

The Committee of Council submit for the consideration of
His Honour the Lieutenant-Governor a Bill intituled

An Act respecting the Provincial Police Force
and Provincial Gaols

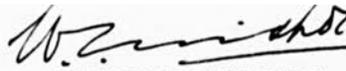
and advise that the same be transmitted by Message to the
Legislative Assembly.

Victoria, 9th day of November, A.D. 1923.

J. D. Oliver
Presiding Member of the Executive Council.

Approved this 9th day of November, A.D. 1923.

W. Mitchell
Lieutenant-Governor.


LIEUTENANT-GOVERNOR.

HON. ATTORNEY-GENERAL.

BILL.

No. 16.]

[1923.

An Act respecting the Provincial Police Force and Provincial Gaols.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia,
enacts as follows:—

Preliminary.

1. This Act may be cited as the "Police and Prisons Regulation Act." R.S. 1911, c. 180, s. 1. Short title.

2. In this Act, unless the context otherwise requires:— Interpretation.
"Force" means the Provincial Police Force;
"Gaol" includes every prison, lock-up, and place of imprisonment in the Province, other than prisons or lock-ups under the control of a municipality or penitentiaries under the control of the Dominion;
"Superintendent" means the Superintendent of Provincial Police. R.S. 1911, c. 180, s. 2 (*altered*).

3. The Department of the Attorney-General shall have charge of the administration of this Act. (*New.*) Administration of Act under Department of Attorney-General.

4. Notwithstanding the provisions of the "Civil Service Act," all appointments to the Provincial Police Force and all appointments to the staff of any Provincial gaol shall be made in accordance with this Act, and where there is any conflict between the provisions of the "Civil Service Act" and the provisions of this Act the latter shall prevail. 1920, c. 13, s. 2. Supremacy of Act over "Civil Service Act."



Provincial Police Force.

Constitution.

5. The police force established under the Act repealed by this Act shall continue, subject to the provisions of this Act, and shall be known as the "Provincial Police Force," and shall consist of the Superintendent, an Assistant Superintendent, and such Inspectors, officers, and constables as are appointed to the force or designated under this Act. (*Nec.*)

Appointments and salaries.

6. The Lieutenant-Governor in Council may from time to time appoint as members of the force a person to be known as the "Superintendent of Provincial Police," a person to be known as the "Assistant Superintendent of Provincial Police," and such number of persons as Inspectors of Police and police constables as he considers advisable, all of whom shall hold office during pleasure, and shall receive such salaries, pay, and allowances as are from time to time prescribed by the Lieutenant-Governor in Council. R.S. 1911, c. 180, ss. 3, 4, 5, 7 (*part*).

Oaths of allegiance and office.

7. (1.) No person shall be appointed a member of the force unless he is a British subject, and every member of the force, before entering upon his duties, shall take and subscribe an oath of allegiance and an oath of office in the forms following:—

OATH OF ALLEGIANCE.

I, _____, do swear that I will be faithful and bear true allegiance to His Majesty King George V., his heirs and successors according to law. So help me God.

Sworn by the above named	_____	} (Deponent sign here.)
at this day	_____	
of _____, 19____, before	_____	
me—	_____	

OATH OF OFFICE.

I, _____, do swear that I will faithfully and honestly, to the utmost of my ability, perform all the duties which devolve upon me as a member of the Provincial Police Force, and that I will not disclose or make known any matter or thing which comes to my knowledge by reason of my employment therein, except in so far as my official duty requires me to disclose, make known, report upon, or take official action regarding the same, or except in so far as I may be duly authorized to disclose or make known the same.

Sworn by the above named	_____	} (Deponent sign here.)
at this day	_____	
of _____, 19____, before	_____	
me—	_____	

(2.) The oaths may be taken and subscribed before any person authorized to take affidavits within the Province, and the forms, when subscribed, shall be forwarded to the Superintendent.

8. (1.) The Superintendent may from time to time appoint for a period not exceeding one month such persons to act as special constables as he considers necessary to assist the force in the execution of its duties. Special constables.

(2.) Any Justice of the Peace may, in the absence of a regular constable, appoint a special constable for any specific duty.

(3.) Any Government Agent or two Justices of the Peace may, whenever the ordinary officers appointed for preserving the peace are insufficient for the preservation of the peace and for the protection of property, and whenever he or they are satisfied upon the oath of a credible witness that any riot or indictable offence has taken place or is apprehended, call upon and appoint so many persons as he or they think fit to act as special constables.

