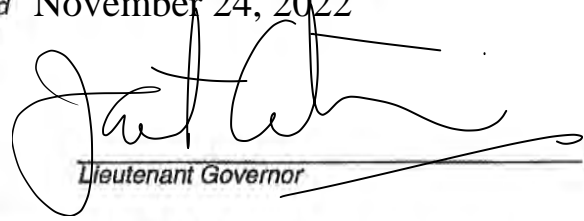


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 587

, Approved and Ordered November 24, 2022



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective December 31, 2022, the attached Designated Policing and Law Enforcement Units Complaints Regulation is made.



Minister of Public Safety and Solicitor General
and Deputy Premier



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Police Act, R.S.B.C. 1996, c. 367, s. 184*

Other: _____

R10639017

DESIGNATED POLICING AND LAW ENFORCEMENT UNITS COMPLAINTS REGULATION

Definitions

1 In this regulation:

“**Act**” means the *Police Act*;

“**designated unit**” means any of the following designated policing units and designated law enforcement units:

- (a) the Organized Crime Agency of British Columbia in its capacity as a designated policing unit;
- (b) the Organized Crime Agency of British Columbia in its capacity as a designated law enforcement unit;
- (c) the South Coast British Columbia Transportation Authority Police Service Designated Policing Unit;
- (d) the South Coast British Columbia Transportation Authority Police Service Designated Law Enforcement Unit;
- (e) Stl’atl’imx Tribal Police Service.

Application of Part 11 of Act

2 (1) Subject to this section, Part 11 of the Act applies in relation to a designated unit.

(2) Part 11 of the Act is to be read for the purposes of this section as though

- (a) a reference to a municipal police department were a reference to a designated unit, except in a modification made by paragraph (f), as it relates to the definition of “external police force”, (h), (i), (k), (l), (m) or (n),
- (b) subject to paragraph (c), a reference to a constable were a reference to a constable or an enforcement officer,
- (c) a reference to a municipal constable, deputy chief constable or chief constable were, respectively, a reference to an officer, deputy chief officer or chief officer of a designated unit, except in a modification made by paragraph (h), (k), (l) or (m),
- (d) a reference to police property, police custody, police work, police discipline or police duties were, respectively, a reference to the property, custody, work, discipline or duties of a designated unit, except in the modification made by paragraph (g),
- (e) the following definitions applied:
 - “**reassign**” means to reassign or attach conditions to the appointment of;
 - “**dismissal**” and “**reduction in rank**” mean revocation of appointment;
 - “**suspend**” means to suspend the appointment of; ,

- (f) the definitions of “external police force” and “supervisor” in section 76 (1) of the Act were repealed and the following substituted:

“external police force”, in relation to a designated unit to which section 89 (1), 91 (1), 92 (1), (2) or (3) or 93 (1) (b) (ii) applies, means

- (a) a municipal police department,
- (b) the provincial police force, or
- (c) another designated unit;

“supervisor”, in relation to a member of a designated unit, means

- (a) the chief officer of the designated unit, or
- (b) any of the following who is designated by the chief officer of the designated unit to supervise the member:
 - (i) another member of the designated unit;
 - (ii) a member of another designated unit; ,

- (g) a reference in section 77 (3) (d) [*defining misconduct*] of the Act
- (i) to police property were a reference to police property or the property of a designated unit, and
 - (ii) to police custody were a reference to police custody or the custody of a designated unit,
- (h) a reference in section 78 (2) (b) (i) [*how complaints are made and registered*] of the Act to a member on duty at a station of any municipal police department were a reference to
- (i) a municipal constable, deputy chief constable or chief constable on duty at any station of a municipal police department, or
 - (ii) an officer, deputy chief officer or chief officer of a designated unit on duty at any station of the designated unit,
- (i) a reference in section 100 [*investigation powers*] of the Act to a municipal police department were a reference to
- (i) a municipal police department, or
 - (ii) a designated unit,
- (j) a reference in section 100 (2) (e) of the Act to the municipal police board concerned were a reference to
- (i) the municipal police board concerned, or
 - (ii) the designated board concerned,
- (k) a reference in section 100 (5) of the Act to a chief constable of the municipal police department concerned and the chair of the board of that municipal police department were a reference to
- (i) a chief constable of the municipal police department concerned and the chair of the board of that municipal police department, or
 - (ii) a chief officer of the designated unit concerned and the chair of the board of that designated unit,

- (l) the definition of “prehearing conference authority” in section 120 (1) [*prehearing conference*] of the Act were repealed and the following substituted:
- “prehearing conference authority”**, in relation to a member or former member of a designated unit, means
- (a) a chief officer, a deputy chief officer or a senior officer of the designated unit,
 - (b) a chief officer, a deputy chief officer or a senior officer of another designated unit, or
 - (c) a chief constable, deputy chief constable or senior officer of a municipal police department; ,
- (m) a reference in section 134 (1) (b) [*delegation by discipline authority*] of the Act to a chief constable, deputy chief constable or senior officer of another municipal police department were a reference to
- (i) a chief constable, deputy chief constable or senior officer of a municipal police department, or
 - (ii) a chief officer, deputy chief officer or senior officer of another designated unit,
- (n) a reference in section 135 (1) [*designation of another discipline authority*] of the Act to a senior officer of another municipal police department were a reference to
- (i) a senior officer of a municipal police department, or
 - (ii) a senior officer of another designated unit,
- (o) a reference in section 138 (2) (b) (iii) [*determination whether to arrange public hearing or review*] of the Act to public confidence in the police were a reference to public confidence in a designated unit, and
- (p) a reference in section 180 (3) (j) [*members’ service records of discipline*] of the Act to a police union were a reference to a trade union.
- (3) For the purposes of this section, the board of a designated unit is deemed to be the employer of an officer, the deputy chief officer and the chief officer of the designated unit.
- (4) For the purposes of this section, the police complaint commissioner may disclose a disposition record under section 128 [*disciplinary disposition record*] of the Act to the entity that employs the person who is the subject of the record.
- (5) Section 183 [*requirement to use contemporaneous file monitoring system*] of the Act does not apply in relation to a designated unit.