an opportunity to dispose of conflicting interests before any difficulty can arise.

Upon declaration of a conflict, the person recording the events of the meeting should duly note the declaration. The Member must absent themselves from the proceedings during discussion or voting on that particular matter, contract or arrangement.

Board Members concerned that another Member may have a conflict of interest must bring the matter to the attention of the Chair as soon as is practicable. In the case of a "conflict of interest" involving the Chair, the matter is

to be brought to the attention of the Board Members. Conflicts brought to the attention of the Chair or the Board must be resolved in a manner that preserves and enhances public confidence and trust in the objectivity and impartiality of the Board.

#### **4. Confidentiality**

Notwithstanding the need for Members to make informed decisions on issues before the Board by obtaining input from internal and external sources, Members are to ensure that information that is normally considered confidential (i.e. financial, legal and personnel issues) is not disclosed to any outside person unless authorized.

Municipal police departments and municipal police boards in British Columbia are subject to the *Freedom of Information and Protection of Privacy Act*. Members must avoid disclosing any verbal or written material that is meant to be confidential concerning the Department, its officers, staff members or clients.

Members must not disclose or use confidential information gained by virtue of their association with the Department for personal gain, or to benefit friends, relatives or associates.

#### **5. Role of the Chair**

Under s.25 of the Police Act, the Board must elect one of its members as Chair and another as Vice Chair.

The Chair's primary role is to preserve the integrity of the Board's process and, secondarily, to represent the Board to outside parties. The Chair shall ensure that the Board operates consistently with its own policies, operates effectively, and meets its obligations and responsibilities.

The Chair ensures that meeting discussion content will only be those issues which, according to Board policy, clearly belong to the Board. Deliberations will be fair, open, and thorough, but also efficient, timely, orderly, and kept to the point. The Chair ensures that the mission of the Police Department is reflected in all discussions.

The Chair is the only Board Member authorized to speak for the Board (beyond simply reporting Board decisions), other than in specific instances, as authorized. The Chair shall consult with the Chief prior to speaking on operational issues.

The authority of the Chair consists of making decisions that adhere to Board policies. The Chair is authorized to use any reasonable interpretation of the provisions in these policies. The Chair may delegate this authority but remains accountable for its use.

The Chair shall chair the Board meetings in accordance with Robert's Rules of Order, current version.

While it is recognized that the Chair and the Chief need a good working relationship and ongoing dialogue, the Chair cannot independently supervise or direct the Chief. Only the Board as a whole has that authority.

The Chair has a responsibility to maintain a liaison and communication with all Members and Committee chairs, and to optimize the effectiveness of the Board and its committees.

The Chair must fulfill the role of the Discipline Authority for complaints lodged against the Chief and Deputy Chief Constables in accordance with Part 11 of the Police Act.

The Chair of the Board presides over meetings of the Board. Should the Chair not be present, or vacates the chair temporarily or permanently, the Vic Chair shall act as Chair.

The duties of the Chair with respect to the Board meetings shall include:

- (1) calling the meeting to order;
- (2) announcing items of business;
- (3) deciding, subject to appeal, all questions of order and procedure; and
- (4) preserving order and decorum.

This should reference the [Municipal Police Boards Meetings Regulation, ss. 3-4](#).

## 6. Quorum

This section needs to be revised for consistency with the [Municipal Police Board Meetings Regulation](#)

A majority of Members of the Board holding office constitute a quorum. A meeting of the Board, where notice has been given, and at which a quorum is present, is competent to exercise all or any of the authorities, powers and discretion vested in or exercisable by the Board generally.

The Chair shall call the meeting to order after the hour fixed for the meeting, once a quorum is present.

At the Chair's direction, but no sooner than one-half (1/2) hour after the fixed time for the meeting, should no quorum be present, the Board Secretary will call the roll and record the names of the Members present and the meeting shall be adjourned.

If a quorum should be lost during a meeting and is not regained within fifteen (15) minutes, the meeting must stand adjourned until the next meeting.

Whenever there is a matter of urgency which requires the immediate attention of the Board, the Chair may, via telephone conference and E-mail polling, video conferencing or Internet, solicit a motion from the Members dealing with the matter. The motion shall be valid and in effect if passed by a majority of the Board. It shall be recorded either in the Minutes of the next open or in-camera meeting of the Board as directed by the Chair.

## 7. Meeting Procedural Rules

This section needs to be revised for consistency with the [Municipal Police Board Meetings Regulation](#)

The Board shall adhere to the following meeting procedural rules:

- (1) Pursuant to s. 25(5) of the *Police Act*, in case of a tie vote at a meeting of the Board, the Chair may cast the deciding vote. Other than a tie vote, the Chair shall not vote.
- (2) Repealing, rescinding or altering any decision of the Board shall require 2/3 vote.
- (3) Corrections of the Minutes require a majority vote of the Board.
- (4) If a question of procedure should arise during the course of a meeting that is not specifically covered by these rules, it shall be determined by the Chair with reference to Robert's Rules of Order.
- (5) A direction to the Chief Constable shall be authorized by resolution of the majority of the Members present.
- (6) Actions to be pursued by the Board arising from the agenda shall be clearly identified at the meeting.

## 8. Regular and In-Camera Meetings

Pursuant to s.69(1) of the Police Act, meetings and hearings of the Police Board shall be open to the public. The Board shall not exclude a person there from, except for improper conduct or public safety.

Pursuant to s.69(2) of the Police Act, the Board may hold meetings in absence of the public (in-Camera), if the subject matter being considered concerns:

- (a) A matter concerning public security, the disclosure of which could be reasonably expected to seriously impair effective policing or law enforcement.
- (b) A matter concerning a person's financial or personal affairs, if the person's interest in the matter outweighs the public interest in the matter.
- (c) A matter concerning labour contract discussions, labour management relations, layoffs or another personnel matter.
- (d) A matter concerning information that a person has requested that he or she is allowed to provide in private to the Board.

No person other than Board Members, the Board Secretary, Chief Constable Deputy Chief and other persons invited by the Board for specific agenda items shall attend In-Camera meetings. Persons shall leave the meetings if requested to do so by the Chair.

Attendance at the CLOSED In-Camera meetings of the Board is at the sole discretion of the Board. Any and all information obtained at an In-Camera meeting shall be treated as confidential by any and all persons in attendance.

## **9. Notice of Meetings**

*This section needs to be revised for consistency with the Municipal Police Board Meetings Regulation, ss. 8-9.*

Notice of Regular or In-Camera meetings of the board shall be given at least five (5) calendar days prior to the meeting, accompanied by the proposed agenda and any supporting materials.

On an exigency basis, the notification period may be reduced by unanimous consent of the Board members. Otherwise 24hr notification is required.

## **10. Special Meetings**

The Chair, or authorized Board delegate may, at any time, call a special meeting of the Police Board and the Board Secretary may call a special meeting whenever requested by a majority of the Members of the Board.

Written notice of a special meeting shall be given to each Member of the Board at least 24 hours prior to the meeting, setting out the time and place of the meeting and the matters to be considered. The notice may be made by personal service, email, text message or by leaving a copy at the Member's recorded address as submitted by the Member.

A special meeting of the Board may be called by verbal notice provided that at least two-thirds (2/3) of the Board consent to the time, the place and the matter to be considered and that the decision to call the meeting is later ratified by the Board

Notice of a special meeting shall state the business to be considered and no business other than that stated shall be considered, except if all Members of the Board are present.

## **11. Board Committees**

The Board may establish standing or ad hoc committees to inquire into and report on any matter within the jurisdiction of the Board.

## **12. Annual Board Planning Cycle**

The Board is required under s. 26(4) of the Police Act to determine the priorities, goals and objectives of the Department each year, in consultation with the Chief Constable. The Board shall annually determine, in consultation

with the Chief the process to be followed for the next year in order for the Board to meet its obligations under s.26[4] of the Police Act.

### 13. Board Member Orientation

It is imperative that all Board members receive orientation regarding their roles and responsibilities as Police Board Members. The Board Secretary shall arrange for swearing in and provide an initial orientation session as soon as is practicable after appointments. Upon appointment, the Chief Constable shall contact the appointee and arrange a time for orientation.

#### **BOARD MEMBER ORIENTATION CHECKLIST**

1. Operational Orientation (facilitated by Chief Constable)
  - Meet with Chief Constable and Deputy Chief Constable
  - Tour of Police facility
  - Overview of the organizational structure overview of specialty units and CRD
  - integrated units. Overview of Service Agreements with other agencies.
  - Overview of Strategic Plan.
  - Overview of Budget and Budget process
  - Ride Along
  
2. Administrative Orientation
  - Meet with Mayor for overview of how the board functions and its relationship with Municipal Council.
  - Meet with Municipal Administrator to discuss her role as secretary to the Police Board and any other relevant topics including how expenses for travel are handled.
  - Meet with senior board member to review board policies and procedures, board packages and meeting structure and the role of the BCAPB and CAPG, including access to websites.
  
3. Other Training
  - Police Services Orientation
  - Other training provided by BCAPB and CAPG

### 14. Travel and Training

*This section needs to be revised for consistency with the Municipal Police Board Member Training Compliance Regulation and s. 68.2 of the Police Act.*

Members are encouraged to participate in training sessions and conferences of the BC Association of Police Boards and Canadian Association of Police Governance, and to take advantage of other training opportunities that will increase their knowledge and capabilities as a Board Member.

Board Members are eligible to be reimbursed for expenses incurred while on Board business travel or attendance at training sessions outside the area of the Capital Regional District. Any travel or attendance to training sessions requiring reimbursement will be authorized by Board resolution.

A Member's expenses are reimbursed upon the submission of receipts and explanatory expense statements and must be in accordance with the travel guidelines of the District of Oak Bay. **(See Appendix A)** Board resolution is required in order to over-ride said travel policies.

The Oak Bay Police Board will reimburse the member appointed to the BCAPB Executive for travel to and from the quarterly regular meetings of the executive. Other travel by the member on behalf of the BCAPB will be reimbursed by the Association.

## 15. Execution of Documents and Production

When execution of documents in Board approved matters is required, the Chair and Vice Chair are authorized to sign documents in the name of the Board. In principle, all contracts, agreements and other documents intended to legally bind or commit the Board in any manner are to be executed by the Chair or Vice Chair.

## 16. Memberships

Any other memberships the board should be a member of?

The Board supports the purpose of the BC Association of Police Boards and Canadian Association of Police Governance, and shall be a member of both organizations, unless otherwise determined by the Board.

## 17. Board Assessment Process

It is recommended that the board evaluate their performance both as individual members and as a whole. The evaluation will help to reinforce that board activities taking place are going well and draw attention to needed changes. Performance review of the board and its members should be based upon the board's planned actions and the subsequent results that have been achieved. It is recommended that performance reviews be conducted once a year.

The evaluation process should look at both the accomplishments and results of the goals and objectives and the process by which they were accomplished. What the board has accomplished should be stated in concrete, measurable terms. Evaluating how the goal was accomplished involves assessing the timelines and the resources used to accomplish the goal. It also involves assessing the information gathering techniques, problem-solving approaches and decision-making techniques used by the board in the process.

As part of the strategic planning for the Oak Bay Police Board a board assessment tool has been developed for use in and will be undertaken annually.

## 18. Agenda

As a general rule, the Board shall deal with matters in the order established by the order of business and as shown on the agenda. The Chair may, at his/her discretion, alter the order established to facilitate the business of the meeting.

The general order of business for Board Meetings is as follows:

1. Call to Order
2. Delegations / Presentations
3. Approval of Agenda
4. Adoption of Minutes
5. Standing Items
6. Departmental Reports
7. Ongoing Business
8. Rise & Report
9. New Business
10. Correspondence for Information

## 11. Adjournment

Prior to each meeting, the Board Secretary shall prepare a draft agenda of all business to be brought before the Board, decisions on the inclusion or exclusion of agenda items shall be made by the Chair of the Board or their designate, in consultation with the Chief Constable or their designate.

Wherever possible, Members shall give notice regarding a matter to be added to the agenda prior to the agenda review with the Chair.

Under New Business, a Member may introduce new business with the consent of the majority of the Members present at the meeting.

The Board Secretary shall be responsible for the initial placement of all items on either the Regular or In-Camera agenda. The placement may be adjusted following review by the Chair and Chief Constable in the agenda development process.

The Chief shall suggest on which agenda the reports prepared by Police Department staff or Department presentations should be placed.

Upon convening the Regular Meeting, a Member may request an item be moved from the Regular to the In-Camera Agenda. During an In-Camera meeting the Board can, by motion, move any item from the In-Camera Agenda to the Regular Agenda. Should there be no Regular Agenda for that meeting, the Board may move that one be created for the item, or that the item be placed on the Regular Meeting Agenda at the next meeting of the board.

During consideration of an In-Camera item, the Board may direct that the decision on that item, or the item in its entirety, be reported back to the Regular Meeting.

Notwithstanding the above, the Board or any member thereof may request an item to be placed on the agenda by forwarding the item to the Secretary one week prior to the meeting. The decision on the inclusion of the agenda item shall be decided by a majority vote of the Board

## 19. Delegations

Any person or persons (a delegation), not being a Member or employee of the Board wishing to address the Oak Bay Police Board shall make a written request to the Board Chairperson indicating the topic or issue upon which the delegation wishes to address the Board and the estimated length of time for the presentation.

All requests must be received by the Board ten (10) business days prior to the next Board meeting for the request to be considered at that meeting.

The Board Chairperson in consultation with the Chief Constable shall determine if the request is within the mandate and scope of the Police Board as described in the Police Act, and if so place the request on the next meeting agenda for the Board. The Board, by majority vote at the meeting or by poll if the matter is of an urgent nature, agrees to hear the delegation at the next Board meeting.

The written submission by the delegation and a list of persons attending shall be filed with the Board Secretary for distribution with the meeting agenda.

Members shall not enter into debate with the delegation upon the completion of their presentation. Members should only ask questions for clarification and obtaining additional, relevant information.

No delegation at either a Regular Meeting or Special Meeting of the Board shall:

- (1) Speak disrespectfully of any person;
- (2) Use offensive words or un-parliamentary language;
- (3) Speak on any subject other than the subject for which they have received approval to address the Board;  
or
- (4) Disobey the rules of procedures or a decision of the Chair.

The Chair may curtail any delegation, any questions of a delegation or debate during a delegation for disorder or any other breach of this policy and, where the Chair rules that the delegation is concluded, the delegation shall immediately withdraw.

Delegations are limited to five (5) minutes unless otherwise determined by the Board.

## 20. Schedule and Location

Regular meetings of the Oak Bay Police Board will generally be held on the ~~first~~ ~~second~~ Tuesday of each month, except for July and August, at the municipal hall and unless decided otherwise by the Board.

Notice of meetings will be posted on the Oak Bay Police Department's website at ~~one week~~ ~~least five (5) days~~ prior to the meetings.

## 21. Attendance at Meetings

Board Members have a responsibility to attend meetings, participate in discussions and exercise voting rights. Should a Member be unable to attend a meeting, the Member is expected to advise the Board Secretary.

Should a Member be absent from three (3) consecutive meetings without reasonable cause, the Board may make recommendation to the Director of Police Services or Oak Bay Council in the case of the Municipal Appointee to revoke the appointment of the Board Member.

## 22. Minutes

All Minutes of the Board shall be retained by the Board Secretary in a designated archive storage facility. The minutes of the open portion of the regular meeting of the Board will be posted to the Oak Bay Police Department website.

The Minutes of the Oak Bay Police Board meetings shall contain a record of the formal actions undertaken at the meeting. The Minutes of the Regular, In-Camera and Special Meetings of the Board shall be distributed to the Members of the Board prior to the next meeting, at which time they are considered for approval.

Any decision of the Board shall be by resolution of the Board and recorded in the Minutes.

The Board is required by s.71 of the Police Act to keep minutes of its meetings and hearings, and records of its inquiries. Further, in accordance with s. 28(2) and s. 69(3) of the Police Act, the Board shall file copies of its approved Minutes with the Police Services Division of the Ministry of Justice and Attorney General.

## 23. Community and Media Notification and Information

The public shall be notified of the time and place of the public Board meetings by the schedule posted on the Police Department website ([www.oakbaypolice.org](http://www.oakbaypolice.org)) and by notification included on the monthly meeting agenda.

Wherever possible, two (2) days preceding the day upon which the meeting is to be held, the Regular (public) Meeting Agenda shall be posted on the Police Department website. The complete Regular Meeting Agenda with supporting materials shall be available for pick-up and upon request, through the Board Secretary. Copies shall also

be available at the Board meeting.

## 24. Amendments to the Manual

The Board is responsible for designating one board member annually at the January meeting to review the manual. Any amendments will be brought to the Board for approval. The Chief Constable may submit amendment requests to the Board.

## 25. Conduct Complaints

The Board will not hear any delegation concerning a conduct complaint against members of the Oak Bay Police Department. The delegation will be referred to the appropriate oversight body which is usually the Office of the Police Complaints Commissioner.

## 26. Service or Policy Complaints

*This needs to be revised pursuant to s. 173.1 of the Police Act; see SharePoint / Katie Charlton's email for more details on the requirement for boards to establish a policy by April 25, 2026, and other available resources.*

Under the Police Act, service or policy complaints are the responsibility of the Board, including complaints that arise at a discipline proceeding or public hearing.

The Board may do one or more of the following:

- request that the Chief Constable investigate and report to the Board,
- initiate a study,
- initiate an investigation,
- dismiss the complaint with reasons, and
- any other course of action the Board considers appropriate.

The Board must advise the Office of the Police Complaint Commissioner (OPCC) and the complainant of the results, including what course of action, if any, was taken and a summary of the results of any investigation or study.

Service or policy complaints are received by the Board through the OPCC.

## 27. Board Member Suspension

*This should probably be revised to reference the Municipal Police Board Member Code of Conduct Regulation provisions re discipline, and any policy that is developed by the Province.*

Any Suspension of a Board member shall be done in accordance with s. (110) of the *British Columbia Police Act*.

## 28. Board Governance Style and Commitment

As a statutory governance body, the Police Board must be seen to be:

- (1) always mindful of its civic trusteeship obligation to the public and accountability for the governance of the Police Department;
- (2) independent of Police Department administration and management, political affiliation and interest groups;
- (3) subject to the needs of confidentiality and security, open, transparent, and accessible to both the public and Police Department; and
- (4) responsive to the community.

Therefore, it is the policy of the Oak Bay Police Board that the Board shall govern collaboratively and in a way that emphasizes outward vision. It shall encourage strategic leadership rather than administrative detail and shall maintain a clear distinction between Board governance and the Chief Constable's role as Chief Executive Officer of the Police Department.

