

Open Letter To Stan Lowe, Police Complaints Commissioner

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CC: Chief Constable Adam Palmer, VPD Headquarters, 2120 Cambie St. Vancouver, B.C. Canada V5Z 4N6 Fax 604 665 3417 c/o jeannie.yee@vpd.ca, pss@vpd.ca

CC All BC Members of Provincial Parliament, Vancouver City Councillors December 30, 2017

REQUEST FOR RECONSIDERATION OF MISCONDUCT COMPLAINT

REQUEST FOR COMPLAINEE WITH s170 (2b,c) POLICE ACT FOR POLICY / INTERNAL PROCEDURES COMPLAINT

I would like to bring to your attention, 3 criminal code offences by Kaitlin Johnston;

1ST CRIMINAL CODE OFFENCE BY KAITLIN JOHNSTON

1) On November 30, I sent your office a s168[1b(iii)(v)] Police Act request for 2 policies, I have not received an acknowledgement letter for enclosed November 30 policy / internal procedures request, this ongoing refusal to comply with s170(2b,c) Police Act is a violation of s380(1a) Criminal Code.

- I. “The Municipal Police Service Board hereby issue an internal procedure policy that the Vancouver Police shall not refuse jurisdiction to investigate any crime committed in Vancouver unless, another police force has assumed jurisdiction over a crime committed in Vancouver.”
- II. “Pursuant to objects s6 s7 s16 Canada Victims Bill of Rights, the Municipal Police Service Board hereby issue an internal procedure policy that on request, whether or not the police lay a charge, if a victim provides evidence that a criminal has a duty to retribute the proceeds of a crime committed in Vancouver, if the Police decide not to lay charges, the victim is entitled to know the outcome of investigation of each element of the offence with details that would allow the victim to if necessary provide more evidence to meet the test for that element.”

2ND CRIMINAL CODE OFFENCE BY KAITLIN JOHNSTON

2) The December 29 misconduct complaint inadmissibility file 2017-14172 letter by Kaitlin Johnston violates s362 Criminal Code in writing false statement with intent that it be relied upon to defraud property “..Olumide has not identified any .. misconduct.... the police .. provided him with a response advising they would not investigate .. as they did not have the jurisdiction ... VPD’s decision not to respond to .. correspondence ..does not represent ..departure from .. conduct of a reasonable officer .. conduct described ... would not, .. constitute misconduct .. pursuant to section 77 of the Police Act.”

The s77 complaint against Chief Constable Adam Palmer is summarized by the following quotes;

“With respect, if the Chief Constable does not direct Inspector Lee or any other officer to open a criminal investigation against Her Majesty The Queen In Right of British Columbia Vancouver Crown Law office Criminal, in order to determine whether there is evidence to lay the charge, I have to make a Police Act complaint against the Chief and prosecute the Vancouver Police department. Inspector Jeannie Lee violated Police Act “77(1)(a)(b) .. "misconduct" means (a) .. public trust offence described in subsection (2) ... (b) conduct that constitutes.... (ii) a disciplinary breach of public trust described in subsection (3)” by lying that she has no jurisdiction to investigate and charge Her Majesty The Queen In Right of British Columbia Vancouver Crown Law Office Criminal. This is a blatant criminal violation of 15, 26, 34, 38 Police Act jurisdiction over a crime committed in Vancouver;

Duties of a municipality 15(1) ...must ... generally maintain law and order in the **municipality** and **must provide**, in accordance with this Act, the regulations and the director's standards, (a) policing and law enforcement in the **municipality** ... (i) to **adequately enforce** ... **criminal law** and the laws of British Columbia, and (ii) to maintain law and order in the municipality,

Duties and functions of chief constable and municipal police 34(1) 34 (1) The chief constable of a **municipal police department** has, under the direction of the municipal police board, general supervision and command over the municipal police department and must (a) exercise powers and perform duties assigned to the chief constable under and in accordance with this Act and any other enactment, and (b) ensure compliance with the director's standards as they relate to the **municipal police department**. (2) The **municipal police department**, under the chief constable's direction, **must perform the duties** and functions respecting the preservation of peace, the prevention of crime and offences against the law and the administration of justice assigned to it ...

....

Police Act Jurisdiction of municipal constables 38 (1) A **municipal constable** or a special municipal constable has (a) all of the powers, duties and immunities of a peace officer and constable at common law or under any Act, and (b) **jurisdiction throughout British Columbia** while carrying out those duties and exercising those powers.”

....

20 Offences Committed By Inspector Jeannie Lee

To be clear, if you are looking for a legal way to exonerate Inspector Jeannie Lee and avoid your Police Act duties, please don't waste your time, it is legally impossible to defeat facts and law that shows that Inspector Jeannie Lee no jurisdiction falsehood is a breach of;

1. Criminal Code 21b because it is an actus reus falsehood with mens rae to facilitate Her Majesty The Queen In Right of British Columbia Vancouver Crown Law Office Criminal s21b party to “offences ...false statements Excise Tax Act 97.1 (1) (a) makes, or participates in, assents to or acquiesces in the making of, a false or deceptive statement in a ... answer or report filed or made as required by or under this Act ... (b) for the purpose of evading payment or remittance of any tax .. (i) .. conceals ... any records ... (ii) makes, or assents to or acquiesces in the making of, a false or deceptive entry, or omits, or assents to or acquiesces in the omission... (c) wilfully, in any manner, evades or attempts to evade compliance with this Act or payment or remittance of tax or any other amount... (d) wilfully, in any manner, obtains or attempts to obtain a refund, rebate or other amount

to which the person is not entitled ... (e) conspires with any person to commit an offence described in any of paragraphs (a) to (d).”

2. Criminal Code s22.2 because it is an actus reus falsehood with mens rae to violate “22.2 .. organization (b) mental state required to be a party to the offence ... (c) ... does not take all reasonable measures to stop ... party to the offence.”
3. Criminal Code 25.1(9)(11b) because it is an actus reus falsehood with mens rae to violate 25.1 ... (9) No public officer is justified in..act or omission.. offence.. loss of or serious damage to property.. (11) Nothing ... justifies...(b) the wilful .. obstruct, pervert or defeat the course of justice”
4. Criminal Code 341, because it is an actus reus falsehood with mens rae to violate “Fraudulent concealment 341 ... for a fraudulent purpose, ... conceals anything (crimes by Her Majesty The Queen In Right of British Columbia Vancouver Crown Law Office)”
5. Criminal Code 362, because it is an actus reus falsehood with mens rae to violate “False pretence or false statement 362 (1) ... (c) knowingly makes or causes to be made, directly or indirectly, a false statement in writing with intent that it should be relied on, with respect to .. ability to pay .. any person .. for the purpose of procuring, in any form whatever, .. (ii) the payment of money”
6. Criminal Code s380(1a) because it is an actus reus falsehood with mens rae to put the s16 Victims Bill of Rights interests of a victim of crime at risk.

