

NO: R199

COUNCIL DATE: November 14, 2022

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **November 12, 2022**

FROM: **General Manager, Community Services** FILE: **7400-01**
General Manager, Finance
General Manager, Corporate Services

SUBJECT: **Police Transition Update**

RECOMMENDATION

The Community Services Department, Finance Department and the Corporate Services Department recommend that Council:

1. Receive this report for information;
2. Endorse the guiding principles set out in this report for the next phase of work to advance policing and public safety in the City; and
3. Endorse one of the following 2 options:
 - a) Option 1 - maintain the RCMP as Police of Jurisdiction, and; direct staff to prepare a plan to be endorsed by Council which would be forwarded to the Minister of Public Safety and Solicitor General for approval; and to further direct staff to issue a letter on behalf of Council to the Surrey Police Board to pause all new hiring and expenditures pending further Council direction; or
 - b) Option 2 - continue the transition to the Surrey Police Service.

INTENT

The purpose of this report is to provide Council with a status update on the police transition and to seek Council's endorsement of the guiding principles contained in this report as it relates to policing and public safety in the City. This report also seeks Council direction on next steps on the police transition.

BACKGROUND

The City of Surrey is responsible under subsection 3(2) of the *Police Act* R.S.B.C., 1996, c. 367 (the "Police Act") for providing policing and law enforcement services within the municipality. The RCMP delivers policing services via the Municipal Police Unit Agreement (the "MPUA") between the Province of BC and the City of Surrey (the "RCMP Contract"). The MPUA documents the terms and conditions under which the RCMP provides local police services.

In November 2018, the transition of the City's policing model was initiated by Council motion. Subsequently, in July 2020, the Province established the Surrey Police Board (the "Board"), and in August 2020 the Board created the Surrey Police Service ("SPS") as Surrey's independent municipal police service.

To support the implementation of Surrey's new policing model, the Surrey Police Transition Trilateral Committee (the "SPTTC") was established in September 2020 by the Provincial and Federal governments as well as the City. Representatives from the Board, the SPS and the RCMP also participate in the SPTTC meetings.

DISCUSSION

Throughout the police transition the City has sought to undertake the necessary work grounded in core principles that guide day-to-day decision making. As this work continues to evolve with new Council direction, the following principles are proposed to guide this next phase of work.

Guiding Principles

- The City will at all times uphold its responsibility to provide adequate and effective policing services to the City of Surrey whether through combined provision of services by the RCMP and the SPS or by one of these police agencies.
- The provision of public safety services that meet the current and future needs of our community members is of the highest priority as is the preservation of officer safety and officer well-being.
- The City will continue its person-centred approach, recognizing the highly impactful nature of this work on the well-being, morale, and livelihoods of the civilian and sworn staff of the City, the Board, the SPS and the RCMP.
- Timeliness is a priority to minimize uncertainty for impacted staff and the community as a whole and to give effect to Council direction as soon as practicable given legal, financial and other constraints.
- Due process will be respected, such that the City and its partners are able to fulfil their legal obligations and exercise their respective authorities to undertake work within their discretion and available resources.
- The collaborative approach taken to date will continue with all levels of government, with police agencies and with community members and specific stakeholder groups.

Council endorsement of these principles will enable staff to effectively implement new direction on the preferred policing model.

Implementation Update

To oversee the transition of police services, the Government of Canada, the Province of BC and the City of Surrey established the SPTTC in September 2020. The SPTTC is tasked with guiding and supporting the development, negotiation and implementation of a phased transition of policing services. Senior leaders of the RCMP and the SPS and the Board also participate in meetings to provide their expertise and input on the design and implementation of the transition process. The SPTTC is supported by a Working Group and subject matter experts.

Since its inception, the SPTTC has been working to implement an integrated three-phased approach to enable the transition of policing services. The three phases are as follows:

1. Phase I – this is the current phase where SPS officers are assigned to the Surrey RCMP Municipal Police Unit under RCMP command.
2. Phase II – would be the next phase of the transition with SPS assuming command and RCMP providing support for some duties on a time limited basis.
3. Phase III – would be the final end state of the transition with SPS as police of jurisdiction, at full operational strength and no longer requiring RCMP support for municipal policing duties.