The Board and Chief Constable shall commit to the following guiding principles with respect to their relationship and responsibilities:

- (1) acknowledge the importance of goodwill between each other;
- (2) respect each other's roles, interests and accountabilities;
- (3) give each other the benefit of the doubt, accept honest mistakes and seek explanations before reacting;
- (4) recognize and respect each other's decision-making processes and lines of authority;
- (5) acknowledge that the Board's mandate is summarized as general oversight and setting of policing policy in accordance with the *Police Act*; and
- (6) recognize that the Chief Constable is responsible for daily policing and all operational matters as set out in the Police Act Part 7, s.34(1) and (2)

Communications between the Board and Chief shall:

- (1) promote common understanding
- (2) promote quick and effective resolution of issues, and
- (3) build stronger relationships.

Information shall be shared to the fullest extent possible and be undertaken in an atmosphere that promotes clarity, transparency, openness and trust.

The Board ~~shall be~~ is responsible for excellence in governing. The Board itself shall be the initiator of policy, in addition to responding to policy initiatives from staff. The Board shall use the expertise of individual Board Members to enhance the performance of the Board as a body.

The Board shall direct, control and motivate the organization through the careful establishment of broad organization policies reflecting the community's values.

## **29. Performance Management – Chief Constable**

See Appendix B

## **30. Role of Chief Constable**

The Chief Constable shall operate under the direction of the Police Board and is responsible for the overall management and command of the Police Department on a day-to-day basis. The Chief Constable also shall perform other functions and duties assigned to him/her under the regulations or under any Act [Part 7, s.34(1), Police Act]. The Chief Constable is not a member of the Board.

The Chief Constable shall, in consultation with the Board be responsible for the development of annual priorities, goals and objectives for the Department. The Chief Constable must ensure that Departmental programs and strategies are designed in accordance with the Board-approved strategic plan and are reported to the Board annually.

The Chief Constable shall ensure that the Board's vision and direction are implemented and shall bring high-level policy issues to the attention of the Board.

The Chief Constable shall be proactive in presenting emerging issues (policing and community) to the Board, either through formal presentations to the Board or more informal channels to the Board as a whole.

### **31. Accountability of the Chief and Deputy Chief Constables**

The Board operates by delegating certain of its authorities to the Chief Constable and through him/**her** to the Management Team and by reserving certain powers to itself. These policies are prepared to assist the Board and the Chief Constable in clarifying responsibilities and ensuring effective communication between the Board and management.

The Chief Constable is the Board's link to the operational achievement and conduct of the Department. All authority and accountability of employees, as far as the Board is concerned, is considered the authority and accountability of the Chief Constable. Accordingly:

- (1) The Board will never give instructions to persons who report directly or indirectly to the Chief Constable.
- (2) The Board will not evaluate, either formally or informally, any employee other than the Chief Constable.
- (3) The Board will view the Chief Constable's performance as identical to organizational performance, so that organizational accomplishment and compliance with Board Policies will be viewed as successful Chief Constable performance.
- (4) When the OPCC refers a BC Police Act matter to the board in relation to the Chief or a Deputy Chief, the board will conduct an investigation in accordance with the Act.
- (5) In the case of discharge of firearm by Chief Constable, he or she is required to notify the Chair of the Board and the Chair will investigate in accordance with the BC *Police Act* Use of Force Regulation.

### **32. Delegation to and Relations with the Chief Constable**

The Chief Constable has command of the Police Department, subject to the policies and general supervision of the Police Board and is accountable to the Board acting as a body.

The Chief Constable has authority to make the operational and administrative decisions required to operate the Police Department. The Chief's legislative roles and duties are set forth in s.34 of the *Police Act*.

Board authority is delegated through the Chief Constable, so that all authority and accountability of staff/members, insofar as the Board is concerned, is considered to be the authority and accountability of the Chief Constable.

Only decisions of the Board acting as a body are binding upon the Chief:

- (1) Decisions or instructions of individual Board Members or committees are not binding on the Chief Constable except in those instances when the Board has specifically authorized such exercise of authority.
- (2) In the case of Board Members requesting information or assistance without Board authorization, the Chief Constable will bring such requests to the Board if, in the Chief Constable's judgment, a material amount of staff time or funds are required.

The Chief Constable shall ensure that his/her actions and those of the Police Department will not compromise the independence of the Police Board.

The Chief Constable may delegate authority to the extent that he/she considers appropriate but remains accountable for all activities of the Department.

### **33. Role of Board Secretary**

The Board will appoint a Board Secretary to satisfy secretarial and administrative requirements. The Board may retain other professional advice or services as necessary, including clerical support to assist the Board Secretary.

The Board Secretary assists the Board in administering and coordinating its business to ensure efficiency of operations. Responsibilities include:

- (1) Serves as administrative link between the Board, the Chief Constable, and committees of the Board,
- (2) Manages and organizes the flow of information and documentation.
- (3) Organizes meetings, creates the agenda in consultation with the Board Chair and Chief (or delegate), and through clerical support, ensures minutes, correspondence reflects Board decisions, and acts in a similar capacity for committees.
- (4) Ensures that an accurate archived record is kept of all Board proceedings and correspondence, and provides procedural, historical and policy information to the Board as required.
- (5) Maintains schedule of monitoring and other reports to be received by the Board and ensures that all Board members are kept fully informed on any developments upon which they may have to act.
- (6) Liaises with municipal and provincial government officials and with staff from other police boards.
- (7) Liaises with Oak Bay Police staff for the purposes of communicating FOIPPA access requests and Service and Policy complaints and coordinates related correspondence.
- (8) Receives and coordinates Board travel and expense claims for submission to the Director of Financial Services of the municipality.
- (9) Coordinates registration, travel arrangements and related logistical requirements for Board member attendance at various Board related conferences, retreats and meetings.

The Board Secretary must keep all matters before the Board in strict confidence, limiting discussion to members of the Board and those members of the Police Department required for the performance of their duties.

The Board Secretary must disclose to the Board Chair any pecuniary interest or conflict of interest in any matter before or likely to come before the Board as soon as is practicable.

### **34. Consultation and Community Outreach**

*This section could be revised to reference the Provincial Policing Standard on Community Engagement, and reflect the Board's responsibilities thereunder.*

The Board's mandate includes initiating policies that reflect community need and enhance the effectiveness of the police service. The Board considers both the community and police viewpoints and needs and serves as a communication link to enhance understanding and working relationships amongst the Department, the public it serves and the Provincial Government. The Board operates within a highly public environment and recognizes that the actions of the Department have a significant public impact. Accordingly, the Board shall:

- (1) Provide opportunities for the community to give input on areas of interest or concern to them, via such mechanisms as public forums and designated meetings with the Board, and environmental scans.
- (2) Provide opportunities at Regular Meetings of the Board for a person or persons to appear as a delegation and present to the Board comments relevant to the agenda items.
- (3) Share crime statistical information and crime trends with Government, community organizations, businesses and members of the public, and ensure timely reporting of any other developments that have a significant and material effect on the Department.
- (4) Ensure that the financial performance of the Department is available to the public on a quarterly basis.
- (5) Build relationships with Board members of other police services at the provincial and national levels and where possible, have a least one representative at meetings of the BC Association of Police Boards and special consultations with the Provincial Government.

### **35. Internal Communications**

The Chief shall take all reasonable steps to ensure that the Board is fully informed about all major issues that may be of concern to the community, as soon as is practicable.

The Chief shall direct that all official media releases be provided to the Board, as soon as is practicable following release.

As a general principle, Board Members acting in their capacity as Members of the Board and in the performance of their official duties shall have timely access to information under the control of the Oak Bay Police Department and shall direct all requests for such information and advice related thereto to the Office of the Chief Constable, or as otherwise determined in consultation with the Chief Constable.

The Chief shall attend regularly scheduled meetings of the Police Board and, as otherwise requested by the Board. Police staff attendance at In-Camera Board meetings shall be coordinated with the Chief and be at the request of the Board.

### **36. Police Department Submissions to Municipal Council**

In consideration of the Board's governance responsibility for the Police Department under the *Police Act*, all formal reports and information tabled with Municipal Council or any of its committees with respect to the budgetary requirements and operations of the Oak Bay Police Department shall be tabled with the Police Board first.

The Police Board must be notified, as soon as is practicable, of any request to the Police Department to make a formal presentation to Municipal Council, a Standing committee or other Municipal Department.

*Police Act* Part 4 s.15(1) and (2) s.17 (1)(2)(3) and (4) apply.

### **37. Media and Public Relations**

The Chair of the Board is the official spokesperson for the Board. Media requests for interviews shall be forwarded directly to the Chair or via the Board Secretary.

The Chair or Board may appoint a Board Member as a spokesperson for specific matters.

The Board spokesperson shall consult with the Board prior to responding to media requests for interviews on significant and sensitive matters, and as appropriate, consult with the Chief Constable.

When responding to media enquiries related to public complaints against the police or legal matters, the Board spokesperson shall be cognizant of the confidentiality and process provisions, including appeals, under the *Police Act* and the *Freedom of Information and Protection of Privacy Act*, and that the Chief Constable is the Discipline Authority for sworn members under the rank of Deputy Chief Constable. The Board may wish to seek legal advice in determining appropriate public comment for its spokesperson.

A Board spokesperson shall be careful to only speak on matters within the jurisdiction and mandate of the Board, and not interfere with the legislated authority of the Chief Constable.

Most news items regarding the Oak Bay Police Department are operational in nature and properly the domain of the Chief Constable and his staff. However, where operational matters may be likely to spark significant public interest or debate, the Chief Constable will inform Board members before a public statement is made. This may be done by email or telephone, or on the municipal website. The purpose of informing the Board is a courtesy, to ensure that

Board members are aware of major occurrences.

On some occasions the matter may be of such significance or seriousness that consultation and discussion with the Board before information is released is justified. These occasions include, but are not limited to:

- Major financial expenditures that are outside the approved operating or capital budget;
- Departure from the *Police Act* or Board policy;
- The Oak Bay Police Department's public position being at odds with municipal, provincial or federal government, the Police Complaint Commissioner, or a court decision
- Release of information relating to public complaints that may cause the public or media to draw wider inferences about the Oak Bay Police Department's policies, objectivity or integrity.

The purpose of consultation with the Board is to provide the Chief Constable with advice and counsel on the format and tone of public releases, and to provide the Board with an early insight into the Chief Constable's strategy and follow-up plans.

In some cases, the Chief Constable may be uncertain as to whether the Board should be consulted or simply informed. The Board will designate one of its members to provide guidance to the Chief Constable on the appropriate level of Board involvement. The Board designate and the Chief Constable will together decide upon the medium and timing of informing/consultation, considering the seriousness and urgency of the matter. The Board designate will inform the Board of advice given at an appropriate time.

Board media releases and information to media outlets shall be published on the Oak Bay municipal website.

The Board shall respond to media requests for information released at its public meetings and minutes of its public meetings shall be made available on the municipal website. The media shall be referred to the Department's media liaison person for response on issues within the authority of the Chief Constable.

### **38. Municipal Council**

Formal communication between the Board and the Council, or Board and Administration of The Corporation of Oak Bay, is conducted through the Chair and/or the Board Secretary, unless otherwise specified by the Board.

The Board shall pursue a positive and productive working relationship with Municipal Council and promote opportunities for dialogue between the Board and Council. It is suggested that the Board and Council meet annually.

The Board Chair will respond to information questions, where possible, and appropriate to the Board's mandate. Council requests concerning police operational matters shall be directed to the Chief Constable.

### **39. Emergency Acquisition of Goods and Services**

In order to provide the funds and resources required to satisfactorily resolve an emergency situation; and to provide the operational support required immediately where the time frame precludes prior approval in the normal manner, the Chief Constable, or his designate, will have the authority to purchase or rent equipment to adequately cover any emergency, disaster or life threatening incident where time, or other pressing factors, make it impossible to obtain prior approval.

In the event that emergency procurement of goods and services is required, the Chief Constable will provide details to the Board Chair at the earliest possible date, and subsequently to the full Board.

## 40. Succession Planning

Succession planning is a timely and continuous process designed to ensure the ongoing effective performance of the Oak Bay Police Department by providing training and development for the replacement of key personnel that may be lost to the department.

The Chief Constable will develop, report and implement a succession plan on a yearly basis that will proactively ensure the continuity of leadership at all senior levels within the Oak Bay Police Department.

## 41. Strategic Planning

To ensure a strong alignment between the mandate and mission of the Oak Bay Police Board and the allocation of publicly funded resources, the Oak Bay Police Department, under the leadership of the Chief Constable, will develop a long-term strategic plan for Board approval.

The plan will be based on an evaluation of the policing requirements of the Municipality of Oak Bay and will include:

1. Strategic Direction
2. Strategic Goals
3. Action plans
4. Timelines
5. Measurement tools
6. Resource allocation
7. Board specific Strategic Direction and Goals

The approved strategic plan for the Oak Bay Police Department will provide the framework under which annual financial plans will be developed. The approved strategic plan and the annual financial plan for the Oak Bay Police Department will be utilized by the Board in the performance assessment of the Chief Constable. The strategic plan will be reviewed regularly and updated as required.

## 42. Freedom Of Information

Subject to the *Freedom of Information & Protection of Privacy Act*, R.S.B.C. 1996, c. 165, the board policy with respect to the authority for the release of information is as follows;

1. The Oak Bay Police Board Chair as the head of the Oak Bay Police Board for the purposes of the *Freedom of Information & Protection of Privacy Act*, has responsibility for all requests for records within the custody or control of the Board and,
2. The Chief Constable as the head of the Oak Bay Police Department has responsibility for all requests for records within the custody or control of the Department.

## 43. Records Management

To be developed.

What are the standards. Can't they simply be included here?

What is the status of this??

**Appendix A – Travel and Expense Policy**



Policy	Travel and Expense Reimbursement Policy
Approved By:	Council
Approval Date:	October 26, 2020
Amendment Date:	

**TRAVEL AND EXPENSE REIMBURESMENT POLICY**

**1.0 OBJECTIVES**

- 1.1. Provide guidelines for Council Members and employees when incurring expenses related to travel, conferences, courses, and other District related business;
- 1.2. Ensure there are reasonable limits placed on travel, conference, courses, and other related expenses;
- 1.3. Ensure travel expense approvals and reimbursement are provided in an efficient manner;
- 1.4. Promote transparency and prudence when using taxpayer funds for travel and related expenses; and
- 1.5. Support professional development in matters relating to District of Oak Bay business.

**2.0 SCOPE**

- 2.1 This Policy applies to Council Members, and employees of the District of Oak Bay.
- 2.2 This policy does not apply to Oak Bay Police Department employees or members of the Oak Bay Police Board.
- 2.3 This policy does not provide guidance for the payment or reimbursement of professional dues or tuition reimbursement.

**3.0 DEFINITIONS**

In this Policy,

“DISTRICT EMPLOYEE” means Council Members and employees of the District of Oak Bay but does not include employees or Board members of the Oak Bay Police Department.

“AUTHORIZED APPROVER” means the department manager identified in the chart in Section 4.10 who is responsible for approving an employee’s means of transportation and expense claim.

## **4.0 POLICY – GENERAL PROVISIONS**

4.1 Eligible expenses under this Policy, subject to Section 5.0, include:

- 4.1.1** Accommodation,
- 4.1.2** Transportations,
- 4.1.3** Meal,
- 4.1.4** Registration fees,
- 4.1.5** Incidentals including without limitation telephone, photocopying or facsimile,
- 4.1.6** Taxes incurred on all above items

4.2 Subject to approved budget limits, Council Members are authorized to attend the following:

- 4.2.1 The annual Union of British Columbian Municipalities convention;
- 4.2.2 The annual Association of Vancouver Island and Coastal Communities convention;
- 4.2.3 The annual Federation of Canadian Municipalities convention; and
- 4.2.4 Other meetings, courses, seminars, conferences, conventions related to District of Oak Bay business with the annual total not exceeding \$1,000 per Councillor.

Reimbursement for attendance by Councillors at meetings, courses, seminars, conferences and conventions exceeding these limitations will be subject to Council resolution.

4.3 Wherever feasible, expenses subject to this Policy should be paid with a corporate credit card rather than through a reimbursement process.

4.4 District employees wishing to combine a business trip with personal travel may do so at their own expense. For greater clarity, District employees will be required to pay for any additional accommodation and living expenses that are not related to the business travel.

4.5 Partner travel will not be paid by the District. No expense claim may be made for expenses of a spouse, partner or other relative or friend travelling with the District employee.

4.6 Travel advances will not be provided unless in exceptional circumstances as determined by the Director of Financial Services. Travellers may request a travel advance no later than ten (10) business days prior to departure and the amount must not exceed estimated expenses.

4.7 All claims for reimbursement must be signed by the traveller and the Authorized Approver in Section 4.10. All original receipts must be submitted for expenses. Claims for reimbursement should be submitted to the Finance department within 30 days of when the expenses were incurred.

4.8 The expense reimbursement amounts outlined in Section 5.0 set out the maximum reimbursement that an employee may claim when authorized (either by Council resolution, department director approval, or policy) to attend meetings, courses, seminars, conferences, conventions and other District of Oak Bay related function.

4.9 The Authorized Approver may require employees to carpool or share accommodation (as deemed appropriate). At no time should an employee be out of pocket as a result of incurring expenses detailed in this policy.

4.10 Expense reimbursement requests from an employee can only be approved by authorized approver as detailed in the chart below.

<b>Employee</b>	<b>Authorized Approver</b>
Department employee	Department Director or designate
Department Director	Chief Administrative Officer or Director of Financial Services
Chief Administrative Officer	Mayor or designate
Councillor (including Mayor)	Director of Financial Services or designate

## 5.0 POLICY – SPECIFIC PROVISIONS

5.1 Transportation:

5.1.1 A traveller may choose their means of transportation, subject to approval by his or her Authorized Approver in Section 4.10 – air, ferry, bus, train, car, or combination thereof. Per diems will be paid on the same basis as travel by air unless alternative means of transportation are more convenient.

5.1.2 Air travel:

- (a) **Class:** All travel must be economy class except in emergencies where other options are not available. Employees may choose to upgrade at their own expense.
- (b) **Fare:** The traveller is expected to obtain the most economical fare available for a direct, return flight to/from the destination.
- (c) **Advanced booking:** Flights should be booked at least 14 days prior to departure to obtain most economical fare when feasible.

5.1.3 Ground Transportation:

- (a) **Own Vehicle** - A traveller who chooses to travel outside the Capital Regional District using their own vehicle may claim the lesser of: (1) economy airfare and ground transportation expenses, or (2) Mileage at the Canada Revenue Agency reasonable per kilometre rate for the year of travel, plus parking expenses, tolls, ferries and other reasonable expense related to transportation.
- (b) **District Vehicle** - A traveller who uses a District Vehicle may claim the lesser of: (1) economy airfare plus ground transportation expenses, or (2) actual out of pocket expenses such as parking, tolls, ferries incurred during the period of travel.
- (c) **Travelling as a Group** - When two or more travellers are travelling in the same vehicle, only the traveler who incurs the expenses of operating the vehicle may

claim mileage or in the case of a District vehicle, the actual out of pocket expenses. Where one or more travellers are sharing a taxi, only the traveller with who incurs the expense may claim for reimbursement.

