



# SURREY POLICE BOARD

## Regular Meeting Agenda

Venue: Virtual  
Date: July 20, 2021  
Time: 4:00 PM

---

ITEM	PRESENTER
<b>A. CALL TO ORDER</b>	Chair McCallum
<p>The Surrey Police Board recognizes that our work takes place on the ancestral, traditional, and unceded territories of the Coast Salish Peoples.</p>	
<b>B. ADOPTIONS</b>	
1. Adoption of the Agenda – July 20, 2021	Chair McCallum
2. Adoption of Minutes – June 22, 2021	Chair McCallum
<b>C. DELEGATIONS</b>	
1. No Delegations.	
<b>D. REPORTS</b>	
<b>CHIEF CONSTABLE REPORTS</b>	
1. <b>Chief Constable Updates– Standing Report</b> Report No. 2021-R018 – For Information	Chief Lipinski
2. <b>SPS Sworn Officer Status</b> Report No. 2021-R019 – For Information	Chief Lipinski
3. <b>Systemic Racism in Policing in Canada: Report of the Standing Committee on Public Safety and National Security</b> Report No. 2021-R020 – For Information	Chief Lipinski
<b>COMMITTEE REPORTS</b>	
<b>FINANCE COMMITTEE</b>	
1. <b>One-time Policing Transition Project - Budget Update Year to Date Expenditures</b> Report No. 2021-FIN013 – For Information (Presentation)	Elizabeth Model
<b>E. INFORMATION</b>	
1. Service or Policy Complaint	Melissa Granum
2. Canadian Association of Police Governance (CAPG) Annual General Meeting and Call for Nominations	Melissa Granum

---

- |    |   |                |
|----|---|----------------|
| 3. | Surrey Police Board Reappointments  | Melissa Granum |
| 4. | OPCC Bulletin – Information Bulletin #19 – Impact of COVID-19 Pandemic on Police Complaints Process | Melissa Granum |

**F. CORRESPONDENCE**

- |    |  |                |
|----|--|----------------|
| 1. | Letter from Director of Police Services – Approval of Sworn Officer Status | Chief Lipinski |
|----|--|----------------|

**G. NEW BUSINESS**

No new business.

**H. NEXT MEETING**

The next meeting of the Surrey Police Board will be held on September 28, 2021.	Chair McCallum
---	----------------

**I. MOTION TO HOLD A MEETING IN A CLOSED SESSION**

It is in order for the Board to pass a motion to close the meeting to the public pursuant to Section 69 (2) (a), (c), and (d) of the <i>Police Act</i> , which states:	Chair McCallum
--	----------------

- (2) if it believes that any of the following matters will arise in a meeting or hearing held by it, a board or committee may order that the portion of the meeting during which the matter will arise be held in private:
  - (a) a matter concerning public security, the disclosure of which could reasonably be expected to seriously impair effective policing or law enforcement;
  - (c) a matter concerning labour contract discussions, labour management relations, layoffs or another personnel matter;
  - (d) a matter concerning information that a person has requested he or she be allowed to give in private to the board or committee.

<b>J. ADJOURNMENT</b>	Chair McCallum
-----------------------	----------------



# SURREY POLICE BOARD

## Regular Meeting Minutes

Venue: Virtual  
Date: June 22, 2021  
Time: 4:00 PM

### **Present:**

Doug McCallum, Chair  
Cheney Cloke  
Elizabeth Model  
Harley Chappell  
James Carwana  
Manav Gill  
Meena Brisard  
Jessie Sunner

### **Regrets:**

### **Province:**

Mark Reder

### **Staff Present:**

Norm Lipinski, Chief Constable  
Jennifer Hyland, Deputy Chief  
Michael LeSage, Deputy Chief  
Todd Matsumoto, Deputy Chief  
Terry Waterhouse, GM, Policing Transition  
Kyle Friesen, Legal Counsel  
Melissa Granum, Executive Director  
Marion Chow, Executive Assistant  
Forouzan Rezazadeh, IT Senior Project Mgr.  
Gayle Armstrong, Executive Service Manager  
Lisa Eason, Communications Manager  
Mandeep Tung, Financial Service Manager  
Sukh Sidhu, S. Sgt.  
Arden Grant, FOI Manager

The Surrey Police Board recognizes that our work takes place on the ancestral, traditional, and unceded territories of the Coast Salish Peoples.

## **A. CALL TO ORDER**

The June 22, 2021 Regular Board meeting was called to order at 4:00 PM.

Director Chappell provided comments on the Kamloops Residential School issue.

## **B. ADOPTIONS**

### 1. Adoption of the Agenda – June 22, 2021.

It was

Moved by James Carwana  
Seconded by Jessie Sunner

That the agenda of the Surrey Police Board meeting of June 22, 2021 be adopted.

Carried

### 2. Adoption of Minutes – May 18, 2021

It was

Moved by Meena Brisard  
Seconded by James Carwana

That the minutes of the Surrey Police Board meeting of May 18, 2021 be adopted.

Carried

**C. DELEGATIONS**

Cathy Peters – “Be Amazing Campaign; to Stop Sexual Exploitation”.

The Board thanked Cathy Peters for her presentation and her research and involvement in her efforts in stopping sexual exploitation.

**D. REPORTS**

**CHIEF CONSTABLE REPORTS**

**1. Chief Constable Updates– Standing Report**

Report No. 2021-R012 – For Information

It was

Moved by Harley Chappell  
Seconded by Cheney Cloke

That the Board receive the report for information.

Carried

**2. Strategic Plan Development Update - Community Consultation**

Report No. 2021-R013 – For Information

It was

Moved by Harley Chappell  
Seconded by James Carwana

That the Board receive the report for information.

Carried

**3. HR Policy Development**

Report No. 2021-R014 – For Information

It was

Moved by Cheney Cloke  
Seconded by Jessie Sunner

That the Board receive the report for information.

