

NO: R143

COUNCIL DATE: September 14, 2020

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **September 10, 2020**

FROM: **General Manager, Policing Transition**

FILE: **7400-01**

SUBJECT: **Establishing the Surrey Police - a Framework for Critical Decisions**

RECOMMENDATION

The Policing Transition Department recommends that Council receive this report for information.

INTENT

This report outlines a framework for the key critical decisions which will take place in the coming months to establish and operate the Surrey Police Service (“the SPS”).

BACKGROUND

On August 6, 2020, the Board adopted a motion to create the SPS. The *BC Police Act* [RSPC 1996] (“the *Police Act*”) defines roles and responsibilities for the Board, the Chief Constable, the municipality and others in making decisions regarding a municipal police service. Decision-making on issues related to the establishment and operation of the SPS must be consistent with the *Police Act*.

Creating a municipal police service requires multiple complex and interrelated decisions and the *Police Act* provides guidance as to the appropriate authorities for decision making on several issues. However, the *Police Act* does not provide explicit direction for the transfer of policing responsibilities from a contracted policing model under the Municipal Police Unit Agreement (“MPUA”), to an independent municipal police service. Therefore, the critical decisions required in coming months are derived from the *Police Act* as well as the practical considerations required during a transition of this type.

DISCUSSION

Broadly speaking, the *Police Act* defines the decision-making authority of the Board regarding matters of governance, accountability and transparency. Specifically, as per the *Police Act* (Part 5, s.23-30), the Board’s powers include:

- Employing all sworn and civilian staff of the SPS;
- Setting policy and providing direction to the Chief Constable;
- Overseeing the budget; and

- Authority for Service or Policy Complaints against the SPS.

Similarly, in Part 7 (s.34), the *Police Act* defines the decision-making authority of the Chief Constable as focused on operational and organizational matters regarding how policing services are delivered. Specifically, the Chief Constable's powers include:

- Exercising powers and performing duties assigned to the Chief Constable;
- Ensuring compliance with the Director of Police Services' standards as they relate to a municipal police department;
- Performing the duties and functions respecting the preservation of peace, the prevention of crime and offences against the law; and
- Overseeing the operation of the municipal police department.

The *Police Act* also defines the decision-making authority of the municipality as focused on matters regarding funding of police services. Specifically, the municipality's authority includes:

- Bearing the expenses necessary to generally maintain law and order in the municipality;
- Providing adequate accommodation, equipment and supplies for the operation of and use by the municipal police service and the detention of persons in police custody (*Police Act*, Part 4 *Police Act* (s.15); and
- Providing to the Board advice on the municipality's priorities, goals and objectives (Part 6 *Police Act* (s.26).

The specific authorities under the *Police Act* imply decision-making authorities for the parties, however, the practicalities of establishing a department while still delivering services through a contracted policing model requires a nuanced and proactive approach to implementing these authorities. More importantly, each party needs to understand each other's specific authorities and how they will be used to create the best municipal police service.

In addition to the above noted responsibilities embedded in the *Police Act*, the Province, the Federal Government and the RCMP are important stakeholders, and on some issues, decision-makers. To confirm and facilitate those issues, Surrey Police Transition Tri-Lateral Committee ("the committee") is being formed. It includes senior representatives from Public Safety Canada, the Ministry of Public Safety and Solicitor General, and the City of Surrey. The committee held its inaugural meeting on September 4, 2020. It is anticipated that several critical decisions will come forward to the Board as a result of the work of the committee. City staff will provide regular updates to the Board and Council on the work of the committee.

Draft Framework for Decision Making

To support the Board, the Chief Constable and the municipality in making the necessary decisions that will give effect to the Board's motion to establish the SPS, a draft critical decision matrix has been created. The matrix outlines several major decisions that have been identified to date, categorizes these by topic area, and indicates the anticipated roles of the parties in confirming the decisions. The matrix will be reviewed by the Chief Constable and will be updated as progress is made on the topics indicated. Table 1 below shows the structure of the draft matrix and provides a sample of decisions that will need to be considered. The draft matrix is included as Appendix "I" and will be updated as new issues are identified.

Table 1. Sample of Draft Critical Decision Matrix

Topic Area	Decision / Direction Required	Board	Chief Constable	City of Surrey
Financial Management	Five-year forecast for capital infrastructure to support policing	Endorse	Collaborate with the Board and City	Approve

In some cases, one of the parties has sole authority and holds the responsibility for the decision (e.g., appointment of the Chief Constable is the sole authority of the Board). In other cases, the primary decision maker is identified and other parties may have a role in collaborating with or otherwise supporting that party to make the final decision (e.g., confirming the five-year budget forecast for the SPS for inclusion in the City’s Five-Year Financial Plan will require collaboration between the Board and the Chief and approval by the municipality).

Items will be brought forward to the Board and/or the Chief Constable, for decision or further direction consistent with their authorities under the *Police Act*. A collaborative approach will be maintained which provides early notice to the Board of work underway that may lead to future decisions.

The draft critical decision matrix provides the Board with advanced notice of the items identified to date requiring decision or further direction prior to implementation. The matrix is sorted by type of decision in alphabetical order. At this stage, it is provided for information only and each item will be brought forward formally for input from the Board as necessary. It should be noted that items may change in scope as more information becomes available.

A corresponding Surrey Police Board Report has also been prepared and forwarded to the Surrey Police Board (“the Board”) for the September 15, 2020 Board meeting.

SUSTAINABILITY CONSIDERATIONS

The work of the Police Transition Department supports the objectives of the City’s Sustainability Charter 2.0. In particular, this project supports the Sustainability Charter 2.0 theme of Public Safety. Specifically, this project supports the following Desired Outcome (“DO”) and Strategic Direction (“SD”):

- Public Safety DO4: Local residents and businesses are connected and engaged within their neighbourhoods and with the broader community – including police, public safety partners and social service agencies – to enhance safety.
- Public Safety SD3: Ensure programs, policies and initiatives exist along the public safety continuum, and support the entire community.

