

June 28, 2021



Subject:*Police Act - Service or Policy Complaint – Surrey Police Service*
OPCC file 2021-19656 / SPB file SP2021-001 / SPS file 21-01

Dear :

I am writing in reply to your service or policy complaint concerning the Surrey Police Service. This letter fulfills the requirements of section 172(1) of the *Police Act*, R.S.B.C. 1996, c. 367, which states:

“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.”

THE COMPLAINT

On May 20, 2021, the Surrey Police Board referred the service or policy complaint under the *Police Act*, section 171, to the Surrey Police Service. Two matters were under review for this complaint:

1. The decision by the Surrey Police Service to not routinely require polygraph testing for experienced applicants for sworn police officer positions, where those applicants have recent employment in good standing with a police service in Canada.
2. Concern that SPS has not clearly communicated to the public that SPS is not yet operational causing confusion for residents, particularly for seniors and vulnerable groups.

DISCUSSION

The Surrey Police Service conducted a thorough investigation of these matters and provided its results to the Surrey Police Board. This response has been approved by and is sent on behalf of the Board.

1. Polygraph examinations

a. *The Police Act and regulations*

The *Police Act* and regulations under the *Police Act* do not expressly require polygraph examinations for recruits or “experienced applicants” for sworn police officer positions. While the polygraph has become a common element of the police officer selection process in British Columbia for new recruits without a police employment background, experienced applicants with recent employment in good standing with other police services in Canada may be hired on a case-by-case risk management basis. For experienced applicants with uncertain or potentially unfavourable risk factors in their backgrounds, a polygraph examination may be valuable in clearing up uncertainties. Similarly, in post-hiring situations, the polygraph may be a useful tool for criminal investigations.

None of the experienced applicants has outstanding *Police Act* matters, either in British Columbia or other policing jurisdictions in Canada, including the Royal Canadian Mounted Police under the *Royal Canadian Mounted Police Act*. The SPS conducts comprehensive interviews, background checks, and reference checks, which include a full review of the disclosure packages provided by experienced applicants.

In summary, the Chief Constable and delegated SPS members make fully-informed hiring decisions, based on the background of each applicant.

b. *British Columbia Provincial Policing Standards*

The Provincial Policing Standards – Addendum 1 (“Continuation of Policing Standards Established by the Former British Columbia Police Commission – C5.4: Polygraph Examinations and Other Instruments for the Detection of Deception” – Version 2.0, December 1, 2017; <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/standards/provincial-policing-standards.pdf>) provides guidance and direction on the use

of polygraph examinations by police services in British Columbia. Section C5.4.2 states:

“If polygraph examinations or other instruments for the detection of deception are used in the selection process, the administration of examinations and the evaluation of results are conducted by personnel trained in these procedures. Notes: The sensitive nature of these tests make it necessary to rely upon examiners who are certified by an appropriate institution, such as the Canadian Police College.”

This is not a mandatory requirement to use polygraph screening for the intake of new sworn personnel. Instead, it is guidance for police services that use polygraph screening in the selection process. We already know the experienced applicants involved are suitable to perform police work since they have been doing so in good standing for other police services, and the benefit of such a test to determine the same thing is not warranted in the circumstances. Having said that, the option of conducting such a test on a case-by-case basis will remain open to us where we deem appropriate in the circumstances.

Similarly, Subject 2.1.1 (“Training for Police Officers - Recruit and Advanced Training”, revised March 12, 2021) in the *Provincial Policing Standards* (<https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/standards/2-1-1-recruit-and-advanced-training.pdf>) does not require polygraph examinations for recruits and experienced applicants for police officer positions. The Surrey Police Service will conduct its administrative and operational actions pursuant to all the *Provincial Policing Standards*.