Carried

**4. SPS Recruiting for Diversity**

Report No. 2021-R015 – For Information

It was

Moved by Jessie Sunner  
Seconded by Cheney Cloke

That the Board receive the report for information.

Carried

## EXECUTIVE DIRECTOR REPORTS

### 1. Trademark Update

Report No. 2021-R016 – For Information

It was

Moved by Harley Chappell  
Seconded by Jessie Sunner

That the Board receive the report for information.

Carried

### 2. Surrey Police Board Per Diem – Quarterly Update

Report No. 2021-R017 – For Information

It was

Moved by Cheney Cloke  
Seconded by Jessie Sunner

That the Board receive the report for information.

Carried

## COMMITTEE REPORTS

### FINANCE COMMITTEE

#### 1. One-time Policing Transition Project - Budget Update Year to Date Expenditures

Report No. 2021-FIN009 – For Information  
(Presentation)

It was

Moved by Harley Chappell  
Seconded by James Carwana

That the Board receive the report for information.

Carried

## E. INFORMATION

1. Memo – Director Brisard – Board Committees – For Information

2. Letter to Director Sunner – Governance Committee – For Information

It was

Moved by Harley Chappell  
Seconded by Jessie Sunner

That the Board receive the above noted items for information.

Carried

**F. CORRESPONDENCE**

No correspondence.

**G. NEW BUSINESS**

No new business.

**H. NEXT MEETING**

The next meeting of the Surrey Police Board will be held on July 20, 2021.

**I. MOTION TO HOLD A MEETING IN A CLOSED SESSION**

It is in order for the Board to pass a motion to close the meeting to the public pursuant to Section 69 (2) (a), (c), and (d) of the *Police Act*, which states:

It was

Moved by James Carwana  
Seconded by Harley Chappell

That the Board close the meeting to the public pursuant to Section 69 (2) (a), (c) and (d) of the Police Act, which states:

- (2) if it believes that any of the following matters will arise in a meeting or hearing held by it, a board or committee may order that the portion of the meeting during which the matter will arise be held in private:
- (a) a matter concerning public security, the disclosure of which could reasonably be expected to seriously impair effective policing or law enforcement;
  - (c) a matter concerning labour contract discussions, labour management relations, layoffs or another personnel matter;
  - (d) a matter concerning information that a person has requested he or she be allowed to give in private to the board or committee.

Carried

**J. ADJOURNMENT**

It was

Moved by Harley Chappell  
Seconded by James Carwana

That the June 22, 2021 Regular Board meeting be adjourned.

Carried

The Surrey Police Board regular meeting adjourned at 4:48 PM.

Certified correct:

\_\_\_\_\_  
Marion Chow, Executive Assistant

\_\_\_\_\_  
Doug McCallum, Chair



**REGULAR**

**REPORT DATE:** July 9, 2021

**BOARD MEETING DATE:** July 20, 2021

**BOARD REPORT #** 2021-R018

**TO:** Surrey Police Board

**FROM:** Chief Constable

**FILE:** 60550-20-03

**SUBJECT:** Chief Constable's Standing Report

---

## **RECOMMENDATION**

The Chief Constable recommends that the Surrey Police Board (the "Board") receive this report for information.

## **PURPOSE**

To provide an update to the Board on the current status of certain aspects of the development of the Surrey Police Service.

## **BACKGROUND**

The Chief Constable provides monthly updates to the Board on matters related to the progress of the Surrey Police Service. These topics will change monthly depending on work that has been completed.

## **DISCUSSION**

### **Hiring**

SPS continues to build its Transitional Recruiting Unit (TRU). Interviews are concluded and all positions are either now occupied or candidates identified and going through the hiring process. TRU is actively identifying candidates who will be part of the fall deployment, with interviews occurring daily.

The SPS HR team is actively involved in developing all the logistics and details around new hire orientation and onboarding for SPS and ongoing career development and management for staff. A majority of the Operational Skills Team personnel have been identified and have started in their roles. The team continues to plan for operational skills onboarding training for September. Constables in the Leadership Development Team have been hired and the team is working to develop all mandatory policy and training for the September onboarding class.

The Recruiting Unit has identified tentative dates for upcoming information sessions for new recruits for the fall. The team continues to confirm its new recruit hiring processes and is actively liaising with the Justice Institute. The teams anticipate recruiting for new recruits in the fall.



Current staffing numbers:

- 41 officers in place.
- 25 offers have been accepted with pending start dates ranging from July 12 – September 7.
- 14 civilian staff in place, with 2 offers pending.

Total: 82 FTE hired.

### **Community Consultation**

Community Consultation is well underway with a healthy response for interviews to date. Both interview teams have reported the process is going well with great engagement from the various interview subjects. The interviewees have indicated their pleasure with being contacted and solicited for their input. Furthermore, many of the interviewees have provided further contacts for future focus groups which was an anticipated achievement through this process. Many more interviews are scheduled for the coming weeks, providing further opportunities to build relationships and connect with the community. The team of consultants are collecting the interview data for consolidation and final reporting at the conclusion of this consultation phase.

A survey was distributed to over 1000 recipients using a scientifically sound, random sample. Results from the survey have been received and are currently being tabulated. Early indications are very positive. Further updates will be provided as the consultation process develops and work begins on the production of the SPS Strategic Plan.

### **Budget Development**

SPS is working with the City of Surrey to prepare the 2022 Operating Budget for the Police Board's review in early fall. Timelines and milestones have been established in coordination with City Council processes to ensure SPS and SPB meet their statutory requirements under Article 27 of the *Police Act*, to prepare and submit to City Council for its approval, a provisional budget for the following year on or before November 30.

### **Policy Development**

SPS staff are developing policies using a standardized process that ensures input from recognized Subject Matter Experts, validation through comparison of policing Best Practices, and fulsome legal review. Once approved by the Board and filed with the Province, SPS policies will inform the required evaluation of the Director of Police Services for SPS operationalization.