R. v. Zlatic, [1993] 2 SCR 29, 1993 CanLII 135 (SCC) 1. ... the *actus reus* of fraud will be established by proof of: 1. the prohibited act, be it an act of deceit, a falsehood or some other fraudulent means; and 2. deprivation caused by the prohibited act, which may consist in actual loss or the placing of the victim's pecuniary interests at risk. Correspondingly, the *mens rea* of fraud is established by proof of: 1. subjective knowledge of the prohibited act; and 2. subjective knowledge that the prohibited act could have as a consequence the deprivation of another (which deprivation may consist in knowledge that the victim's pecuniary interests are put at risk). (i) Fraud by "Other Fraudulent Means" ... Most frauds continue to involve either deceit or falsehood. As is pointed out in *Théroux*, proof of deceit or falsehood is sufficient to establish the *actus reus* of fraud; no further proof of dishonest action is needed. However, the third category of "other fraudulent means" has been used to support convictions in a number of situations where deceit or falsehood cannot be shown. These situations include, .. **non-disclosure of important facts, exploiting the weakness** of another.. Dishonesty is, of course, difficult to define with precision. It does, however, connote an **underhanded design** which has the effect, or which engenders the risk, of depriving others of what is theirs. J. D. Ewart, in his *Criminal Fraud* (1986), defines dishonest conduct as that "which ordinary, decent people would feel was **discreditable** as being clearly **at variance with straightforward or honourable dealings**".. The dishonesty of "other fraudulent means" has, at its heart, the wrongful use of something in which another person has an interest, in such a manner that this other's interest is extinguished or put at risk. A use is "wrongful" in this context if it constitutes conduct which reasonable decent persons would consider dishonest and **unscrupulous**.... The authorities make it clear that it is **unnecessary for a defrauding party to profit from his or her fraud** in order to be convicted; it is equally **unnecessary that the victims of a fraud suffer actual pecuniary loss** in order that the offence be made out: ...

7. 8, 17 BC Interpretation Act; because it is an actus reus falsehood with mens rae to violate “8 Every enactment must be construed as being remedial, and must be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects” of the Police Act.
8. s12 Canada Interpretations Act; because it is an actus reus falsehood with mens rae to violate “12 Every enactment is deemed remedial, and shall be given such fair, large and liberal construction and interpretation as best ensures the **attainment of its objects (criminal should not be permitted to keep the proceeds of his crime)**” of the Criminal Code as described in “Garland v. Consumers’ Gas Co., [2004] 1 S.C.R. 629, 2004 SCC 25, 52...Criminal Code are intra vires the level of government that enacted them...overriding public policy consideration in this case is the fact that the LPPs were collected in contravention of the Criminal Code. As a matter of public policy, a **criminal should not be permitted to keep the proceeds of his crime.**”.
9. objects, s16 Victims Bill of Rights; because it is an actus reus falsehood with mens rae to violate “Preamble, Whereas crime has a harmful impact on victims and on society; Whereas victims of crime and their families deserve to be treated with **courtesy, compassion and respect, including respect for their dignity**; Whereas it is important that **victims’ rights be considered throughout the criminal justice system**; Whereas victims of crime have **rights that are guaranteed by the Canadian Charter of Rights and Freedoms**; Whereas consideration of the rights of victims of crime is in the interest of the **proper administration of justice**; Whereas the federal, provincial and territorial governments share responsibility for criminal justice; Whereas, in 1988, the federal, provincial and territorial governments endorsed the Canadian Statement of Basic Principles of Justice for Victims of Crime and, in 2003, the Canadian Statement of Basic Principles of Justice for Victims of Crime, 2003; ...victim means an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence. (victime)... Criminal justice system 5 For the purpose of this Act, the criminal justice system consists of the **investigation** and prosecution of offences in Canada; ... and the **proceedings of courts**...Restitution order 16 Every victim has the **right to have the court consider making a restitution order** against the offender,
- by assisting Her Majesty The Queen In Right of British Columbia Vancouver Crown Law Office Criminal to evade s16 Victims Bill of Rights duty to retribute s507.1 prosecution of BC Supreme Court (Canadian Judicial Council) / s551.3(1g Charter) s4(3c) BC Crown Counsel Act s579 Criminal Code constitutional question hearing that they stole.
10. s12 Charter of Rights and Freedoms s2(b,e) Canadian Bill Of Rights Constitutional Rule Of Law Rights To Self Defence From Ongoing Crimes, Rule Of Law Rights Against Criminals' Revictimization Of Victim Principle Of Fundamental Justice; because it is an actus reus falsehood with mens rae to help BC AG to use s4(3c) s579 power to defraud s4(3c) s579 constitutionality hearing without evidence that the BC AG is unable to comply with s16 Victims Bill of Rights by permitting s507.1 or s507.1(7) new evidence prosecution of BC Supreme Court (Canadian Judicial Council) / s551.3(1g Charter) s4(3c) BC Crown Counsel Act s579 Criminal Code constitutional question hearing that they stole.Canadian Doctors for Refugee Care v. Canada (Attorney general), 2014 FC 651 / R. v. Smith (Edward Dewey), [1987] 1 SCR 1045 s12 Charter test; Vancouver Police 21b Criminal Code party to ongoing tax fraud significant causation for political career destruction / loss of job / loss of home / \$100,000 costs fraud (treatment) to revictimize a victim; a) goes beyond what is necessary to achieve a legitimate Interpretations Act objective

- b) is unacceptable to a large segment of the population
- c) does not have any social purpose such as reformation, rehabilitation or deterrence
- d) does not accord with public standards of decency or propriety
- e) of such a character as to shock general conscience
- f) is unusually severe, degrading to dignity and worth

11. Police Act “77(3)(h) "discreditable conduct", when on .. duty, conducting oneself in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department ... (ii) contravening a provision of this Act or a regulation, rule or guideline made under this Act” because it is an actus reus falsehood with mens rae to violate lack of immunity for lying about jurisdiction which if not corrected by the Chief Constable entitles the complainant to charge the Vancouver Police for s22.2, 25.1(9)(11b) public organization party to offence ^{Bourbonnais v. Canada (Attorney General) [2006] 4 FCR 170, 2006 FCA 62 (CanLII) Gonzalez v. Ministry of Attorney General 2009 BCSC 639 (CanLII), Taylor v. Canada (Attorney General) [2000] 3 FCR 298 2000 CanLII 17120 (FCA), J.W. Abernethy Management & Consulting Ltd. v. 705589 Alberta Ltd. and Trillium, Royer c. Mignault, 1988 CanLII 445 (QC CA), Future Inns Canada Inc. v. Nova Scotia (Labour Relations Board) 1999 CanLII 2477 (NS CA), Morier et al. v. Rivard et al (1985) CanLII 26 (SCC), 23 D.L.R. (4th) 1 (S.C.C.), Piper v. Pearson id. 2 Gray 120, State use of Little v. U.S. Fidelity & Guaranty Co. 217 Miss. 576 64 SO. 2d 697, Ableman v. Booth, 21 Howard 506 (1859), Bradley v. Fisher, 13 Wall. 335, 20 L.Ed. 646 (1872), Rankin v. Howard (1980) 633 F.2d 844 cert den. Zeller v. Rankin 101 S.Ct. 2020 451 U.S. 939 68 L.Ed 2d 326, Ashelman v. Pope 793 F.2d 1072 (1986) the Ninth Circuit en banc, Stump v. Sparkman, id. 435 U.S. 349 Davis v. Burris 51 Ariz. 220, 75 P.2d 689 (1938)}
12. Police Act S70 Oath, 4.1.2 Code of Ethics ; because it is an actus reus falsehood with mens rae to violate “faithfully and impartially exercise... duties” “4.1 Professional Standards 4.1.2 Code Of Ethics; As a member of the community and as a police officer I recognize that my fundamental duty is to protect lives and **property**, preserve peace and good order, prevent crime, detect offenders and **enforce the law**. I will faithfully discharge my duties in a **just, impartial and reasonable manner, preserving the equality, rights, and privileges of all persons as guaranteed by the Canadian Charter of Rights and Freedoms**. ... **Honest in thought and deed** in both my personal and official life, I will be **exemplary in obeying the laws** of the land and the regulations of the Vancouver Police Department. I will **preserve the dignity of all persons**. I will **honour the obligations of my office** and strive to attain **excellence in the performance of my duties**.”
13. Rule Of Law Against Using Police Act Public Power To Contravene Objects Of 15, 26, 34, 38 Police Act; because it is an actus reus falsehood with mens rae to violate;

Roncarelli v. Duplessis 1959 CanLII 50 (SCC), [1959] S.C.R. 121,**there is no such thing as absolute and untrammelled "discretion"**, that is that action can be taken on **any ground or for any reason** ...; no legislative Act can... be taken to contemplate an unlimited arbitrary power exercisable for any purpose, however capricious or irrelevant, regardless of the nature or purpose of the statute. ... "Discretion" necessarily implies good faith in discharging public duty; ... **any clear departure from its lines or objects is just as objectionable as fraud or corruption**.