- (d) **Rental Vehicles** - There may be situations where it is necessary to provide a rental car. Economy or compact cars must be used unless there are three or more travellers travelling together or where local or seasonal conditions require a four wheel drive or truck, in which case, an upgrade to a full size car or four wheel drive truck is permitted. Vehicle rental, insurance, parking and fuel expenses will be reimbursed. Rentals for luxury vehicles will not be reimbursed. Employees may upgrade the rental vehicle at their own personal expense.
- (e) **Damage to employee vehicle:** Loss or damage to a District employee's vehicle while parked is not the responsibility of the District.

#### 5.1.4 Accommodation

- (a) **Class of Room:** Travel accommodation will be based on single occupancy in a standard room and be booked at the lowest rate (preferred, government, special, conference) available. Upgrades will not be reimbursed. Employees may upgrade the room class at their own personal expense.
- (b) **Advanced Bookings:** accommodation should be booked far enough in advance to take advantage the most economical rate available.
- (c) **Location:** Travel accommodation should be booked as close as possible to the business function/conference and/or where the hosting organization has reserved a block of rooms.
- (d) **Private Accommodation:** Should a traveller choose to stay in a private accommodation (i.e. with friends or relatives) may claim an allowance of \$50 per night. No receipts are required.
- (e) **Expenses not eligible for reimbursement:** The following items will not be reimbursed:
  - Mini bar charges,
  - Movies or game rentals,
  - Laundry, cleaning expenses,
  - Personal telephone calls, or
  - Other incidental expenses not explicitly covered in this Policy.

#### 5.1.5 Per Diems

- (a) **Rates:** Daily rate is \$70 for travel within North America (outside Canada, the rate will be paid in US dollars).



## **Appendix B - Chief Constable Performance Management Policy**

Effective Date: May 17, 2016

Review Date: Jan. 2017

### **1.0 Policy**

The Oak Bay Police Board recognizes that one of its key functions is to evaluate and support the Chief Constable to ensure that he/she is working to their highest potential. It is also the responsibility of the Board under the British Columbia Police Act to determine priorities, goals and objectives of the department in consultation with the Chief Constable on an annual basis.

### **2.0 Reasons for Policy**

1. To establish a procedure for determining priorities, goals and objectives for the department in collaboration with the Chief Constable.
2. To ensure that these priorities, goals and objectives are evaluated on an annual basis.
3. To ensure that the Board receives and reviews and the Chief Constables Annual Report and that this is one tool used by the Board to monitor and evaluate the services being delivered.

### **3.0 Procedure**

1. The Chief Constable will prepare and present an annual report to the Board at the January meeting of the Police Board.
2. The Chief Constable will in collaboration with the department and the Police Board establish the priorities, goals and objectives for the upcoming year and present them to the Board at the February meeting of the Police Board.
3. An in-camera meeting of the Police Board and Chief Constable will be held the first week of October of each year at which time the sole agenda item will be to review and evaluate the goals and objectives and to evaluate the success and/or challenges with each goal.
4. The goals and objectives will be evaluated using the attached Performance Management tool.
5. The final document will be prepared by the designated person and signed at the November in-camera meeting of the Police Board.



## Oak Bay Police Department

# CHIEF'S REPORT

March 3, 2026,

## Human Resources

### Recruitment Update

OBPD will be launching a recruitment campaign for exempt/experienced officers to support the release of two officers for secondment opportunities.

## Department Update

### Reno/Building update

Phase 1 of the building renovation runs March 20–27 and covers the front counter/records department. While front counter access will be restricted, service delivery should remain largely unaffected.

## Community Engagement

### Teen Centre

Attendance at the Tues/Thursday OB Rec Teen Centre continues to be consistent. Officers passed out chocolate for Valentines Day and patrol officers support this initiative when our Community Support Team (CST) members not available.

### Department Tours

Cst. McNichol hosted a department tour for Sundance Elementary School. The Grade 1 class enjoyed touring the department, seeing the police equipment and sitting in a patrol vehicle.

### Lock Down Drills

Scheduled Lock down drills continue at our schools. On February 19<sup>th</sup> Patrol and CST conducted a Lockdown/Hold and Secure Drill at Willows Elementary school that went very well.

### School Zone Enforcement

Daily targeted school zone enforcement continues supported by CST and Patrol Officers.

### Polar Plunge

Mayor Murdoch and the Oak Bay Police Department "Chill Squad" Polar Plunge Team raised almost \$5,000 for Special Olympics BC. The team plunged into the icy and windy waters of Gyro Beach on February 22, 2026. This is a CRD wide event and there was a great turn out and support. Over \$48,000.00 was raised for Vancouver Island.

## Training

Chief Chanin, DCC Rice and Insp. Almeida attended the British Columbia Chiefs of Police Conference in Victoria Feb 17-19 and continue to attend the Leadership Training provided by the District of Oak Bay.

### **30 Forward Pledge - Shifting Culture and Inspiring Future Leaders Initiative**

Chief Chanin has signed the 30 Forward Pledge and in the coming weeks will be on boarding OBPD into the program. The initiative calls on police leaders to take a pledge with measurable, actionable commitments to recruit, retain, and advance women in policing, while fostering an inclusive and supportive workplace culture. The 30Forward commitment includes measurable actions in the following areas:

- Recruitment & Hiring
- Retention & Family Support
- Mentorship & Leadership Development
- Allyship & Inclusive Culture
- Building a National Resource Hub

Updates to follow.

Julie Chanin  
Chief Constable



# Oak Bay Police Department

## DEPUTY CHIEF'S REPORT

DATE: **Tuesday, February 3, 2026**

MEETING:  Open  In-Camera

### Operational Update

#### November & December 2025 Call Data

1. Call volumes for the first three weeks of January increased 20% in comparison to the same period in 2025 (268 vs. 218).
2. No anomalous events noted in call types and frequency.

#### Operational Update

During the reporting period, Oak Bay Police members demonstrated effective investigative and enforcement efforts while prioritizing victim care and support. Officers made arrests, recovered stolen property, and worked closely with victims of violence and fraud to ensure safety, medical attention, and access to appropriate resources.

#### *Calls of Note:*

**Reporting Period: January 1, 2026 – January 26, 2026**

#### **1. Break and Enter – Commercial Property**

On January 22, 2026, at approximately 4:40 a.m., police responded to a commercial alarm at Hughes Clothing on Oak Bay Avenue. Officers located evidence of a break and enter and determined that numerous items of clothing had been stolen. This file resulted in local media interest and coverage. The investigation remains ongoing. *(File 2026-232)*

#### **2. Break and Enter – Residential**

On January 15, 2026, police responded to a reported residential break and enter at an unoccupied home on Midland Road. Entry was gained through an upper-floor window while the residence was vacant for several hours. Several upstairs rooms were disturbed, with jewellery believed to be the primary target. Forensic Identification Services attended to collect evidence, and the investigation is ongoing. *(File 2026-161)*

#### **3. Theft of E-Bikes**

Police investigated multiple reports of e-bike thefts during the reporting period. In one incident, an e-bike was stolen from a bike rack in a residential area, and officers conducted follow-up inquiries, including canvassing for CCTV. In a separate occurrence, two e-bikes were stolen from a residential garage. One bike was recovered nearby, and the second bike was later located in Victoria. A male was arrested in possession of the second

stolen e-bike. Investigations remain ongoing. *(Files 2026-140 and 2026-222)*

#### **4. Fraud – Impersonation**

On January 21, 2026, police received a report of fraud involving the impersonation of a property insurance representative. As a result, a victim was deceived into transferring funds via wire payment. The investigation is ongoing. *(File 2026-226)*

#### **5. Mischief to Public Washrooms**

Police responded to two separate incidents of mischief at public washroom facilities in Windsor Park and Firefighters Park. In both cases, toilets and sinks were intentionally clogged and fixtures tampered with in an apparent attempt to cause flooding. District staff attended to clean and secure the facilities, and officers conducted additional patrols in the affected areas. *(Files 26-52 and 26-105)*

#### **6. Assault Arrest – Intimate Partner Violence**

On January 6, 2026, police responded to a report of an assault at a residence on Granite Street. Officers obtained statements from those present, and the victim was assessed by paramedics and transported to hospital. The suspect was located walking nearby and arrested without incident. He was held for a bail hearing on charges of Assault and Assault by Choking. The investigation remains ongoing. *(File 26-62)*

#### **Administrative Update:**

##### **1. Joint Policy Review Project (OBPD & NPD)**

*Board Action: None – for information only*

The contractor presented his first report, outlaying a plan to remove irrelevant policies and prioritize others. This work is ongoing.

##### **2. Volunteer Pilot Project Update**

*Board Action: None – for information only*

Awaiting details of a draft MOU with Oak Bay Volunteer Society.



# Oak Bay Police Department

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

## ACCOUNTABILITY REPORT – OPEN

Reporting Period: January 2026

	# New	# Ongoing	YTD	Not accepted*	Unsub.	Substantiated	File numbers
<b>OPCC Complaints</b>	0	0	0	0	0	0	
<b>IIO Notifications</b>	0	0	0				
<b>Use of Force Reports</b>	1	0	1				<b>2026-111 GVERT (CEW deployment)</b>  <i>Previous year-end totals:</i>  2025 – 7 Files 2024 – 11 Files 2023 – 6 Files 2022 – 8 Files 2021 – 7 Files

\*Not accepted by OPCC and/or IIO

**Kris Rice**  
Deputy Chief Constable

Port Moody Governance Committee:

Governance Committee – Terms of Reference

### **1.1 Mandate**

- 1.1.1 The Governance Committee aims to enhance the performance of both the Board and the PMPD by focusing on effective governance.
- 1.1.2 This committee evaluates Board effectiveness and ongoing development for Board Members.
- 1.1.3 Additionally, it leads the process of recommending criteria for Board Member appointments to the province for consideration.
- 1.1.4 Further, it may review non-financial policies and oversee the PMPD strategic plan development for the Board approval.

### **1.2 Composition and Operation**

- 1.2.1 The Governance Committee will consist of three or more members appointed by the Board, with one member designated as the chair. The appointment of Governance Committee members will follow the relevant sections outlined in the Board Manual.
- 1.2.2 The Governance Committee will operate in accordance with the provisions specified in this Board Manual.
- 1.2.3 The Committee may invite Board Members and outside parties to attend meetings, as well as employees, in consultation with the Chief Constable, to assist in discussions and considerations related to the Committee's business.

### **1.3 Duties and Responsibilities**

- 1.3.1 Subject to the powers and duties of the Board, the Governance Committee shall:
  - (1) Initiate an annual review of the Manual and seek Board approval of necessary amendments.
  - (2) Receive and consider suggested amendments to the Manual from the Chief Constable.
  - (3) Regularly assess the Board's effectiveness, both on the general performance of the Board and the governance processes.

- (4) Develop recommendations regarding the qualities and skills for potential Board Members, taking into consideration the Board's short-term needs and long-term succession plans.
- (5) Ensure that the Board Chair and the Police Services Division have relevant information on vacancies, appointments and reappointments of Board Members.
- (6) Conduct Board member orientation and ongoing development to assist Board members in being fully prepared for their role.
- (7) Annually review the Conflict-of-Interest Guidelines and recommend revisions to the Board, as required.
- (8) Annually require Board Members to sign an acknowledgement that they have reviewed the Conflict-of-Interest and Code of Conduct Guidelines and are unaware of any matters that contravene the guidelines.
- (9) Provide initial orientation about the Board's role, practices, issues and objectives to a new Board Chair, as required.
- (10) Develop the Board's annual work plan calendar.

#### **1.4 Accountability**

- 1.4.1 The Governance Committee will conduct an annual review of its Terms of Reference and recommend any necessary revisions to the Board.
- 1.4.2 Additionally, the Committee will maintain records of its meetings, and the chair will provide oral reports to the Board on governance matters relevant to both the Board and the PMPD or submit other reports as requested.

## **C11: GOVERNANCE & COMMUNITY ENGAGEMENT COMMITTEE TERMS OF REFERENCE**

The fundamental purposes of the Governance & Community Engagement Committee (the “Committee”) are:

- To identify and adopt a governance framework that sustains the independence of each Board member and enables the Metro Vancouver Transit Police Board of Directors (the “Board”) and its Committees to exercise fair and effective oversight of the Metro Vancouver Transit Police by acting in the public interest; establishing rules respecting the standards, guidelines and policies for the administration of the Metro Vancouver Transit Police; the prevention of neglect and abuse by the Transit Police Officers and the efficient discharge of duties and functions by the Transit Police personnel; and ensuring that the Metro Vancouver Transit Police carries out its responsibilities in accordance with the *Police Act*, the regulations and Minister's orders, and other relevant legislation; and
- To assist in ensuring effective community and governmental engagement in relation to the ongoing operation of the Metro Vancouver Transit Police.

The work of the Committee can be characterized as falling into three broad categories: Governance of the Board, Director Recruitment and Development, and Governance of the Metro Vancouver Transit Police. The purposes of the Committee under each category are:

### **A. Board Governance**

- Develop and recommend to the Board, and maintain, a set of governance policies, structures and processes which are consistent with the governance framework adopted by the Committee, and with applicable law;
- In consultation with Committee Chairs, make recommendations consistent with such framework, regarding the size, composition and terms of reference of the Committees of the Board; and
- Support cooperation among Committees to ensure appropriate risk assessment and mitigation, effective strategic planning and necessary internal communication.

## **B. Director Recruitment and Development**

- Lead and support all efforts to recruit, develop and maintain a Board that in aggregate constitutes a highly effective and efficient Board;
- Ensure orientation, education and training mechanisms are current and relevant so that the Directors may govern the Board and the Metro Vancouver Transit Police in accordance with the principles and policies described above; and
- Ensure appropriate peer evaluation and succession planning.

## **C. Governance of the Metro Vancouver Transit Police (“MVTP”)**

- Oversee the governance structure of the MVTP, including its relationship with TransLink through TSML, to determine whether it is compliant with all applicable legal requirements, and make recommendations to the Board where appropriate or necessary;
- Oversee the MVTP policies and practices and be satisfied that they are compliant with applicable legal, regulatory and contractual requirements;
- Ensure that the MVTP policies and practices support the purposes and goals of the South Coast BC Transportation Authority while maintaining the degree of independence required by a police service;
- Confirm that the MVTP maintains effective cooperative relationships with jurisdictional police, and with the communities within which it operates and where appropriate provide reports or recommendations to the Board in this respect; and
- Confirm that the Board and the MVTP undertakes and maintains effective dialogue with the significant transit user groups, with the JPDs, with the residents and businesses located within the transportation service region and with relevant Provincial Departments.

### **Composition**

A quorum of the Committee shall consist of the majority of the Committee. The Board Chair is an *ex officio* member of the Committee but is not counted in establishing quorum.

### **Staff Support**

The Board Secretary will provide staff support to the Committee. As per Section C8 Committee Operating Guidelines, the Committee Chair to advise the Chief Officer when the Committee wishes to use staff of the MVTP and it will be the responsibility of the Chief to designate staff for Committee assistance.

### **Advisors/Resources**

To assist with good governance and Board effectiveness, the Committee Chair has the authority to retain external advisors and resources up to \$25,000, to be approved on an annual basis prior to budget projections each August.

### **Duties and Responsibilities**

Subject to the powers and duties of the Police Board, the Committee shall:

#### **1. Governance of the Board**

- i. at least every two years, review the Board Governance Manual including the Police Board terms of references, Committee terms of reference; Board Chair terms of reference, the Code of Conduct and any other position descriptions or materials contained in the Board Manual and make recommendations as appropriate;
- ii. ensure appropriate structures and procedures are in place to allow the Committees to communicate or meet together as needed for the Police Board to function effectively;
- iii. periodically review the and assess the Board's Communications Policy;
- iv. liaise with the Police Board Chair to monitor the relationship with the TransLink Board and make recommendations to the Board accordingly; and
- v. ensure the Committee remains up to date as to changes to applicable law, provincial policy, or relevant trends in public sector governance, that may affect the duties, responsibilities and potential liability of Directors, and inform the Board as necessary.

## **2. Director Recruitment and Development**

- i. develop and recommend to the Police Board the Board Skills and Experience Profile/Job Description;
- ii. annually review the composition of the Police Board as a whole and recommend, if necessary, changes to the Police Board Skills and Experience Profiles;
- iii. as vacancies arise, assist the Police Board to review the skills and experience required on the Police Board, update the Board Skills and Experience Profile/Job Description, identify any gaps that should be filled and communicate the Police Board's needs to the Minister;
- iv. investigate education sessions and ensure programs are in place for new board member orientation and ongoing board member development;
- v. assist the Board and Board Committees with the annual self-evaluation process;
- vi. assist and support the annual review processes (including a review by the Police Board and discussion with management) for evaluating the effectiveness of the Police Board, Committees, the Board Chair, Committee Chairs, and board members.

## **3. Governance of the Metro Vancouver Transit Police**

- i. at least annually, review the governance framework for MVTP, and make recommendations to the Board as appropriate;
- ii. where appropriate, receive and review, and direct the creation of MVTP polices to ensure such polices are appropriate in the context of the MVTP environment and appropriate policing environment and that the Committee is satisfied that they are in compliance with the MVTP governance framework and applicable law and policy;
- iii. review the relationship with TransLink including overseeing the MOU with TransLink and make recommendations to the Board in respect of the MOU;
- iv. receive and consider reports in respect of MVTP relationships with jurisdictional police services and other law enforcement agencies within Canada and where

- appropriate provide the Board with advice or recommendations regarding such reports;
- v. where appropriate, review Memoranda of Understanding (“MOUs”) between the MVTP and other parties and make recommendations to the Board in respect of such MOUs;
  - vi. ensure effective oversight of the MVTP’s ongoing risk management, together with other Committees as appropriate;
  - vii. ensure effective oversight of MVTP compliance with regulatory requirements and receive a report once a year from management on this matter;
  - viii. ensure effective regularly recurring dialogue with transit users, the JPDs, the residents and businesses of the communities within the transportation service region and relevant Provincial Departments, all to assist in ensuring alignment of MVTP governance and operations with the related needs, expectations, mandates, legislation, policies and regulations; and
  - ix. assume other related responsibilities as assigned to the Committee by the Police Board.

### **Accountability**

The Committee will report its discussions to the Police Board by distributing the minutes of its meetings and, where appropriate, by oral report at the next meeting of the Police Board of every major matter considered since the Police Board’s last meeting.

### **Committee Timetable**

The timetable for the Committee’s activities is set out in the Police Board and Committee calendar.

