

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 355

, Approved and Ordered July 14, 2025

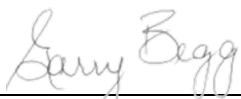


Lieutenant Governor


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

- (a) sections 60, 62, 70, 71, 82 and 116 of the *Police Amendment Act, 2024*, S.B.C. 2024, c. 16, are brought into force, and
- (b) the attached Municipal Police Board Code of Conduct Regulation is made.



Minister of Public Safety and Solicitor General



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 Amendment Act, 2024*, S.B.C. 2024, c. 16, s. 177;
Police Act, R.S.B.C. 1996, c. 367, ss. 74 and 74.3

Other: _____

R20874552

Municipal Police Board Member Code of Conduct Regulation

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PART 1 – GENERAL

Definitions

- 1 In this regulation:
 - “Act” means the *Police Act*;

“**chair**” means a member elected by a municipal police board as chair or acting as chair of a municipal police board in accordance with section 25 [*election of chair and vice chair of municipal police board*] of the Act;

“**specified statute**” means the following Acts:

- (a) *Cannabis Act* (Canada);
- (b) *Controlled Drugs and Substances Act* (Canada);
- (c) *Criminal Code*;
- (d) *Firearms Act* (Canada);

“**vice chair**” means a member elected by a municipal police board as vice chair in accordance with section 25 of the Act.

Application

2 This code of conduct applies to

- (a) a member of a municipal police board, and
- (b) a member of the amalgamated board continued under the Victoria and Esquimalt Municipal Policing Reorganization Regulation, B.C. Reg. 205/2024, as if the member were a member of a municipal police board.

Principles

3 The following general principles apply to a member of a municipal police board:

- (a) a member is to act in a manner that maintains the public’s trust and confidence in
 - (i) the board to which the member belongs, and
 - (ii) the municipal police department governed by that board;
- (b) in the performance of a member’s duties, the member is to
 - (i) act in the best interest of the public,
 - (ii) act with integrity, and
 - (iii) act in a professional and respectful manner.

PART 2 – PROHIBITIONS, DUTIES AND STANDARDS IN RELATION TO MEMBER CONDUCT

Division 1 – Misconduct

Abuse of authority

- 4**
- (1) A member must not abuse the member’s authority as a member of a municipal police board.
 - (2) Without limiting subsection (1), a member must not interfere with the administration of justice.

Corrupt conduct

- 5**
- (1) A member must not conduct oneself in a corrupt manner.

- (2) Without limiting subsection (1), a member must not
 - (a) agree or allow oneself to be under a pecuniary or other obligation to any person in a manner that would likely be seen to affect the member's ability to properly perform the duties of a member, or
 - (b) use or attempt to use one's position as a member for personal gain or other purposes unrelated to the proper performance of one's duties as a member.

Misuse of board or department property

- 6** A member must not intentionally or recklessly misuse, lose or damage the property of a municipal police board or municipal police department.

Conduct bringing board into disrepute

- 7** (1) A member must not conduct oneself in a manner that the member knows, or ought to know, would be likely to bring a municipal police board or municipal police department into disrepute.
- (2) Without limiting subsection (1), a member must not
 - (a) contravene any of the following:
 - (i) the Act;
 - (ii) a regulation, rule, guideline or policy made under the Act;
 - (iii) a specified statute,
 - (b) interfere with the governance or operation of a municipal police board, or
 - (c) act in a disorderly manner.

Interference with law enforcement discretion

- 8** (1) A member must not interfere with the exercise of law enforcement discretion by an officer.
- (2) Without limiting subsection (1), a member must not
 - (a) attempt in any way to influence a decision to deploy officers,
 - (b) attempt in any way to influence an officer's decision to investigate a matter,
 - (c) attempt in any way to influence an officer's decision to make an arrest, or
 - (d) attempt in any way to influence an officer's report to Crown counsel in respect of an offence.

Disrespectful behaviour

- 9** A member of a municipal police board must not, in the course of the member's duties, do any of the following:
 - (a) use profane, abusive, discriminatory or insulting language, jokes or gestures to any person, including, without limitation, language, jokes or gestures that would likely be seen to demean or show disrespect to the person on the basis of that person's
 - (i) race, colour, ancestry, place of origin or Indigenous identity,
 - (ii) political belief or religion,
 - (iii) marital or family status,

- (iv) physical or mental disability,
- (v) age,
- (vi) sex, sexual orientation or gender identity or expression, or
- (vii) economic or social status;
- (b) harass or coerce another member or any other person, in any manner;
- (c) act in a deceitful manner, including, without limitation, by making false or misleading statements or records.

Division 2 – Member Duties

Confidentiality

- 10** (1) A member of a municipal police board must not disclose or attempt to disclose, to any person, information or records that the member obtained in the course of the member's duties.
- (2) Subsection (1) does not apply to a member of a municipal police board if one or both of the following circumstances apply:
- (a) the member was authorized to disclose the information or records by the board;
 - (b) the member was lawfully required to disclose the information or records.
- (3) If a member of a municipal police board contravenes this section, the member must advise the board as soon as reasonably practicable of the disclosure.

