



Memorandum of Understanding (MOU) with the Royal Canadian Mounted Police (RCMP)

Q. What is an MOU?

A. MOU stands for ‘Memorandum of Understanding’ between two parties. It is an agreement that states each party’s intentions to take action, conduct a business transaction, or form a new partnership.

Q. What does this mean for the RCMP and WFN Law Enforcement Officers (LEOs)?

Section 3.4 of the MOU states:

‘... the RCMP has discretion to disclose Information in confidence to Westbank First Nation for the purpose of administering or enforcing the laws of Canada and British Columbia, and Westbank Law, or carrying out a lawful investigation by either Participant.’

And similarly, section 3.5 of the MOU states:

‘Pursuant to section 294 of the Self-Government Agreement, Westbank First Nation may enter into agreements for sharing Personal Information with the RCMP for the purposes of enforcement of Westbank Law.’

This means that the RCMP may request information from Westbank First Nation, and Westbank First Nation may request information from the RCMP. This information is to be used for administering law, enforcing law, and performing legally permitted investigations only.

This agreement does not change the authority of WFN or of the RCMP, or change the existing agreements regarding law enforcement outlined in the Community Tripartite Agreement or the Westbank First Nation Self-Government Agreement.

Q. Why did Westbank First Nation want to establish this agreement with the RCMP?

The purpose of this agreement is to improve the ability to administer and enforce the laws of Canada, British Columbia, and WFN. This information sharing will contribute to WFN’s goals around community safety and crime reduction.

Q. How does this agreement help with Community Safety on WFN land?

This agreement further aids the collaboration between WFN Law Enforcement and the RCMP in their work to improve community safety. This allows them to share relevant information specific to criminal matters.

Q. Can either group request information about any person whenever they like, and for any reason?



No. The purpose of the information shared as a result of the MOU must be *'relevant for the purpose of administering or enforcing any law or carrying out a lawful investigation, and where that disclosure complies with the Canadian Charter of Rights and Freedoms'* (Preamble, section C).

In other words, the only information shared between the RCMP and WFN is with respect to criminal investigations and law enforcement. Just cause is required.

Q. Who can ask the RCMP for information, and where does the information go? And the same for LEOs?

Either party can request information from the other. In reality, the sharing of information is between the LEOs and the Indigenous Policing Service (formerly FNP)/RCMP and is confined and focused to a specific event relating to a crime or potential crime on WFN Lands.

Both parties will **not** share information to other 3rd parties unless required to do so by law. The information requested can only be used for the original reason it was requested for, and not for any other purpose.

Q. Is my personal information at WFN safe?

Yes. WFN enacted the [WFN Freedom of Information and Protection of Privacy Law](#) in 2018 which controls and defines how, when and why personal information can be obtained. The WFN Self-government Agreement also adopted the federal and provincial privacy legislation at the time of Self-governance in 2005.

The personal information that WFN may have on your behalf can cover a variety of purposes – from land ownership and Membership status, tenancy agreements and allotment applications, to health services and education, etc. The way that data storage is structured at WFN keeps each department separate to ensure privacy and security.

For example – Law Enforcement staff have access to their own files and data, but do not have access to information and files associated with the various services provided by the teams at Community Services. Property Management has access to its own files and data, but do not have access to information and files specific to the work of the Finance department.

Q. Can you provide an example of how the MOU works in practical terms?

A robbery takes place at a business on WFN land, and the RCMP are called. The robber was caught on camera is known to the RCMP. The robber has left the scene in a green truck and was seen driving towards the Community Core; he is likely armed.

Prior to the signing of the MOU – the RCMP could only tell WFN LEOs that a crime had taken place, to look out for a green truck, and to advise RCMP if they spot the vehicle. LEO's would



not be advised what crime had taken place, who the suspect was, or that they may be armed or potentially dangerous. All they know is that the suspect is heading to the Community Core.

After the signing of the MOU – the RCMP can tell the LEOs exactly who they are looking for, they can share the suspect’s mug shot, advise that they may be armed, and provide the vehicle license plate number. With that information, LEOs could safely spot the suspect and follow him until the police arrive. The robber in that case would not have a chance to harm anyone in the WFN community, would be considerably less likely to escape, and much more likely to be apprehended and charged.