# NELSON POLICE BOARD GOVERNANCE COMMITTEE

## 1. PURPOSE

The purpose of the Nelson Police Board Governance Committee is to provide a focus on governance that will enhance the Board and Department's performance. The Committee assesses and makes recommendations regarding Board and Nelson Police Department (NPD) compliance and governance as per the *BC Police Act*, as amended from time to time, including supporting Board functionality and effectiveness and Member development. It may recommend Board Member appointment criteria to the Government for consideration when appointing Members.

## 2. COMPOSITION & OPERATIONS

- 2.1 The Committee shall be composed of two members or more appointed by the Board.
- 2.2 The Committee shall operate in a manner consistent with provisions of the *Nelson Police Board Policy Manual (Manual)*.
- 2.3 The Committee shall meet a minimum of quarterly each year.
- 2.4 The Committee shall meet at the call of the Chair, or by agreement of the Committee.
- 2.5 The Board Secretary shall consult with the Chair on the agenda development, be responsible for preparation and distribution of the agenda package and shall maintain a record of the meetings.
- 2.6 The Committee may invite such Board Members and outside parties, and in consultation with the Chief Constable such employees, as may be deemed desirable to attend meetings and assist in the discussion and consideration of the business of the Committee.

## 3. DUTIES & RESPONSIBILITIES

Subject to the powers and duties of the Board per the *Police Act* and applicable regulations and standards, the Committee shall:

- 3.1 Annually review the *Manual* by which the Board will operate and which guides the Nelson Police Department.
- 3.2 Consider and develop Board policies and procedures, as required from time to time, per the *Police Act*, including regulations and standards, as applicable (see attached Appendix) and any other relevant guidelines such as from the Office of the Police Complaints Commissioner.
- 3.3 Support the Board and NPD in development and execution of a Strategic Plan.

- 3.4** Support the Board and NPD in development and oversight of a Risk Register.
- 3.5** Conduct an evaluation of the Board's effectiveness on an annual basis. Using such tools as Board evaluations and peer reviews, evaluate the Board's performance considering best practices in the field of Board operations.
- 3.6** Develop recommendations regarding the qualities and skills for potential Board Members, taking into consideration the Board's short-term needs and long-term succession plans. Work with the Board Chair and NPD to ensure they have relevant information on vacancies, appointments and reappointments of Board members. When vacancies on the Board occur, ensure that the Board's needs are communicated to Ministry of Public Safety and Solicitor General (or equivalent) representatives and urge Board participation in the recruitment process.
- 3.7** Conduct Board Member orientation and ongoing development to assist Board Members in being fully prepared for their roles.
- 3.8** Assess the needs of the Board and its committees in terms of: frequency and location of meetings; agendas; discussion papers, reports and information; conduct of meetings. Each year, recommend an annual Board work program and calendar.
- 3.9** Recommend to the Board resolutions to be proposed at the AGM of the Canadian Association of Police Governance and the BC Association of Police Boards if scheduling permits. Where scheduling does not permit the resolutions to come forward to the Governance committee first, they shall go directly to the Board.


#### **4. ACCOUNTABILITY**

- 4.1** The Committee shall review the terms of reference for the Committee annually and make recommendations to the Board as required.
- 4.2** The Committee shall keep a record of its meetings, and the Chair shall provide written reports to the Board, or other reports to the Board as requested, on governance matters relative to the Board and Department.

Appendix A- *Police Act* Standards Checklists

# OD 290 Profit Oriented Crime Investigations

## Oak Bay Police Department Policy

	<b>Policy Name:</b>	<b>Profit Oriented Crime Investigations</b>		
	<b>Policy Number:</b>	OD 290	<b>Last Updated:</b>	2026-01-13
	<b>Issued by:</b>	Chief Constable	<b>Approved By:</b>	Oak Bay Police Board
	<b>Date Issued:</b>	2026-02-03	<b>Last Reviewed:</b>	2026-02-03

### **POLICY:**

The Oak Bay Police Department (OBPD) recognizes the importance of considering proceeds of crime and money laundering issues during investigations into profit-oriented crime. When investigating such crimes, consideration will be given to employing criminal or civil asset forfeiture mechanisms as a means of limiting the profitability of crime.

As proceeds of crime investigations can be lengthy, complex and can require significant resources and specialized expertise, OBPD will consider collaborating with, or referring such investigations to, external specialty investigative units or regulatory and oversight bodies as needed.

Profit-oriented crime investigations shall be conducted in accordance with all applicable BC Provincial Policing Standards, including standards on major case management and multi-jurisdictional cooperation.

### **PURPOSE:**

- (1) To establish clear requirements for all investigations of profit-oriented crime investigations and to ensure that investigators are aware of the other agencies that can assist with these complex investigations.

### **DEFINITIONS**

- (2) Civil Asset Forfeiture - a remedial statutory device designed to recover the proceeds of unlawful activity, as well as property used to facilitate unlawful activity.

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- (3) Criminal Asset Forfeiture - the forfeiture of property that had been seized and used as evidence in a criminal trial.
- (4) Money Laundering - a financial crime in which the source of illegally acquired money or goods is hidden from law enforcement and financial regulators by generating the appearance of legitimacy for the illicit gains.
- (5) Proceeds of Crime - any property, benefit, or advantage that a person obtains, directly or indirectly, from committing a crime or unlawful activity.
- (6) Profit Oriented Crime - illegal acts committed for financial gain, often classified into three types: predatory crimes (redistributing existing wealth through force or deception), market-based crimes (producing or distributing illegal goods and services), and commercial crimes (using otherwise legitimate business activities for illegal profit).

### **PROCEDURE**

#### IDENTIFYING POTENTIAL PROCEEDS OF CRIME

- (7) Proceeds of Crime and Money Laundering should be considered as potential offences during any Profit Oriented Crime investigation. However, there are several offences commonly linked to money laundering, and for which a Proceeds of Crime investigation should be considered. The following offences are at an increased risk of association and/or may be a predicate offence for money laundering:
  - capital markets fraud
  - commercial trade fraud
  - corruption and bribery
  - counterfeiting and piracy
  - illicit drug trafficking
  - mass -marketing fraud
  - mortgage fraud
  - third -party money laundering
  - tobacco smuggling and trafficking
  - currency counterfeiting
  - human smuggling
  - human trafficking

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- identity theft and fraud
- illegal gambling
- payment -card fraud
- pollution crime
- robbery
- theft
- firearms smuggling and trafficking
- extortion
- loan sharking
- tax evasion
- fraud

### PROFIT ORIENTED CRIME INVESTIGATIONS

- (8) An investigator assigned to a Profit Oriented Crime investigation is to consider whether pursuing criminal or civil forfeiture of assets is appropriate in the circumstances.
- (9) When investigating Profit Oriented Crime, investigators should collect any evidence necessary for asset forfeiture and include in their Report to Crown Counsel (RTCC) any information concerning any assets owned or controlled by the suspect and/or their associates, along with recommending possible forfeiture applications. If the suspect has unexplained wealth, and Crown Counsel is unable to proceed with criminal forfeiture for any reason, consideration should be given to referring the file to the Civil Forfeiture Office.
- (10) Investigators should consider the following for all Profit Oriented Crime investigations:
- (a) collecting evidence of assets;
  - (b) making recommendations for criminal asset forfeiture;
  - (c) making recommendations for Proceeds of Crime charges; and
  - (d) making a referral to the Civil Forfeiture Office.

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It is recommended that the decision to forego any of the above noted investigative processes be documented in the file and include an explanation as to why they were not pursued.

- (11) If charges are proposed for Money Laundering, Unregistered Money Service Business, or another predicate offence, the investigator should prepare a s. 462.37 CC forfeiture analysis section in their Report to Crown Counsel. This analysis should clearly explain how the proceeds are “obtained through” the offence(s) that is proposed for charges so that a Forfeiture Order (or fine in lieu if the proceeds have dismingled or dissipated) can be sought at sentence and as part of the initial sentence position.
- (12) Supervisors are responsible for ensuring investigators, where appropriate, have considered, pursued, and documented the outcome of Profit Oriented Crime investigations, and have collaborated with or referred investigations to internal and external specialists as needed.

### COLLABORATION WITH PARTNER ORGANIZATIONS

- (13) The anti -money laundering framework in British Columbia expands beyond police to other organizations with regulatory and civil powers to respond to Money Laundering in ways the police cannot. Many of these organizations have their own investigative and regulatory powers, which makes information sharing between organizations imperative. If a Profit Oriented Crime investigation cannot be resolved by the police, the investigator should consider referring to another agency that may be better positioned to undertake the investigation. A comprehensive list of Specialist Partner Organizations, their areas of expertise, and contact information is attached to the referenced Guide: Guidelines for Investigations into Profit Oriented Crime and Consideration of the Proceeds of Crime and Money Laundering.
- (14) Where a specialist partner has been consulted or has assumed conduct of an investigation, the partner, their role and any observations, recommendations or other contributions must be noted in the police file.
- (15) Where investigations require joint participation or transfer of investigative lead, a written agreement shall be developed outlining roles, responsibilities, information-sharing protocols, and command structure.

### TRAINING

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(16) Investigators must complete Profit Oriented Crime training as deemed appropriate by the Chief Constable or their designate.

### REFERENCES AND RELATED DOCUMENTS:

Guide: Guidelines for Investigations into Profit Oriented Crime and Consideration of the Proceeds of Crime and Money Laundering

Legislation: Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)

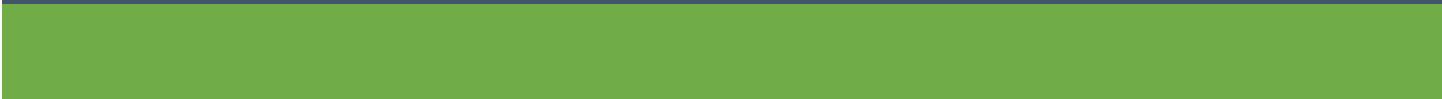
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Draft 1        2026-01-13

Draft 2        2026-01-14



Guidelines for Investigations into Profit-oriented Crime and Consideration of the Proceeds of Crime and Money Laundering



# Guidelines for Investigations into Profit-oriented Crime and Consideration of the Proceeds of Crime and Money Laundering

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## Purpose

The intent of these guidelines is to create a guide for individual police services to develop their own policies and training on the proceeds of crime. The guidelines will promote a consistent overall approach to the consideration of proceeds of crime investigations in British Columbia while acknowledging the rapidly changing anti-money laundering framework and allowing individual police services to adapt their policies to their unique needs. The long-term goal may be to create standards, but in the short-term the guidelines will promote a uniform approach to money laundering investigations while allowing for updates to be made more quickly to keep up with the rapidly changing environment. This approach will enhance the outcomes in British Columbia for the investigation, prosecution, and general management of proceeds of crime and money laundering issues by encouraging a consistent overall approach across police jurisdictions to rigorously consider these issues as a matter of course in the investigation of profit-oriented crime.

## Background

The following guidelines were developed in response to recommendations made by Commissioner Austin Cullen following the Commission of Inquiry into Money Laundering in British Columbia (See **Appendix E**).

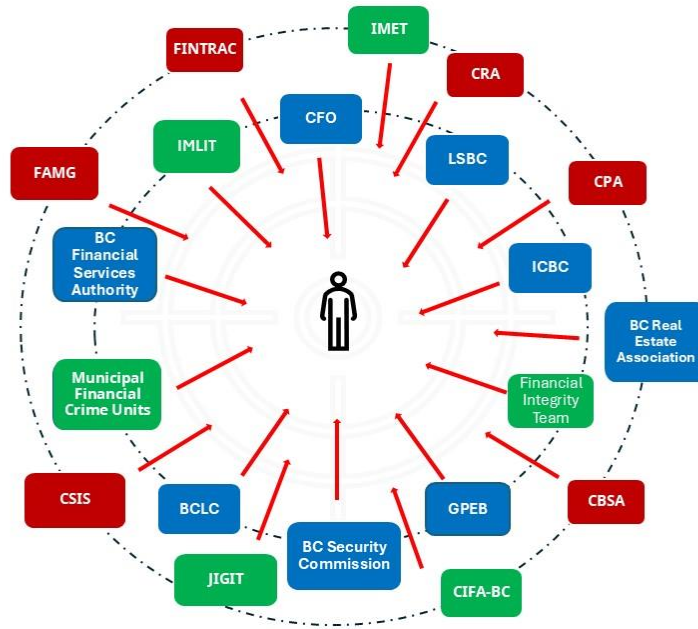
The guidelines provide recommendations to assist all police services across the Province in their awareness of best practice in relation to the consideration of the proceeds of crime and money laundering issues during investigations into profit-oriented crime. This includes guidelines to ensure appropriate accountabilities throughout the organization are established, officers involved in investigations are sufficiently trained to recognize and consider the appropriate response to these issues, and adequate documentation is maintained to encourage regular consideration of proceeds of crime charges and asset forfeiture/seizure through every phase of any profit-oriented crime investigation.

Money laundering investigations are often long, complex and require law enforcement to show that the proceeds came from an indictable predicate, profit-oriented offence. In addition, the guidelines provide information recognizing BC's anti-money laundering framework expands beyond police and criminal prosecution to other organizations with regulatory and civil powers to respond to money laundering in ways police cannot.

For example, BC's Civil Forfeiture Office has significant tools at its disposal to target the profitability of profit-oriented crime. These measures rely on police materials and/or criminal investigations to varying extents and may be exercised in parallel with ongoing criminal investigations or in the wake of charge assessment. These powers complement those under police jurisdiction and their use reassures British Columbians that instances of misconduct and illegal activity are appropriately addressed, even in cases where evidence may be insufficient to pursue a criminal investigation and result in criminal penalties.

Proactive and effective coordination with the CFO and other regulatory entities at both the onset of an investigation and throughout the investigative process will ensure a robust response to the threat of money laundering and limit the profitability of organized crime in BC.

Figure 1. Anti-Money Laundering Partners in British Columbia



## Policy

Each police service is responsible for creating their own policies and procedures for proceeds of crime in British Columbia. The policy should direct the police services to ensure that their services are able to pursue proceeds of crime investigations. Areas that should be considered in the creation of policies include referrals to partner organizations, civil forfeiture, criminal forfeiture, documentation of decisions, training requirements, and the responsibilities of officers. The policies should be in alignment with the British Columbia Provincial Policing Standard (BCPPS) section 5.2.1 on Major Case Management, increase operational awareness of money laundering, proceeds of crime, and civil/criminal forfeiture to increase the number of proceeds of crime cases that are undertaken and/or referred to partner organizations, including increasing the number of cases referred for civil and/or criminal forfeiture.

## Accountabilities

Officers across all levels of a police organization, from the commanding officer to frontline members, have varying responsibility to ensure there exist adequate levels and application of the knowledge and skills required to pursue money laundering and proceeds of crime investigations as well as to identify assets for seizure and/or forfeiture. Those directly involved in the investigation of profit-oriented crime and overseeing such investigations have the highest accountability for ensuring, throughout the investigative process, that proceeds of crime investigations are taking place and/or alternative measures are pursued, where appropriate.

Proceeds of crime investigations are an essential element to deterring crime in the Province of BC. By making crime less profitable, it will aid in the overall goal of reducing crime. The accountabilities listed in *Table 1* are merely suggestions to try to assist in the creation of individual police service policies and to help everyone understand their role in the anti-money laundering framework. Ultimately, it is the individual police services that are responsible for ensuring the police service maintains an awareness of money laundering threats and is capable of conducting proceeds of crime investigations.

Important accountabilities in relation to money laundering and proceeds of crime investigations include responsibilities regarding the investigative process, file closure and appropriate documentation as listed in *Table 1*.

### *Documentation and Reports to Crown Counsel (RCC)*

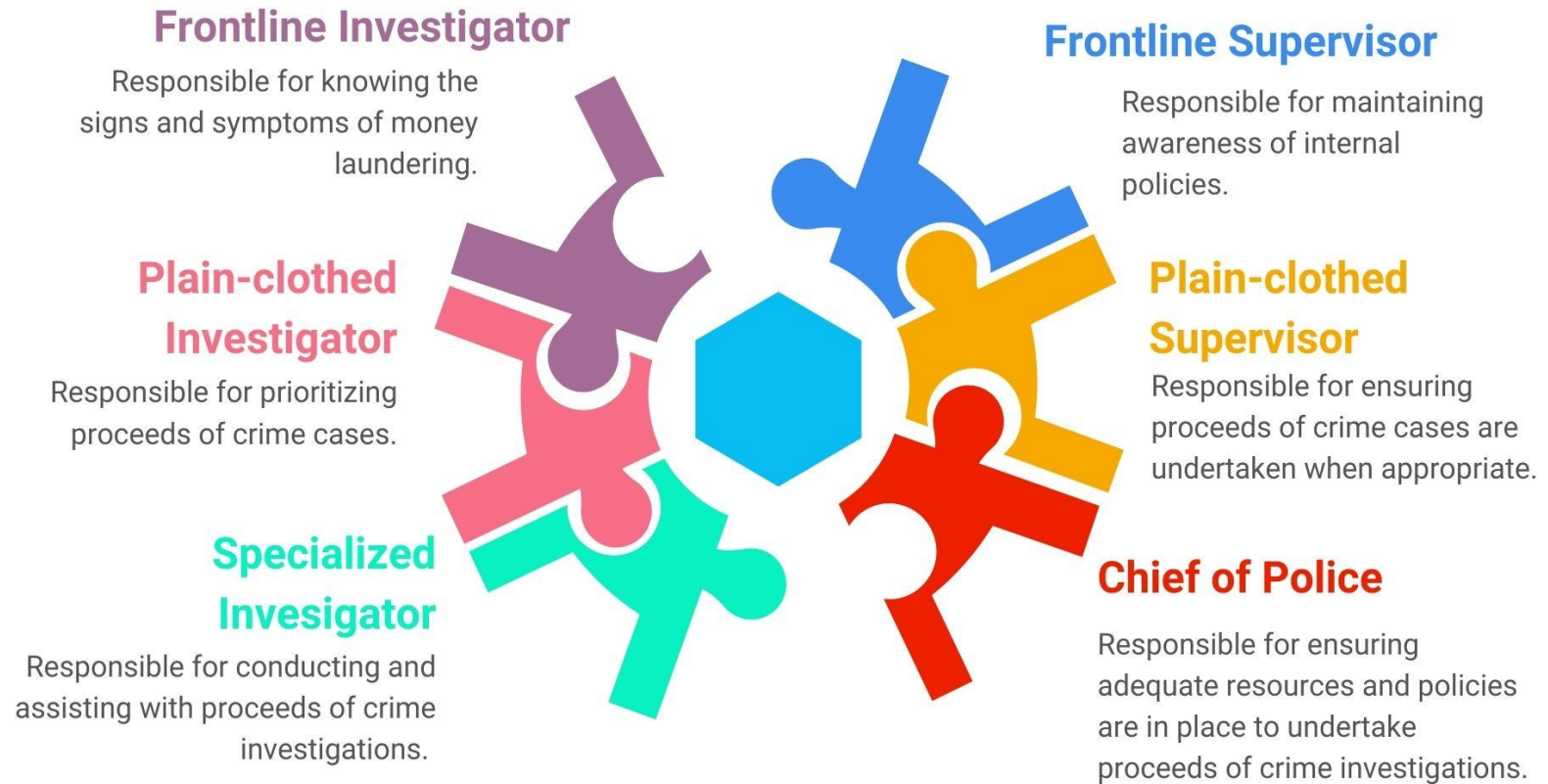
The Non-Commissioned Officer in Charge or equivalent is responsible for ensuring adequate consideration of, and documentation of the decisions surrounding, proceeds of crime charges for any investigations into profit-oriented crime. All individual police service policy must include what should be included in their Reports to Crown Council, the decision documentation process, what type of evidence should be collected, and when to consider Civil Forfeiture.