The SPTTC monitors the ongoing implementation of the first phase of the police transition, which sees SPS Assigned Officers progressively assuming duties in the Surrey RCMP Municipal Police Unit (“MPU”) under RCMP command within the context of the existing policing agreements. To date, 154 SPS experienced officers have been assigned into the Surrey RCMP MPU and are providing policing services to Surrey residents.

Phase I is managed through a joint SPS-RCMP HR Strategy & Plan (the “HR Plan”) which provides schedules for deployment of SPS and demobilization of RCMP Members until May 2023. By the end of May 2023, it is anticipated that 295 SPS officers will be deployed should the implementation of the HR Plan continue. Deployments of up to 35 members occur every two months.

Phase I is supported by Memorandums of Understanding between Canada and BC and between BC and the City to clarify the application of the existing policing agreements in the transition context. In addition, Phase I was enabled by an agreement between the RCMP, the Board, the SPS and the City with respect to the conditions under which SPS officers are assigned to the RCMP on a time-limited basis to fulfil municipal policing duties on the front line, and in plainclothes units.

In addition to monitoring the continued implementation of Phase I under these agreements, the SPTTC has worked to build the necessary legal authorities, instruments and agreements to enable Phase II where SPS would assume authority as the Police of Jurisdiction (“POJ”) in Surrey with support from the RCMP to provide some duties and functions. In Phase II RCMP Members would operate on a time-limited basis under SPS command while SPS continues to hire and build to full operational strength. The total complement of RCMP Members fulfilling these duties would reduce over time as more positions are occupied by SPS officers. A detailed workplan has been prepared for Phase II with respect to the major milestones required to enable progression of the transition. Work is underway to implement the Phase II workplan of tasks.

Policing Operations Budget 2022

The 2022 adopted budget for Policing Operations is comprised of three separate components - SPS, RCMP Contract and City Police Support Services. This budget was formulated based on the best available information related to SPS hiring and deployment plan at the time in late 2021, and prior to the SPTTC finalizing and approving the HR Plan that now governs the deployment of SPS officers into the Surrey RCMP.

Table 1 shows a breakdown of 2022 Policing Operations budget, by component.

Table 1: 2022 Policing Operations by Component

2022 Policing Operations Budget	Amount (\$000s)
Surrey Police Services	\$72,525
RCMP Contract	\$96,660
City Police Support Services	\$25,622
Total	\$194,807

At this point in time, it is reasonable to assume, that relative to the budget distribution, the RCMP has continued to provide significantly more policing services to the City than their respective allocation, translating into a funding shortfall at year end. At this point, and as reported in the Q2 Financial Update, there is currently an unfavourable variance for Policing Operations forecasted to be \$20.6 million by year end. Key contributing drivers of the unfavorable forecast include a higher than anticipated number of SPS members that are not deployed into front line policing. As a result, the City is paying for administrative overhead in two police agencies.

Option 1 - Maintaining the RCMP as Police of Jurisdiction

Much of the progress to date on the police transition has centered around the secondment of 154 SPS officers into Surrey detachment under RCMP command. All RCMP policies and procedures continue to be used. The Police Service Agreements - Municipal Police Service Agreement ("MPSA"), and the MPUA remain in place and have not been terminated. Additionally, all municipal police unit critical infrastructure such as IT, Equipment, Exhibit/File custody, etc. remain under RCMP control. A significant amount of work to plan and deliver the transition must still be initiated, including determining how RCMP members will serve under SPS command and how files, equipment and IM/IT systems will be transferred.

Should Council direct that the RCMP be maintained as the POJ, staff will develop a Plan to implement that direction.

A key aspect to the Plan would outline how to maintain staffing levels that ensure adequate and effective policing. Currently there are 154 SPS Officers (Constables and Sergeants) deployed into the Surrey detachment. The majority of deployments are at the Constable rank in support of front-line operations. This represents 21% of the targeted strength of 734 police officers. In addition, there are 28 SPS recruits in various stages of their training at the Justice Institute of British Columbia ("JIBC")

SPS officers have been deployed into Surrey detachment over the last year in a series of bi-monthly cohorts, as outlined in the HR Plan. Significant work was completed to prepare these officers for deployment including obtaining a valid Government of Canada (RCMP) security clearance, confirming each officer's competencies to fulfil the obligations of their position, training to BC standards, completion of RCMP-specific training and an SPS Medical attestation.