A priority of the SPS policy development working group is ensuring it is responsive to the community, and reflective of best practices, by implementing policies (such as Intimate Partner Violence, Searches of a Person, Arrest and Detention) that require SPS officers to take unconscious bias into consideration when dealing with Indigenous peoples, racialized minorities, and LGBTQ2S+ persons. Some of these policies proactively address BC Provincial Policing Standards that are currently pending.

A significant success in SPS policy development is that the Board-approved Operational and Administrative policies satisfied the Director of Police Services that sufficient controls and policies are in place to authorize the swearing in of all SPS officers.

**CONCLUSION**

The above matters are for the Board's awareness and information.

A handwritten signature in black ink, appearing to read 'N. Lipinski', with a stylized flourish at the end.

Norm Lipinski, OOM, LLB, MBA  
Chief Constable



**REGULAR**

**REPORT DATE:** July 13, 2021  
**BOARD MEETING DATE:** July 20, 2021  
**BOARD REPORT #** 2021-R019

**TO:** Surrey Police Board

**FROM:** Chief Constable

**FILE:** 60550-20-03

**SUBJECT:** SPS Sworn Officer Status

---

## **RECOMMENDATION**

The Chief Constable recommends that the Surrey Police Board (the "Board") receive this report for information.

## **SUMMARY**

The Director of Police Services provided approval on June 28, 2021, for SPS officers to swear the Oath required by the *Police Act*. SPS members were sworn in by the Honourable Judge Kimberley Arthur-Leung on July 16<sup>th</sup> at a ceremony held at Surrey City Hall.

## **DISCUSSION**

Pursuant to section 70 of the *Police Act*, a person must take the prescribed oath/affirmation before exercising any power, or performing any duty or function, as an officer. In accordance with the *Police Act*, the oath/affirmation is a prerequisite to exercising any powers or performing any duty or function of an officer.

Duties and functions of police officers are not limited to front line policing and include duties and functions necessary for, and which support, policing and law enforcement. While the duties and functions of a municipal police department are described broadly in section 34(2) of the *Police Act*, the *Act* also recognizes not all officers may perform the same duties and functions.

SPS is not yet in a position to provide front-line policing, however, the scope of work to be performed leading up to the eventual deployment of front-line SPS officers encompasses duties and functions which are, or should be, performed by sworn officers. These include:

- establishing the framework, policies, and direction to operationalize the department and supervise constables and other personnel;
- establishing use of force and training standards, policies and procedures;
- conducting background investigations and accessing police databases for recruitment purposes;
- liaising with jurisdictional police and other policing agencies and obtaining/sharing information;
- participating on inter-agency teams, projects, committees, etc.;

- being eligible for secondments to other police agencies; and
- procuring, transporting and storing equipment, firearms, ammunition and other use of force tools and prohibited/restricted items.

As the RCMP remains the police of jurisdiction for the City of Surrey, there are some reasonable limits on the issuance of SPS use of force equipment (i.e.: for operational or training requirements only). The province has requested that direction be provided to SPS officers on these limitations for the period prior to operationalization. This direction will be reviewed and may be amended as the duties and functions of SPS members expand in the future.

## **CONCLUSION**

Effective immediately, all current and future SPS officers will swear the Oath as a regular component of their onboarding. Sworn employees continue to be accountable to the *Police Act*, the British Columbia Provincial Policing Standards and the requirements of the Office of the Police Complaints Commissioner.



Norm Lipinski, OOM, LLB, MBA  
Chief Constable



**REGULAR**

**REPORT DATE:** July 9, 2021

**BOARD MEETING DATE:** July 20, 2021

**BOARD REPORT #** 2021-R020

**TO:** Surrey Police Board

**FROM:** Chief Constable

**FILE:** 60550-20-03

**SUBJECT:** Systemic Racism in Policing in Canada:  
Report of the Standing Committee on Public Safety and National Security

---

## **RECOMMENDATION**

The Chief Constable recommends that the Surrey Police Board (the "Board") receive this report for information.

## **SUMMARY**

In June 2021, the Standing Committee on Public Safety and National Security submitted a report on Systemic Racism in Policing in Canada to the House of Commons, presenting its findings and recommendations. Over the course of a year, the Committee held 19 meetings, heard 53 witnesses, and reviewed numerous detailed briefs. The Committee concluded that, "a transformative national effort is required to ensure that all Indigenous, Black and other racialized people in Canada are not subject to the discrimination and injustice that is inherent in the system as it exists today."

The Committee heard from witnesses who testified that systemic racism has deep historical roots embedded in the history of colonialism, manifesting in practices and policies that award privileges to white people while denying those same privileges to people of colour.

The Committee submitted 42 recommendations aimed at fundamentally reforming Canadian policing to ensure that all Canadians can access police services free from racism and other forms of discrimination.

## **DISCUSSION**

The report focuses heavily on recommended reforms to the organization, governance, and practices of the RCMP, however, many of the recommendations are applicable to all police services.

Key themes and examples:

- Increased Civilian Oversight
  - Participation and meaningful consultation with Indigenous, Black and other racialized groups, including the establishment of community advisory committees
  - Review of the federal use of force framework in consultation with civilians, Indigenous, Black and other racialized Canadians

- Training
  - Improved training to prevent the use of excess force
  - Increased specialized training rooted in Indigenous cultural knowledge and history
  - Increased specialized training and resources in the areas of victim services, mental health and de-escalation, implicit bias, gender-based violence, etc.
- Human Resources Management
  - Increased diversity in hiring and screening to prevent hiring those with biases against women and racialized people
  - Increased internal reporting mechanisms for the management of harassment and discrimination, along with protections and mental health supports for employees
- Funding
  - Adequate funding for First Nations policing and Community Safety Officer programs
- Data and Reporting
  - Accessibility and transparency of information and reporting, including disciplinary reports
  - Policy prohibiting racial profiling and regarding the collection of racialized data, mandatory reporting and regular publication of data collected
- Justice Reform
  - Decriminalization of simple possession of illicit drugs
  - Increased funding and programs supporting restorative justice and alternative measures
- Structure and Governance of the RCMP
  - Consideration for ending the RCMP's involvement with contract policing

It is necessary to reflect on these findings in order to establish strategies to ensure that SPS is an organization built on treating all people with dignity and respect. SPS is focused on creating an inclusive police service in which all people are treated equitably and held accountable for their actions towards others.