When conducting any investigations into profit-oriented crime, investigators should be collecting any evidence necessary for asset forfeiture and include in their Report to Crown Counsel any information concerning any assets owned or controlled by the suspect and/or their associates, along with recommending possible forfeiture applications. If the suspect has unexplained wealth, and Crown Counsel is unable to proceed with criminal forfeiture for any reason, consideration should be given to referring the file to the Civil Forfeiture Office by the officer-in-charge of the file.

Documentation of decisions should be produced for, at least, all the following and included in the file:

- Any decisions to not collect evidence of assets.
- Any decisions to not include recommendations for asset forfeiture.
- Any decisions to not recommend proceeds of crime charges.
- Any decisions to not make a referral to the civil forfeiture office.

Table 1: Accountabilities Table



Role	Accountabilities
Frontline Investigators	<ul style="list-style-type: none"> <li>• Be able to identify suspicious behaviour that may indicate proceeds of crime, profit-oriented crime, and/or money laundering.</li> <li>• Be able to identify assets that may have been purchased with proceeds of crime or being used as an instrument of crime and refer it to the appropriate person.</li> <li>• Report any suspicious behaviour to the appropriate person to ensure any possible money laundering cases are investigated.</li> </ul>
Plain-clothed Investigators or equivalent	<ul style="list-style-type: none"> <li>• Ensures appropriate levels of priority are maintained to investigate and pursue proceeds of crime investigations, where appropriate.</li> <li>• Documents decisions to not collect evidence of assets or include recommendations for asset forfeiture.</li> <li>• Collects evidence necessary for a proceeds of crime offence, when applicable.</li> <li>• Collects evidence necessary for asset forfeiture, where applicable.</li> <li>• Recommends possible forfeiture applications, where applicable.</li> <li>• Refer matters to specialist partners, when appropriate. See list of specialist partners in Appendix C.</li> </ul>
Specialized Investigators	<ul style="list-style-type: none"> <li>• Develops and maintains investigatory standards for how to conduct proceeds of crime investigations.</li> <li>• Develops and maintains close relationships with specialized partners to allow easy information sharing.</li> <li>• Assist other officers in their financial crime investigations.</li> <li>• Answer questions from other officers about how to conduct a proceeds of crime investigation.</li> <li>• Applies a lens to ensure proceeds of crime offences and the use of criminal or civil forfeiture measures are considered throughout the investigation.</li> <li>• Assists with affidavits to advance proceeds of crime charges, where applicable.</li> <li>• Assists with Civil Forfeiture Office referrals.</li> <li>• Keeps up to date with training on money laundering, proceeds of crime and both civil and criminal forfeiture.</li> <li>• Keeps up to date with current trends and typologies in money laundering.</li> <li>• Keeps an up to date repository of contact information for partner organizations so referrals can be made with ease.</li> </ul>
Frontline Supervisors	<ul style="list-style-type: none"> <li>• Have the same accountabilities of frontline officers.</li> <li>• Maintains an awareness of internal policies and procedures on money laundering.</li> </ul>
Plain clothed Investigative Supervisors or equivalent	<ul style="list-style-type: none"> <li>• Ensures, where appropriate, a case is built for proceeds of crime and/or the use of criminal forfeiture measures in investigations of profit-oriented crime.</li> <li>• Ensures officers under their command have access to experts within relevant partner organizations to assist in the sharing of information, training, and skills.</li> <li>• Ensures opportunities for pro-active co-operation with external partners is assessed throughout the course of any investigations into profit-oriented crime.</li> <li>• Before closing a file on any profit-oriented crime, conducts a final review to ensure that proceeds of crime charges or alternative measures are not appropriate.</li> <li>• Ensures all documentation for why proceeds of crime charges are not appropriate are included in the file.</li> </ul>

**Chief  
Constable**

- Develops and maintains policies and procedures to ensure there are people in the police service who have adequate training and knowledge to conduct proceeds of crime investigations and assist other officers when they have questions.
- Ensure there is a process for identifying investigations where Major Case Management is required.
- Ensure compliance with BCPPS sections 5.2.1 and 5.2.2.
- Develops and maintains procedures to ensure that there are people in the police service who know both the criminal and civil forfeiture processes to be able to make referrals and assist others.
- Develops and maintains procedures to ensure an up-to-date repository is kept of contact information for partner organization so referrals can be made with ease.
- Develop and maintain procedures that require that money laundering investigations are undertaken and managed in accordance with the police service's criminal investigation management plan.
- When appropriate, take opportunities to increase public awareness of money laundering.
- Ensures training opportunities are adequately available, sufficiently attended, and up to date.
- Ensures adequate policies are in place to make sure all staff are appropriately trained for their role in relation to investigations of profit-oriented crime, the proceeds of crime, and money laundering.

**Appendix A** depicts a decision flow chart illustrating one example of how the consideration of proceeds of crime and money laundering offences might be incorporated into the investigative process.

## Training

Money laundering is a complicated and ever-changing crime, and it is important officers involved in the investigation of profit-oriented crime have proper training in the conduct of basic financial investigations.

In accordance, the Chiefs of Police of each police service in BC are responsible for identifying appropriate training modules and ensuring their members have access to these training modules so their members can identify the signs of financial crime and conduct proceeds of crime investigations when appropriate. Officers involved in the investigation of profit-oriented crime should also be sufficiently knowledgeable about the wider universe of non-criminal measures to counter money laundering, including when and how to work with external stakeholders to investigate the use of these measures, if appropriate.

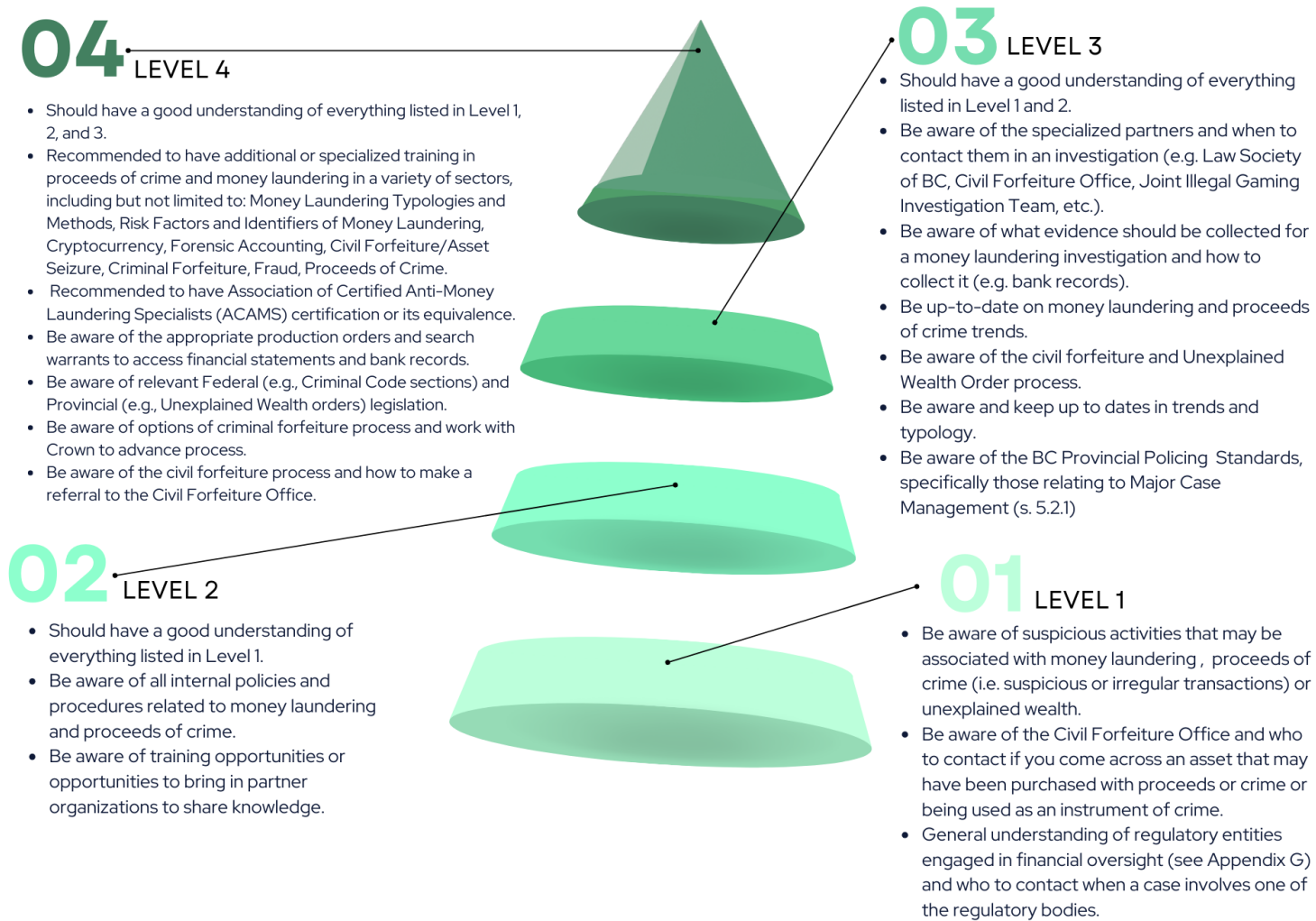
*Table 2* below is a non-exhaustive list of suggested levels of knowledge that officers should have to increase general awareness of money laundering and proceeds of crime in BC. This list is merely a suggestion and may not reflect current trends in money laundering. It is the responsibility of the individual police services to decide what level and type of knowledge is appropriate for different positions in the service, but suggested roles are included below. Each level builds off the other, so everyone should have a base knowledge represented in level 1, and someone with level 4 knowledge would also have a good understanding of levels 3, 2, and 1.

Suggested roles:

- Level 1 – Frontline investigators like Constable, Corporal, etc.
- Level 2 - Senior Supervisors (Corporal or higher), Chief of Police.
- Level 3 - Specialized Investigators, Plain Clothes Commanders.
- Level 4 - Investigators and Supervisors of Financial Crime Units.

Where appropriate, if it is not possible for an officer to be trained in one or more of these areas, officers should liaise with external specialists who can act as a resource. A non-exhaustive list of specialist partners is provided in the guidelines.

Table 2 - Suggested Levels of Knowledge within a Police Service



## Other important considerations and tools when considering proceeds of crime in investigations into profit-oriented crime:

### High Risk Predicate Offences

Proceeds of crime and money laundering should be considered during any profit-oriented crime investigation. However, there are several offences commonly linked to or considered a higher risk for an association to money laundering for which consideration should always be given to proceeds of crime investigations.

The following offences are at an increased risk of association and/or may be a predicate offence for money laundering:

- capital markets fraud
- commercial trade fraud
- corruption and bribery
- counterfeiting and piracy
- illicit drug trafficking
- mass-marketing fraud
- mortgage fraud
- third-party money laundering
- tobacco smuggling and trafficking
- currency counterfeiting
- human smuggling
- human trafficking
- identity theft and fraud
- illegal gambling
- payment-card fraud
- pollution crime
- robbery
- theft
- firearms smuggling and trafficking
- extortion
- loan sharking
- tax evasion
- fraud

Proceeds of crime charges should be considered throughout the investigation of any profit-oriented crime, with particular attention paid to the above offences. Ideally, consideration of the proceeds of crime should be included at the beginning of an investigation. However, as cases involving the above offences are often complicated and unpredictable, this may not be possible, and measures should be taken to give consideration throughout the investigation. **Appendix D** includes a list of all the high-risk predicate offences, their associated Criminal Code (or other appropriate legislation) sections, and the corresponding regulatory body.

## **Non-criminal Measures to Counter Money Laundering in BC**

The anti-money laundering framework in British Columbia expands beyond police to other organizations with regulatory and civil powers to respond to money laundering in ways the police cannot. This makes them important partners in aiding investigations. Many of these organizations have their own investigative and regulatory powers which makes information sharing between organizations imperative. If a proceeds of crime investigation cannot be resolved by police, the agency should consider referring to another agency that may be better positioned to undertake the investigation.

Some of these partners may have training and materials on the measures in their control. Police services should seek to arrange regular training and information sharing procedures with these partners to ensure officers maintain up-to-date knowledge of when and how these organizations fit within the wider AML framework in BC and the tools they have available in relation to proceeds of crime and money laundering issues.

The following organizations are examples of those entities which the police should consider working with throughout money laundering investigations.

Civil Forfeiture Office – The Civil Forfeiture Office (CFO) was created to target the proceeds and instruments of crime. The CFO employs the civil court process to seize any proceeds or instruments of crime. The Director of the CFO must prove on the balance of probabilities (civil threshold) that the asset was either gained through the proceeds of unlawful activity or that it is a tool or instrument of unlawful activity. Under the civil process, the CFO can seek and obtain production orders which allow them to access financial records and freeze accounts. The CFO can work in conjunction with criminal investigations and given the difference in the civil and criminal court systems, is able to use different types of evidence. Criminal and Civil Forfeiture investigations must be done separately, but the CFO should be contacted at the earliest possible opportunity in a proceeds of crime investigation. Ongoing communication between police and CFO will increase the success of the investigations.

Unexplained Wealth Orders have provided another method for the CFO to forfeit property gained through illegal activities, making them an important partner in the course of a money laundering investigation.

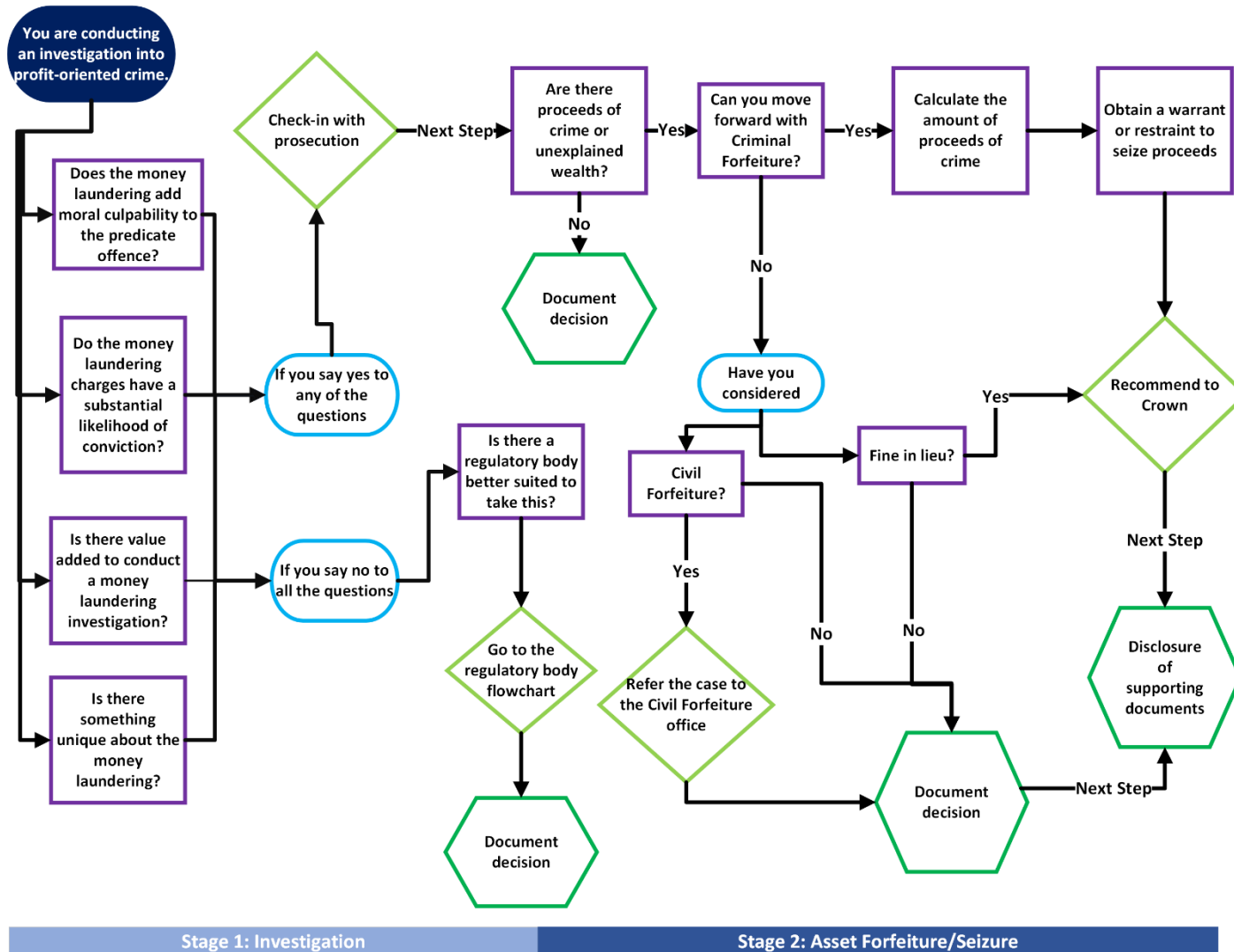
Law Society of BC – The Law Society of BC (LSBC) has their own investigation capacity for investigating the illegal activities of lawyers. Effective information sharing between the LSBC and police of jurisdiction is imperative to combatting money laundering. The Law Society may be better suited to investigate lawyers and can refer cases to police if there is evidence of criminal conduct. The police should report the criminal misconduct of any lawyer(s) to the Law Society so that the LSBC can conduct their own investigation.

