

MEMORANDUM OF UNDERSTANDING
RESPECTING THE DISCLOSURE OF INVESTIGATIVE MATERIALS

BETWEEN:

THE OFFICE OF THE POLICE COMPLAINT COMMISSIONER (OPCC),
Represented by the Police Complaint Commissioner (PCC)

AND:

INDEPENDENT INVESTIGATIONS OFFICE OF BRITISH COLUMBIA
(IIO),
Represented by the Chief Civilian Director (CCD)

November 18, 2014

WHEREAS, pursuant to section 38.02 of the *Police Act*, the Independent Investigations Office (IIO) conducts investigations pursuant to Part 7.1 of the *Police Act* into incidents where a person may have died or suffered serious harm as a result of the actions of member of a municipal police department.

AND WHEREAS, pursuant to section 89 of the *Police Act*, the Police Complaint Commissioner must direct an external police force to conduct an investigation pursuant to Part 11, Division 3 of the *Police Act* into an incident where a person may have died or suffered serious harm as a result of the actions of a member of a municipal police department.

AND WHEREAS, incidents involving members of a municipal police department may result in parallel investigations by the IIO pursuant to Part 7.1 of the *Police Act* and a municipal police agency pursuant to Part 11, Division 3 of the *Police Act*.

AND WHEREAS, the *Police Act* does not restrain the sharing of investigative materials amongst agencies engaged in concurrent *Police Act* investigations into the same incident.

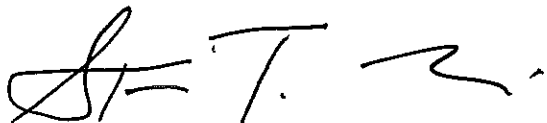
THEREFORE, the IIO and the OPCC enter into this *Memorandum of Understanding* to the end that they recognize the need for cooperation between the IIO and investigating police agencies to facilitate efficient, effective and timely *Police Act* investigations.

The signatories agree to the following:

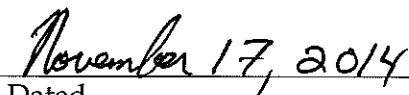
1. Subject to all applicable law, in particular sections 33.1(1)(c), 33.1(1)(d), 33.1(2)(a), and 33.2(i) of the *Freedom of Information and Protection of Privacy Act* (British Columbia), at the request of the OPCC or the external police force conducting a concurrent Part 11, Division 3 investigation, the IIO shall, as soon as practicable, provide to the OPCC or the external police force a copy of any and all investigative materials contained in its investigative file for the concurrent Part 7.1 investigation.
2. The IIO may withhold the disclosure of investigative materials to the OPCC or the external police force in circumstances where:
 - a. disclosure would violate a statute or constitute an offence;
 - b. the materials are subject to a claim of legal privilege;
 - c. disclosure could reasonably be expected to interfere with the integrity of the IIO's ongoing investigation.
3. Where the IIO withholds disclosure of investigative materials pursuant to Paragraph 2, the IIO shall provide the OPCC or the external police force with a general description of the investigative materials, which sufficiently discloses the nature of the information and the basis upon which disclosure is being withheld.

4. Should a disagreement arise regarding the IIO's refusal to disclose investigative materials, the IIO's Chief Civilian Director and the Police Complaint Commissioner will explore all available means in which disclosure could take place without compromising the concerns contained in Paragraph 2 of this Agreement.

Signed on behalf of the Office of the Police Complaint Commissioner of British Columbia:



Stan T. Lowe
Police Complaint Commissioner
Office of the Police Complaint Commissioner
Victoria, British Columbia




Dated

Signed on behalf of the Independent Investigations Office of British Columbia:



Richard Rosenthal
Chief Civilian Director
Independent Investigations Office
Vancouver, British Columbia



Dated