## CONCLUSION

The SPS Executive Team is committed to creating an organization of the highest ethical caliber with no tolerance for harassment or discrimination for any reason. This is reflected in our values, policies, recruiting, training and ongoing employee development efforts. As part of our Strategic Planning process, SPS will build in objectives and measurable strategies to demonstrate our achievements of these goals. A focus in building Surrey Police Service from the ground up will be zero tolerance for racist or discriminatory behaviour. This culture will ultimately translate into a high-quality service delivery model, benefitting citizens of and visitors to Surrey.

SPS, as a local Service accountable to the Board, will be in a position to deal directly with the conduct of our officers, both through internal policy and through the Office of the Police Complaints Commissioner, if required. The Chief Constable is committed to ensuring all personnel are held to the highest standards.

The full report and supporting materials are located at: [SECU - Systemic Racism in Policing in Canada \(ourcommons.ca\)](https://ourcommons.ca)



Norm Lipinski, OOM, LLB, MBA  
Chief Constable



**REGULAR**

**REPORT DATE:** July 9,2021

**BOARD MEETING DATE:** July 20, 2021

**BOARD REPORT #** 2021-FIN013

**TO:** Surrey Police Board

**FROM:** Finance Committee

**FILE:** 60540-20-04

**SUBJECT:** One-time Policing Transition Project - Budget Update Year to Date Expenditures

---

## **RECOMMENDATION**

The Finance Committee recommends that the Surrey Police Board (the "Board") receive this report for information.

## **SUMMARY**

In December 2019, City Council adopted the 2020-2024 Financial Plan, which made provision for the One-time Policing Transition Project. One-time expenditures for the 2020 year were budgeted at \$25.2 Million, of which \$20.6 Million was not expended and carried forward into the 2021 fiscal year. One-time expenditures for the 2021 fiscal year were budgeted at \$23.1 Million. The total of \$43.7 Million is the available one-time budget for the current year. The Surrey Police Service (SPS) and the City of Surrey are working collaboratively with both the Province of BC and the Government of Canada on the transition. The specific timing of the implementation of SPS is dependent on decisions by all three levels of government which impacts the timing of expenditures.

This report provides a summary of the year-to-date expenditures incurred during the period ended May 31<sup>st</sup>, 2021.

## **DISCUSSION**

The expenditures in Appendix I show both capital and operating expenses related to the establishment of the SPS. The unspent \$20.6 Million carried forward from 2020 has been reallocated for 2021 and future years based on the projects and priorities pertaining to the SPS establishment. Appendix I summarizes the expenditures incurred during the period ended May 31<sup>st</sup>, 2021. As in 2020, a year-to-date expenditures report will be provided to the Finance Committee monthly. The details of the budget allocations and corresponding expenditures are as follow:

- Legal includes expenditures for matters pertaining to collective bargaining, human resources, trademarks, and other establishment legal costs. Also, included in Legal is the cost of in-house legal counsel seconded from the City of Surrey. The year-to-date spend is \$159,030 with remaining budget available of \$325,693.

- Strategy and Policy includes consulting, research, and policy advice. A great deal of groundwork was done in 2020 and \$1,500 has been spent as of the end of May 2021. The total budget available is \$323,353.
- Financial Services includes external financial services advisors and accounting advice to support the establishment of SPS. Also, included in Financial Services are consultants and City of Surrey seconded staff supporting the financial management system. The year-to-date spend is \$134,735 with remaining budget available of \$429,015.
- Communications and Marketing includes consultants managing public relations required to support the establishment of SPS. Also, included is the City of Surrey staff to support the SPS websites, social media and communications activities with graphic design and videography. The year-to-date spend is \$221,306 with remaining budget available of \$389,542.
- Human Resources includes expenditures for consultants and City of Surrey seconded staff directly involved with the HR matters. The year-to-date spend is \$102,388 with remaining budget available of \$444,512.
- Recruitment, Assessment, and Training includes SPS employees hired to support surge recruiting for SPS. Also, included are testing and assessment of candidates and training for the new hires. The year-to-date spend is \$284,959 with remaining budget available of \$10,490,049.
- Infrastructure Operating includes fleet maintenance and management. Also, included is the City of Surrey seconded staff managing infrastructure. The year-to-date spend is \$31,498 with remaining budget available of \$639,202.
- Information Technology Operating includes maintenance of IT operating systems. Also, included is the City of Surrey seconded staff for IT project management. The year-to-date spend is \$197,878 with remaining budget available of \$4,351,967.
- Information Technology Capital includes expenditures for building the data centre, dispatch systems, administrative systems, and telecommunication assets. The year-to-date spend is \$3,132,854 with remaining budget available of \$12,517,859.
- Fleet Capital includes purchase of new vehicles. The year-to-date spend is \$70,096 with remaining budget available of \$1,046,904.
- Armoury and Outfit includes expenditures for guns, uniforms, and personal issue kit. No amount has been spent as of the end of May 2021. The total budget available for Armoury and Outfit Capital is \$7,823,827.
- Facilities Capital includes retrofit costs for SPS to assume occupancy of facilities currently owned or leased by the City and occupied by RCMP. The year-to-date spend is \$58,751 with remaining budget available of \$541,289.

As of May 31<sup>st</sup>, 2021, expenditure in all areas remain underspent compared to the available budget. The projected spending for 2021 fiscal year will be approximately \$29.5 Million. Areas of significant expected spending include Information Technology and Recruitment, Assessment and Training. By the end of 2021, SPS expects to carry forward \$14.2 Million to 2022 and future years.



