



NEWS RELEASE

May 6th, 2019

Ombudsperson calling for independent oversight of municipal RCMP police lockups

Victoria – After receiving several complaints to his office, BC Ombudsperson Jay Chalke is raising concerns about a gap in oversight of municipal lockups in municipalities that are policed by the RCMP. “Right now in BC we have a situation where no dedicated independent entity investigates allegations of misconduct arising in detention cells in municipalities that are policed by the RCMP. Based on some of the issues brought to our office, this is a significant concern,” said Chalke.

Municipalities in BC with a population over 5,000 must provide policing services. They do this by either establishing a municipal police force or by contracting for policing services from the RCMP. In either case the municipality is required to operate detention facilities for individuals in police custody. There are eleven municipal police forces in BC. Detention centre staff in this context are designated as special municipal constables under the *Police Act* meaning they are subject to discipline by their police chief and their conduct can be investigated by the provincial Police Complaint Commissioner. However, if an individual in a lockup is in a community policed by the RCMP, there is no independent agency with legal authority to investigate a public complaint. The RCMP’s Civilian Review and Complaint Commission does not have oversight of municipal jail guards as they are not RCMP officers, nor otherwise employed by the RCMP, but rather they are civilian employees or contractors of the municipality. Neither the Ombudsperson nor the Police Complaint Commissioner have legal authority to investigate these complaints.

Chalke says he has received a number of complaints about guards in municipal lockups in RCMP policed municipalities - two complaints recently. One was from a young woman who said she was menstruating when she was detained and was denied feminine hygiene products and access to a shower. Another complaint came from a woman who identified herself as an immigrant and victim of domestic assault who said she experienced an attempted strip search and assault by a male guard in a municipal lockup. These allegations were not verified or investigated because there is no independent body able to investigate them.

“We were not able to investigate these complaints as we have no legislative oversight over anything arising under the *Police Act*,” said Chalke. “Unfortunately there was no other independent oversight body where we could refer these individuals. These are examples of recent allegations which have not been independently investigated and, were the allegations to have been substantiated, may raise serious questions of potential misconduct. Clearly this is a gap that needs to be filled.”

The Ombudsperson discussed his concerns in an appearance before the Special Committee to Review the Police Complaints Process earlier [today](#). He advised the committee that he raised this issue last May with the Ministry of Public Safety and Solicitor General. “I am encouraged that since I identified this issue the ministry has begun to look at addressing my concerns and has taken some interim steps. However this issue will not be resolved until a full independent statutory process is developed for the oversight and investigation of these kinds of complaints,” Chalke said.

-30-

Media Contact: Sara Darling | 250 356 7740 | 778 679 2588