Freeman v. Canada (Citizenship and Immigration), 2013-10-23, 2013 FC 1065, IMM-6304-12, “good faith” means “... **carrying out the statute according to its intent and for its purpose**; ... not with an **improper intent** ... “good faith” does not mean ... **punishing a person for exercising an unchallengeable right**” and “**it does not mean arbitrarily and illegally attempting to divest a citizen of an incident of his civil status**”... “acts that are so ... inconsistent with ... legislative context that

a court cannot ...conclude that they were performed in good faith”. ... evidence of bad faith is not required. It can... be inferred from the **surrounding circumstances**... that **absence of good faith can be deduced and bad faith presumed”**:

14. Police Act 77(2)(a); because it is an actus reus falsehood with mens rae to violate; “A public trust offence is an offence under an enactment of Canada, or of any province ..., a conviction ... would likely (a) render a member unfit to perform her or his duties as a member,” and a conviction for making a false statement in writing with intent to defraud property will render a member unfit.
15. Police Act 77(2)(b); because it is an actus reus falsehood with mens rae to violate; “discredit the reputation of the municipal police department ...” and a conviction for making a false statement in writing with intent to defraud property will discredit the reputation of the police department.
16. Police Act 77(3)(a); because it is an actus reus falsehood with mens rae to violate; “.. disciplinary breach of public trust ..(a) "abuse of authority"..oppressive conduct towards a member of the public, including,...(ii)..purported performance, of duties, intentionally or recklessly ...” and in light of \$200,000 costs to prosecute high value criminals and the ongoing s12 charter breach by the high value criminals, the deliberate no jurisdiction falsehood is oppressive because it causes the complainant more costs to write a letter to disprove the obvious.
17. Police Act 77(3)(b); because it is an actus reus falsehood with mens rae to violate; "accessory to misconduct", .. knowingly being an accessory to any conduct .. in this subsection, including, without limitation, aiding, abetting, counselling or being an accessory after the fact”, and failure to direct the opening of a criminal investigation, makes the Chief an accessory after the fact.
18. Police Act 77(3)(c); because it is an actus reus falsehood with mens rae to violate; "corrupt practice", which is (iii) using or attempting to use one's position as a member for .. other purposes unrelated to the proper performance of duties as a member”, and helping Her Majesty The Queen In Right of British Columbia to help BC Supreme Court to retain the proceeds of crime (refusing to request police investigation of party to tax fraud criminal misconduct by BC Supreme Court, BC Court of Appeal judges) is purposes unrelated to the proper performance of duties.
19. Police Act 77(3)(f); because it is an actus reus falsehood with mens rae to violate; "deceit".. (i).. making ...of (A) .. written statement, or ..that, to the member's knowledge, is false or misleading; ..(iii) attempting to do any of the things described in subparagraph (i) or (ii);” and the reason why Inspector Lee is trying to mislead on jurisdiction, is that she is unable to prove defrauding 2, 482(1)(3), 507.1, 540, 551.2, 551.3(1g), 683(2),783 in order to facilitate tax fraud is not a crime.
20. Police Act 77(3)(m); because it is an actus reus falsehood with mens rae to violate; "neglect of duty", which is neglecting, without good or sufficient cause, to ...(ii) promptly and diligently do anything that it is one's duty as a member to do;...” and fear of high value criminals is not good or sufficient cause for neglect of duty. Criminal law must be faithfully and impartially applied. A criminal code is a crime against society, therefore it is against the interest of justice to make public officers above the law. If that was the will of parliament, they would have exempt the Crown or courts from s504 “person”, s22.2 “organization”, 25.1(9)(11b) public officer defrauding property, 139(1)(2)(3a) public officer obstruction justice, 362 public officer false statements in writing.

Evidence That No Jurisdiction Is False

No jurisdiction is false because Her Majesty the Queen In Right of The British Columbia (and accused BC Supreme Court) may be investigated and charged as an S504 “person” “organization” “justice system participant;” for any crime committed anywhere which includes Asia, Africa, Europe, Mars etc.

Vancouver Police has jurisdiction because Her Majesty the Queen In Right of The British Columbia Vancouver Crown Law Office Criminal resides in **500-865, Hornby Street, Vancouver, V6Z 2G3** (S504 “.. (a) that the person has committed, anywhere, an indictable offence ... and that the person .. (ii) resides or is believed to reside, within the territorial jurisdiction of the justice”)

Vancouver Police has jurisdiction because if Her Majesty the Queen In Right of The British Columbia Vancouver Crown Law Office Criminal did not reside in Vancouver, they made deliberately false statements with intent to defraud property and service at **BC Provincial Court 222 Main Street, Vancouver, BC, V6A 2S8** (s504 “(b) that the person, wherever he may be, has committed an indictable offence within the territorial jurisdiction of the justice”)

Vancouver Police has jurisdiction because if Her Majesty the Queen In Right of The British Columbia Vancouver Crown Law Office Criminal did not reside in Vancouver, they made deliberately false statements in Vancouver with intent to assist Judges Act BC Supreme Court (Canadian Judicial Council) to commit party to tax fraud at **800 Smithe Street, Vancouver, BC V6Z 2E1** by refusing to request investigation of criminal misconduct complaints that they received in Vancouver AND Associate Chief Justice (member of Canadian Judicial Council) personally defrauding 2, 482(1)(3), 507.1, 540, 551.2, 551.3(1g), 683(2), 783 criminal code prosecution of accused BC Supreme Court (member of Canadian Judicial Council) because he could not find another judge who is not a member of the Canadian Judicial Council to commit the crime (s504 “(b) that the person, wherever he may be, has committed an indictable offence within the territorial jurisdiction of the justice”).

Vancouver Police has jurisdiction because if Her Majesty the Queen In Right of The British Columbia Vancouver Crown Law Office Criminal did not reside in Vancouver, they made deliberately false statements with intent to assist Attorney General of Canada, **1245 West Broadway, Suite 104, Vancouver, British Columbia, V6H 1G7** to commit tax fraud (s504 “(b) that the person, wherever he may be, has committed an indictable offence within the territorial jurisdiction of the justice”).

Vancouver Police has jurisdiction because if Her Majesty the Queen In Right of The British Columbia Vancouver Crown Law Office Criminal did not reside in Vancouver, they made deliberately false statements with intent to assist Chief of Appeals, Canada Revenue Agency, **468 Terminal Ave, Vancouver, V6A 0C1** to commit tax fraud (s504 “(b) that the person, wherever he may be, has committed an indictable offence within the territorial jurisdiction of the justice”).

Vancouver Police has jurisdiction because if Her Majesty the Queen In Right of The British Columbia Vancouver Crown Law Office Criminal did not reside in Vancouver, they made deliberately false statements with intent to assist Manager Regional Operations Case Division, ATIP Directorate Public Affairs Branch, **350 - 858 B, 9755 King George Boulevard, Surrey, V3T 5E1** to commit party to tax fraud (s504 “(b) that the person, wherever he may be, has committed an indictable offence within the territorial jurisdiction of the justice”).