There are related agencies in British Columbia that deal with sensitive police matters, where applicants and current employees are not subjected to polygraph examinations. A partial list includes the Independent Investigations Office of British Columbia (IIO-BC), the Office of the Police Complaint Commissioner (OPCC), the Office of the Information and Privacy Commissioner of British Columbia (OIPC-BC), Provincial Crown Counsel (Ministry of Attorney General – BC Prosecution Service), and the Ministry of Public Safety and Solicitor General (MPSSG). It is unclear whether police services in other provinces use polygraph examinations for experienced applicants.

In Ontario, police services are not permitted to use pre-employment polygraphs for recruits and experienced applicants: see the *Employment Standards Act, 2000*, Stats. Ont. 2000, c. 41, Part XVI – Lie Detectors, sections 68 to 71; see: <https://www.canlii.org/en/on/laws/stat/so-2000-c-41/latest/so-2000-c-41.html> .

c. Surrey Policing Transition - Report of the Provincial Municipal Policing Transition Study Committee

In December 2019, the Provincial Municipal Policing Transition Study Committee (PMPTSC), chaired by the Honourable Wally Oppal Q.C., issued a 151-page report titled “Surrey Policing Transition – Report of the Provincial Municipal Policing Transition Study Committee” (the

Report). At page 20, the Report notes that while it provides a model for the transition of police services from the RCMP to the SPS, flexibility remains with the Surrey Police Board and the Chief Constable on the design and implementation of the new police service:

“The Committee notes that the model outlined in Chapter 2 must be flexible to accommodate input from the Board and the Chief Constable once they are in place. The figures set out in this and other sections are all subject to modification once the Board is approved and the Chief Constable and their executive have an opportunity to determine and finalize the specifics of the model. As previously noted, this will also require the collaboration of the Board and the Chief Constable, the RCMP and other levels of government to determine and finalize the specific figures and timelines proposed in this report.”

This is an important recognition of the “internal management rule” for policing in Canada, which gives the Chief Constables of all police services, under the oversight of their respective police boards, and subject to the *Police Act* and the *Provincial Policing Standards*, decision-making power for the police service in both administrative matters and operational deployment of police resources. The Report provides important guidance in the development and implementation of the Surrey Police Service, as a foundation document but not an inflexible path. Nothing in the Report imposed a mandatory requirement to use polygraph examinations for experienced applicants.

The Report’s recommendations have led to new developments and directions since December 2019, including the selection and training of recruits and experienced applicants. The Report reflects the understanding of the PMPTSC of the transition plan up to December 2019, but acknowledges in several passages that “[T]he timelines set out in this report are based on available information and are subject to change by the Board and the Chief Constable” (page 19, and similar passages at pages 45, 60 and 71 of the public redacted version of the Report). There was no expectation that the Report would be inflexible and binding.

In summary, the SPS and the SPB have made an informed management decision in relation to hiring practices. Polygraph screening is part of the SPS hiring process for new recruits for sworn police officer positions, where those recruits do not have recent employment in good standing with another police service in Canada.

2. Communications by the Surrey Police Service

It is not surprising to hear or read that some people in the community do not have a full understanding of the transition plan from the Royal Canadian Mounted Police to the Surrey Police Service. It would take considerable reading and research by the residents of Surrey to completely understand how police services are delivered in their community. Recognizing that, the SPS has begun an initiative to inform these residents of what the Surrey Police Service is, and when they may expect to see SPS police officers in operational duties.

The SPS has started a community consultation process, which will involve surveys of our residents, and community focus groups drawn from locations across the City of Surrey. These events, and the media coverage that likely will follow, will be a significant step in the on-going, two-way conversation between the SPS and our community. Details of the SPS's community consultation process will be made public over the next several weeks, and have been previewed by the Chief Constable in his recent public presentation to the Surrey Board of Trade and the public meetings of the Surrey Police Board on May 18, 2021 and June 22, 2021. This community consultation process will be an early opportunity to assess the public's level of understanding of policing in the City of Surrey, and to hear their concerns.