**RISK ASSESSMENT**

The assessment of risk correlates with the effectiveness of the internal controls. The primary risk areas identified for the Finance Committee are as follows:

*Accuracy and completeness*

Each month there are transactions recorded for this project by various departments. Due to the increasing volume of transactions, there is risk of unrecorded or inaccurately recorded transactions.

On a monthly basis, the Manager, Financial Services receives and reviews the report with details of all transactions posted to the project to ensure accuracy, completeness, and proper classifications.

*Budget Variance*

The One-time Policing Transition Project spans over a 5-year period (2020 to 2024). The financial plan for this project was prepared in 2019. The total funding available for this project is \$63.7 Million. There is risk that if the expenditures are not monitored, the spending for this project could exceed the budgeted amount of \$63.7 Million.

On a monthly basis, the financial reports are reviewed by the Manager, Finance Services and the General Manager, Policing Transition to ensure the expenditures for the month are as expected. Where there are variances from expectations, the Manager, Finance Services follows up with the respective domain lead for analysis of the variance and for updates to the forecast for the year and for the entire span of the project.

**CONCLUSION**

Expenditures to date supporting the One-time Policing Transition Project have been managed in accordance with the Council-adopted 2020-2024 Financial Plan. With this report, the Board is following through on a commitment to monthly public reporting on expenditures. Implementation of the SPS is well underway. Each project domain is moving forward. Expenditures for the period ended May 31<sup>st</sup>, 2021 were within the available budget for 2021.



Elizabeth Model  
Chair, Finance Committee

APPENDIX I

One-time Policing Transition Project  
 Year-to-Date Budget Reconciliation - May 31, 2021

EXPENDITURES	BUDGET CARRIED FORWARD	CURRENT YEAR BUDGET	BUDGET AVAILABLE	CURRENT YEAR ACTUAL EXPENSE	YEAR-END PROJECTION	EXPECTED BALANCE CARRIED FORWARD
	2020	2021	2021	2021	2021	2022
	(a)	(b)	(a) + (b) = (c)	(d)	(e)	(c) - (e) = (f)
Legal	363,923	120,800	484,723	159,030	484,723	-
Strategy and Policy	244,853	80,000	324,853	1,500	274,853	50,000
Financial Services	544,350	19,400	563,750	134,735	348,750	215,000
Communications and Marketing	333,148	277,700	610,848	221,306	420,000	190,848
Human Resources	475,000	71,900	546,900	102,388	302,950	243,950
Recruitment, Assessment, and Training	7,082,876	3,692,132	10,775,008	284,959	3,429,927	7,345,081
Infrastructure Operating	350,050	320,650	670,700	31,498	670,700	-
Information Technology Operating	271,400	4,278,445	4,549,845	197,878	4,423,494	126,351
<b>SPS TRANSITION - OPERATION SUBTOTAL</b>	<b>9,665,600</b>	<b>8,861,027</b>	<b>18,526,627</b>	<b>1,133,294</b>	<b>10,355,397</b>	<b>8,171,230</b>
Information Technology Capital	4,354,563	11,296,150	15,650,713	3,132,854	15,575,713	75,000
Fleet Capital	592,000	525,000	1,117,000	70,096	1,117,000	-
Armory and Outfit Capital	5,799,215	2,024,612	7,823,827	-	1,890,748	5,933,079
Facilities Capital	222,829	377,211	600,040	58,751	600,040	-
<b>SPS TRANSITION - CAPITAL SUBTOTAL</b>	<b>10,968,607</b>	<b>14,222,973</b>	<b>25,191,580</b>	<b>3,261,701</b>	<b>19,183,501</b>	<b>6,008,079</b>
<b>TOTAL BUDGET BALANCE</b>	<b>20,634,207</b>	<b>23,084,000</b>	<b>43,718,207</b>	<b>4,394,995</b>	<b>29,538,898</b>	<b>14,179,309</b>

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](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).

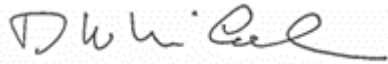
Not all users of social media will recognize that some Facebook pages and Twitter feeds come from advocacy groups, both for and against the transition from the RCMP to the SPS. Some of those postings promote their own views of what has occurred or not occurred and anticipated events in the future. In 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



## **32nd ANNUAL GENERAL MEETING**

### **A G E N D A**

**Thursday, September 30, 2021**

**VIA ZOOM – Details for log in to follow**

1. Call to Order and Introduction
2. Establishment of Quorum
3. Approval of Agenda for the 32nd Annual Meeting
4. Announcement of CAPG Award for Excellence in Police Governance
5. Confirmation of Minutes of the 31st Annual Meeting held virtually on Saturday, October 31, 2020
6. Nomination's Committee Report and Election of a slate for the Board of Directors
  - a. *Nominations from the Floor if required*
7. Treasurer's Report
8. Receive the Financial Statements and Auditor's Report for 2021 Fiscal Year
9. Appointment of Auditor/Public Accountant for the 2022 Fiscal Year
10. Members' Resolutions
11. President's Report
12. Committee Reports:
  - a. Research & Policy Committee
  - b. First Nations Police Governance Council
  - c. Governance Committee
  - d. Conference Committee
  - e. Advocacy Committee
13. Additional Business
14. Closing Remarks and Adjournment



**CALL FOR NOMINATIONS**  
**32nd ANNUAL GENERAL MEETING**  
**Thursday, September 30, 2021**

On behalf of the CAPG Nominations Committee, we are pleased to invite nominations to the Canadian Association of Police Governance (CAPG)'s Board of Directors for the term 2021-2023.

The following chart lists the positions that are currently vacant on the CAPG Board of Directors and those terms that will expire at the Annual General Meeting to be held on Thursday, September 30, 2021.

All directors whose terms expire in 2021 are eligible to run for election for an additional one or two-year term BUT this provision does not preclude any other eligible and interested candidates from submitting their own nomination for the vacancy. The chart below lists the eight vacancies by province or designation.