(4.) Every special constable appointed under subsection (1) shall, before entering upon his duties, take and subscribe the oaths of allegiance and office in the forms set out in section 7, and every special constable appointed under subsection (3) shall forthwith take, before the person or one of the persons by whom he is appointed, the following oath:—

I, _____, do swear that I will faithfully, without favour, affection, or ill-will, discharge the duty of special constable, and that I will cause the peace to be kept and preserved to the best of my power while I continue in office. So help me God.

(5.) Every special constable appointed under this section shall receive pay at such rates as are prescribed by the regulations, and shall have the same powers and immunities as other constables appointed under this Act, except that a special constable appointed pursuant to subsection (3) shall not serve or execute any civil process.

(6.) Every special constable appointed under subsection (2) or (3) shall be deemed to have been discharged when the occasion for his services has passed. R.S. 1911, c. 180, s. 8 (*altered*).

9. The Superintendent, Assistant Superintendent, Inspectors, and constables shall be subject to all regulations respecting the government, discipline, and disposition of the force, and shall respectively have all the powers and immunities which belong by law to constables, and as such shall have authority to act in any part of the Province. R.S. 1911, c. 180, ss. 5, 7 (*part*). General powers and immunities of members of the force.

10. The Superintendent, subject to the provisions of this Act and the regulations and to the directions of the Attorney-General, shall:— General powers and duties of Superintendent.

- (a.) Have control of the force, and of all matters connected with its operation:
- (b.) Be *ex officio* Inspector of Gaols and Reformatories of the Province:

(c.) Perform such duties as are assigned to him by the regulations or by or under any Act. R.S. 1911, c. 180, ss. 2, 6 (*part*).

Duties of
Inspectors, officers,
and constables.

11. (1.) It shall be the duty of all Inspectors, officers, and constables who are members of the force, subject to the orders of the Superintendent:—

(a.) To perform all duties assigned to constables in relation to the preservation of peace, the prevention of crime and offences against the laws in force in the Province, and the apprehension of criminals and offenders and others who may be lawfully taken in custody:

(b.) To execute all warrants and perform all duties and services thereunder or in relation thereto which may, under the laws in force in the Province, be lawfully executed and performed by constables:

(c.) To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and lunatics to or from any Courts, places of punishment or confinement, asylums, or other places:

(d.) Generally to perform such duties as may from time to time be assigned to them by the Superintendent or by or under any Act of the Legislature.

(2.) Every person who holds the position of Inspector of Police under this Act shall be ex officio a Coroner for the police division in which he is assigned for duty by the Superintendent, and shall be charged with the like duties and shall have and may exercise the like powers and authorities as if appointed a Coroner for that police division pursuant to the "Coroners Act," except that he shall not act as Coroner in respect of any inquest held on the body of a prisoner who dies within any lock-up, gaol, or prison. (*Vec.*)

Term of engagement
as member of
force.

12. (1.) Every member of the force, other than the Superintendent and special constables, shall, upon appointment to the force, sign articles of engagement for a term of service of not less than three years, which engagement shall be made with the Superintendent, and may be enforced by him.

(2.) Any member of the force may at any time during his term of service purchase his discharge from his engagement on payment of the sum of one hundred dollars to the Superintendent.

(3.) Every member of the force who deserts the force by wilfully absenting himself from duty during his term of service, without the consent of the Superintendent and without the payment of the sum of one hundred dollars in the purchase of his discharge, shall be liable, on summary conviction, upon information laid by the Superintendent, to a penalty of not less than one hundred dollars nor more than two hundred dollars. (*Vec.*)

13. The Superintendent may from time to time divide the Province into police divisions for the purposes of this Act, and may assign an Inspector with a detachment of the force under his charge for duty therein. (*Nec.*)

Police divisions.

14. The Superintendent may, by the designation of officers or otherwise, make such distinctions in the ranking of the members of the force as in his opinion is necessary for the efficient working of the force. (*Nec.*)

Ranking of members of the force.

15. The Superintendent may for any cause which in his opinion is sufficient summarily suspend from the performance of his duties the Assistant Superintendent or any Inspector, officer, or constable, but he shall at once report the case to the Attorney-General, to be laid before the Lieutenant-Governor in Council, who may in his discretion order the reinstatement of the person suspended or his dismissal from the force. (*Nec.*)

Power to suspend and dismiss members.

16. All uniforms, clothing, and equipment, being the property of the Crown, issued to any member of the force shall remain the property of the Crown and shall upon the discharge or dismissal of the member or upon his deserting or leaving the force be forthwith delivered up to the Superintendent or to an Inspector. (*Nec.*)

Uniforms and equipment.