CONCLUSION

The Board, the Chief Constable and the municipality all have key roles to play in making the multiple, complex, and interrelated decisions required to establish the SPS. Additional responsibilities involve the federal and provincial governments. Ensuring that all parties clearly understand their roles and responsibilities and decision-making authorities is important to ensure effective collaboration. Early notice of key decisions that will be brought forward is also useful to help the Board prioritize consideration of issues requiring early attention. The draft critical decision matrix provides a framework for these decisions.



Terry Waterhouse
General Manager, Policing Transition

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2020-09-10 5:41 PM AR
[https://surreybc.sharepoint.com/sites/policingtransition/management documents/council/cr 2020 09 08 establishing the surrey police - a framework for critical decisions.docx](https://surreybc.sharepoint.com/sites/policingtransition/management%20documents/council/cr%2020%2009%2008%20establishing%20the%20surrey%20police%20-%20a%20framework%20for%20critical%20decisions.docx)

Appendix "I" - Draft Critical Decision Matrix – Roles and Responsibilities

Draft Critical Decision Matrix – Roles and Responsibilities

Topic Area	Description	Board Responsibility	Chief Constable Responsibility	City of Surrey Role
Financial Management	Confirm the policing operations budget model and confirm the Surrey Police five-year operations budget forecast	Collaborate with the City	Collaborate with the Board and City	Collaborate with the Board
Financial Management	Confirm the five-year forecast for capital infrastructure to support policing	Endorse	Collaborate with the Board and City	Approve
Financial Management	Review and Confirm the proposed budget for SPS in the City of Surrey's 2021-25 Five Year Financial Plan	Collaborate with the City	Collaborate with the Board and City	Approve
Human Resources Management	Strike Executive Recruitment Committee for Chief Constable	Approve	No role	No role
Human Resources Management – Civilian Transition	Confirm the draft civilian transition plan for the existing civilian employees of the City who will transfer to employment with Surrey Police	Endorse	Collaborate with the City	Approve
Human Resources Management	Confirm the organizational structure	Collaborate with the Chief Constable	Approve	No role
Human Resources Management	Confirm the draft recruitment plan for sworn and new civilian positions in Surrey Police	Endorse	Collaborate with the Board and City	Provide Support

Topic Area	Description	Board Responsibility	Chief Constable Responsibility	City of Surrey Role
Human Resources Management	Confirm the hiring sequence and timing for open of online recruitment to begin	Collaborate with the Chief Constable	Approve	Provide Support
Human Resources Management	Confirm draft plan for Transitional Recruitment Unit to support surge hiring during the establishment phase	No role	Approve	Collaborate with the Chief Constable/ Dept
Human Resources Management	Confirm pension transfer process for eligible new police members	Endorse	Collaborate with the Board and City	Provide Support
Information Technology	Confirm the draft information management/ information technology plan to support the establishment and operational phases of the Surrey Police	Endorse	Collaborate with the City	Provide Support Approve
Information Technology	Confirm capabilities and systems required to support operation of the Department	Receive for information	Collaborate with the City	Collaborate with the Chief Constable/ Dept
Infrastructure - Equipment	Confirm specifications of required equipment to support the Surrey Police	Support	Approve	Collaborate with the Chief Constable/ Dept
Infrastructure - Equipment	Confirm approach to transfer equipment assets from Government of Canada to City under the terms of the Municipal Police Unit Agreement	Support	Collaborate with the City	Approve

Topic Area	Description	Board Responsibility	Chief Constable Responsibility	City of Surrey Role
Infrastructure - Facilities	Confirm draft facilities plan including options for establishment and operational phase	Support	Collaborate with the City	Approve
Infrastructure - Facilities	Confirm budget approval for fit-up of approved spaces to accommodate the phased recruiting model	Collaborate with the City	Collaborate with the Board and City	Approve
Infrastructure - Fleet	Confirm preferred specifications and requirements for fleet to service Surrey Police operating model	Support	Approve	Collaborate with the Chief Constable/ Dept
Infrastructure - Fleet	Confirm approach to transfer fleet assets from Government of Canada to City under the terms of the Municipal Police Unit Agreement	Support	Collaborate with the City	Approve
Infrastructure - Fleet	Confirm decisions regarding insurance provisions for fleet assets	No role	Collaborate with the City	Approve
Operational Police Matters	Determine the operating model for frontline policing	No role	Approve	No role
Operational Police Matters	Confirm approach to file continuity for active investigations	No role	Approve	No role

Topic Area	Description	Board Responsibility	Chief Constable Responsibility	City of Surrey Role
Operational Police Matters	Confirm approach for fleet sharing arrangements (potential) between Surrey Police and Surrey RCMP subject to negotiations on the proposed phased Integrated Transition Model	Collaborate with the Chief Constable	Approve	Collaborate with the Chief Constable/ Dept
Police Board Operations	Confirm working draft of Board Policy Manual	Endorse	No role	No role
Police Board Operations	Assignment of Committees of the Board	Approve	No role	No role
Police Board Operations	Confirm agreements for secondments of municipal staff and shared services agreements to support establishment of SPS	Approve	No role	Approve
Purchasing and Asset Management	Confirm draft purchasing and asset management plan including early procurement needs for the Department	Support	Collaborate with the City	Collaborate with the Chief Constable/ Dept Approve
Strategic Communications	Confirm continued use of the provisional Surrey Police Board and Surrey Police Service branding during the establishment phase.	Endorse	Collaborate with the Board	Provide Support