

December 1, 2022

City of Surrey  
Attention: Vince Lalonde  
13450 – 104<sup>th</sup> Avenue  
Surrey, BC  
V3T 1V8

Dear Mr. Lalonde:

We write to address your letter of November 15, 2022, in which you instructed the Surrey Police Board (the Board) to suspend all new hiring and expenditures to advance the policing transition to Surrey Police Service (SPS) from the Royal Canadian Mounted Police. In your letter, you also request that the Board reach out to the RCMP to align both SPS and RCMP 2023 provisional budgets.

Although City Council passed the motions set out in your letter, it cannot order the Surrey Police Board and Surrey Police Service to stop hiring employees. Similarly, it cannot freeze SPS's budgeted expenditures. On November 15, 2022, the Minister of Public Safety and Solicitor General corrected this misunderstanding by commenting publicly on the role and authority of Surrey City Council in relation to SPS, our hiring process and our expenditures. The Vancouver Sun on-line edition (November 15, 2022) reported the Minister's comments:

***"B.C. Public Safety Minister Mike Farnworth said Tuesday the City of Surrey does not have the authority to order a spending freeze by the Surrey Police Service before a decision is made on halting the transition from the RCMP. The province has final say on the transition. ... 'They don't have any authority to freeze spending,' said Farnworth, responding in Victoria to reporters' questions. 'There is a (transition) plan that is already in place. And that plan continues until there is a new plan.'"*** (accessed November 23, 2022 at <https://vancouversun.com/news/local-news/surrey-cant-freeze-spending-on-municipal-police-force-before-decision-public-safety-minister-mike-farnworth> )

As you are aware, the Surrey Police Service was established by the Surrey Police Board in August 2020, after the appointment of the Board members by the Lieutenant Governor in Council of the Province of British Columbia. Pursuant to section 26 of the *BC Police Act*, the Board established a municipal police department and appointed a chief constable and other constables and employees the municipal police board considered necessary to provide policing and law enforcement in the municipality.

The Surrey Police Board is independent from the City. This is recognized in the City's own Framework document dated November 24, 2022 which states: "The Board is an independent entity from the City" (at p. 8). The Surrey Police Board's independence from City Council is confirmed by the provisions of the *Police Act*. The first principle under the *Act* is independence of police services from municipal governments, at both the Mayor and Councillor level and the city administration level. The appointment letters for Board members state, in part:

***"Municipal police boards are created independently from municipal councils and from the provincial government. This removes boards from partisan council politics and recognizes that both the municipality and the province have legitimate interests in municipal policing."***

The word "governed" in section 23(1) of the *Police Act* is significant. The Board governs SPS, City Council does not. Although the Mayor is the Chair of the Board under section 25(1) of the *Act*, the Mayor's position as Chair is *ex officio*, and the Chair must act in the interests of the Board, voting only in the event of a tie.

Section 26(2) of the *Police Act* stipulates that the duties and functions of a municipal police department are under the direction of the municipal police board, and that (3) subject to a collective agreement, the chief constable and every employee of a municipal police department must be employees of the board, and must be provided with the accommodation, equipment and supplies the board considers necessary to carry out their duties and functions.

The *Police Act* further provides specific and clear direction for the preparation and approval of the municipal police department's budget, including a provision to dispute direction from city council. Section 27(3) states:

*If a council does not approve an item in the budget, the director, on application by the council or the municipal police board, must*

- (a) determine whether the item or amount should be included in the budget, and*
- (b) report the director's findings to the municipal police board, the council and the minister.*

This section provides assurance that a city's mayor and council do not have the authority to over-ride, pause or change the police department's budget or operations. It is a foundational principle of the governance of municipal police departments in BC that local governments remain arms-length from policing operations, and it is the Board's duly appointed responsibility to ensure both continued resources and the well-being of our employees.

Your request that the Board work with the RCMP to align our budgets is concerning. City staff are well aware that the RCMP will not readily share information with outside agencies. Having said that, the Board is prepared to share information requested by the City, as indicated later in this letter, and expects the City will provide the same information it has from the RCMP to the Board. This is both fair and ensures openness. Regarding the Board's budget, the Board has prepared the 2023 provisional budget

for SPS and has submitted it to the City on time as required by section 27 of the *Police Act*. The alignment of the SPS and RCMP budgets within the overall Policing Operations budget is the City's responsibility, although the Board is prepared to participate in open, collaborative and constructive processes with both the City and the RCMP as required.

Respecting your request for information related to salary, operating, and capital costs, we have prepared our response in the attached appendix. As stated earlier, it is consistent with openness and fairness that the City provide the Board with the same type of information it has regarding the RCMP. Going forward, the Surrey Police Board and Surrey Police Service will continue to act on the advice and guidance of the Minister of Public Safety and Solicitor General in these matters.