17. All pecuniary penalties imposed under this Act on any person who at the time of the commission of the offence was a member of the force, and all pay due to deserters from the force at the time of their desertion, and all money paid for the purchase of discharges shall be paid to the Superintendent, and shall form a fund under his management, and be applied pursuant to the regulations to the payment of rewards to members of the force for good conduct or meritorious service. (*Nec.*)

Fund for payment of rewards for meritorious service.

18. If the Superintendent, Assistant Superintendent, or the Inspector of any police division considers it advisable to make any inquiry into the conduct of any member of the force, or into any complaint against any member of the force, or into any complaint respecting the enforcement by any member of the force of any penal law in force in the Province, he may examine any person under oath and may compel the attendance of any person as a witness in the same manner as if the proceedings were before a Justice under the "Summary Convictions Act." (*Nec.*)

Power to make inquiries.

19. The Lieutenant-Governor in Council may make such regulations as he considers necessary or advisable for the government, discipline, equipment, and disposition of the force, for prescribing the duties of its members, and for carrying out the provisions of this Act. (*Nec.*)

Regulations.

Provincial Gaols.

Establishment of gaol districts and gaols.	<p>20. The Lieutenant-Governor in Council may from time to time, by Order, establish or alter gaol districts, and prescribe the gaol or gaols that shall be the common gaol or common gaols of each gaol district. R.S. 1911, c. 180, s. 22.</p>
Appointment of gaol staffs.	<p>21. (1.) The Lieutenant-Governor in Council may from time to time appoint such number of persons as wardens, gaolers, guards, officers, and servants as he considers advisable for the management and policing of the gaols throughout the Province, all of whom shall hold office during pleasure, and shall receive such salaries, pay, and allowances as are from time to time prescribed by the Lieutenant-Governor in Council.</p> <p>(2.) Every warden, gaoler, guard, or officer so appointed shall, before entering upon his duties, take and subscribe the oaths of allegiance and office in the forms set out in section 7, and shall during his period of service be ex officio a constable, having the same powers and immunities as other constables appointed under this Act, except that he shall not serve or execute any civil process. (<i>Nov.</i>)</p>
Gaol rules.	<p>22. The Lieutenant-Governor in Council may make rules and regulations for the management, discipline, and policing of all gaols, and for fixing and prescribing the duties of the wardens, gaolers, guards, officers, and servants employed therein, and for the diet, clothing, maintenance, employment, discipline, correction, and punishment of prisoners confined therein. R.S. 1911, c. 180, s. 9 (<i>re-drawn</i>).</p>
Posting of rules.	<p>23. The Superintendent shall from time to time cause copies of so much of the rules of each gaol as relates to the treatment and conduct of prisoners confined therein to be printed in legible characters and to be fixed up in conspicuous parts of the gaol, so that every prisoner may be enabled to have access thereto. R.S. 1911, c. 180, s. 10.</p>
Monthly reports of gaol-keepers.	<p>24. The Superintendent shall investigate the accounts of each gaol, and every warden or officer in charge of a gaol shall furnish the Superintendent with a monthly written statement of the expenditure (if any) connected with the gaol, and with a report upon the condition and management thereof, and showing how far the gaol rules have been observed. R.S. 1911, c. 180, s. 14.</p>
Inspection of gaols.	<p>25. The Superintendent may at all times enter into any gaol to visit and inspect the same, and he shall have access to every part thereof, and he may examine all papers, documents, vouchers, records, books, and other things belonging thereto, and investigate the conduct of any warden, gaoler, guard, officer, or servant employed</p>

in or about the gaol, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath touching any matter relating to any breach of the rules of the gaol, or any matter affecting the interests thereof, and may by the same or like order compel the production of books, papers, and writings before him; and any person who neglects or refuses to appear at the time and place specified in the order, having been duly served with a copy thereof, or refuses to give evidence or to produce the books, papers, or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the Superintendent in that behalf, and may, upon the order of any Justice, summarily made upon complaint of the Superintendent, be imprisoned in the gaol as for contempt, for a period not exceeding fourteen days. R.S. 1911, c. 180, s. 12.

26. The Superintendent may summarily suspend any warden, gaoler, guard, officer, or servant of any gaol for misconduct (of which suspension the Attorney-General shall at once be notified) until the circumstances of the case have been decided upon by the Lieutenant-Governor in Council; and the Superintendent may, until such decision has been intimated to him, cause any person so suspended to be removed beyond the precincts of the gaol; and it shall be the duty of the Superintendent to recommend the removal of any of the wardens, gaolers, guards, officers, or servants whom he finds incapable, inefficient, or negligent in the execution of duty, or whose presence in the gaol he considers injurious to the interests thereof. R.S. 1911, c. 180, s. 11 (*redrawn*).