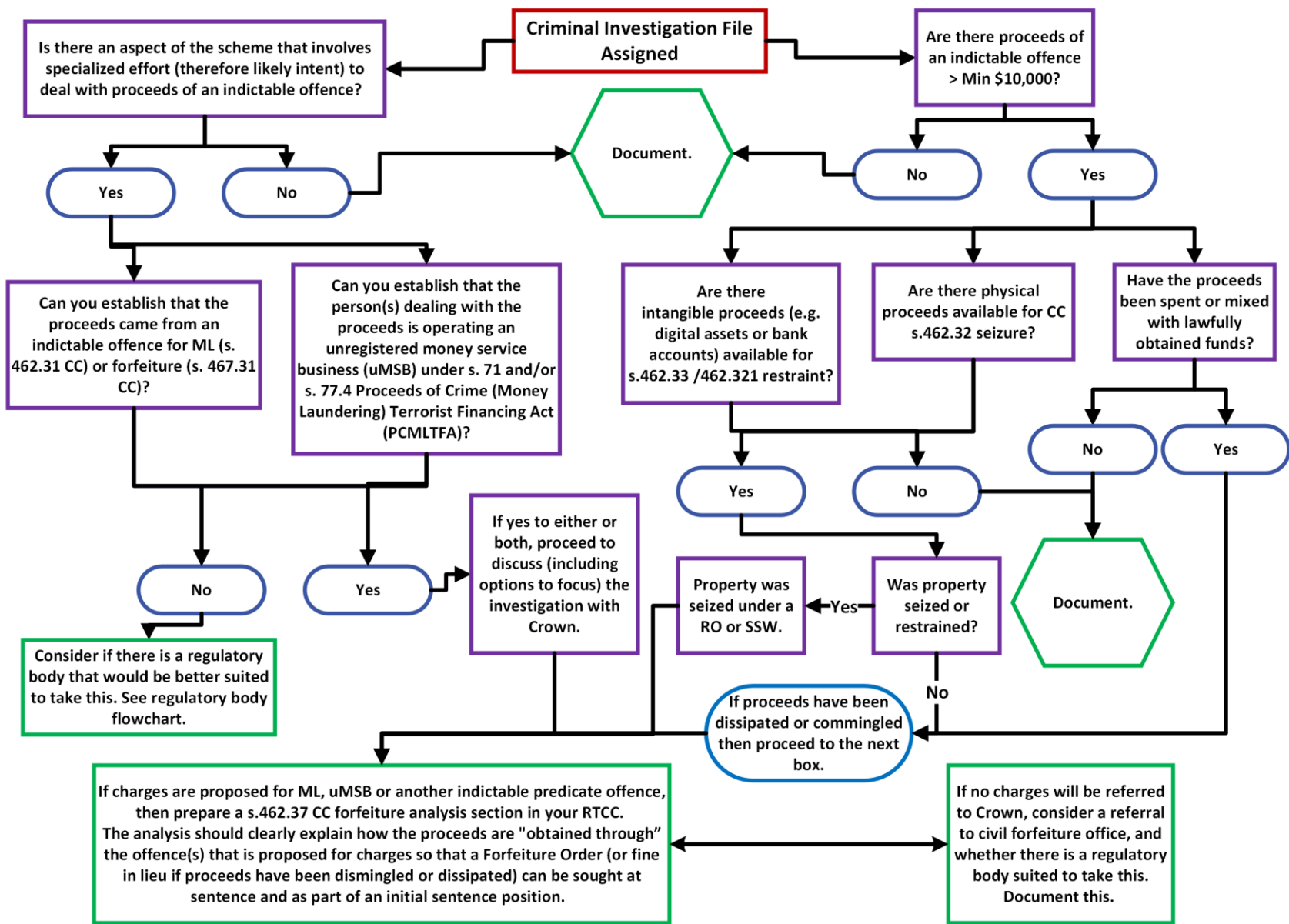
## Other Specialist Partners

The following organizations are important partners in the anti-money laundering framework in both British Columbia and Canada. A detailed list of the partners and their roles can be found in **Appendix C**. The following is a non-exhaustive list of potential partners:

- BC Civil Forfeiture Office (CFO)
- BC Financial Services Authority (BCFSA)
- BC Lottery Corporation (BCLC)
- BC Securities Commission (BCSC)
- British Columbia Real Estate Association (BCREA)
- Canada Revenue Agency (CRA)
- Canadian Border Security Services (CBSA)
- Canadian Security Intelligence Service (CSIS)
- Chartered Professional Accountants of British Columbia (CPABC)
- Counter Illicit Finance Alliance of BC (CIFA-BC)
- Financial Transactions and Reports Analysis Centre (FINTRAC)
- Forensic Accounting Management Group (FAMG)
- Gaming Policy Enforcement Branch (GPEB)
- Law Society of BC (LSBC)
- Joint Illegal Gaming Investigation Team (JIGIT)
- RCMP Federal Serious and Organized Crime Unit (FSOC)
- RCMP Financial Integrity Team (FIT) — contained within FSOC
- RCMP Integrated Market Enforcement Teams (IMET)
- RCMP Integrated Money Laundering Investigative Teams (IMIT)
- [Toronto Police – Financial Crimes Unit](#)
- U.S. Department of Homeland Security
- Vancouver Police Department Financial Crime Unit
- Justice Institute of British Columbia

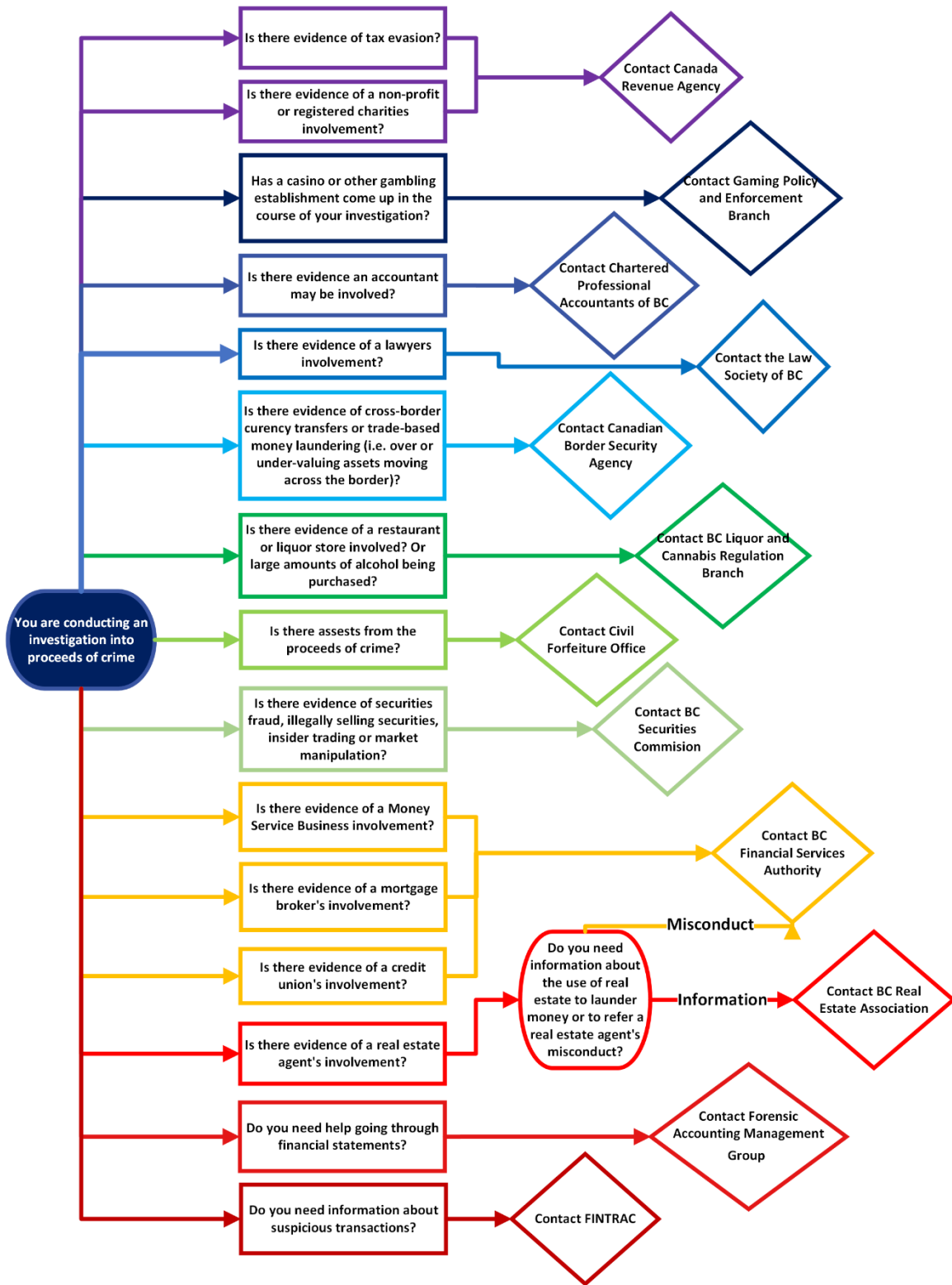
# Appendix A – Decision Flowchart





\*Both sides of the flowchart can apply simultaneously in a case and so you must check both sides in any given case.

# Appendix B - Regulatory Body Flowchart



## Appendix C - List of Specialist Partner Organizations and Their Roles

Specialist Partners	Roles	Contact Information
<b>BC Civil Forfeiture Office (CFO)</b>	Employs the civil court process to forfeit tangible or intangible property located in B.C. Their powers include obtaining production orders which allow them to access financial records and freeze account. They can apply to forfeit any asset they can prove was either gained through the proceeds of unlawful activity or that it is a tool or instrument of unlawful activity.	<a href="mailto:civilfo@gov.bc.ca">civilfo@gov.bc.ca</a> 250 356-1560
<b>BC Financial Services Authority (BCFSA)</b>	BCFSA is the B.C. Ministry of Finance’s crown regulator of provincially regulated financial services, including: credit unions, money services businesses, pension/insurance/trust corporations, and the entire provincial real estate and mortgage broker regulatory regime. BCFSA is an investigatory agency with a broad enforcement mandate to address misconduct in the financial services industry.	Raheel Humayun, Director Investigations (778) 886-4967 <a href="mailto:Raheel.Humayun@bcfsa.ca">Raheel.Humayun@bcfsa.ca</a>
<b>BC Lottery Corporation (BCLC)</b>	Their mandate is to conduct and manage gambling on behalf of the Province in a socially responsible manner. Pursuant to the PCMLTFA, BCLC is the designated reporting entity for the casino sector, including its online platform, PlayNow.com. BCLC’s compliance requirements include identifying and reporting specific transactions and any suspicious circumstances to FINTRAC. While BCLC has a role in the prevention of money laundering, BCLC also collaborates with regulators and police, which are responsible to investigate and seek charges against anyone suspected to be involved in money laundering and other criminal activities.	Kevin deBruyckere, Director of AML & Investigations <a href="mailto:kdebruyckere@bclc.com">kdebruyckere@bclc.com</a>
<b>BC Securities Commission (BCSC)</b>	Administers the Securities Act which regulates the buying and selling of securities such as stocks, bonds and other financial instruments and the raising of funds by companies in the capital market.	
<b>British Columbia Real Estate Association (BCREA)</b>	BCREA provides four core services to support BC’s eight real estate boards and associations, and 26,000 commercial and residential real estate agents. These core services are advocacy, economics analysis, professional development, and standard forms. Advocacy is one of the largest pillars of BCREA’s mandate, which includes advocating for consumers such as for the development of more social housing or advocating for their members by challenging changing legislation or requesting changes be made to proposed or passed legislation.	Ryan DeLuca Professionalism and Practice Initiatives Manager 778.357.0831 <a href="mailto:rdeluca@bcrea.bc.ca">rdeluca@bcrea.bc.ca</a>
<b>Canada Revenue Agency (CRA)</b>	The CRA’s role is to minimize the impact money laundering and terrorist financing have on the Government of Canada’s ability to collect and protect taxes and duties, and to protect the integrity of Canada’s charitable registration system. The CRA’s Criminal Investigations Program can investigate cases where tax	Amanda Johnson, Team Leader, CRA Criminal Investigations Division 236-335-2522

	evasion, under the Income Tax Act and/or the Excise Tax Act, is a designated offence to money laundering and may also investigate the money laundering component.	<a href="mailto:Amanda.Johnson@cra-arc.gc.ca">Amanda.Johnson@cra-arc.gc.ca</a>
<b>Canadian Border Security Services (CBSA)</b>	Reporting the cross-border movement of currency or monetary instruments valued at \$10,000 or more and any associated seizures. Transmits information from reports and seizures to FINTRAC and is a disclosure recipient of information.	
<b>Canadian Security Intelligence Service (CSIS)</b>	Mandate to collect, analyze, and report to the Government of Canada information and intelligence concerning threats to Canada's national security and to take measures to reduce those threats. Designated recipient from FINTRAC of financial intelligence relevant to threats to security.	
<b>Chartered Professional Accountants of British Columbia (CPABC)</b>	Responsible for establishing and enforcing professional standards of accountants, students, and registered firms, this includes ensuring accountants are following FINTRAC reporting and training requirements.	
<b>Counter Illicit Finance Alliance of BC (CIFA-BC)</b>	CIFA-BC is a financial information sharing partnership of public and private organizations that work together to combat money laundering and other financial crime. CIFA-BC's goal is to collaborate with public and private industry to lawfully share information in the interest of protecting the economic integrity of British Columbia through prevention, detection, and disruption of illicit financial activity. The CIFA-BC Coordination Office is staffed by the RCMP, and can be contacted to liaise amongst over 30 CIFA-BC partner organizations, consisting of Federal and Provincial investigative agencies and regulators, as well as Financial Institutions, to be connected to international AML partner agencies, and to assist investigators link up with subject matter experts in their fields.	<a href="mailto:CIFA-BC@rcmp-grc.gc.ca">CIFA-BC@rcmp-grc.gc.ca</a>
<b>Financial Transactions and Reports Analysis Centre (FINTRAC)</b>	FINTRAC is Canada's financial intelligence unit and anti-money laundering and anti-terrorist financing supervisor. FINTRAC's mandate is to ensure the compliance of businesses subject to the <i>Proceeds of Crime (Money Laundering) and Terrorist Financing Act</i> and associated Regulations, and to generate actionable financial intelligence for police, law enforcement and national security agencies to assist in the investigation of money laundering and terrorist activity financing offences or threats to the security of Canada. FINTRAC acts at arm's length and is independent from the policy services, law enforcement agencies and other entities to which it is authorized to disclose financial intelligence.	<a href="mailto:Intelligence-Renseignement@fintrac-canafe.gc.ca">Intelligence-Renseignement@fintrac-canafe.gc.ca</a>
<b>Forensic Accounting</b>	Mandated to give specialized advice, analysis, reports, and expert witness testimony on the financial aspects of criminal investigations in white-collar crimes	Darcy Wong, Forensic Accounting Manager <a href="mailto:darcy.wong@tpsgc-pwgsc.gc.ca">darcy.wong@tpsgc-pwgsc.gc.ca</a>

<b>Management Group (FAMG)</b>	(e.g., commercial crimes, money laundering and securities fraud), organized crime, drug trafficking, and terrorist activities.	
<b>Gaming Policy Enforcement Branch (GPEB)</b>	The Gaming Policy and Enforcement Branch (GPEB) regulates all gambling in British Columbia, ensures the integrity of gambling industry companies, people and equipment, and investigates allegations of wrongdoing. GPEB also maintains responsibility for anti-money laundering within the gambling industry and establishes standards for source of funds inquiries and the prevention of criminal behavior. The Gaming Control Act carries offence provisions related to providing false or misleading information related to the source of funds.	<a href="mailto:GPEB.Enforcement@gov.bc.ca">GPEB.Enforcement@gov.bc.ca</a> 604-953-6626
<b>Law Society of BC (LSBC)</b>	Regulator of the legal profession with a mandate to protect the public interest. Responsible for setting standards of conduct including anti-money laundering related obligations. Providing educational and practice advice, proactively detecting conduct issues with audits and conducting investigations of complaints, which may result in disciplinary action.	Gurprit Bains, Deputy Chief Legal Officer and Senior AML Specialist: <a href="mailto:GBains@lsbc.org">GBains@lsbc.org</a> 604-605-5330
<b>Joint Illegal Gaming Investigation Team (JIGIT)</b>	Multi-jurisdictional intelligence, investigative and enforcement response to unlawful activities directly affecting the integrity of the BC Gaming Industry, with emphasis on Organized Crime Groups/ Individuals involved in Illegal Gaming and Money Laundering	
<b>RCMP Federal Policing - Pacific Region Integrated Market Enforcement Teams (IMET)</b>	The mandate of IMET is to detect, deter and investigate serious Criminal Code market fraud offences that are of regional, national or international significance that pose a genuine threat to investor confidence, economic stability in Canada and the integrity of Canada's capital markets.	<a href="mailto:FP_PACIFIC_FI_COORDINATION@rcmp-grc.gc.ca">FP_PACIFIC_FI_COORDINATION@rcmp-grc.gc.ca</a>
<b>RCMP Federal Policing - Pacific Region Money Laundering Team (ML)</b>	The ML team focuses on Criminal Code money laundering and proceeds of crime investigations which are of regional, national or international significance with a nexus to transnational organized crime. The ML team includes the provincially funded Integrated Money Laundering Investigation Team (IMLIT).	<a href="mailto:FP_PACIFIC_FI_COORDINATION@rcmp-grc.gc.ca">FP_PACIFIC_FI_COORDINATION@rcmp-grc.gc.ca</a>
<b>Toronto Police – Financial Crimes Unit</b>	Responsible for conducting financial crime investigations, answering specialized questions, and providing training.	416-808-7300
<b>U.S. Department of Homeland Security</b>	Responsible for investigation trans-border money laundering, provides support and information on organized crime that crosses the USA and Canada border.	General Intake: <a href="mailto:dhsvancouver@dhs.gov">dhsvancouver@dhs.gov</a>  Direct Point of Contact : Raffi Guluzian Assistant Attache

		<a href="mailto:Raffi.Guluzian@hsi.dhs.gov">Raffi.Guluzian@hsi.dhs.gov</a> (415)740-4109
<b>Vancouver Police Department Financial Crime Unit</b>	Responsible for conducting financial crime investigations, answering specialized questions, and providing training.	
<b>Justice Institute of British Columbia</b>	Provides advanced training for proceeds of crime investigations.	
<b>RCMP Federal Policing - Pacific Region Asset Forfeiture Unit (AFU)</b>	The AFU is the gatekeeper for all Pacific Region RCMP and CFSEU BC members who wish to voluntarily refer seized assets to the Civil Forfeiture Office (CFO) for civil forfeiture consideration.	<a href="mailto:E_CFO_Referral@rcmp-grc.gc.ca">E_CFO_Referral@rcmp-grc.gc.ca</a>
<b>RCMP Federal Policing - Pacific Region Sensitive Investigations Unit (SIU)</b>	The SIU investigates politically sensitive files, including breach of trust and corruption offences involving government employees and officials of federal, provincial or municipal governments. The SIU may conduct investigations for other police agencies where there could be a perceived conflict. It also provides support and assistance to RCMP detachments that may be involved in sensitive investigations.	<a href="mailto:EDIV_FI_Sensitive_Investigations@rcmp-grc.gc.ca">EDIV_FI_Sensitive_Investigations@rcmp-grc.gc.ca</a>
<b>Cybercrime Investigative Team – Vancouver (CIT-V)</b>	CIT-V investigates cybercrimes by domestic or international cybercrime networks and actors who are targeting Canadians or Canada’s critical infrastructure.	<a href="mailto:FP_Pacific_Cybercrime@rcmp-grc.gc.ca">FP_Pacific_Cybercrime@rcmp-grc.gc.ca</a>
<b>Cryptocurrency Tactical Operations Support (CTOS)</b>	The mission of the CTOS Team is to enhance the RCMP ability to investigate and combat cryptocurrency-enabled crimes by providing expert leadership, intelligence, and tactical operational support. Through collaboration, capacity building, and blockchain tracing, the CTOS goal is to protect the economic integrity of Canada and disrupt criminal networks.	<a href="mailto:FP_Pacific_Cryptocurrency@rcmp-grc.gc.ca">FP_Pacific_Cryptocurrency@rcmp-grc.gc.ca</a>

## Appendix D - List of Common Predicate Offences and *Criminal Code* Sections

Below is a non-exhaustive list of high-risk predicate offences, the corresponding *Criminal Code* sections as of 2024 and the possible specialist partner to contact if you come across any of these offences.