<b>Province</b>	<b>Vacancies</b>
British Columbia	1 Director (1 eligible director Am Naqvi, Nelson)
Alberta	1 Director
Saskatchewan	1 Director
Manitoba	1 Director
Ontario	2 Directors
Nova Scotia	1 Director (1 eligible director Wayne Talbot, Truro)
First Nations	1 Director

Nominations are an important responsibility of our members. The effectiveness and success of our Association depends on the strength and quality of our volunteer Board. It

is up to you to propose nominees who will bring the necessary competencies and commitment.

**CAPG By-Laws state:**

**5.1 Number of Directors**

The Board shall consist of the number of Directors specified in the Articles. If the Articles provide for a minimum and maximum number of Directors, the Board shall be comprised of the fixed number of Directors as determined from time to time by the Members by Ordinary Resolution or, if the Ordinary Resolution empowers the Directors to determine the number, by resolution of the Board. At least two (2) Directors shall not be Officers or employees of the Corporation or its affiliates.

**5.2 Composition of the Board**

The Board shall be comprised of representatives of the geographic regions of Canada represented by its Members. The Nominations Committee shall be responsible for preparing a slate of nominees for election by the Members which complies with these By-laws and the operating policies of the Corporation. In addition, if permitted by the Articles, the directors may appoint one or more additional directors who shall hold office for a term expiring not later than the close of the next annual meeting of Members, but the total number of directors so appointed may not exceed one-third (1/3) of the number of directors elected at the previous annual meeting of Members.

**5.3 Qualifications**

In addition to the qualifications for directors set out in the Act,

- (a) Only those individuals who are appointees of a Police Board which is a Member of the Corporation or a representative of a Non-Police Board Organization which is a Member of the Corporation, are eligible to be elected as directors of the Corporation; and
- (b) Candidates nominated for election to the Board must reside in the province or territory in which the Police Board or Non-Police Board Organization is located.

**5.4 Election and Term of Directors**

The Directors shall be elected by the Members at each annual meeting of Members for which an election of Directors is required. Each Director shall be elected to hold office for a term expiring not later than the close of the second annual meeting of Members following the election, at which time each such Director shall retire as a Director, but, if qualified, shall be eligible for re-election.

When more than one qualified nomination is received for the same vacancy the Nominations Committee will advise that this will require an election to be held by ballot at the Annual General Meeting. Each candidate will be given time to address the members to support their election.

Following the receipt of nominations and identification of eligible candidates, the Nominations Committee will present a slate for election at the Annual General Meeting on September 30, 2021.

Attached to this document are the following:

- Schedule A is the form to be used by all nominees along with the form to indicate

areas of interest or expertise.

Please submit your nomination forms electronically to the attention of Chair, Nominations Committee at the following address: [nominations@capg.ca](mailto:nominations@capg.ca) or [jmalloy@capg.ca](mailto:jmalloy@capg.ca) before **Wednesday, August 18, 2021.**

The deadline for receipt of nomination papers is **Wednesday, August 18, 2021**. The members of the Nominations Committee are:

- Mary Collins, Victoria, British Columbia
- Micki Ruth, Edmonton, Alberta
- Darlene Brander, Saskatoon, Saskatchewan
- Sandy Smallwood, Ottawa, Ontario
- David Walker, Bridgewater, Nova Scotia

If you have any questions, please feel free to send them to me via [jmalloy@capg.ca](mailto:jmalloy@capg.ca) or via [nominations@capg.ca](mailto:nominations@capg.ca) email.

Sincerely

A handwritten signature in blue ink, appearing to read "Jennifer Malloy". The signature is fluid and cursive, with the first name "Jennifer" being more prominent than the last name "Malloy".

Jennifer Malloy  
Sent on behalf of the Nominations Committee

## Schedule A: Nomination Form

TO BE SIGNED BY BOARD/COMMISSION CHAIR/VICE CHAIR AND NOMINEE:

We \_\_\_\_\_, being members in good standing of CAPG, nominate \_\_\_\_\_ for the position above.

We also confirm that:

- We are members in good standing of the Association
- The nominee resides in the province where our Police Board/Commission is located
- The nominee is willing to commit to the Association for at least a one-year or two-year term
- The nominee will commit to attend the annual conference of CAPG
- The nominee has the financial support\* of our Police Board/Commission to cover the cost of his/her attendance at the CAPG annual conference
- The nominee is able to participate in a two-hour bi-monthly teleconference board meeting; and
- The nominee is willing to sit on at least one working committee and actively participate in the work of that committee.

Signature:

Name: (please print)

Chair of Board/Commission

### NOMINEE:

I \_\_\_\_\_ being a member of, \_\_\_\_\_ consent to this nomination. I am currently a \_\_\_\_\_ (provincial, municipal, citizen appointment) representative on my police board/commission and I have \_\_\_\_\_ years left to serve. I am eligible for another reappointment for \_\_\_ years.

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Date \_\_\_\_\_

Signature:

Name: (please print)

**Return this form by email to [nominations@capg.ca](mailto:nominations@capg.ca) or [jmalloy@capg.ca](mailto:jmalloy@capg.ca) by AUGUST 18, 2021**

### **DECLARATION OF INTEREST TO SERVE ON THE EXECUTIVE**

I am interested in putting my name forward for the following position(s) for the 2021-2022 term:

POSITION	NAME
President	
Vice President	
Treasurer	
Secretary	

\*Due to the current pandemic and restrictions to in-person travel, the financial commitment needed by your board is limited to attendance at the next CAPG annual conference. Moving forward the financial commitment may increase.