Respectfully,

Surrey Police Board



Jessie Sunner  
Vice-Chair



Cheney Cloke  
Vice-Chair

copies: Wayne Rideout, Assistant Deputy Minister and Director of Police Services  
Surrey Police Board  
Mayor and Council

Schedule A – List of Requested Documents (11/29/2022)

City of Surrey Request	SPS Response
<p><b>1. Listing Hired Strength SPS Members</b></p> <ul style="list-style-type: none"> <li>Hiring Dates</li> </ul>	<p>SPS reports its staffing numbers publicly. Please refer to that information. Individual hiring dates fall outside the <i>Freedom of Information and Protection of Privacy Act (FOIPPA)</i> s. 22(4)(e) and s. 33(2)(b). This falls within the general category of personal information that is presumed to be an unreasonable invasion of a third party’s personal privacy if disclosed – FOIPPA section 22(3). Individual hiring dates are not disclosable under FOIPPA.</p>
<ul style="list-style-type: none"> <li>Ranks</li> </ul>	<p>Effective November 21, 2022:</p> <ul style="list-style-type: none"> <li>Chief Constable 1</li> <li>Deputy Chief Constables 3</li> <li>Superintendents 4</li> <li>Inspectors 12</li> <li>Staff Sergeants 16</li> <li>Sergeants 63</li> <li>Constables 216</li> </ul>
<ul style="list-style-type: none"> <li>Employee groups</li> </ul>	<p>SPS has 4 employee groups:</p> <ul style="list-style-type: none"> <li>Exempt Sworn</li> <li>Unionized Sworn</li> <li>Exempt Civilian</li> <li>Unionized Civilian</li> </ul>
<ul style="list-style-type: none"> <li>Paygrades</li> </ul>	<p><b>Exempt Sworn:</b></p> <ul style="list-style-type: none"> <li>Superintendents are 187.5% of a First Class Constable</li> <li>Inspector 1 are 150% of a First Class Constable</li> <li>Inspector 2 are 160% of a First Class Constable</li> <li>Inspector 3 are 170% of a First Class Constable</li> </ul> <p><b>Unionized Sworn:</b></p> <p>Pay grades are determined by individual rank and service to the pay rate of a First Class Constable. The rates are detailed in the Collective Agreement between the Surrey Police Board (SPB) and the Surrey Police Union (SPU).</p>
<ul style="list-style-type: none"> <li>and steps</li> </ul>	<p>Steps placement is determined by time in policing and is detailed in the SPB-SPU Collective Agreement.</p>
<p><b>2. Civilian Staff - Listing of hired Civilian staff, pay, employee groups, paygrades, and steps</b></p>	<p><b>Exempt Civilian - 25</b></p> <p>SPS aligns with the City of Surrey exempt pay structure and pay practices.</p> <p><b>Unionized Civilian - 12 Aux and 23 RFT</b></p>

	<p>SPB/SPS has a Collective Agreement with CUPE 402 and it aligns with the City’s CUPE pay structure and pay practices for this work group.</p>
<p><b>3. Secondments -- Listing of any other seconded positions, including pay, employee groups, paygrades, and steps</b></p>	<p>Three employees are seconded from the City of Surrey to SPS. The City has access to that pay information.</p>
<p><b>4. Listing of all persons not presently employed by the SPS whom, prior to November 14, 2022, the SPS had committed to imminently hire, including all corresponding offer letters</b></p>	<p>SPS has committed to meet the Human Resources Plan established by the parties which includes deployments of 35 sworn officers in each of January 2023, March 2023, and May 2023.</p> <p>Civilian hiring to support deployment and SPS operations will remain proportional to current trends.</p> <p>Individual hiring dates fall outside the <i>Freedom of Information and Protection of Privacy Act</i> (FOIPPA) s. 22(4)(e) and s. 33(2)(b). This falls within the general category of personal information that is presumed to be an unreasonable invasion of a third party’s personal privacy if disclosed – FOIPPA section 22(3). Individual hiring dates are not disclosable under FOIPPA.</p>
<p><b>5. Listing of all persons that have officially accepted employment with the SPS but are not currently on the SPS payroll, and whose placement on the SPS payroll is otherwise imminent, including all corresponding offer letters</b></p>	<p>SPS has committed to meet the Human Resources Plan established by the parties which includes deployments of 35 officers in each of January 2023, March 2023, and May 2023.</p> <p>Civilian hiring to support deployment and SPS operations will remain proportional to current trends.</p> <p>Individual hiring dates fall outside the <i>Freedom of Information and Protection of Privacy Act</i> (FOIPPA) s. 22(4)(e) and s. 33(2)(b). This falls within the general category of personal information that is presumed to be an unreasonable invasion of a third party’s personal privacy if disclosed – FOIPPA section 22(3). Individual hiring dates are not disclosable under FOIPPA.</p>
<p><b>6. Listing of all the benefits, overheads, allowances, shift differential amounts etc. related to the uniformed members and civilian staff</b></p>	<p>This information is available in the publicly provided collective agreements for sworn and civilian unionized groups.</p> <p>Benefits for sworn and civilian staff align with the City of Surrey benefit structures.</p>

