

This information was released to the public from the
Closed Council meeting of November 9, 2020.

**CLOSED COUNCIL MEETING
MONDAY, NOVEMBER 9, 2020**

Surrey Policing Transition Trilateral Committee Terms of Reference

That Council:

1. Receive this report for information; and
2. Authorize public release of the terms of reference once signed by all signatories and as described in the Confidential Information and Public Release section.

Terms of Reference

Surrey Policing Transition Trilateral Committee (SPTTC)

INTRODUCTION AND CONTEXT

The City of Surrey (the City), consistent with its authorities under the *Police Act* and, through a unanimous motion of Council in November 2018 determined that it would implement an independent municipal police department to police the municipality. In May 2019 the City, with support from the City of Vancouver and the Vancouver Police Department under a Technical Assistance Agreement, prepared an initial Surrey Police Transition Plan outlining the key issues to be resolved to give effect to the transition.

Following review of the initial transition plan document and to obtain authorization per the *BC Police Act* for establishment of the Police Board, the Director, Police Services established the Provincial Municipal Policing Transition Study Committee (PMPTSC). In February 2020, following review of the PMPTSC report on the project, the Minister of Public Safety and Solicitor General of British Columbia (MPSSG) announced the approval of the establishment of the Surrey Police Board.

The PMPTSC in its report on the Surrey Policing Transition recommended the establishment of a multi-party committee to support the implementation of the Surrey Police Service as the new independent municipal police department serving Surrey, British Columbia (BC). This committee may be supported at the local level by working groups or other committees to assist with implementation work within responsible partner organizations.

The PMPTSC report further recommended that the transfer of policing responsibilities be implemented under a phased Integrated Transition Model using a collaborative approach among all levels of government and key partner organizations. It recommended including the following organizations be brought together in a committee to oversee the Integrated Transition Model: the City, the Province of BC (the Province), and the Government of Canada (represented by the Department of Public Safety and with input from the Royal Canadian Mounted Police (RCMP) and other federal government agencies such as Shared Services Canada as required).

The Surrey Police Board was established via Provincial Order in Council effective July 6, 2020. It completed its inaugural meeting on August 6, 2020, passing a motion to create the Surrey Police Service.

PURPOSE

The Surrey Policing Transition Trilateral Committee (SPTTC) will guide and support the development, negotiation and implementation of a phased transition from policing under

s.3(2)(b) of the *BC Police Act* to policing under s.3(2)(a), and related formal legal agreements to be approved by federal, provincial and municipal decision-makers. This Terms of Reference outlines the roles and responsibilities of member organizations and an operating approach for the Committee.

MANDATE

The mandate of the SPTTC is to support the orderly, efficient and timely transition of policing services from the RCMP, pursuant to the Canada – BC Municipal Policing Services Agreement to an independent Surrey Police Service operating under BC statutes.

The members share this mandate in part based on their statutory authorities for oversight of policing at a local, provincial or federal level, and in part based on contractual obligations under the Municipal Police Services Agreement (MPSA) and Municipal Police Unit Agreement (MPUA) among other legal obligations and authorities.

In addition, the member organizations recognize that this shared mandate is driven by the practical implications of the proposed transition to a new service delivery model for policing in Surrey and the complex interdependencies between organization mandates and roles in supporting policing services.

GUIDING PRINCIPLES

This mandate will be pursued collaboratively with due regard to the following guiding principles:

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| <i>Maintenance of public safety</i> | The SPTTC will ensure that the transition of policing services remains focused on ensuring public safety for the community and officer safety for members of the RCMP and the SPS. |
| <i>Continuity of policing services</i> | Work of the Committee will support continuity of policing services and ensure that sufficient resources will be in place to maintain the ability of policing agencies to respond to calls for service. |
| <i>Respect for existing accountability structures</i> | The SPTTC will at all times respect the accountability structures of all member organizations and recognize the internal processes for approval and decision-making that may be required to achieve the mandate of the SPTTC. The mandate of the SPTTC will exist in parallel to these structures and does not override existing processes. |

Efficiency and timeliness

At all times, the SPTTC will recognize the need for timely action and member organizations will not unduly delay the work of the SPTTC. Efficient use of resources is a priority for all member organizations and as such, opportunities will be sought to achieve efficiencies in the work of the SPTTC.

Transparency and information sharing

SPTTC members will commit to provide all necessary information (within the bounds of their legal responsibilities for confidentiality) in a timely manner to ensure partners are able to respond effectively based on the best information available. SPTTC members commit to maintain the confidentiality of discussions within the bounds of all applicable laws.

In addition to the above core guiding principles, the SPTTC will be flexible and maintain a collaborative approach in its work.