## SCHEDULE B – Areas of Interest or Expertise

Experience	Interest	
		Governance – research on police governance
		Policy development for police governance authorities
		Advocacy on legislation effecting police governance authorities
		First Nations Police Governance
		Governance – emerging issues on board composition and appointments
		Conference and educational program development
		Innovations in crime prevention
		Victims services
		Team building and leadership development
		Risk management
		Labour Relations
		Human resources
		Strategic planning
		Knowledge of federal, provincial, municipal governments
		Contacts, networking, especially on a national level
		Community engagement
		Proposal and grant writing
		Information Technology
		Marketing & public relations
		Fundraising & special events
		Business administration, especially non-profit
		Accounting & Finance in non-profit
		Legal, especially non-profit & tax-law

**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No. 387

, Approved and Ordered June 30, 2021

  
\_\_\_\_\_  
~~Lieutenant Governor~~  
Administrator

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the ~~Lieutenant Governor~~<sup>Administrator</sup>, by and with the advice and consent of the Executive Council, orders that, effective June 30, 2021, the following appointments to the Surrey Police Board are made:

- (a) Cheney Elizabeth Cloke and Manav Deep Kaur Gill are reappointed as members for terms ending December 31, 2022;
- (a) Harley Justin Chappell and Jaspreet Kaur Sunner are reappointed as members for terms ending June 30, 2023.



\_\_\_\_\_  
Minister of Public Safety and Solicitor General



\_\_\_\_\_  
Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: Police Act, R.S.B.C. 1996, c. 367, ss. 23 and 24

Other: OIC 382/2020



---

To: Municipal Police Board Chairs  
Municipal Police Chief Constables  
Chief Officers  
Designated Law Enforcement Agencies  
Discipline Authorities  
Adjudicators

And to: Professional Standards Officers

From: Office of the Police Complaint Commissioner

Re: **Information Bulletin # 19 - Impact of COVID-19 Pandemic on Police Complaints process (Revised June 30, 2021)**

---

**UPDATE:** On June 29, 2021, the Minister of Public Safety and Solicitor General issued Ministerial Order MO 275 pursuant to the *Emergency Measures Act*, which effective at the end of day June 30, 2021, cancels the State of Emergency declared on March 18, 2020.

This Bulletin should now be read in consideration of MO 275. The discretionary power provided to entities that have statutory power to waive, suspend or extend a limitation period will continue until 90-days after the state of emergency is lifted (see Item 7 of Schedule 2 to the *COVID-19 Related Measures Act*).

Accordingly, discretionary power of statutory decision-makers to waive and extend timelines contained in the *Police Act as provided for in MO 98 (as amended)* ends 90 days from the end of the State of Emergency. At that time, this Bulletin will no longer be of force or effect and will be archived.

NOTE: This Bulletin will be revised periodically as circumstances require. However, given the rapidly changing nature of government's response to the pandemic, all parties are encouraged to contact the Deputy Police Complaint Commissioner if questions arise with respect to the police complaints process, including investigations and proceedings so that decisions may be balanced within the present extraordinary context.

On more general matters, it is recognized that each police agency has unique human resource capacity and needs, therefore, Chairs of Police Boards and Chief Constables/Officers are also

encouraged to contact the Police Complaint Commissioner directly on questions or issues specific to their agencies.

## COVID-19 RELATED MEASURES ACT

On July 8, 2020, the Legislature of British Columbia passed Bill-19 “*Covid-19 Related Measures Act*” (Royal Assent) and it received Royal Assent that same day and was brought into force by regulation on July 10, 2020. The Act and Regulation is found at:

<https://www.bclaws.ca/civix/document/id/bills/billscurrent/5th41st.gov19-3>  
[https://www.bclaws.ca/civix/document/id/oic/oic\\_cur/0391\\_2020](https://www.bclaws.ca/civix/document/id/oic/oic_cur/0391_2020)

That Act continues MO98 as an “EPA Instrument” under Schedule 2 giving it legislative effect in accordance with that Act.

## DECLARATION OF PROVINCIAL EMERGENCY

On March 18, 2020, the Provincial Government of British Columbia declared a state of emergency under the *Emergency Program Act* in a province-wide response to the COVID-19 pandemic. It followed the declaration of a public health emergency by the Chief Provincial Health Officer on March 17, 2020, under the *Public Health Act*. Further updates to the provincial state of emergency including Ministerial Orders are issued from time to time.

While these declarations or any superseding and applicable declarations or orders by the Government of Canada are in effect, the Office of Police Complaint Commissioner will be providing additional information within Orders for Investigation and Notices of Admissibility informing parties that lawfully authorized delays may occur during the affected period. This Bulletin should be read in conjunction with the *Emergency Program Act* and the *Public Health Act* of BC as well as any applicable orders, or direction under those Acts, or under federal legislation including the *Quarantine Act*. In particular, this includes orders related to occupational health and safety and the need for physical distancing and isolation, in order to protect the health of all participants in the complaints process.

As outlined below, and to support continued transparency and accountability, it is important that discretionary decisions including requests for extensions, suspensions, discontinuations, or decisions related to adjournments, be sufficiently documented outlining the reasons for the request, in the context of the current health emergency, the associated impacts to government bodies, important health and safety considerations and the extraordinary legislative authorities presently in force.

Where *Part 11* does not provide for discretion, the Commissioner will also consider requests to waive, extend or suspend a mandatory time period pursuant to Ministerial Order MO98 (as

amended) *Emergency Program Act* (attached). Broader application of Ministerial Order MO98 (as amended) will be considered as circumstances require.

It is also recommended that Retired Judges sitting as Adjudicators during a Review on the Record or a Public Hearing may wish to consider the application of MO98 (as amended) to their proceedings.

## **PURPOSE**

This Information Bulletin is intended to provide guidance to police agencies and police boards with respect to the impacts to the *Police Act* complaints process as a result of the current COVID-19 pandemic.

Section 177 of the *Police Act* states that the Commissioner is generally responsible for overseeing and monitoring complaints, investigations and the administration of discipline to ensure that the purposes of the *Police Act* are achieved. The Commissioner may also inform, advise and assist all participants in the police complaint process. To that end, the Commissioner may issue and periodically revise Information Bulletins to provide clarifying information with respect to various aspects of the *Police Act*.