Powers of Superintendent over officers of gaols.

27. It shall be the duty of the Superintendent to prepare and forward to the Attorney-General an annual report, on or before the first day of November in each year, to be laid before the Legislative Assembly, which report shall contain a full and accurate statement of the condition and management of the several gaols in the Province, together with such suggestions for the improvement thereof as the Superintendent may consider necessary, accompanied by the monthly reports of the wardens or officers in charge of the respective gaols, and by such financial and statistical information as may be useful, and such report shall comprise the following particulars in respect of the year ended the thirty-first day of March then last past, namely:—

Annual report of Superintendent.

- (a.) A return of the names, ages, country, calling, and crimes of the prisoners received into each gaol during the year, and the city, municipality, or district from which each came:
- (b.) A return of the names, ages, calling, and crimes of the prisoners who died in each gaol during the year, and the city, municipality, or district from which each came:

- (c.) A similar return of the prisoners liberated during the year by the expiration of the term for which they were sentenced:
- (d.) A similar return of the prisoners pardoned during the year:
- (e.) A statement showing the average number of prisoners confined in the different gaols during the year, the number discharged, and the number then in confinement:
- (f.) A statement of the expenditure for the year for the support and maintenance of each gaol, and of the amount paid on all other accounts during the year, which statement shall also show, separately, the sums paid for food, bedding, clothing, and hospital stores for the prisoners; the salaries and pay of the officers and servants; the expenditures for fuel and light, for the erection of new buildings and repairs, and for all other items of expenditure; also the cash on hand at the close of the year:
- (g.) An inventory and valuation of all the property, estate, and effects of each gaol, distinguishing the estimated value of the several descriptions of property; a statement of the cost of each prisoner to the Province in the several gaols; and an account of the tenders received for supplies. R.S. 1911, c. 180, s. 15 (*altered*).

Power of Lieut.-Governor in Council to authorize employment of prisoners outside of gaols.

28. (1.) The Lieutenant-Governor in Council may from time to time direct or authorize the employment upon any specific work or duty, beyond the limits of any common gaol, of any prisoner who, after a prior sentence of imprisonment for any breach of any law of the Dominion or of any Province of the Dominion, is sentenced to be imprisoned with hard labour in such gaol under the authority of any Statute of British Columbia, or for the breach of the by-law of any municipal corporation in this Province.

Supervision.

(2.) No such prisoner shall be so employed, save under the strictest care and supervision of officers appointed to that duty. R.S. 1911, c. 180, ss. 16, 18.

Prisoners to be subject to discipline of gaol and regulations of Lieut.-Governor in Council.

29. Every such prisoner shall, during such employment, be subject to all the rules, regulations, and discipline of the gaol, so far as applicable, and to any regulations made by the Lieutenant-Governor in Council for the purpose of preventing escapes and preserving discipline in the case of prisoners employed beyond the limits of the gaol. R.S. 1911, c. 180, s. 17.

Place of work to be deemed part of gaol.

30. Every street, highway, or public thoroughfare of any kind along or across which prisoners pass in going to or returning from their work, and every place where they are employed under this Act, shall, while so used, be considered as a portion of the gaol for the purposes of this Act, so far as the legislative authority of this Province extends in this behalf. R.S. 1911, c. 180, s. 19.

31. No spirituous or fermented liquors shall, on any pretence ^{Use of liquors or tobacco in gaols.} whatsoever, be brought into any gaol for the use of any officer or person in the gaol, or for the use of any prisoner confined therein (except under the rules regulating the gaol); and any person giving any spirituous or fermented liquors or tobacco, snuff, or narcotic drug to any prisoner (except under the rules regulating the gaol), or conveying the same to any such prisoner, shall, on summary conviction, be liable to a penalty of not less than ten dollars nor more than fifty dollars. R.S. 1911, c. 180, s. 13.

32. Every Justice shall have power to direct that any person committed to prison by him shall be imprisoned in any of the gaols of the Province, and the Attorney-General shall from time to time instruct Justices as to which gaol prisoners shall be committed. R.S. 1911, c. 180, s. 20. ^{Commitments.}

33. The Attorney-General may from time to time direct that prisoners confined in one gaol be removed to some other gaol. R.S. 1911, c. 180, s. 21. ^{Removal of prisoners.}

34. The "Police and Prisons Regulation Act," being chapter 180 of the "Revised Statutes of British Columbia, 1911," is repealed. ^{Repeal.}
(*Rev.*)

VICTORIA, B.C. :

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