Vancouver Police has jurisdiction because Her Majesty the Queen In Right of The British Columbia Vancouver Crown Law Office Criminal has in their possession the power to reverse the s4(3c) stay entered at the **BC Provincial Court Vancouver** before the s507.1 hearing “s504(d) that the person has in his possession stolen property within the territorial jurisdiction of the justice;”

CRIMES BY Vancouver Crown Counsel Criminal

The “person” “organization” “justice system participant” **Her Majesty The Queen In Right Of British Columbia** Vancouver Crown Counsel Criminal Grant Wong breached Criminal Code 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362, s380(1a) by acting without jurisdiction to defraud “service” “property” s504 “ Any one ...may lay an information in writing and under oath before a justice, and the justice shall receive the information,” 2, 482 (1), (3), 507.1, 540, 551.2, 551.3(1g), 683(2),783, 802(1)(2)(3) criminal code, 8, 17 BC Interpretation Act, s12, 21 Canada Interpretations Act, 30.2 (5) BC Provincial Courts Act, s16 Victims Bill of Rights, s12 s15 s24 Charter of Rights and Freedoms, s1(a,b), s2(b,e) Canadian Bill Of Rights.

Vancouver Crown Counsel Criminal lied at the Provincial Court that they have the jurisdiction to collaterally attack the JP’s s504 order providing s507.1 / s540 criminal code hearing date against 6 accused.

Vancouver Crown Counsel Criminal stole s507.1 / s540 “property” and “service” given to me by the Canadian government.

Vancouver Crown Counsel Criminal lied that they have jurisdiction to contravene the Crown Counsel Act by using unconstitutional s4 (3c) power to order a court of competent jurisdiction not to hear s4 (3c) constitutional question.

Vancouver Crown Counsel Criminal lied to steal s24 Charter right to bring an s579 Criminal Code constitutional question.

Vancouver Crown Counsel Criminal lied that about 2000 pages of tax fraud evidence is not enough to obtain a conviction. A 2010 CRA letter denies rebates by lying that I do not qualify despite persistent arguments that I qualify, a 2011 CRA letter approves rebates for the same 2010 properties, mails cheques, and then denies the rebates because I missed the deadline by 3 months, therefore 2010 denial is fraud. It is now 2017, the proceeds of fraud are still with CRA and they have committed more crimes that include perjury and ATIP fraud. Judges lied in writing to prevent first instance hearing or appeal, BC Supreme Court is mens rae refusing Judges Act duty to investigate these judges in order to help judges, CRA and others commit more crimes.

Vancouver Crown Counsel Criminal lied that the BC address of the accused is not an address for the accused.

Vancouver Crown Counsel Criminal lied that BC Supreme Court is not a member of the Canadian Judicial Council who at their Vancouver address committed s21b s23 criminal code offences.

Vancouver Crown Counsel Criminal lied and contradicted s21 Canada Interpretations Act, Criminal Code definition of a person and common law right to sue board member of an association by lying that an s96 court cannot be prosecuted.

Vancouver Crown Counsel Criminal lied that judges deliberately acting without jurisdiction despite beyond reasonable doubt evidence of mens rae intent to defraud “property” “valuable service”, have immunity from criminal prosecution, the “immunity” constitutional question will prove that Vancouver Crown Counsel Criminal deliberately lied.

Vancouver Crown Counsel Criminal lied that any accused corporations have immunity from criminal code prosecution.

In light of the following grounds before the Vancouver Crown Counsel Criminal and over 2,000 pages of evidence before the Vancouver Crown Counsel Criminal, the actions of the Vancouver Crown Counsel Criminal are not an error but deliberate falsehoods;

3RD CRIMINAL CODE OFFENCE BY KAITLIN JOHNSTON

3) The following statement by Kaitlin Johnston is false; “Section 579 of the Criminal Code provides the Attorney General the authority to enter a stay of proceedings ... before a section 507.1 hearing “. Kaitlin Johnston realized that the Vancouver Police had lied about jurisdiction, she had a duty to open the misconduct complaint, so that VPD can admit jurisdiction and make their own determination on whether a crime occurred. Instead she violated s362(1) criminal code by acting in bad faith and without jurisdiction to conduct the police investigation herself by usurping Vancouver Police 15, 26, 34, 38 70 Police Act jurisdiction over a crime committed in Vancouver , s12 Charter of Rights, s2(b,e) Canadian Bill Of Rights, 8, 17 BC Interpretation Act, s12, 21 Canada Interpretations Act, and objects, s7 Victims Bill of Rights mandatory duties. Her statement is manifestly false because;

- I. Using s579 power to defraud the s24 Charter right to an s579 constitutional question in order to retain the proceeds of crime is a crime.
- II. The BC Court of Appeal correctly determined in Ambrosi that s579 power is limited by s4(3c) BC Crown Counsel Act to after an s507.1 oral hearing decision by a judge.
- III. The BC Parliament created an s4(3) “interests of justice” limit on s579 power

Evidence that her statement is knowingly false include the following quotes were before her and VPD;

“BC Legislated Limit On s579; Is prima facie unconstitutional because s579 authorizes unlimited AG power to stay private prosecution at any time, but in BC, it is only after a judge has issued the s507.1 summons of a private prosecutor, that if in the interests of justice, the BC AG can intervene. There is no immunity for acting against the interest of justice.

BC Crown Counsel Act “3(c) supervise prosecutions of offences that are being initiated or conducted by individuals who are not Crown counsel and, **if the interests of justice require**, to intervene and to conduct those prosecutions.”

Ambrosi v. British Columbia (Attorney General), 2014 BCCA 123 (CanLII)

[23] **Section 507.1 requires that the referral be heard by a judge or a designated justice; that the informant lead evidence of his or her allegations on each essential element of the offence** (see also, McHale at para. 74); and that notice be given to the Attorney General, and that the Attorney General be permitted to participate, cross-examine and call witnesses, and present evidence.

[24] These additional safeguards ensure that “spurious allegations, vexatious claims, and frivolous complaints barren of evidentiary support or legal validity will not carry forward into a prosecution” (McHale at para. 74).

[25] Once process is issued, the Attorney General has the right to step in and take over the prosecution and either stay the proceedings or continue with the prosecution: s. 579(1) of the Code.

Quebec Legislated Victims Interest Limit On S579; Is prima facie unconstitutional because it authorizes unlimited power to stay private prosecution at any time, but in Quebec, it is only after a judge has issued the s507.1 summons of a private prosecutor, that the Quebec AG can in the interests of justice intervene. The interests of crime victims precludes the stay of private prosecution of ongoing crimes of robbery or kidnap or murder, it is only after the crime has stopped that an AG can decide whether a charge is an appropriate punishment.

Quebec Act Respecting The Director Of Criminal And Penal Prosecutions (ARDCPP) “13... authorizing a prosecution, instituting an appeal and intervening in proceedings to which the Director is not a party if...it is required in the **interests of justice**...”

ARDCPP “15(3) The Director must also... ensure that the legitimate **interests of crime victims** are taken into account ...”

ARDCPP “18...Director supervises proceedings instituted by private prosecutors and, if the **interests of justice so require**, acts as advisor, intervenes, conducts the proceedings or **terminates them**,”

Quebec Legislated Preclusion Of s579 Before Summons; s579 is prima facie unconstitutional because it authorizes unlimited AG power to stay private prosecution at any time, but in Quebec, AG cannot stay a private prosecution until after an s507.1 summons. s10 Quebec Code of Penal Procedure **differentiates criminal “proceeding”** from criminal “application”, 13, 18 ARDCPP does not use words “**at any time**”.

Arbitrary; s579 is prima facie unconstitutional because it permits unlimited power to breach rule of law against **arbitrary** (contrary to objects) statutory interpretation of Criminal Code, codified in 8, 17 BC Interpretation Act s12 s21(1a,d) s34 Canada Interpretations Act.