Offence	Criminal Code Section	Regulatory Body
Unregistered Money Service Businesses	<b>PCMLTFA s. 77.4</b> A person or entity referred to in section 11.1 that knowingly engages in an activity for which it is not registered with the Centre is guilty of an offence and liable (a) on summary conviction, to a fine of not more than \$250,000 or to imprisonment for a term of not more than two years less a day, or to both; or (b) on conviction on indictment, to a fine of not more than \$500,000 or to imprisonment for a term of not more than five years, or to both.	FINTRAC
Fraud	<b>s. 380 (1)</b> - Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security or any service	N/A
Illicit Drug Trafficking	<b>CDSA** s. 5 (1)</b> - No person shall traffic in a substance included in Schedule I, II, III, IV or V or in any substance represented or held out by that person to be such a substance.	N/A
Selling Cannabis	<b>Cannabis Act 10 (1)</b> Unless authorized under this Act, it is prohibited to sell cannabis, or any substance represented or held out to be cannabis, to (a) an individual who is 18 years of age or older; (b) an individual who is under 18 years of age; or (c) an organization.	BC Liquor and Cannabis Regulation Branch
Proceeds of Crime	<b>s. 462.31 (1)</b> Every one commits an offence who uses, transfers the possession of, sends or delivers to any person or place, transports, transmits, alters, disposes of or otherwise deals with, in any manner and by any means, any property or any proceeds of any property with intent to conceal or convert that property or those proceeds, knowing or believing that, or being reckless as to whether, all or a part of that property or of those proceeds was obtained or derived directly or indirectly as a result of (a) the commission in Canada of a designated offence; or (b) an act or omission anywhere that, if it had occurred in Canada, would have constituted a designated offence.	N/A
Capital Markets Fraud	<b>S. 380 (2)</b> - Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, with intent to defraud, affects the public market price of stocks, shares, merchandise or anything that is offered for sale to the public is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.	BC Securities Commission
Commercial Trade Fraud	<b>s. 391 (1)</b> - Everyone commits an offence who, by deceit, falsehood or other fraudulent means, knowingly obtains a trade secret or communicates or makes available a trade secret.	BC Securities Commission

	<p><b>s. 391 (2)</b> - Everyone commits an offence who knowingly obtains a trade secret or communicates or makes available a trade secret knowing that it was obtained by the commission of an offence under subsection (1).</p>	
<p>Bribery and Corruption</p>	<p><b>s. 120</b> - Every one is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years who</p> <p><b>(a)</b> being a justice, police commissioner, peace officer, public officer or officer of a juvenile court, or being employed in the administration of criminal law, directly or indirectly, corruptly accepts, obtains, agrees to accept or attempts to obtain, for themselves or another person, any money, valuable consideration, office, place or employment with intent</p> <p style="padding-left: 40px;"><b>(i)</b> to interfere with the administration of justice,</p> <p style="padding-left: 40px;"><b>(ii)</b> to procure or facilitate the commission of an offence, or</p> <p style="padding-left: 40px;"><b>(iii)</b> to protect from detection or punishment a person who has committed or who intends to commit an offence; or</p> <p><b>(b)</b> directly or indirectly, corruptly gives or offers to a person mentioned in paragraph (a), or to anyone for the benefit of that person, any money, valuable consideration, office, place or employment with intent that the person should do anything mentioned in subparagraph (a)(i), (ii) or (iii).</p> <p><b>121 (1)</b> Every one commits an offence who</p> <p><b>(a)</b> directly or indirectly</p> <p style="padding-left: 40px;"><b>(i)</b> gives, offers or agrees to give or offer to an official or to any member of his family, or to any one for the benefit of an official, or</p> <p style="padding-left: 40px;"><b>(ii)</b> being an official, demands, accepts or offers or agrees to accept from any person for himself or another person, a loan, reward, advantage or benefit of any kind as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with</p> <p style="padding-left: 40px;"><b>(iii)</b> the transaction of business with or any matter of business relating to the government, or</p> <p style="padding-left: 40px;"><b>(iv)</b> a claim against Her Majesty or any benefit that Her Majesty is authorized or is entitled to bestow, whether or not, in fact, the official is able to cooperate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;</p> <p><b>(b)</b> having dealings of any kind with the government, directly or indirectly pays a commission or reward to or confers an advantage or benefit of any kind on an employee or official of the government with which the dealings take place, or to any member of the employee's or official's family, or to anyone for the benefit of the employee or official, with respect to those dealings, unless the person has the consent in writing of the head of the branch of government with which the dealings take place;</p> <p><b>(c)</b> being an official or employee of the government, directly or indirectly demands, accepts or offers or agrees to accept from a person who has dealings with the government a commission, reward, advantage or benefit of any kind for themselves or another person, unless they have the consent in writing of the head of the branch of government that employs them or of which they are an official;</p> <p><b>(d)</b> having or pretending to have influence with the government or with a minister of the government or an official, directly or indirectly demands, accepts or offers or agrees to accept, for themselves or</p>	<p>N/A</p>

	<p>another person, a reward, advantage or benefit of any kind as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with</p> <ul style="list-style-type: none"> <li>(i) anything mentioned in subparagraph (a)(iii) or (iv), or</li> <li>(ii) the appointment of any person, including themselves, to an office;</li> </ul> <p>(e) directly or indirectly gives or offers, or agrees to give or offer, to a minister of the government or an official, or to anyone for the benefit of a minister or an official, a reward, advantage or benefit of any kind as consideration for cooperation, assistance, exercise of influence, or an act or omission, by that minister or official, in connection with</p> <ul style="list-style-type: none"> <li>(i) anything mentioned in subparagraph (a)(iii) or (iv), or</li> <li>(ii) the appointment of any person, including themselves, to an office; or</li> </ul> <p>(f) having made a tender to obtain a contract with the government,</p> <ul style="list-style-type: none"> <li>(i) directly or indirectly gives or offers, or agrees to give or offer, to another person who has made a tender, to a member of that person's family or to another person for the benefit of that person, a reward, advantage or benefit of any kind as consideration for the withdrawal of the tender of that person, or</li> <li>(ii) directly or indirectly demands, accepts or offers or agrees to accept from another person who has made a tender a reward, advantage or benefit of any kind for themselves or another person as consideration for the withdrawal of their own tender.</li> </ul>	
Counterfeiting and Piracy	<p><b>CA* s. 43 (1)</b> Any person who, without the written consent of the owner of the copyright or of the legal representative of the owner, knowingly performs or causes to be performed in public and for private profit the whole or any part, constituting an infringement, of any dramatic or operatic work or musical composition in which copyright subsists in Canada is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars and, in the case of a second or subsequent offence, either to that fine or to imprisonment for a term not exceeding two months or to both.</p>	Combined Forces Special Enforcement Unit
Mass-Marketing Fraud	<p><b>s. 380 (1)</b> - Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security or any service</p>	N/A
Mortgage Fraud	<p><b>s. 380 (1)</b> - Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security or any service</p>	BC Financial Services Authority
Tobacco Smuggling and Trafficking	<p><b>s. 121.1 (1)</b> - No person shall sell, offer for sale, transport, deliver, distribute or have in their possession for the purpose of sale a tobacco product, or raw leaf tobacco that is not packaged, unless it is stamped.</p>	BC Liquor and Cannabis Branch
Currency Counterfeiting	<p><b>s. 449</b> - Every one who makes or begins to make counterfeit money is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.</p>	BC Financial Services Authority

Human Smuggling	<b>IRPA*** s. 117 (1)</b> - No person shall organize, induce, aid or abet the coming into Canada of one or more persons knowing that, or being reckless as to whether, their coming into Canada is or would be in contravention of this Act.	Canadian Border Security Agency
Human Trafficking	<b>s. 279.01 (1)</b> - Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence and liable	N/A
Identity Theft and Fraud	<b>s. 402.2 (1)</b> - Every person commits an offence who obtains or possesses another person's identity information with intent to use it to commit an indictable offence that includes fraud, deceit or falsehood as an element of the offence.	N/A
Illegal Gambling	<p><b>s. 202 (1)</b> Everyone commits an offence who</p> <p><b>(a)</b> uses or knowingly allows a place under his control to be used for the purpose of recording or registering bets or selling a pool;</p> <p><b>(b)</b> imports, makes, buys, sells, rents, leases, hires or keeps, exhibits, employs or knowingly allows to be kept, exhibited or employed in any place under his control any device or apparatus for the purpose of recording or registering bets or selling a pool, or any machine or device for gambling or betting;</p> <p><b>(c)</b> has under his control any money or other property relating to a transaction that is an offence under this section;</p> <p><b>(d)</b> records or registers bets or sells a pool;</p> <p><b>(e)</b> engages in book-making or pool-selling, or in the business or occupation of betting, or makes any agreement for the purchase or sale of betting or gaming privileges, or for the purchase or sale of information that is intended to assist in book-making, pool-selling or betting;</p> <p><b>(f)</b> prints, provides or offers to print or provide information intended for use in connection with book-making, pool-selling or betting on any horse-race, fight, game or sport, whether or not it takes place in or outside Canada or has or has not taken place;</p> <p><b>(g)</b> imports or brings into Canada any information or writing that is intended or is likely to promote or be of use in gambling, book-making, pool-selling or betting on a horse-race, fight, game or sport, and where this paragraph applies it is immaterial</p> <p style="padding-left: 40px;"><b>(i)</b> whether the information is published before, during or after the race, fight game or sport, or</p> <p style="padding-left: 40px;"><b>(ii)</b> whether the race, fight, game or sport takes place in Canada or elsewhere,</p> <p style="padding-left: 40px;">but this paragraph does not apply to a newspaper, magazine or other periodical published in good faith primarily for a purpose other than the publication of such information;</p> <p><b>(h)</b> advertises, prints, publishes, exhibits, posts up, or otherwise gives notice of any offer, invitation or inducement to bet on, to guess or to foretell the result of a contest, or a result of or contingency relating to any contest;</p> <p><b>(i)</b> wilfully and knowingly sends, transmits, delivers or receives any message that conveys any information relating to book-making, pool-selling, betting or wagering, or that is intended to assist in book-making, pool-selling, betting or wagering; or</p> <p><b>(j)</b> aids or assists in any manner in anything that is an offence under this section.</p>	Gaming Policy and Enforcement Branch

Payment-Card Fraud	<p><b>s. 342 (1)</b> Every person who</p> <p>(a) steals a credit card,</p> <p>(b) forges or falsifies a credit card,</p> <p>(c) possesses, uses or traffics in a credit card or a forged or falsified credit card, knowing that it was obtained, made or altered</p> <p>(i) by the commission in Canada of an offence, or</p> <p>(ii) by an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence, or</p> <p>(d) uses a credit card knowing that it has been revoked or cancelled,</p>	BC Financial Services Authority
Pollution Crime	<p><b>CEPA**** s. 274 (1)</b> Every person is guilty of an offence and liable on conviction on indictment to a fine or to imprisonment for a term of not more than five years, or to both, who, in committing an offence under this Act,</p> <p>(a) intentionally or recklessly causes a disaster that results in a loss of the use or the non-use value of the environment; or</p> <p>(b) shows wanton or reckless disregard for the lives or safety of other persons and thereby causes a risk of death or harm to another person.</p>	BC Fish and Wildlife
Robbery	<p><b>s. 343</b> - Every one commits robbery who</p> <p>(a) steals, and for the purpose of extorting whatever is stolen or to prevent or overcome resistance to the stealing, uses violence or threats of violence to a person or property;</p> <p>(b) steals from any person and, at the time he steals or immediately before or immediately thereafter, wounds, beats, strikes or uses any personal violence to that person;</p> <p>(c) assaults any person with intent to steal from him; or</p> <p>(d) steals from any person while armed with an offensive weapon or imitation thereof.</p>	N/A
Theft	<p><b>s. 322 (1)</b> - Everyone commits theft who fraudulently and without colour of right takes, or fraudulently and without colour of right converts to his use or to the use of another person, anything, whether animate or inanimate, with intent</p> <p>(a) to deprive, temporarily or absolutely, the owner of it, or a person who has a special property or interest in it, of the thing or of his property or interest in it;</p> <p>(b) to pledge it or deposit it as security;</p> <p>(c) to part with it under a condition with respect to its return that the person who parts with it may be unable to perform; or</p> <p>(d) to deal with it in such a manner that it cannot be restored in the condition in which it was at the time it was taken or converted.</p>	N/A
Firearms Smuggling and Trafficking	<p><b>s. 99 (1)</b> Every person commits an offence who</p> <p>(a) manufactures or transfers, whether or not for consideration, or</p> <p>(b) offers to do anything referred to in paragraph (a) in respect of a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition or any prohibited ammunition knowing that the person is</p>	Canadian Border Security Agency

	not authorized to do so under the <u>Firearms Act</u> or any other Act of Parliament or any regulations made under any Act of Parliament.	
Extortion	<b>s. 346 (1)</b> Every one commits extortion who, without reasonable justification or excuse and with intent to obtain anything, by threats, accusations, menaces or violence induces or attempts to induce any person, whether or not he is the person threatened, accused or menaced or to whom violence is shown, to do anything or cause anything to be done.	N/A
Loan Sharking	<b>s. 347 (1)</b> Despite any other Act of Parliament, every one who enters into an agreement or arrangement to receive interest at a criminal rate, or receives a payment or partial payment of interest at a criminal rate, is <b>(a)</b> guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or <b>(b)</b> guilty of an offence punishable on summary conviction and liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than two years less a day, or to both.	N/A
Tax Evasion	<b>s. 239 (1)</b> Every person who has <b>(a)</b> made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, <b>(b)</b> to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer, <b>(c)</b> made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular, in records or books of account of a taxpayer, <b>(d)</b> wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act, or <b>(e)</b> conspired with any person to commit an offence described in paragraphs 239(1)(a) to 239(1)(d),	Canadian Revenue Agency

\*CA – Copyright Act

\*\*CDSA – Controlled Drugs and Substances Act

\*\*\*IRPA – Immigration and Refugee Protection Act

\*\*\*\*CEPA – Canadian Environmental Protection Act

## Appendix E – Cullen Commission Recommendations

In June 2022, the Commission of Inquiry into Money Laundering in British Columbia issued a final report with 101 recommendations directed at various sectors and institutions in BC. In his report, Commissioner Austin Cullen issued four recommendations directed at police relating to the conduct of criminal investigations into profit-oriented crime and the use of criminal asset forfeiture as follows:

Recommendation 89: I recommend that all provincial and municipal law enforcement agencies in British Columbia implement a policy requiring all officers involved in the investigation of profit-oriented crime to consider money laundering and proceeds of crime issues at the outset of the investigation and, where feasible, conduct an investigation with a view to pursuing those charges, and identifying assets for seizure and/or forfeiture.

Recommendation 90: I recommend that all provincial and municipal law enforcement agencies involved in the investigation of profit-oriented crime develop training modules to ensure that their members have the knowledge and skills to pursue money laundering and proceeds of crime investigations, and identify assets for seizure and/or forfeiture.

Recommendation 96: I recommend that law enforcement bodies implement a policy requiring that all investigators conducting investigations into profit-oriented crime consider the criminal asset forfeiture provisions and, where feasible, develop the evidentiary basis necessary to support a forfeiture application.

Recommendation 97: I recommend that law enforcement bodies implement a policy requiring that all investigators conducting investigations into profit-oriented crime include, in their Report to Crown Counsel, information concerning the assets owned or controlled by the target of the investigation (and their associates) along with recommendations concerning possible forfeiture application

## Appendix F - Quick Reference Guide for Money Laundering Investigations

### Responding Effectively to the Signs and Symptoms of Money Laundering

- Effective enforcement response to profit-oriented crime will target the profits gained through illegal activities and involve the cooperation of multiple stakeholders, where appropriate.
- Officers involved in the investigation of profit-oriented crime have the obligation to consider these issues and, where feasible, pursue charges and identify assets for seizure and/or forfeiture.
- Officers should be aware of the signs of potential money laundering when investigating profit-oriented crimes and collect evidence that could be used to inform asset forfeiture recommendations to Crown Counsel. It is the responsibility of Crown Counsel to decide whether to pursue criminal asset forfeiture based on the available evidence.
- Criminal asset forfeiture is one tool of many to enforce the law with respect to the proceeds of crime and money laundering. If Crown Counsel assessment does not favour criminal measures, the officer-in-charge of the file should respond by referring the file to the Civil Forfeiture Office and other AML partner organizations for review, where appropriate.
- In addition, officers should remain cognizant of, and work with their team commanders to assess, opportunities to bring relevant information to the attention of partner organizations throughout all stages of an investigation (e.g., BC Financial Services Authority, BC Law Society). It is the responsibility of officers overseeing criminal investigations into profit-oriented crime to understand when and how these entities may play a role.

## Quick Reference Guide for Money Laundering Investigations

### Types of profit-oriented offences commonly linked to money laundering:

- capital markets fraud
- commercial trade fraud
- corruption and bribery
- counterfeiting and piracy
- illicit drug trafficking
- mass-marketing fraud
- mortgage fraud
- third-party money laundering
- tobacco smuggling and trafficking
- currency counterfeiting
- human smuggling
- human trafficking
- identity theft and fraud
- illegal gambling
- payment-card fraud
- pollution crime
- robbery
- theft
- firearms smuggling and trafficking
- extortion
- loan sharking
- tax evasion
- fraud

### Common suspicious financial habits associated with money laundering according to the Financial Action Task Force (FATF):

- Frequent high-dollar cash transactions.
- Use of large amounts of cash when checks would be expected and would be more convenient.
- Many wire transfers to or from known bank secrecy havens around the world.
- Immediate check or debit card withdrawals of large and frequent sums received by wire transfer.
- An account holder who pays undue attention to secrecy regarding personal or business identity.
- Lack of general knowledge about the customer's stated business.
- Technological features that increase anonymity - such as the use of peer-to-peer exchanges websites, mixing or tumbling services or anonymity-enhanced cryptocurrencies.
- Geographical risks - criminals can exploit countries with weak, or absent, national measures for virtual assets.
- Transaction patterns - that are irregular, unusual, or uncommon which can suggest criminal activity.
- Transaction size – if the amount and frequency have no logical business explanation.
- Sender or recipient profiles - unusual behaviour can suggest criminal activity.
- Source of funds or wealth - which can relate to criminal activities.