SCOPE

As member organizations hold multiple mandates with regard to provision and oversight of policing services it is important to outline the scope of work for the SPTTC. The SPTTC will:

- Develop, and receive appropriate approval from decision makers for, the model by which the phased transition of policing services will occur;
- Identify, assess and develop mutually acceptable approaches to address the various range of policy, program and operational issues associated with implementation of the phased model, including but not limited to the transfer of assets, use of facilities, movement of officers, and use of information management/information technology (IM/IT) infrastructure and services during the transition;
- Develop a roadmap of key issues, milestones and anticipated timelines which will be refined over time as more information is confirmed;
- Identify gaps and limitations in the existing police service agreements (i.e., PPSA, MPSA, MPUA) to operationalize the phased policing model and negotiate amendments to the existing agreements or a new transition agreement to initiate a timely and orderly transition of policing services in Surrey;
- Provide governance oversight to member organizations regarding the phased transition of policing services;
- Advise on relationships and engagement with other partners and with the community, including Indigenous peoples;
- Act as a resource for other stakeholders who may be affected by, or have an interest in, the creation and operationalization of the SPS; and
- Provide guidance and support to those tasked with operationalizing the transition to monitor implementation

Items that are out of scope of the SPTTC include:

- Financial decisions that are the authority of the respective parties regarding the implementation and operationalization of the phased transition model, however some collaboration on resource planning may be required;
- Development or approval of policing operations budgets for the Surrey Policing Transition
- Operational policing decisions that are rightly the authority of the RCMP or SPS senior leadership;
- Governance decisions regarding SPS that are rightly the authority of the Surrey Police Board; and

The SPTTC may elect to further elaborate on items within and outside its scope at its discretion.

ROLES AND RESPONSIBILITIES

Canada (Public Safety Canada (PSC) and the Royal Canadian Mounted Police (RCMP))

- PSC is the program authority for the Police Service Agreements (PSAs) — responsible for overseeing the implementation and management of the agreements, including compliance and dispute resolution.
- PSC's authority, and the underlying principles reflected in the PSAs, is derived from approval of the Governor in Council.
- The RCMP is the service delivery agent — it works with the service levels and budgets set by jurisdictions as well as responds to local priorities.
- Pursuant to the Canada-B.C. Municipal Policing Service Agreement (MPSA), Canada's contractual relationship is with the Province.
- In the context of Surrey transition, PSC will lead, for Canada, on negotiations relating to any amendments to the MPSA and creation of new agreements required for transition.

PSC coordinates with other federal departments, such as Justice and Shared Services Canada, as well as with the Privy Council Office and Treasury Board, to determine viable options for transition, and seek approvals when required.

Province of British Columbia

- MPSSG is responsible under the BC *Police Act* to ensure that an adequate and effective level of policing and law enforcement is maintained in the Province at all times, including during the transition.
- The Director of Police Services, who leads the Policing and Security Branch, is responsible for superintending policing and law enforcement functions in the Province, on behalf of MPSSG, which includes establishing policing standards and reporting on the activities of police forces and police departments in the provision of policing services.

The Director of Police Services will provide direction on policing services requirements in this regard.

- In the context of Surrey transition, MPSSG will lead, for the Province, negotiations relating to amendments of existing agreements and creation of new agreements required for the transition.

MPSSG coordinates input from Provincial Government bodies as required to provide information or guidance that supports the work of SPTTC. It will ensure coordination with, and obtain necessary approvals as required.

City of Surrey (COS)

- The *BC Police Act* requires the municipality to provide and fund policing and law enforcement services within its boundaries including the provision of adequate accommodation, equipment and supplies for the operation and use of the police service and provide input to the priorities, goals and objectives of the Police Board.
- COS will participate in negotiations in relation to matters for which the SPTTC has oversight, and the negotiation of any amendments to the MPAU or creation of any transition agreements affecting COS.
- COS coordinates, as required, input from the Surrey Police Board and the Surrey Police Service (including the Chief Constable) to support the work of the SPTTC.
- COS provides support, as required, to the Surrey Police Board and the Chief Constable for operationalization of the Surrey Police Service.

COS ensures coordination with, and necessary approvals are obtained, from City Council and the Surrey Police Board as required to support the work of the SPTTC.

Surrey Police Board (the Board)

The Board has the following duties and authorities under the *BC Police Act*:

- Establishing a municipal police department;
- Appointing and employing a Chief Constable and other constables and employees the Board considers necessary to provide policing and law enforcement in the municipality;
- Setting policy and providing direction to the Chief Constable;
- Overseeing the budget; and
- Being the authority for service or policy complaints in accordance with Division 5 of Part 11 of the *Police Act*.