Bad Faith; s579 is prima facie unconstitutional because it permits AG to stay s579 Constitutional Question to facilitate ongoing crimes, permits AG to conflict of interest stay prosecution of AG, permits improper purpose of breach of rule of law against using prosecutor or judicial statutory or constitutional public power in bad faith.

s8(3), s482 criminal code precludes abuse of power to breach s21b,s22.2, 23 party to offence / 25.1(9)(11b) public officer s139 obstruction of justice / 126 disobeying statute.

Leading cases in the area of abuse of process and the principles of fundamental justice, like *R. v. Regan*, 2002 SCC 12 (CanLII), [2002] 1 S.C.R. 297 and *R. v. Nixon*, 2011 SCC 34 (CanLII), [2011] 2 S.C.R. 566, purported **an abuse of process and principles of fundamental justice exception** to unlimited s579 power without a read in or read down.

Absurd; s579 is prima facie unconstitutional because it authorizes unlimited AG power to for improper purpose of breach rule of law against **absurd** interpretation of Judges Act, Interpretations Act, Criminal Code, Canadian Human Rights Act, Victims Bill of Rights, Charter and Canadian Bill of Rights. It is absurd to argue that public power can be used to **facilitate ongoing armed robbery or ongoing kidnap or ongoing assassinations, therefore there must be a limit to s579**, that limit is self defence to ongoing crimes.

s2(e) Canadian Bill Of Rights; s579 is prima facie unconstitutional because it authorizes unlimited power to for improper purpose of breach rule of law right to a fair hearing that complies with s2(e) Canadian Bill of **rights against criminals' revictimization**.

Self Defence; s579 is prima facie unconstitutional because it authorizes unlimited power to for improper purpose breach the rule of law right to Criminal Code **ongoing property crime self-defence objects** which is codified in Criminal Code 35(1).

Conflict of Interest; The Queen is indivisible, s579 is prima facie unconstitutional, it authorizes AG (who is subject of tax fraud private prosecution) unlimited power for improper purpose of breach of rule of law against **conflict of interest** stay or withdrawal of prosecution of ongoing crime of refusing to investigate crimes.

S7 s9 s10 Charter; s579 is prima facie unconstitutional because it authorizes unlimited power to for improper purpose breach s24 Charter right to access criminal court for a remedy for ongoing s7 repeat assassinations, s9 kidnap, s10 kidnap.

R. v. Michael, 2014 ONCJ 360 (CanLII) “imaginable circumstances which could commonly arise in day-to-day life”, *R. v. Nur*, 2013 ONCA 677 (CanLII) “If ... penalty fails either the particularized or reasonable hypothetical component of the gross disproportionality inquiry,...will be found to violate s.”, includes where the police / AG refuse to act, is it not constitutional for any AG to use public power to stay private prosecution of accused who kidnaps prosecutor's family and refuses to return the person?, if NO, s579 unconstitutionally overbroad as removing Rule Of Law Right To Self Defence From;

If an accused **kidnaps a member of prosecutor's family** and refuses to return the person? Or If a **person is being robbed by another person** and the police has been informed and they do nothing and every week that person comes to steal more, or If each week **in same house one victim is killed by the same criminal** and police do nothing, or If the **robber or murderer or kidnapper is a Federal or Provincial AG or Police or Judge or Canadian Judicial Council**, it is unconstitutional for any AG to

use statutory or common law (stay or withdraw) to prevent the self defence private prosecution of an ongoing robbery or murder or kidnap that includes s7 s9 s10 Charter breaches.

If AG instructs a **criminal court of competent jurisdiction judge** to refuse to hear a s507.1 information / constitutional question in order to breach 341, 23, 21(b) criminal code of initial robber and murderer or kidnap crimes, is a s24 Charter, s22 s139 criminal code breach.

If **judge refuses to hear s507.1 information / constitutional question** in order to cover up robber or murderer or kidnapper crimes, and CJC refuses to investigate in order to cover up for judge, help judge escape past crimes and commit new crimes, that is an s24 Charter / s21(b) s23 s139 s341 criminal code breach of both judge's crimes / initial robbery, murder and kidnapping crime.

If **the same robber or murderer or kidnapper judge is the same judge refusing to hear** s507.1 information / constitutional question in order to breach s341 s23 s21(b) s139 criminal code re CJC refusal to investigate the same robber or murderer or kidnapper judge, that is a conflict of interest s24 Charter and s341 s23 s21(b) s139 criminal code breach of initial judge's crimes / initial robbery, murder and kidnapping crimes.

If **the CJC refuses to investigate same robber or murderer or kidnapper judge refusing to hear** s507.1 information / constitutional question in order to breach s341 s23 s21(b) criminal code re CJC refusal to investigate the same robber or murderer judge, that is a conflict of interest s341 s23 s21(b) criminal code breach of CJC crimes / initial judge's crimes / initial robbery, murder and kidnapping crimes.

Evidence That Defrauding S504 S507.1 Is A Crime

Waskowec v. Ontario, 2014 ONSC 1646 (CanLII) [11] ...The former power was described by Lamer J., as he then was, in R. v. Dowson (1983), 1983 CanLII 59 (SCC), 7 C.C.C. (3d) 527 at 536 (S.C.C.) as “the citizen’s fundamental and **historical right to inform under oath a justice of the peace of the commission of a crime**”. Or as Rothman J. put it in R. v. Jean Talon Fashion Centre Inc. (1975), 1975 CanLII 1184 (QC CS), 22 C.C.C. (2d) 223 at 229 (Que. Q.B.), “**Every citizen has the right to inform the Crown that a crime has been committed**”. In other words, the **s. 504 power belongs to the citizen and not to the justice of the peace or the Crown**. Indeed, the justice is obliged to “receive the Information” under s. 504 as that section is framed in mandatory statutory terms. [12] The s. 507 (or **s.507.1**) **power, on the other hand, belongs to the justice**. In Dowson, supra at 536-7, Lamer J. referred to it as “**an obligation to ‘hear and consider’ the allegation and make a determination**”. He held that the justice “**plays the same role as the grand jury, as regards the finding of grounds to issue a process**”. In Jean Talon Fashion, supra at 227-8, Rothman J. held that “It is only after the information is received that the Justice’s judicial function begins”. He described the s. 507 “judicial function” in the following terms: On receiving the information, therefore, the **Justice must hear and consider the allegations of the informant** and, if he considers it desirable or necessary, **he may also hear evidence of other witnesses so that he can decide whether or not a case has been made out** for the issuance of a summons or a warrant. ...[17] There is no doubt that a justice has a limited jurisdiction under s. 504, to refuse to “receive the information”. As Evans J.A. put it in Southwick Ex Parte Gilbert Steel, supra at 358: I am of the view that in s. 439 [now s. 504] the word “receive” means that the **Justice shall not reject a complaint which is in writing and which complies with the conditions set out in that section**. [Emphasis added.] More recently, in McHale v. Ontario, supra at paras. 7 and 43,