## Appendix G - Quick Reference Guides for Economic Crime/POC/ML Investigations

1. Possession of Proceeds of Crime s.357 CC
2. Money Laundering s.462.31 CC
3. Forfeiture: 462.37 and 462.38 CC
4. Warrants related to proceeds for the purpose of forfeiture
5. Fraud
6. Jurisdiction

### **Acknowledgements:**

These Quick Reference Guides are copied directly from “Possession of Proceeds, Money Laundering and Fraud in the Context of the CFPOA (Policy, Legal Issues and Investigations)” September 17-20, 2024, by Rob Morin (PPSC counsel), Chad Babin (RCMP) and Jason Cabana (RCMP), which in turn relied on aspects of “An Introduction to Asset Forfeiture: Proceeds of Crime & Offence Related Property” by Mike McEachren and David Morlog (PPSC Counsel), presented at the PPSC ORO Annual Conference in September 2023 and “Money Laundering Prosecutions: Current and Legal Issues” by Pamela Meneguzzi (PPSC Counsel), dated January, 2021.

## Possession of Proceeds – Quick Guide

The Offence:

354 (1) Every one commits an offence who has in his possession any property or thing or any proceeds of any property or thing knowing that all or part of the property or thing or of the proceeds was obtained by or derived directly or indirectly from

- (a) the commission in Canada of an offence punishable by indictment; or
- (b) an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence punishable by indictment.

The elements:

- The term “any property or thing or any proceeds of any property or thing” is broad - basically anything of value.
- The *mens rea* is “knowing”. In other words, “true belief” (ie, the proceeds are in fact proceeds of crime and this is known).
- Contrast this to money laundering where knowledge (ie, true belief) is not required. One only has to believe the proceeds are from crime.

Jurisdictional matters:

- S. 354(1)(b) – The act does not have to be an offence in the other country. That is, the act or omission committed outside Canada (so long as it is a designated offence in Canada – ie, CFPOA offences) may give rise to proceeds of crime.
- There is no need for double criminality, which can be onerous to prove and is subject to change.
- There still has to be a nexus to Canada for jurisdictional purposes. This will be discussed at later.

Practical considerations:

- Consider whether gathering the evidence to prove possession of proceeds is worth it.
- There can be many challenges (eg, proving the predicate offence, the proceeds are from the predicate offence, and knowledge). May need Expert evidence.
- It often doesn't add anything to sentencing if the accused is also convicted of the predicate offence.

## Money Laundering – Quick Guide

The offence:

462.31 (1) Every one commits an offence who uses, transfers the possession of, sends or delivers to any person or place, transports, transmits, alters, disposes of or otherwise deals with, in any manner and by any means, any property or any proceeds of any property with intent to conceal or convert that property or those proceeds, knowing or believing that, or being reckless as to whether, all or a part of that property or of those proceeds was obtained or derived directly or indirectly as a result of

- (a) the commission in Canada of a designated offence; or
- (b) an act or omission anywhere that, if it had occurred in Canada, would have constituted a designated offence.

The offence:

Laundering proceeds of crime for criminal organization

(2.1) Everyone who commits an offence under subsection (1) for the benefit of, at the direction of or in association with a criminal organization is guilty of an indictable offence and liable to imprisonment for a term not exceeding 14 years.

NOTES:

- Property is defined under s. 2 of the *Criminal Code*. It is very broad and essentially includes anything of value.
- Must be a “designated offence”. Every indictable offence is designated “unless prescribed by regulation” (which is rare).
- The offence captures only the active participant in the laundering process and not a mere recipient of the property. A recipient may be in subject to an offence under s. 354 (ie, possession of proceeds of crime).
- There is no requirement that the accused be in possession of the property, only that they were involved with laundering it.

The elements:

- The actus reus is made out on proof that property or proceeds was handled in any of the enumerated ways or otherwise dealt with.
- There are two parts to the mens rea:
  - Intent to conceal or convert the property or proceeds (ie, handling intent)

- Knowing or believing that, or being reckless as to whether, all or a part of the property or proceeds was obtained or derived directly or indirectly as a result of (a) the commission in Canada of a designated offence; or (b) an act or omission anywhere that, if it had occurred in Canada, would have constituted a designated offence (ie, POC intent)

#### Mens Rea:

- Handling intent is easiest to establish.
- Note that “convert” does not include an intent to disguise
- The more difficult part of *mens rea* is proof of the POC intent.
- The Crown may prove that the accused knew (or was willfully blind or reckless) the property was proceeds of crime
  - Knowledge, however, means true facts (ie, have to prove the predicate designated offence)
  - Willful blindness and recklessness are forms of subjective knowledge. As a result, true belief is still needed.
  - Recklessness should not be confused with negligence, which is a purely objective standard.
  - Proof of knowledge is a "subjective inquiry" into what the accused actually knew and not "what ought he to have known."
- OR the Crown may prove that the accused “believed” the property was proceeds of crime (ie, no need for proving the predicate offence)
- Note: although money laundering can be proved without proving that the property is in fact proceeds of crime, possession of proceeds (ie, s 354) and forfeiture do require proof.

#### New provisions (In force as of September 18, 2024):

- Prosecution
 

(2.2) Subject to subsection (2.4), in a prosecution for an offence under subsection (1) or (2.1), it is not necessary for the prosecutor to prove that the accused knew, believed they knew or was reckless as to the specific nature of the designated offence.

  - The aim is to help with prosecuting professional money launderers who do not want to know how the proceeds came about.
  - The offence must still be a designated offence, which should not be an issue.
- Inference
 

(2.3) Subject to subsection (2.4), the court may infer that an accused had the knowledge or belief or demonstrated the recklessness referred to in subsection (1) if it is satisfied, given

the circumstances of the offence, that the manner in which the accused dealt with the property or its proceeds is markedly unusual or the accused's dealings are inconsistent with lawful activities typical of the sector in which they take place, including business activities.

- Consider the evidentiary complexities with this. Unless obvious, there will likely need to be expert evidence to help prove "markedly unusual" or "inconsistent with lawful activities".

- Exception

(2.4) Subsections (2.2) and (2.3) do not apply in cases where the accused is also charged with the designated offence.

- Subsections (2.2) and (2.3) are aimed at prosecutions of arms-length professional money launderers.
- Careful - the term "charged" is used and not convicted.
- Consider the implications of this on the theory of the case and the prosecution strategy (ie, if the underlying offence is charged, there can't be an alternative theory that requires 2.2 and 2.3)

## Forfeiture – Quick Guide

- Part XII.2 of the Criminal Code contains provisions dealing with the seizure, forfeiture and return of proceeds of crime.
- What is Proceeds of Crime for the purposes of forfeiture?

462.3(1) proceeds of crime means any property, benefit or advantage, within or outside Canada, obtained or derived directly or indirectly as a result of

(a) the commission in Canada of a designated offence, or

(b) an act or omission anywhere that, if it had occurred in Canada, would have constituted a designated offence.

- In other words, it is very broad. It also includes property, benefit or advantage outside of Canada.

- Other Definitions: 462.3 CC

“designated offence” means

(a) any offence that may be prosecuted as an indictable offence under this or any other Act of Parliament, other than an indictable offence prescribed by regulation, or

(b) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in paragraph

(a)

- Possession of proceeds (ie, s. 354) and money laundering (ie, s. 462.31) offences are all designated offences.
- Importantly, the proceeds do not have to be the subject of a separate proceeds of crime or money laundering charge in order to be considered proceeds of crime for the purposes of forfeiture.

- **There are two ways in which to forfeit property under Part XII.2**

- Under s. 462.37 - forfeiture of proceeds upon conviction (or discharge)
- Under s. 462.38 - forfeiture of proceeds upon death or abscondment of accused

- **Section 462.37 in turn has three avenues for forfeiture:**

1. Proceeds of crime used in the offence
  - (s. 462.37(1) *Criminal Code*)
2. Proceeds of crime not used in the offence
  - (s. 462.37(2) *Criminal Code*)

### 3. Reverse-onus provisions

- (s. 462.37(2.01) to 462.37(2.1) *Criminal Code*)

#### **Subsection 462.37(1) – proceeds of crime used in the offence:**

- Forfeiture of proceeds of crime is mandatory where an offender is convicted or discharged (under s. 730 of the CC) of a designated offence and the court is satisfied on a balance of probabilities that the property is:
  - proceeds of crime; AND
  - the designated offence was committed in relation to the proceeds of crime
- “in relation to” is broad and captures situations where the proceeds accrues to a person as a byproduct of the offence, but is not integral to the offence.

#### **Subsection 462.37(2) – proceeds of crime not used in the offence (but derived from another offence):**

- Forfeiture of proceeds of crime is discretionary where the property was not directly related to the designated offence for which the accused has been convicted (or discharged), but the court is satisfied beyond a reasonable doubt that the property is nonetheless proceeds of crime.

#### **Reverse onus provisions (ss. 462.37(2.01) - (2.1)):**

- The offender needs to be convicted of an offence set out in ss. 462.37(2.02). Criminal organization offences are listed, which may be relevant depending on the circumstances.
- Not related to the proven offences, but instead based on:
  - A pattern of criminal activity; or
  - Income that cannot otherwise be reasonably explained.
- The threshold is a balance of probabilities.

#### **Other relevant provisions concerning forfeiture:**

- Property outside Canada - 462.37 (2.1) An order may be issued under this section in respect of property situated outside Canada, with any modifications that the circumstances require.
- This gives the Canadian court extraterritorial jurisdiction. But enforcement may still be an issue, depending on the circumstances: location of control over the property; whether the order will be enforceable in the other jurisdiction.

#### **Fine in lieu of forfeiture under ss. 462.37(3):**

- A fine in lieu of forfeiture may be imposed where the property at issue cannot be subject to the forfeiture order because it:
  - (a) cannot, on the exercise of due diligence, be located;
  - (b) has been transferred to a third party;
  - (c) is located outside Canada;
  - (d) has been substantially diminished in value or rendered worthless; or
  - (e) has been commingled with other property that cannot be divided without difficulty.
- Apart from the reasons set out in 462.37(3)(a) - (e), there is limited discretion whether to make a fine-in-lieu of forfeiture order (e.g., where there was no control or possession, no benefit to the offender, or to avoid double recovery).
- Once a fine in lieu is ordered, the amount is not discretionary – it must match the proceeds of crime. Ability to pay is not a consideration.
- If the offender cannot pay, a pre-determined amount of consecutive jail time is then ordered in default.

**Forfeiture upon death or abscondment (ss. 462.38(1)-(3)):**

- The accused is deemed to have absconded if:
  - An information has been laid against the accused,
  - A warrant for the arrest of the accused or a summons in respect of an organization has been issued, and
  - Reasonable attempts to arrest or serve the summons have been made over a six-month period OR the accused was never in Canada and cannot be brought to the jurisdiction where the warrant or summons was issued.
  - 462.38(2.1) - An order may be issued under this section in respect of property situated outside Canada

**Inference provision under s. 462.39:**

- Can be used in relation to ss. 462.37(1) or 462.38(2).
- The court can make an inference that property was obtained or derived as a result of a designated offence, IF:
  - Evidence establishes that the assets of the person after the commission of the offence cannot reasonably be explained.
- There still needs to a nexus between the crime and the asset sought for forfeiture.
- Using this inference can be complex and likely involve an expert.

### **Warrants Related to Proceeds for the purpose of forfeiture:**

- **Digital assets warrant (462.321(1)):**
  - Can search for digital assets using a computer program.
  - Can seize (including by taking control) of the digital assets, as well as any other digital assets found during the search if there are reasonable grounds that they may be the subject of a forfeiture order.
- **Special warrant (462.32(1)) (Came into force on Sept 18, 2024):**
  - Reasonable grounds to believe that there is in any building, receptacle or place any property that is proceeds of crime.
  - Can search the place for the proceeds and seize it, as well as any other property believed on reasonable grounds to be proceeds of crime.

## Fraud – Quick reference guide

### The offence:

380 (1) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security or any service...

- There are various other species of fraud in the *Criminal Code*. Section 380 is the general fraud offence.

### The elements:

- The actus reus consists of two elements: a dishonest act and deprivation.
- The dishonest act is established by proof of “deceit,” “falsehood” or “other fraudulent means.”
- Conduct will be characterized as being “other fraudulent means” if a reasonable person would consider the conduct to be dishonest.
- Where dishonesty has been established, there still needs to be proof of “deprivation”.
- Deprivation is established by proof of detriment, prejudice, or risk of prejudice to the economic interests of the victim, which is caused by the dishonest act. An actual economic loss is not required.
- The court will look at whether the causal connection is too remote.
- The term “the public or any person, whether ascertained or not” (ie, the victim of the offence) is broad.
- The “public” is defined as a collectivity of people.
- “Person” is defined in s. 2 of the Criminal Code and includes a body corporate.
- Even if a group of people do not fit the definition of “person”, the individuals who form the group are “persons” and can be defrauded.
- “Services” can include intangibles (qualified only by the element of deprivation).

### Mens Rea:

- The *mens rea* requires knowledge (including wilful blindness or recklessness) regarding the facts which constitute the dishonest act and deprivation.
- The accused’s belief that his or her conduct would not in law be characterized as dishonest or as causing the deprivation will not negate *mens rea*.
- The focus is on the *mens rea* in regard to the underlying facts – not the accused’s belief about dishonesty or deprivation.

- But, an honest yet mistaken belief in regard to the underlying facts is a defence (ie, mistake of fact vs. mistake of law).

## **Jurisdiction – Quick reference guide:**

- Jurisdiction over the offence and the accused are distinct issues.
- Jurisdiction over the offence:
  - Can be provided by expressly by statute (for example):
    - Conspiracy offences under ss. 465(4) and (5) of the *Criminal Code*
    - Possession of property in Canada that was obtained through the commission of an offence elsewhere under ss. 354(1)(b) of the *Criminal Code*
    - Section 5(1) of the CFPOA
- Jurisdiction over the accused requires that they be present before the court (eg, through an arrest or summons, extradition, or voluntarily).
- Depending on the circumstances, the accused can be present by means of counsel or (in some cases) an agent.
  - In all circumstances for an organization (where appearance by counsel/agent is mandatory - e.g., ss. 620 and 650(1) of the *Criminal Code*)
  - In limited circumstances for individuals (e.g., typically where evidence is not being heard).
- Of note, once service of a summons or notice of an indictment is proved in regard to an organization, it can be tried in absentia (ss. 621-623 of the *Criminal Code*).

## FEBRUARY UPDATE FOR E-COMM'S SERVICE PARTNERS

We are writing to share with you our monthly update on key activities at E-Comm to strengthen and improve our services on behalf of our partners and the public we serve.

### SERVICE LEVELS – JANUARY 2026

- **Strong start for emergency call-taking, 9-1-1:** Emergency police call-taking reached 93% in the Lower Mainland, and 91% on Vancouver Island (target: 88% of calls answered in 10 seconds). 9-1-1 service saw 98% of calls answered in 5 seconds or less (target: 95%).
- **Increase in police non-emergency calls:** Police non-emergency volumes increased +9% in the Lower Mainland and +6% on Vancouver Island compared to January 2025. Service levels were at 79% for the Lower Mainland and 85% on Vancouver Island (target: 80% within 3 minutes).
- **Fire service levels continue to exceed targets:** Fire call-taking reached 97% in the Lower Mainland (target: 90% of calls answered in 15 seconds), continuing a four-year trend of strong service delivery for partners.
- **Continued reliability of radio network:** 4,882,259 radio transmissions were made with the 15,915 radios on E-Comm's network in January with no disruptions. E-Comm's Wireless team also completed a major Radio Core upgrade in January, carefully planned and executed with Motorola to keep the radio network fully supported and up to date while minimizing impacts to partner agencies.

### ACTION PLAN

E-Comm continues to implement the Action Plan in response to the Province's Independent review. Below are some key recommendations we advanced this month:

- **Service-based costing model:** E-Comm is developing a new model that will clearly show the cost of our services. The model is expected to go to the Board for approval in May 2026 and will be used to inform partners about 2027 levies and the 2027 budget.
- **Service catalogue and service level targets:** Benchmarking work is now complete. E-Comm continues to work with partners to clearly define the services we provide and the service levels they can expect, with final details expected by fall 2026.
- **Governance and stakeholder engagement:** A structured framework is being finalized for Board review in February 2026. An engagement approach will launch in March, with a focus on key priorities like financial model and service level targets.

## **TUMBLER RIDGE EMERGENCY RESPONSE**

- **9-1-1 Queue Agents triage calls:** On February 10, E-Comm's 9-1-1 operators fielded multiple calls for the Tumbler Ridge shooting tragedy, quickly connecting callers with emergency services through the BC RCMP and BCEHS. Our Critical Incident Stress (CIS) teams were engaged to provide support for staff who handled the difficult calls. Our thoughts remain with the family and friends of the victims, the community of Tumbler Ridge, and the emergency services who responded and continue the investigation.

## **OTHER UPDATES**

- **Employer of choice:** E-Comm has made the 2026 list of *BC's Top Employers*, a designation awarded annually to both public and private sector organizations demonstrating innovation and excellence.
- **Newly trained call takers:** Due to internal movement and promotions amongst our staff, E-Comm has trained a new class of non-emergency call takers and dispatchers. Both groups have officially signed off and will soon be answering calls and dispatching on their own.
- **Long service recognized:** Two E-Comm employees achieved remarkable career milestones this month: Laura, who was integral to the development of the Central Dispatcher role with the Vancouver Police Department, celebrated 45 years of service and John marked 30 years as a police dispatcher. Thank you both for your service!

FEBRUARY 2026 UPDATE

LOWER MAINLAND YEAR-TO-JAN 31

	Target	2022	2023	2024	2025	2026
9-1-1	95%/5s	94%	99%	98%	99%	98%
Police Emergency	88%/10s	81%	93%	97%	95%	93%
Police Non-Emergency	80%/180s	50%	69%	88%	91%	79%
Fire Emergency	90%/15s	89%	95%	91%	96%	97%

VANCOUVER ISLAND YEAR-TO-JAN 31

	Target	2022	2023	2024	2025	2026
9-1-1	95%/5s	94%	99%	98%	99%	98%
Police Emergency	88%/10s	93%	90%	94%	93%	91%
Police Non-Emergency	80%/180s	93%	81%	75%	86%	85%



Strong service levels to kick off 2026



Police non-emergency call volumes increase



Essential radio upgrade complete