<p><b>7. Any planned or approved salary increases (annual or hourly), to come into effect in the near future, either in the new calendar year or at any anniversary of the hiring of the employees, for both uniformed and civilians</b></p>	<p>This information (general increases and progression) for unionized sworn and unionized civilian is available in the publicly posted collective agreements.</p> <p>Exempt sworn (general increases) follow increases in the unionized sworn collective agreement.</p> <p>Exempt civilians follow City of Surrey compensation practices for general increases and progression.</p>
<p><b>8. Overtime</b></p>	<p>This overtime information for unionized sworn and unionized civilian is available in the publicly posted collective agreements.</p> <p>Exempt sworn (general increases) mainly follow the City of Surrey overtime practice for exempt staff.</p> <p>Exempt civilians follow City of Surrey overtime practices for exempt staff.</p>
<p><b>9. Copies of any severance provisions in all employment contracts of civilian and sworn employees</b></p>	<p><b>Exempt Sworn</b> severance is defined by their employment contracts, <i>BC Employment Standards Act</i>, and <i>BC Public Sector Employers Act</i> (and related termination regulations). This group is eligible for 18 months severance/working notice, if SPS ceases operation.</p> <p><b>Unionized Sworn</b> severance is defined by their Collective Agreement, <i>BC Employment Standards Act</i>, and <i>BC Labour Relations Code</i>. This group is eligible for 18 months severance/working notice, if SPS ceases operations.</p> <p><b>Exempt Civilian</b> severance is defined by their employment contracts, employment agreements, <i>BC Employment Standards Act</i>, <i>BC Public Sector Employers Act</i> (and related termination regulations), and common law.</p> <p><b>Unionized Civilian</b> severance is defined by their Collective Agreement, <i>BC Employment Standards Act</i>, and the <i>BC Labour Relations Code</i>.</p>
<p><b>10. Any information related to the organization of exempt or sworn civilians into professional associations with a mandate to represent them as employee groups</b></p>	<p>A matter currently is before the BC Labour Relations Board with respect to unionization of the Inspector rank.</p>

<b>Other operating and capital costs</b>	
<b>1. Contracts in place with all contractors.</b>	As SPS relies on COS’s purchasing team to provide procurement support, and due to certain features/functions being restricted in the shared financial management system, SPS will require COS’s purchasing team to assist in extracting all the supporting documents and contracts uploaded to the financial management system’s procurement module; in order to evaluate which purchase order currently still active is for contractors. A list of active purchase orders (“POs”) is attached below. Also, some related contracts may be part of the one-time transition fund; SPS does not have direct access to the required data linked to that fund. COS to provide a contact person to coordinate next steps.
<b>2. Subscription-based / IT contracts requiring licenses on and ongoing basis.</b>	Same as the above; require support from COS purchasing team to assist in extracting all uploaded data from active POs in the financial management system. Please note that most initial (first year) IT subscription costs may be combined with the system implementation costs. Therefore, the info on ongoing IT licence costs will need to be extracted from procurement data on the transition project fund; needs to be done in collaboration with COS purchasing and IT teams. COS to provide contact person to coordinate next steps.
<b>3. Average per member operating costs such as dry cleaning, mobile phones and communications, recruitment, and training.</b>	Based on January to October YTD operating budget expenditures, and staff hired as of October 31 <sup>st</sup> : Dry cleaning - \$113.38/member Mobile phones and communication - \$576.30/member Recruitment - \$154.86/member Training – \$2345.84/member
<b>4. Planned expenditures on vehicles and equipment.</b>	As of October 31 <sup>st</sup> : <ul style="list-style-type: none"> <li>- \$2,877,140 planned to be expended from the existing capital reserve</li> <li>- \$6,020,290 planned to be expended as per 2023 capital budget submitted to the City on November 28<sup>th</sup></li> <li>- \$21,107,060 planned to be expended from the transition fund by December 2024.</li> </ul>
<b>5. Prepaid expenditures for services</b>	No prepaid expenses from SPS operating and capital budget funds. However, there may be some related to IT being paid from the transition fund. Please refer to item 2 above; will require support from COS purchasing and IT teams to exact information. COS to provide a contact person to coordinate next steps.