Watt J.A. described the inquiry under s. 504 in the following terms: The justice reviews the portion of the form that the private informant has completed to determine whether the allegations made satisfy the Criminal Code requirements and oblige the justice to receive the information. Where the justice is satisfied that the Criminal Code requirements have been met, she or he will direct the preparation of an information and have the private informant swear an oath or affirm the truth of its contents. Where the allegations of the private informant do not meet the demands of s. 504, the justice is not entitled to receive the information. ... Receipt of the information is a ministerial act. **Provided the information alleges an offence known to law and is facially compliant with the requirements of the Criminal Code, the justice must receive the information.** The justice takes the information under oath and affixes his or her signature to the jurat on the written Form 2. [18]Before a lay justice of the peace can receive or accept the information in the sense of swearing the informant, the justice of the peace has certain matters of a ministerial nature to determine. The justice must determine that the **information is in writing and that the information sufficiently describes the accused “person”** so as to be identifiable. An information cannot be laid against an unknown person: *Re Buchbinder and The Queen* (1985), 20 C.C.C. (3d) 481 (Ont. C.A.). The information presented to the justice must also allege an indictable offence, i.e., an offence known to law in the sense that the offence alleged in the information must be an indictable offence in force as of the date of its alleged commission. ... In other words, the justice of the peace must be satisfied that the information is valid on its face. Provided that the information complies with the basic requirement of s. 455 [now s. 504], **the justice then has no choice but to permit it to be sworn before him.** His function at this stage is merely ministerial and he must receive it: *Casey v. Automobiles Renault Canada Ltd.*, 1963 CanLII 601 (NS CA), [1964] 3 C.C.C. 208, (N.S.S.C. in banco), per MacDonald J. at p. 222; reversed on other grounds 1966 CanLII 6 (SCC), [1966] 2 C.C.C. 289 (S.C.C.). [19] ... **The citizen has an absolute right to swear an Information**, provided he/she alleges an offence known to law committed by an identifiable accused within Ontario. It is only by swearing such an Information that the citizen then becomes entitled to a s. 507.1 hearing where the sufficiency of his/her allegations will be tested. There will be cases where the informant alleges an offence that is unknown to our law and where the justice can decline to “receive the information” under s. 504... [20] In my view, Justice of the Peace Cremiscio **committed a jurisdictional error** by declining to receive Waskowec’s Information.

R. v. Vasarhelyi, 2011 ONCA 397 (CanLII) Evidence at the Pre-enquete

[39] Section 507.1(3)(a) distinguishes between “the *allegations* of the informant”, on the one hand, and “the *evidence* of witnesses”, on the other. Unlike s. 507(1)(a)(ii), applicable to informations laid by law enforcement officers, where the introduction of the *evidence* of witnesses is only required where the justice “considers it desirable or necessary to do so”, s. **507.1(3)(a) appears to make the introduction of “evidence of witnesses” essential.** Such a requirement serves as an important control over invocation of the criminal process to further the fevered imaginings of a private informant.

[40] Despite this apparent requirement of “the evidence of witnesses” at the pre-enquete under s. 507.1(3), the section **does not specify or otherwise describe, in express words, the substance or kind of evidence that must or may be introduced on the inquiry.** For example, nothing like s. 518(1), which sets the boundaries of the justice’s inquiry and delineates the nature and scope of evidence that may be received at a judicial interim release hearing, appears in s. 507.1.

[41] The absence of express provisions governing the evidence of witnesses at the pre-enquete is alleviated by the provisions of s. 507.1(8), which incorporate by reference ss. 507(2)-(8). Among the incorporated provisions of ss. 507(2)-(8) is s. 507(3)(b), **which requires a justice who hears the**

evidence of a witness under s. 507(1), a provision like ss. 507.1(2) and (3), to “**cause the evidence to be taken in accordance with section 540 in so far as that section is capable of being applied**”.

[42] Section 540 is one of several provisions that appear under the heading, *Taking Evidence of Witnesses*, under Part XVIII that deals with the procedure on the preliminary inquiry.

[43] Sections 540(1) – (5) have appeared in one form or another, since the *Criminal Code* of 1892. With the more recent addition of subsection (6), these provisions describe the mechanics of recording evidence received in the proceedings. They do not concern themselves with what may be given in evidence, only with how it is to be recorded once received.

[44] Sections 540(7) – (9) entered service on June 1, 2004, as part of a comprehensive series of amendments intended to expedite the hearing and circumscribe the scope of the preliminary inquiry. The current regime for private prosecutions, including the procedure to be followed at the pre-enquete, came into force on July 23, 2002. The referential incorporation of the provisions of s. 540 by what is now s. 507(3) continues provisions to the same effect that have been in force since prior to the 1955 revision of the *Criminal Code*.

[45] Sections 540(7)-(9) and sections 540(1)-(6) serve entirely different functions.

[46] The *admissibility* of evidence at a preliminary inquiry is the focus of ss. 540(7)- (9). In other words, these provisions have to do with *what* the justice may receive as evidence at the inquiry. Sections 540(7)-(9) **expand the scope of what may be received as evidence beyond what the traditional rules of admissibility would permit**. Provided the information tendered for reception is **credible and trustworthy**, and the opposite party has received reasonable notice of the intention to introduce it, together with disclosure, the **justice may admit the information as evidence even though the traditional rules of evidence would exclude it**.

[47] In contrast, ss. 540(1)-(6) have nothing to do with *what* may be admitted as evidence at the preliminary inquiry. Their focus is on *how* what is admitted as evidence is to be recorded, not on the evidentiary composition of the record.

[48] In combination, **ss. 507.1(8) and 507(3)(b) appear to incorporate s. 540 in its entirety “in so far as that section is capable of being applied” to the pre-enquete**. By contrast, s. 646,[2] the marginal heading of which is also “taking evidence”, expressly excludes ss. 540(7)-(9) from its incorporation of the evidence taking provisions of Part XVIII.

[49] Unlike a preliminary inquiry to which s. 540 applies directly, a pre-enquete is not an adversarial proceeding. The person against whom the informant seeks to have process issued is not present and is not represented by counsel. **The Attorney General is entitled to notice of the hearing, an opportunity to attend, to cross-examine and call witnesses and to present any relevant evidence at the pre-enquete without being deemed to intervene in the proceeding...**

[55] The task set for the justice of the peace by s. 507.1 was to determine whether he considered that the appellant had made out a case for the issuance of process to compel the appearance of the prospective accused to answer allegations of three historical indictable offences. The justice’s decision, according to s. 507.1(3)(a), **was to be based upon a hearing and consideration of the allegations of the informant and the evidence of witnesses**. Unlike the provisions of s. 507(1)(a)(ii), applicable to informants associated with law enforcement, **s. 507.1(3)(a) appears to require the evidence of witnesses**. The only “witness” here was the appellant.

[56] Section 507.1 contains no express provisions about what is admissible as evidence at the pre-enquete. Such a lacuna is scarcely remarkable. As a matter of general principle, however, it would seem logical to conclude that, at the very least, **evidence that showed or tended to show the commission of the listed offences by the prospective accused would be relevant and material at the pre-**

enquete: *R.v. Grinshpun* (2004), 2004 BCCA 579 (CanLII), 190 C.C.C. (3d) 483 (B.C.C.A.), at para. 33, leave to appeal to S.C.C. refused, [2004] S.C.C.A. No. 579.

[57] **No principled reason would exclude from the evidentiary mélange at the pre-enquete, evidence that would be relevant, material and admissible** (under the traditional rules of evidence) in support of committal at the preliminary inquiry or in proof of guilt at trial.

R. v. McHale, 2010 ONCA 361 [69]... s. 507.1(3)(a) differs from the former s. 455.3 applicable in *Dowson*. Under the former provision, the justice was required to hear and consider *ex parte*, the allegations of the informant. The justice was only required to hear and consider, *ex parte*, the evidence of witnesses, where the justice considered it desirable or necessary to do so. Section 507.1(3) is of a different construction. It eschews the direct statement of a duty in favour of a **list of prerequisites** that must be met before the justice may exercise his or her discretion to issue process. The prerequisites include the **requirement that the justice hear and consider the allegations of the informant and the evidence of witnesses**. The effect of s. 507.1(3)(a) is to **impose a duty on the justice to hear and consider the allegations of the informant and the evidence of witnesses** at the pre-enquete...