Some residents of Surrey have questions about policing and how the Surrey Police Service will deliver police services to the six town centres in the City of Surrey. This is a continuing challenge for the SPS, and not unexpected after 70 years of the RCMP's presence here. The Surrey Police Board is satisfied with the SPS's commitment to an initiative that informs people of the current and future roles of the SPS in the City of Surrey. This includes, where appropriate, cautions and advisements that the Surrey Police Service is not yet operational for the delivery of police services. These cautions and advisements will evolve as the SPS nears operational policing status.

a. Internet webpage: Surrey Police Service

The Internet webpage for the Surrey Police Service (<https://www.surreypolice.ca>) has a red bar at the top of the page with this caution:

“PLEASE NOTE: this website is for the Surrey Police Service in Surrey, British Columbia, Canada, which is not yet in operation. Anyone needing police services should dial 911 in an emergency or call the non-emergency line at 604-599-0502”.

Postings to the SPS Internet webpage will continue to have appropriate cautions and disclaimers, in the period before the SPS begins operational policing duties in the City of Surrey.

b. Twitter account: Surrey Police Service

The Twitter account for the Surrey Police Service (<https://twitter.com/surreyps>) states:

“Currently readying itself for future operations. Account not monitored 24/7. Call 9-1-1 for emergencies.”

Postings to the SPS Twitter account will continue to have appropriate cautions and disclaimers, in the period before the SPS begins operational policing duties in the City of Surrey.

c. Facebook account: Surrey Police Service

The Facebook page for the Surrey Police Service (<https://www.facebook.com/SurreyPoliceService>) does not include such a caution and does not sufficiently notify Facebook users of the current non-operational status of the SPS. As a result of this service or policy complaint, the SPS will take this opportunity to revise the SPS Facebook page, to include a caution similar to that already on the Internet webpage and the Twitter account.

d. Wikipedia page: Surrey Police Service

The Wikipedia page for the Surrey Police Service (https://en.wikipedia.org/wiki/Surrey_Police_Service) offers this description of the SPS, and provides a reasonable description of the non-operational status of the SPS:

“The Surrey Police Service (SPS) is a municipal police force currently proposed for the City of Surrey in British Columbia, Canada. It will be one of several police departments within the Metro Vancouver Area once the operations are handed over from Royal Canadian Mounted Police (RCMP) to SPS in 2022.”

Leaving aside social media, the SPS routinely states in written and verbal communications that it is not yet an operational police service, with no “boots on the ground” until later in 2021. The SPS will continue to revise this message and share it wherever possible, to ensure that there is no uncertainty over which police service protects the City of Surrey.

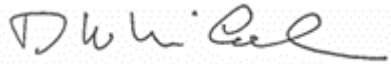
Some of the apparent confusion arises from sources beyond the control of the SPS. It is widely known that there is a public debate over the introduction of the Surrey Police Service as the police service of jurisdiction for the City of Surrey. That public debate includes commentary in the traditional media (radio, television, print journalism) and social media (Facebook, Twitter and other on-line platforms).

Not all users of social media will recognize that some Facebook pages and Twitter feeds come from advocacy groups, both for and against the transition from the RCMP to the SPS. Some of those postings promote their own views of what has occurred or not occurred and anticipated events in the future. In fact, there are “spoof” Twitter feeds such as “*Surrey Police Service (not)*” (Twitter account @surreypolice) and “*The Surrey Office of Bylaws (The SOBs) Not*” (Twitter account @surreybylaw) that can cause confusion in the community.

CONCLUSION

In addition to the current efforts of the Surrey Police Service to provide a fuller understanding of its roles, both now and in the near future, the Surrey Police Board will work with the SPS to ensure that all initiatives and communications provide a clear message of what the SPS is and its evolving mandate.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Doug McCallum". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

Doug McCallum
Chair, Surrey Police Board

CC: Director of Police Services, Ministry of Public Safety and Solicitor General
Police Complaint Commissioner of British Columbia
Chief Constable, Surrey Police Service