## **BACKGROUND**

Government agencies are currently updating response plans and amending current business practices resulting from the COVID-19 pandemic which, in turn will affect the services provided to the public. This may include the need for police departments and designated law enforcement agencies to redirect resources, modify response procedures and re-align priorities in delivering policing services to their communities. This may also include the re-deployment of professional standards or support staff.

## **REQUIREMENTS OF PART 11**

With respect to the police complaint process, the *Police Act* contains non-discretionary timelines, duties and obligations. While some timelines have specific statutory language which allow for discretionary extensions, there is no authority for the Police Complaint Commissioner to generally waive these statutory timelines, duties or obligations.

The overriding principle of *Part 11* is to ensure that the public interest is met through the transparent civilian oversight of police conduct, complaints and investigations and the legislated accountabilities contained in *Part 11* of the Act. These accountabilities should be seen as immutable and are especially important in times of uncertainty, increased vulnerability of citizens, or during the exercise of extraordinary state powers as in the present case of the national response to the pandemic.

However, consideration of the public interest also includes the assessment of the current pandemic and its effect on government response including police service delivery and resources. Other public interest considerations include the availability and suitability of “virtual” communication; the need for procedural fairness; timeliness of investigations and proceedings; the need for thorough and complete investigations; the preservation of evidence; accountability and transparency to the public, and; to ensure the complaints process upholds the rights of respondent members, complainants and affected persons.

## EXERCISE OF DISCRETION DURING PANDEMIC AFFECTED TIME PERIOD

Certain sections within *Part 11* provide discretionary authority dependent upon the relevant statutory language. These may include, for example, provisions for extensions and/or suspensions of *Police Act* investigations and adjournments of matters in the disciplinary or adjudication phase.

Assessment of the public interest factors in discretionary decisions under the Act may include consideration of operational impacts to police agencies resulting from this pandemic. They are valid considerations for assessment and documentation by decision-makers where the specific statutory language provides discretion. For certainty, absent lawful excuse, declining or failing to do what is a mandated duty under the Act (e.g. s.89 reporting of death, serious harm and reportable injury) is not considered a proper exercise of discretion.

To ensure transparency and accountability of the complaints process, decision-makers are advised that all considerations should be clearly articulated and documented as to those public interest factors described above. This includes requests to this office such as discontinuations or extensions of investigations as well as those matters decided independently by investigators or discipline authorities under *Part 11*.

In any requests to this office for discretion relating to the extending of timelines or in the conduct of ongoing investigations and any related discipline proceedings, the specific factors related to the present pandemic response may therefore be reasonably considered. Where those considerations are not sufficiently documented to support the exercise of discretion, the OPCC may request supplemental material or information prior to granting the request.



Clayton Pecknold  
Police Complaint Commissioner



June 28, 2021  
Ref: 621100

Chief Constable Norm Lipinski  
Surrey Police Service  
Email: [Norm.Lipinski@surreypolice.ca](mailto:Norm.Lipinski@surreypolice.ca)

Dear Chief Constable Lipinski:

I am writing in response to Surrey Police Service's (SPS) request for provincial approval that its members may take the prescribed oath/affirmation pursuant to section 70 of the *Police Act*. I would like to thank you for your letters of May 21, 2019 and June 11, 2021, their enclosures, and supporting materials submitted to Policing and Security Branch (PSB).

Although the SPS is not yet operational, nor the City of Surrey's police agency of jurisdiction, it is anticipated that SPS officers will be operationally deployed within the Surrey RCMP Municipal Police Unit beginning in the Fall 2021. In addition, I appreciate that the SPS has identified a limited number of administrative and training related police duties and functions as well as additional factors, such as impacts to member enrollment in the Municipal Pension Plan, which requires that SPS members swear/affirm the Oath and be granted police officer status.

Based on evaluations conducted by my staff on the SPS submitted materials, I am satisfied that the SPS has provided clear, documented evidence that it is adequately and sufficiently positioned to comply with the *Police Act*, its regulations, and the BC Provincial Policing Standards (BCPPS) with respect to sworn officer status at this stage in the establishment of the SPS. Of particular importance is the SPS Service Directive which clearly articulates limitations and provides direction to police officers in the interim of becoming an operational police agency. I am pleased to advise that this letter constitutes my approval that SPS members may take the prescribed oath/affirmation and be granted police officer status.

As a condition to this approval, it is my expectation that in advance of the SPS providing in-house use of force training, the SPS must demonstrate in writing to myself, how it intends its instructors (other than firearms instructors) will comply with BCPPS 3.2.3. In addition, it is my expectation that the draft SPS policies evaluated by PSB staff (enclosed in your May 21, 2021 correspondence) are submitted to the Surrey Police Board for approval and subsequent filing with my office. Prior to submitting these policies to the Board, PSB staff would be pleased to share minor observations for their consideration.

.../2

Chief Constable Norm Lipinski  
Page 2

I have asked Christal Engleder, Director, Police Model Transition to make arrangements for this discussion, should you be interested. Christal may be contacted by phone at 778 572-3391 or by email at [Christal.Engleder@gov.bc.ca](mailto:Christal.Engleder@gov.bc.ca).

Please note, as you are aware, the policies included in this evaluation are not exempt and will still be subject to the final evaluation process which PSB will undertake to inform provincial approval of SPS operationalization; this may result in further PSB feedback or guidance on the content of these policies.

Sworn police officer status is an important step in the establishment of the Surrey Police Service, and the City's transition to its own municipal police department. I am impressed by the expediency of SPS's work on this matter and its responsiveness to guidance and feedback provided by PSB staff.

Regards,



Wayne Rideout  
Assistant Deputy Minister  
And Director of Police Services  
Policing and Security Branch

pc: Clayton Pecknold, Police Complaint Commissioner  
Ronald McDonald, QC, Chief Civilian Director, Independent Investigations Office