[73] The *Criminal Code* permits private prosecutions. A private informant may lay an information in conformity with s. 504. Receipt of the information commences criminal proceedings. Parliament enacted, more accurately continued, a procedure aimed at the determination by a judicial officer of whether the informant has made out a case for prosecution. **This procedure is the pre-enquete, a hearing that provides the private informant** the opportunity to present her or his case for prosecution.

[74] Conduct of the pre-enquete **vindicates the interest of the private informant** who seeks prosecution of another for an alleged crime. The pre-enquete assures the private informant that an **independent judicial officer will hear the informant's allegations, listen to the evidence of the informant's witnesses, and decide whether there this is evidence of each essential element of the offence** charged in the information. The pre-enquete also ensures that spurious allegations, vexatious claims, and frivolous complaints barren of evidentiary support or legal validity will not carry forward into a prosecution. To insist that the withdrawal power **await the determination about issuance of process also reduces the risk** that the *Criminal Code*'s provisions for private prosecution will **to begin and end with the right to lay a private information...**

[76] The nexus between the decision to issue process and the withdrawal authority of the Attorney General **also ensures that the decision to withdraw is informed by knowledge of the substance of the case** the private prosecutor proposes to pursue. **The fuller evidentiary record** also establishes the basis upon which the withdrawal decision is grounded should **accountability concerns** later surface.

[77] It is for those reasons that I agree in the result with the application judge that the purported withdrawal of the informations here, **before the pre-enquete had begun, was premature**. The withdrawal authority requires the commencement of a prosecution, a point that coincides temporally with the determination by the justice that process shall issue. Withdrawal then is permissible while the *in camera* proceedings remain extant. Those named in the original information need not appear.”

All of which respectfully submitted by complainant Ade Olumide

Attention: Kaitlin Johnston Tel: 250-387-0182

Attention: Laura Selman

Police Complaint Commissioner, Stan T. Lowe, Street Address #501- 947 Fort Street Victoria, BC
Mailing Address PO Box 9895, Stn Prov Govt Victoria, BC V8W 9T8 Telephone: 250.356.7458 Toll
Free: 1.877.999.8707 Fax:250.356.6503 Email: info@opcc.bc.ca ; lselman@opcc.bc.ca ;
kjohnston@opp.bc.ca

From; Complainant: Ade Olumide, Tel 613 265 6360,fax 613 832 2051, email ade6035@gmail.com,

December 30, 2017

On November 30, I sent your office enclosed s168[1b(iii)(v)] request for 2 policies, I have not received an acknowledgement letter for the November 30 policy / internal procedures request, are you contravening the s49.1 Oath of Office by refusing to comply with s170(2b,c)?

If you refuse, that would mean that you are acting in bad faith and without jurisdiction to defraud s171 statutory property. Please let me know your policy / internal procedures decision in writing. Please note that there are separate statutory procedures for a misconduct complaint, DO NOT mix the policy / internal procedures request and the misconduct complaint, if you refuse to comply, that is bad faith.

Making a service or policy complaint 168 (1) Subject to subsection (3), any person may make a complaint to the police complaint commissioner about

(a) the general direction and management or operation of a municipal police department, or
(b) the inadequacy or inappropriateness of any of the following in respect of a municipal police department: .. **(iii) its standing orders or policies; .. (v) its internal procedures.**

(2) The complaint may be made by stating or delivering it

(a) directly to the police complaint commissioner, or ..

If complaint made directly to police complaint commissioner

170 When the police complaint commissioner receives a complaint directly from a person under section 168 (2) (a), the police complaint commissioner must immediately

(a) record the complaint and the date and time of its receipt,

(b) provide the person making the complaint with written acknowledgement of its receipt, and

(c) forward a copy of the complaint or, if the complaint was not made in writing, a copy of the record of the complaint to both a chief constable of the municipal police department concerned and to the board of that municipal police department.

Investigation of department service and policy complaints 171 (1) On receiving a copy of a complaint, or a record of a complaint, under this Division, or, in the case of a complaint or part of a complaint described in section 82 (6) [determination of whether complaint is admissible], on receiving notification under section 83 (1) (a) (iii) [notification following determination of admissibility], the board of the municipal police department concerned must promptly do one or more of the following:

- (a) request a chief constable of that municipal police department to investigate and report on the complaint;
 - (b) initiate a study concerning the complaint;
 - (c) initiate an investigation into the complaint;
 - (d) dismiss the complaint with reasons;
 - (e) take any other course of action the board considers necessary to respond adequately to the complaint.
- (2) The police complaint commissioner may recommend that the board initiate an investigation into the complaint if the board does not choose to do so under subsection (1) (c).
- (3) Within 20 business days after doing any of the things described in subsection (1) (a) to (e), the board must notify the person who made the complaint, the director and the police complaint commissioner regarding the course of action being taken.
- (4) The police complaint commissioner may request a status report from the board regarding the progress of an investigation or a study concerning a complaint under this Division, and the police complaint commissioner must forward to the person who made the complaint a copy of any report the police complaint commissioner receives in response to that request.

If investigation or study is initiated under section 171

- 172 (1) At the conclusion of an investigation or a study initiated under section 171 (1) (a), (b) or (c) [investigation of department service and policy complaints], on dismissing the complaint under section 171 (1) (d) or on taking a course of action under section 171 (1) (e), the board must send to the person who made the complaint, the director and the police complaint commissioner
- (a) an explanation for the board's action under section 171 (1) in respect of the service or policy that is the subject of the complaint, and
 - (b) if applicable, a detailed summary of the results of any investigation or study initiated under that section.
- (2) If the person who made the complaint is dissatisfied with
- (a) the actions or inactions of the board under section 171 (1) (a) to (e),
 - (b) the explanation given under subsection (1) (a) of this section,
 - (c) the results of any investigation or study initiated under section 171, or
 - (d) the summary of the results sent under subsection (1) (b) of this section,
- the person may, within 20 business days of receiving the explanation or summary referred to in subsection (1) of this section, request the police complaint commissioner to review the matter.

Police complaint commissioner's review of board decisions

- 173 (1) Subject to subsection (2) of this section, whether or not the person who made the complaint has requested a review under section 172 (2) [if investigation or study is initiated under section 171], the police complaint commissioner may do any of the following:
- (a) review the decisions of a board under section 172;
 - (b) recommend to the board further investigation, study, courses of action or changes to service or policy;
 - (c) make recommendations to the director under section 177 (4) (e) [general responsibility and functions of police complaint commissioner].
- (2) A review conducted under subsection (1) must be completed within 40 business days of receiving the board's explanation referred to in section 172 (1).
- (3) The police complaint commissioner must include in the police complaint commissioner's annual report any recommendations made to boards or the director under subsection (1) and may comment on the responses received, if any.

Ade Olumide Ade <ade6035@gmail.com>
 To: info@opcc.bc.ca

Thu, Nov 30, 2017 at 5:06 PM

Police Complaint Commissioner, Stan T. Lowe, Street Address #501- 947 Fort Street Victoria, BC
 Mailing Address PO Box 9895, Stn Prov Govt Victoria, BC V8W 9T8
 Telephone: 250.356.7458 Toll Free: 1.877.999.8707 Fax: 250.356.6503 Email: info@opcc.bc.ca

I hereby seek the following Bylaws, Standards, Policies, Guidelines, Rules, Internal Procedures, Goal, Objective Sought are:

- 1) The Municipal Police Service Board hereby issue an internal procedure policy that the Vancouver Police shall not refuse jurisdiction to investigate any crime committed in Vancouver unless, another police force has assumed jurisdiction over a crime committed in Vancouver.
- 2) Pursuant to objects s6 s7 s16 Canada Victims Bill of Rights, the Municipal Police Service Board hereby issue an internal procedure policy that on request, whether or not the police lay a charge, if a victim provides evidence that a criminal has a duty to retribute the proceeds of a crime committed in Vancouver, if the Police decide not to lay charges, the victim is entitled to know the outcome of investigation of each element of the offence with details that would allow the victim to if necessary provide more evidence to meet the test for that element.