Personal gain

- 11** (1) A member of a municipal police board must not, directly or indirectly, solicit or accept a fee, gift, service or another form of personal gain that is related to the performance of the member's duties.
- (2) Subsection (1) does not apply to a member of a municipal police board who receives any of the following related to the performance of the member's duties:
- (a) an honorarium authorized by the board;
 - (b) the salary of a municipal councillor for a member who is also a member of a municipal council;
 - (c) reimbursement for reasonable travel and out-of-pocket expenses necessarily incurred by the member in performance of the member's duties;
 - (d) customary tokens or gifts received by the member as an incident of the protocol or social obligations that normally accompany the member's position.

Disclosure of charges and convictions

- 12** (1) A member must make a disclosure in accordance with subsection (2) if the member is
- (a) charged with an offence under a specified statute,
 - (b) found guilty by a court of an offence under a specified statute, whether or not the court orders an absolute or conditional discharge under section 730 of the *Criminal Code*, unless

- (i) the finding is subject to appeal or further appeal, or
 - (ii) an appeal is being taken in respect of the finding of guilt, or
 - (c) found not criminally responsible on account of a mental disorder in respect of an offence under a specified statute.
- (2) As soon as reasonably practicable after being charged, found guilty or found not criminally responsible, as described in subsection (1), the member must disclose the charge or finding, in writing, to each of the following persons, as applicable to that member:
- (a) if the member is not the chair of the municipal police board, to the chair and the director;
 - (b) if the member is the chair, to the vice chair and the director;
 - (c) if the member was appointed by a municipal council, to the municipal council that appointed the member.

Division 3 – Member Standards

Board meeting conduct standards

- 13** A member of a municipal police board must conduct oneself in accordance with the following standards in relation to board meetings:
- (a) respectfully participate in board meetings, including, without limitation, refraining from unreasonable interference with the conduct of board meetings;
 - (b) regularly attend the board meetings the member is required to attend by the chair of the board or resolution of the board;
 - (c) reasonably prepare for a board meeting, including, without limitation, reviewing the meeting agenda and materials, if any, provided in advance of the meeting to allow the member to reasonably participate in the meeting.

Acting on behalf of board

- 14** (1) A member of a municipal police board must not
- (a) purport to act on behalf of the board, unless the member receives prior approval from the board, or
 - (b) fail to act in accordance with the prior approval from the board.
- (2) A municipal police board may determine the manner in which prior approval is given under this section.

PART 3 – CONFLICTS OF INTEREST AND PERCEIVED CONFLICTS OF INTEREST

Conflict of interest

- 15** For the purposes of this Part, a member of a municipal police board has a conflict of interest if the member
- (a) performs a duty of the member as a member of the board, and

- (b) knows, at the same time, that by performing the duty there is an opportunity to further the member's private interests or personal relationships.

Perceived conflict of interest

- 16** For the purposes of this Part, a member of a municipal police board has a perceived conflict of interest if there is a reasonable perception that the member's ability to perform the member's duties as a member of the board will be or has been affected by the member's private interests or personal relationships.

Interpretation for sections 18 to 20

- 17** In sections 18 to 20, a reference to a conflict of interest includes a perceived conflict of interest.

Disclosure of conflict of interest

- 18** (1) A member of a municipal police board who has a conflict of interest in relation to a matter before the board must disclose the conflict before the matter related to the conflict is considered by the board.
(2) Disclosure of a conflict of interest must be provided to all members of the municipal police board.
(3) If a conflict of interest is disclosed at a municipal police board meeting, that disclosure is sufficient for the purposes of subsection (2), whether or not all members of the board are in attendance.

Conduct related to conflict of interest

- 19** A member of a municipal police board who has a conflict of interest in relation to a matter before the board, whether or not the member has disclosed the conflict, must not do any of the following:
 - (a) attend a part of a board meeting during which the matter is under consideration;
 - (b) participate in any discussion of the matter at a board meeting;
 - (c) vote on a motion in respect of the matter at a board meeting;
 - (d) attempt in any way, before, during or after a board meeting, to influence voting on any motion in relation to the matter.

Exemptions

- 20** (1) A member of a municipal police board is exempt from this Part to the extent that the member receives an honorarium, salary, reimbursement, token or gift as described in section 11 (2) [*personal gain*] of this code of conduct.
(2) A member of a municipal police board who is also a member of a municipal council is exempt from this Part to the extent that the member's role on the municipal council conflicts with the member's role on the board.

Resignation from board before employment

- 21** A member of a municipal police board must not apply for employment with the municipal police department governed by the board to which the member belongs unless the member resigns from the board before applying.