The deployment schedule in the HR Plan ensured that SPS were gradually integrated into RCMP operations to build capacity of SPS while still maintaining RCMP command and control. As a result, only Constable and Sergeant level SPS officers were deployed into the Detachment. No other SPS ranks are in place at Surrey Detachment.

Maintaining the RCMP will require continuation of existing transition instruments and agreements for a period of time in order to enable SPS front line officers to continue fulfilling duties in support of the Surrey RCMP MPU under RCMP command while RCMP builds to minimum staffing levels of Members.

While a Plan is being developed and forwarded to the Province for Ministerial authorization, the RCMP would continue to focus on day-to-day operations with both SPS and RCMP police officers, reassuring SPS colleagues that their work as police officers in Surrey is valued and continues to be required. This has been effective as crime levels were reduced in Surrey in 2019, 2020, 2021 and continues on a downward trend in 2022. This remains the RCMP's priority as POJ.

The November deployment of 35 SPS officers will proceed as these officers were hired prior to the outcome of the October 15, 2022 municipal election. These officers will bring the total service level slightly above the 734 target officers per the existing provisions and agreements in place under the HR Plan. The RCMP would no longer require future deployment of cohorts as it will shift to hire SPS officers as RCMP members.

In order to maintain the current detachment complement of 734, the RCMP is working to enhance and expedite their already established Experienced Police Officer Program ("EPOP"). This would allow a multi-faceted approach to actively revitalize RCMP resources in Surrey detachment. The RCMP would focus on hiring the SPS officers currently deployed to Surrey detachment. This would provide certainty for these officers and allow them to continue working in Surrey, in their current positions. As all deployed SPS officers have already completed a number of the EPOP requirements in order to facilitate their original deployment, the timeline for these EPOP hires can be streamlined. In addition, the RCMP would seek targeted hiring opportunities to non-deployed SPS officers currently working in SPS administrative positions.

The RCMP has further indicated an interest in honouring the existing agreements between the RCMP and SPS regarding the 28 Recruits currently completing their JIBC training. The RCMP would work collaboratively with SPS to provide these recruits with RCMP employment opportunities in Surrey, including any additional training that may be required to deploy as an RCMP Member.

Maintaining the RCMP as the POJ would provide an opportunity to renew current governance mechanisms. In preliminary conversations between City staff and RCMP leadership, it was made clear that the RCMP continues to recognize the importance of a policing model tailored to Surrey, a large, complex and diverse community. To achieve this, the RCMP and the City will review the policing model in Surrey to ensure it continues to best support a complex, urban environment.

This includes fully supporting the City's goals, priorities and objectives and including shared exploration of proposals for an enhanced local police oversight committee.

Oversight in policing plays a critical role and in BC there are many regulatory and legislated mechanisms to ensure effective oversight of municipal police. The City would work in consultation with the RCMP, the Province of BC and the Government of Canada to leverage the existing governance and accountability mechanisms in place to achieve additional enhancements to the administration of the MPUA under the contract policing model in Surrey.

In addition to the above, the Plan to maintain the RCMP would include the following key elements.

- Confirm the process to staff the Surrey RCMP MPU without disruption to other Detachments or the Provincial Police Force in BC.
- Outline a process to fulfil City HR obligations to impacted civilian staff and any support required for the Board to manage human resources implications for Board employees.
- Leverage existing processes and procedures for the transfer of General Duty or Investigative files currently managed by SPS Assigned Officers.
- Undertake consultation with other levels of governments, including First Nations and urban Indigenous groups.
- Determine cost implications of maintaining the RCMP and prepare financial management plan in consultation with the RCMP to support maintenance of a 734 FTE Utilization/Headcount for police services.
- Update, in collaboration with the RCMP, the Multi-Year Financial Plan (MYFP) to reflect the end of the transition to the SPS and retention of the RCMP. The MYFP has been submitted as required to the City but the RCMP has signalled support for revisiting that plan.
- Prepare planning for future increases for Surrey RCMP MPU Annex A allocation of Members to keep pace with population growth and increased calls for service.
- Prepare a plan to repurpose or otherwise dispose of equipment (vehicles, IT, use of force equipment etc.) and other assets purchased to date.
- End contracts and other agreements in place for the building or maintenance of non-MPU equipment and assets and address any legal obligations related to these matters.
- Outline how the segregated areas of existing City owned or leased facilities will be progressively returned to the RCMP's control and occupancy and confirm a facilities maintenance plan for City staff.
- Consultation with CUPE (Local 402) representing municipal civilian staff.

