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To: Retired Judges appointed under the *Police Act*  
All Municipal Police Chief Constables  
Chief Officer, Metro Vancouver Transit Police  
Chief Officer – Stl’atl’imx Tribal Police Service  
Chief Officer – Combined Forces Special Enforcement Units (CFSEU-BC) /  
Organized Crime Agency (OCA-BC)

And to: All Professional Standards Officers

From: Office of the Police Complaint Commissioner (OPCC)

Date: July 6, 2016 (Reissued March 2023)

Re: **Special Municipal Constables Subject to Part 11 of the *Police Act***

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## PURPOSE

The purpose of this bulletin is to provide an update to police departments regarding the recent change to jurisdiction of the *BC Police Act* as it pertains to Special Municipal Constables (SMC). By way of an Order in Council, SMC’s will be subject to Part 11 of the *Police Act* starting August 1, 2016.

## LEGISLATION

On March 3, 2016, the Director of Police Services advised all Chairs of Independent Municipal Police Boards and Chief Constables of Independent Municipal Police Departments that a regulation had been created to clarify that SMC’s are to be subject to Part 11 of the *Police Act*. This Regulation is scheduled to come into force on August 1, 2016.

According to section 2 of this Regulation,

- (1) The provisions of Part 11 [*Misconduct, Complaints, Investigations, Discipline and Proceedings*] of the Act apply in relation to a special municipal constable as if the special municipal constable were
  - (a) A municipal constable employed with the municipal police department of the municipal police board that appointed the special municipal constable, and
  - (b) An employee of the municipal police board referred to in paragraph (a).
- (2) In applying Part 11 of the Act for the purposes of this regulation, the rules set out in sections 3 to 7 of this regulation apply.

Any employee with the status of special municipal constable will now fall under the jurisdiction of the *Police Act* and the oversight of the OPCC. Most notably, the on and off duty conduct of Jail Guards, Traffic Authority members, Community Safety members and Auxiliary/Reserve Constables that are employed as SMC's will be subject to Part 11 of the *Police Act*.

## PROCESS

This Regulation is scheduled to come into force on August 1, 2016. The OPCC has determined that any historical conduct on part of SMC's prior to this date will not fall under jurisdiction of this office. For example, if a complaint is received by our office on August 3, 2016, concerning conduct of an SMC that occurred on July 15, 2016, part 11 of the *Police Act* would not apply to this SMC in this circumstance.

Those employees with the status of SMC will be treated no differently than municipal constables under the Act. The OPCC is responsible for overseeing and monitoring complaints, investigations and the administration of discipline and proceedings under Part 11 and ensuring that the purposes of Part 11 are achieved. Our office will work with departments during this transition to ensure that the purposes of this Regulation are achieved.

All reporting and notification requirements under the Act will apply to the conduct of SMC's. This includes, but is not limited to, the following:

- ✓ Receiving and handling of registered complaints;
- ✓ Receiving and handling of questions or concerns;
- ✓ Reportable Injury and death/serious harm notifications;
- ✓ Any conduct that would constitute a disciplinary breach of public trust (s. 77). This includes any **off duty** conduct that would likely bring discredit on the municipal police department or any improper off duty conduct.

Office of the Police Complaint Commissioner

bcc: All OPCC Staff

## Appendices

- A. Letter from Assistant Deputy Minister and Director of Police Services
- B. Special Municipal Constables Complaints Regulation