



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Security Classification/Designation
Classification/désignation sécuritaire

Richard C. (Dick) Bent, Chief Superintendent
Deputy Criminal Operations Officer
Community, Contract and Aboriginal Policing Services
"E" Division

Your File - Votre référence
PC-2006-0385
Our File - Notre référence
2006-060

Mr. Paul Kennedy
Chair
Commission for Public Complaints against the RCMP
Suite 102, 7337 137 Street
Surrey, British Columbia
V3W 1A4

Date

August 4, 2006

Chair Initiated Public Complaint

Dear Mr. Kennedy;

This is in reference to the public complaint you initiated on March 15, 2006. A review of the circumstances and issues surrounding this incident has been conducted and I am now in a position to respond to your allegations. A public complaint lodged by the British Columbia Civil Liberties Association, related to this incident, was previously the subject of a Request for Review and resulted in a Final Report being issued by the Commission for Public Complaints against the RCMP, "E" Division, Internal Affairs Unit File #2005-045 refers.

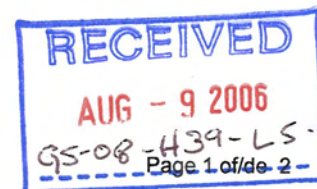
A report to Prince George Regional Crown Counsel was forwarded and the decision was made not to proceed with charges as there was not a substantial likelihood of conviction.

As the Provincial Police in British Columbia, the Royal Canadian Mounted Police are bound by the Coroner's Act when a death in police custody occurs. Under Section 10 of the Coroner's Act the Coroner will "*investigate all sudden and unexpected deaths, clarifying the circumstances for the public record....*". RCMP "E" Division Operational Policy (Section 3.1.3) also states that "*the Coroner's inquiry/investigation is separate and independent of police and continues regardless of the outcome of the investigation by the RCMP.*" A report has been forwarded to the Coroner and upon review the Coroner may request more investigation or information. To date there has been no request for further investigation by the Coroner. The Inquest into the matter which is the subject of your public complaint is scheduled for January 15, 2007. There will be a jury at the inquest and the jury may be affected by premature and incomplete information that is provided to the public prior to this process. The inquest will review the systems, policies and procedures that are in place when a sudden and unexpected death occurs.

The two allegations as presented in your correspondence of March 15, 2006, refer to members improperly entering into a situation that resulted in a death and the improper discharge of a firearm. These allegations may be addressed by reviewing the procedures, policies, systems and guidelines that the RCMP had in place and will more than likely be addressed in some manner during the Coroner's inquest. Although the inquest will not make any finding of legal responsibility it may make recommendations about any matter arising out of the inquest and any evidence regarding a sudden and unexpected death will be admitted unless it contravenes Section 41(2) of the Coroner's Act.

Canada

RCMP GRC 2823 (2002-11) WPT



Therefore, having regard to all these circumstances, investigation into your allegations is not reasonably practicable. Pursuant to Section 45.36(5)(c), investigation into your public complaint is terminated. If you are not satisfied with the disposition of your complaint by the RCMP, you may request a review and the RCMP will furnish you with the materials used to prepare this report.

Yours truly,



Richard C. (Dick) Bent, Chief Superintendent
Deputy Criminal Operations Officer
Community, Contract and Aboriginal Policing Services
"E" Division

cc: Deputy Commissioner, Pacific Region
Inspector Darbyshire, Internal Affairs Unit
Sergeant Robert Chartrand, Public Complaints Unit, HQ Ottawa