If Council directs staff to maintain the RCMP as POJ, staff will develop a plan for Council and Ministerial approval. Concurrently, staff will work with Provincial representatives, the RCMP and the SPS to confirm the necessary ramp-up/ramp-down of the respective policing agencies. A timely decision is vital for staff to bring forward an appropriate budget for Policing Operations for 2023 and beyond. The timing of the Provincial decision will be a key driver of the financial implications for Budget 2023.

While subsequent reports are being completed, it is important that any further work and new expenditures to continue the police transition not be undertaken. Therefore, under this option

staff recommend communicating to the Surrey Police Board that all new hiring and new expenditures be paused and only be undertaken following further Council direction.

Option 2 – Continue the Transition to SPS

In order to continue the transition, City staff would undertake the following tasks, in collaboration with SPTTC partners.

- **Legal** – Key legal tasks related to establishing the appropriate authority for the RCMP to provide support for policing duties under SPS command in Phase II when SPS is POJ. While these legal mechanisms have been identified they are not currently drafted and require input and approval by all parties to the SPTTC, including the City of Surrey.
- **Financial** – It is critical to align budget proposals from the RCMP and the SPS to the HR Plan.
- **Human Resources** – Completion of a civilian transition plan which would see the current 400 Police Support Services staff, currently employed by the City transfer employment from the City to the Board.
- **Information Management and Information Technology (“IM/IT”)** – The majority of work related to IM/IT is not yet complete and would continue if the transition were to proceed.
- **Equipment** – The purchase of equipment would continue to complete the transition as staff continue to be onboarded. Phase II would also involve transfer of existing equipment owned by Canada to Surrey for use by SPS.
- **Facilities** – Current policing facilities owned or leased by the City are being provided for both the SPS and the RCMP in a segregated access model. Phase II would see planning for shared integrated use of existing facilities and/or transfer of control of facilities from the RCMP to the SPS at the point of change of command.
- **Government Relations** – The ongoing engagement with other levels of government is critical to complete the transition. Work would continue to advocate for the necessary instruments and government approvals for all aspects of the transition work.
- **Stakeholder Relations & Consultation** – The City and the Province along with the Semiahmoo First Nation have conducted meetings regarding the impacts to the Nation from changes in the policing model. An Engagement Plan has been developed in collaboration with the Province to support this work and the City has agreed to provide capacity funding to support the Nation with engagement on this issue. This would continue if the transition proceeds.

This summary of work completed to date by the City and its SPTTC partners provides an overview of the current status of the transition and work that would be required to enable its completion. If the transition continues, staff will return to Council with further updates and seek further direction.

Many of the tasks to date on the transition are documented in records in the possession and control of the Board. SPS has recently communicated to the City its position that all information related to SPS is confidential and requires SPS's consent before disclosure or use. The City does not fully agree with SPS and will work to resolve any disagreements. Should Council seek further details on work related to civilian employees or sworn members, specifics of IM/IT work to date,

budget expenditures, or assets and equipment, staff will take appropriate steps to provide Council with the requested information in accordance with the City's legal obligations

SUSTAINABILITY CONSIDERATIONS

This work supports the objectives of the City's Sustainability Charter 2.0. This work relates to the Sustainability Charter 2.0 theme of Public Safety. Specifically, this work 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 City is committed to a principles based approach to this next evolution of the transition that centres this work on promoting the best possible outcome for community members and these impacted groups.

Staff have prepared this status report to provide Council with information on the work completed to date, and the steps required to maintain the RCMP as Police of Jurisdiction or to complete the police transition.

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