Resignation from board before negotiating contract

- 22** A member of a municipal police board must not begin any negotiation in relation to a contract, including, without limitation, responding to a request for proposal, with the municipal police department governed by the board to which the member belongs unless the member resigns from the board before negotiations begin.

PART 4 – SUSPENSION AND DISCIPLINE

Prohibited conduct while suspended

- 23** (1) For the purposes of this code of conduct, a member of a municipal police board who is suspended must not do any of the following:
- (a) attend meetings of the board;
 - (b) publicly represent oneself as an active regular member of a municipal police board.
- (2) A member of a municipal police board must not provide to a suspended member of the board any information or records received as a member of the board, unless the information or records are publicly accessible.

Contraventions

- 24** A member contravenes this code if the member contravenes one or more of the following provisions:
- (a) section 4 [*abuse of authority*];
 - (b) section 5 [*corrupt conduct*];
 - (c) section 6 [*misuse, loss or damage to board or department property*];
 - (d) section 7 [*conduct bringing board or department into disrepute*];
 - (e) section 8 [*interference with operational independence of department*];
 - (f) section 9 (a) [*use of profane, abusive, discriminatory or insulting language or gestures*];
 - (g) section 9 (b) [*harassment or coercion*];
 - (h) section 9 (c) [*acting in deceitful manner*];
 - (i) section 10 (1) [*disclosure of confidential information or records*];
 - (j) section 10 (3) [*failure to advise of disclosure as soon as reasonably practicable*];
 - (k) section 11 [*accepting personal gain*];
 - (l) section 12 [*failure to disclose charge, finding of guilt or finding of not criminally responsible in relation to specified statute*];
 - (m) section 13 (a) [*respectful participation in board meetings*];
 - (n) section 13 (b) [*regular attendance at board meetings*];

- (o) section 13 (c) *[reasonable preparation for board meetings];*
- (p) section 14 (1) *[failure to represent board in accordance with board approval];*
- (q) section 18 (1) *[failure to disclose conflict of interest or perceived conflict of interest];*
- (r) section 18 (2) *[failure to disclose conflict of interest or perceived conflict of interest to whole board];*
- (s) section 19 *[failure to adhere to conduct required for conflict of interest or perceived conflict of interest];*
- (t) section 21 *[failure to resign before application for employment with department];*
- (u) section 22 *[failure to resign before negotiating contract with department];*
- (v) section 23 (1) *[failure to adhere to conduct required while suspended];*
- (w) section 23 (2) *[providing information or records to suspended member];*
- (x) section 25 (4) *[failure to comply with terms and conditions on membership for LGiC appointee];*
- (y) section 26 (4) *[failure to comply with terms and conditions on membership for non- LGiC appointee].*

Discipline – LGiC appointees

- 25** (1) This section applies to a member of a municipal police board appointed by the Lieutenant Governor in Council.
- (2) If the director considers that a member is contravening or has contravened this code of conduct, the director may do one or both of the following:
- (a) provide a verbal warning to the member;
 - (b) provide a written warning to the member.
- (3) If, on the recommendation of the director and the minister, the Lieutenant Governor in Council considers that a member is contravening or has contravened this code of conduct, the Lieutenant Governor in Council may do one or more of the following:
- (a) impose one or more of the following terms and conditions respecting the member's membership:
 - (i) the member must complete a specified training program within a specified period;
 - (ii) the member is restricted from holding the office of chair or vice chair;
 - (iii) any other term or condition that the Lieutenant Governor in Council considers appropriate;
 - (b) suspend the member's membership for a specified period of time or until specified terms and conditions are met;
 - (c) rescind the member's appointment.
- (4) A member must comply with the terms and conditions imposed, under subsection (3) (a), on the member's membership.

Discipline – other appointees

- 26** (1) This section applies to a member of a municipal police board not appointed by the Lieutenant Governor in Council.
- (2) If the director considers that a member is contravening or has contravened this code of conduct, the director may do one or both of the following:
- (a) provide a verbal warning to the member;
 - (b) provide a written warning to the member.
- (3) If, on the recommendation of the director, the minister considers that a member is contravening or has contravened this code of conduct, the minister may do one or more of the following:
- (a) impose one or more of the following terms and conditions respecting the member's membership:
 - (i) the member must complete a specified training program within a specified period;
 - (ii) the member is restricted from holding the office of chair or vice chair;
 - (iii) any other term or condition that the minister considers appropriate;
 - (b) suspend the member's membership for a specified period of time or until specified terms and conditions are met;
 - (c) remove the member.
- (4) A member must comply with the terms and conditions imposed, under subsection (3) (a), on the member's membership.

Reappointment of disciplined members

- 27** (1) A person must not be appointed to any police board for a period of 4 years if
- (a) the person's appointment to a municipal police board was rescinded in accordance with section 25, or
 - (b) the person was removed from a municipal police board in accordance with section 26.
- (2) If an appointment is made contrary to subsection (1), that appointment is invalid.