The Board has an enduring interest in the work of the SPTTC but does not have any role in the specific work regarding the existing agreements between the member organizations. The Board may have an interest in the future legal instruments required to give effect to the transition such that the provisions of such agreements may assume or involve certain responsibilities to be performed by the Board. The SPTTC will accordingly keep the Board informed of the Work Plan

and seek input and advice from the Board as required, regarding its priorities, goals and objectives for the SPS to inform its planning.

The SPTTC may not request member organizations to undertake work that is not consistent with their statutory authorities and existing contractual obligations.

MEMBER ORGANIZATIONS

The SPTTC will comprise senior-level representatives from:

City of Surrey:	Vincent Lalonde, City Manager and Terry Waterhouse, General Manager, Policing Transition
Province of BC:	Brenda Butterworth-Carr, Assistant Deputy Minister and Director of Police Services (MPSSG)
Government of Canada:	Trevor Bhupsingh, Acting Assistant Deputy Minister, Public Safety Canada

Brian Brennan, Deputy Commissioner Contract and Indigenous Policing, and Jennifer Strachan, Deputy Commissioner E Division, of the RCMP will also participate in SPTTC meetings *ex officio*.

Public Safety Canada will coordinate participation and input from the Royal Canadian Mounted Police (RCMP) and other federal agencies (e.g., Justice Canada and Shared Services Canada) as required.

Once appointed, the Chief Constable of the Surrey Police Service will play a leadership role in the operationalization of the phased transition model and as such, in the future will be involved in the work of the SPTTC *ex officio*.

The City of Surrey Policing Transition Team will provide secretariat support to the SPTTC and be responsible for scheduling meetings, providing a record of decisions and discussions, and coordinating preparation of documentation.

The Chair of the meeting will rotate between the members each meeting. The Chair will ensure that meetings focus on oversight and governance aspects of the project while respecting the independence and statutory authorities of the member organizations.

WORKING GROUP

The SPTTC will be supported by a director-level working group made up of the following participants:

City of Surrey:	s. 19(1), 22(1) Manager Policing Transition
Province of BC:	Gayle Armstrong, Executive Director Policing Model Transition Secretariat

Government of Canada: Darryl Sitka, Senior Director Strategic Policing Policy Division
 Rob Stone, Acting Director General Strategic Policing Agreements Branch, and Alain Duplantie,
 Director Contract Management Framework Development of the RCMP will also participate in
 Trilateral Working Group (Working Group) meetings *ex officio*.

SUB-COMMITTEES

As necessary the SPTTC may also establish working sub-committees on specific issues. The City of Surrey Policing Transition team will provide secretariat support to the Working Group and any sub-committees that are established.

MODUS OPERANDI


The SPTTC will work on a consensus basis. It will meet at least monthly. If additional or ad hoc meetings are requested by a member or members of the SPTTC, members will endeavor to accommodate such requests.

Documentation, including the agenda and supporting materials, will be available to the SPTTC at least one week before the meetings.

SIGNATURES



Vincent Lalonde
 for the City of Surrey



Brenda Butterworth-Carr
 for the Province of British Columbia



Trevor Bhavsingh
 for the Government of Canada

Appendix I

GLOSSARY OF TERMS

<i>Mandate</i>	Refers to the specific purpose and function of the Surrey Police Transition Trilateral Committee (SPTTC)
<i>Sub-Committee</i>	A group of officials tasked by the SPTTC, at its discretion, with a focus on a specific issue or action required to support the transition.
<i>Surrey Police Board (Board)</i>	Surrey Police Board is body enacted under the <i>BC Police Act</i> to provide governance and oversight of the Surrey Police Service.
<i>Working Group</i>	The working group of senior officials from the three member organizations tasked with developing and advancing the work of the SPTTC
<i>Work Plan</i>	The program of work authorized by the SPTTC consistent with its shared mandate and developed and executed by the Working Group.

ACRONYMS

<i>MPSSG</i>	Ministry of Public Safety and Solicitor General represents the Province of British Columbia on the Surrey Policing Transition Trilateral Committee.
<i>PSC</i>	Public Safety Canada represents the Government of Canada on the Surrey Policing Transition Trilateral Committee.
<i>RCMP</i>	Royal Canadian Mounted Police is the national police organization currently providing contracted policing services to Surrey under the provisions of the MPSA and MPUA.
<i>SPS</i>	Surrey Police Service is the independent municipal police service being established by the Surrey Police Board consistent with its authorities under the <i>BC Police Act</i> .
<i>SPTTC</i>	The Surrey Policing Transition Trilateral Committee made up of senior representatives of the City of Surrey, the Province of British Columbia, and the Government of Canada.