Grounds:

- 1) rule of law right to self defence against ongoing tax fraud and party to tax fraud
- 2) Lack of jurisdiction to change s52(1) Constitution Acts 1867 to 1982 “Any law inconsistent with .. Constitution is, to extent of the inconsistency, of no force or effect”; Nova Scotia (Workers’ Compensation Board) v. Martin; Nova Scotia (Workers’ Compensation Board) v. Laseur, 2003 SCC 54 (CanLII), [2003] 2 S.C.R. 504, Arzem v. Ontario (Community and Social Services), 2006 HRTO 17 (CanLII) 166. Essentially, the state of the law is that administrative tribunals lack jurisdiction to make general declarations that an impugned provision or statute is inconsistent with the Charter. The extent of their jurisdiction to grant a remedy if they find an impugned provision or statute is inconsistent with subsection 52(1) is limited to specific declaration relating to the matter before them.
- 3) Lack of jurisdiction to change s21b, s22.2, s25.1(9)(11b), s139(1)(2)(3a), s380(1a) Criminal Code
- 4) Lack of jurisdiction to change preamble objects and s12 Charter of Rights
- 5) Lack of jurisdiction to change preamble objects and s2(b,e) Canada Bill of Rights against criminals’ revictimization of victim with mens rae to retain proceeds of crime principle of fundamental justice
- 6) Lack of jurisdiction to change s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights
- 7) Lack of jurisdiction to change s11 s12 s13 s21 s34 Canada Interpretation Act
- 8) Lack of jurisdiction to change 8, 17 BC Interpretation Act re; 15, 26, 34, 38, 49.1, 70, 77, 168, 170, 171, 172, 173, 177, 181 Police Act,
- 9) Lack of jurisdiction to change 8, 17 BC Interpretation Act re; 1, 2, 210, 218(2), 249,

520 Municipal Act.

10) Rule of law that **a criminal should not be permitted to keep the proceeds of his crime**; Garland v. Consumers' Gas Co., [2004] 1 S.C.R. 629, 2004 SCC 25, 52...Criminal Code are intra vires the level of government that enacted them...overriding public policy consideration in this case is the fact that the LPPs were collected in contravention of the Criminal Code. As a matter of public policy, **a criminal should not be permitted to keep the proceeds of his crime.**

11) Rule of law against absurd Police Act statutory interpretation; Rizzo & Rizzo Shoes Ltd. (Re), [1998] 1 SCR 27, 1998 CanLII 837 (SCC) 27 consequences...are **incompatible with both the object of the Act.**It is a well established principle of statutory interpretation that the legislature does not intend to produce **absurd consequences**. According to Côté, supra, an interpretation can be considered absurd if it leads to **ridiculous or frivolous consequences, if it is extremely unreasonable or inequitable, if it is illogical or incoherent, or if it is incompatible with other provisions or with the object** of the legislative enactment ... Sullivan echoes these comments noting that a label of **absurdity** can be attached to interpretations which **defeat the purpose of a statute** or render some aspect of it pointless or futile ...

12) Rule of law against arbitrary (contrary to objects of Police Act) application of Police statutory power; Roncarelli v. Duplessis 1959 CanLII 50 (SCC), [1959] S.C.R. 121, ...**there is no such thing as absolute and untrammelled "discretion"**, that is that action can be taken on **any ground or for any reason** ...; no legislative Act can... be taken to contemplate an unlimited arbitrary power exercisable for any purpose, however capricious or irrelevant, regardless of the nature or purpose of the statute. ... "Discretion" necessarily implies good faith in discharging public duty; ... **any clear departure from its lines or objects is just as objectionable as fraud or corruption.**

13) Rule of law against elevating statutory police power above the constitution; "RWDSU v. Dolphin Delivery Ltd., [1986] 2 SCR 573, 1986 CanLII 5 (SCC) The **Charter** will apply to any rule of the common law that ...directs an abridgement of a guaranteed right...**if an...order would infringe a Charter right, the Charter will apply to preclude the order, and, by necessary implication, to modify the common law rule**... courts are, of course, bound by the **Charter**;"

14) Positive obligation not to commit party to s12 Charter violations; Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84... By enacting the Social Aid Act, the Quebec government **triggered a state obligation**...C. Negative vs. Positive Rights and the Requirement of State Action [319] ... rights include a **positive dimension**, such that they are not merely rights of non-interference but also what might be described as **rights of "performance"**, then they may be **violable by mere inaction**...

15) Rule of law against using police statutory power in bad faith; Freeman v. Canada (Citizenship and Immigration), 2013-10-23, 2013 FC 1065, IMM-6304-12, "good faith" means "...**carrying out the statute according to its intent and for its purpose**; ... not with an **improper intent** ... "good faith" does not mean ... **punishing a person for exercising an unchallengeable right**" and "**it does not mean arbitrarily and illegally attempting to divest a citizen of an**

incident of his civil status”... “acts that are so ... inconsistent with ... legislative context that a court cannot ...conclude that they were performed in good faith”. ... evidence of bad faith is not required. It can... be inferred from the surrounding circumstances.... that **absence of good faith can be deduced and bad faith presumed”:**

16) Rule of law that Parliament did not intend to give Police power to violate the Constitution ; JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312 (CanLII) THE RULE OF LAW [118] That unwritten constitutional principles form part of the fabric of the Canadian Constitution is clear. As expressed by Chief Justice Lamer, the provisions of the preamble to the [Constitution Act, 1867](#) provide "**organizing principles**" that may be used to "**fill out gaps** in the express terms of the constitutional scheme[136] The principle of the sovereignty of Parliament requires **judicial obedience to the strict terms of the statute**. In the process of applying a statute, however, **uncertainties concerning its scope or effect in particular circumstances are bound to arise**. The rule of law requires that these uncertainties be resolved, so far as possible, in a manner which would most **conform to the reasonable understanding of the subject to whom the statute is primarily addressed**. Implicit in this understanding is the expectation that **Parliament will conform to the generally accepted notions of fairness and justice** -- that punishment will not be authorized for acts which were not known to be unlawful when committed, that vested rights will not be destroyed without reasonable compensation, that the **powers of officials are to be limited by proper respect for the liberty of the citizen**. "If the words are not conclusive in themselves, the reasonableness or otherwise of the construction contended for has always been recognized as a **matter fairly** to be taken in account" ..147] ... one law for all" concept based on the rule of law providing the law be supreme over both the acts of government and private persons:...[228]...The process of interpreting a statutory provision that is susceptible of more than one meaning was traditionally governed by the basic precept that the Court's function is to **discover the intention of the legislature**. In a case in which the ordinary rules of construction yield two equally plausible meanings, policy considerations are a factor in resolving the conflict. In constitutional cases before the [Charter](#) this was reflected in the practice of interpreting statutes by applying a presumption that **a legislative body does not intend to exceed its powers under the Constitution**.

17) Rule of law against unconstitutionally overbroad police statutory power to refuse to investigate an ongoing crime; Allard v. Canada, 2016-02-24, 2016 FC 236, T-2030-13....principles of fundamental justice ... overbreadth ... gross disproportionality ... a law that takes away rights in a way that generally supports the object of the law, **goes too far by denying the rights of some individuals in a way that bears no relation to the object... grossly disproportionate effect on one person is sufficient to violate the norm...** effect actually undermines the objective”

Ade Olumide