

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
POLICING AND SECURITY BRANCH
INFORMATION BRIEFING NOTE**

PURPOSE: For **INFORMATION** for Douglas Scott,
Deputy Solicitor General, Ministry of Public Safety and Solicitor General.

ISSUE:

Update on the City of Surrey's transition from RCMP municipal policing to its own municipal police department (MPD); briefing to Deputy Solicitor General Scott on January 18, 2022.

SUMMARY:

- The Surrey Policing Transition Trilateral Committee (SPTTC) is developing, negotiating, and implementing Phase 1 of the integrated SPS/RCMP transition.
- 29 of the first 50 SPS officers were deployed by the target timeline; 12 will be deployed at the end of January, and the remaining 9 are anticipated for early March.
- A joint SPS-RCMP Human Resources Strategy/Plan detailing the human resource processes and agreed SPS deployment and RCMP demobilization schedule to support Phase 1 is still being developed.
- The Director of Police Services recently set bi-monthly target numbers of SPS cohort deployments for 2022.
- s.12; s.16
- PSB is and will continue to be engaged with stakeholders through existing forums to share available and appropriate information about the transition. Some existing forums include: BC Association of Chiefs of Police, BC Association of Police Boards, Local Governments Contract Management Committee and through the Union of BC Municipalities.

BACKGROUND:

- Municipalities with populations exceeding 5,000 have the authority to decide to provide their policing and law enforcement by one of the three policing models – its own MPD, contracting RCMP municipal services, or contracting with a municipality with a MPD (s. 3(2), *Police Act*).
- On November 6, 2018, the City of Surrey wrote to the Minister regarding its decision to transition from RCMP municipal services to its own MPD.

- A policing model transition of this size and scale is complex and unprecedented. In addition, there are no established contractual processes or legislative provisions to guide how a transition of police models takes place.
- The Director of Police Services' responsibility to superintend policing (s. 39 of the Act), and Ministerial responsibility to ensure adequate and effective policing (s. 2) are the basis for provincial oversight of SPS establishment and the transition broadly.
- Upon review and evaluation of materials, including the City's *Surrey Policing Transition Plan* (submitted to PSB in May 2019), and the report of the Provincial Municipal Policing Transition Study Committee, chaired by the Honourable Wally Oppal (submitted December 2019), the Director of Police Services made a recommendation to the Minister regarding establishment of a municipal police board.
- In February 2020, Minister Farnworth granted approval per s. 23 of the Act, and the Surrey Police Board (the Board) was established effective July 2020.
- Work is well underway by the Board (and SPS) to establish the municipal police department. Significant work accomplished to date includes:
 - Selection and appointment of SPS' first Chief Constable;
 - SPS' senior leadership and over 100 officers hired;
 - Select policies/departamental plans filed with PSB supporting SPS sworn officer status;
 - Formation of the Surrey Police Union; and
 - SPS uniforms with flash/insignia developed and procured.
- The Board and SPS must satisfy practical and statutory requirements, to the Director of Police Services' satisfaction, prior to becoming an operational police agency and assuming policing functions on behalf of the City.
- PSB staff will conduct an evaluation of the SPS, to ensure it can provide policing and law enforcement in accordance with the Act, its regulations, and the Director's Provincial Policing Standards. This evaluation will inform the Director's eventual decision on SPS operationalization.
- PSB staff already conducted smaller-scale evaluations in support of Director decisions and approvals; for example, supporting SPS sworn officer status.
- In the Fall of 2020, the Surrey Policing Transition Trilateral Committee (SPTTC) was established between the City of Surrey, the Province, and Public Safety Canada (PSC) to guide and support the development, negotiation, and implementation of the phased, integrated RCMP/SPS transition.
- The SPTTC agreed that Phase 1 of the integrated RCMP/SPS transition will be achieved within the existing RCMP Agreements, with the Surrey RCMP as agency of jurisdiction.

- Supporting MOUs and an Assignment Agreement between the police agencies enable the temporary assignment of SPS officers into the Surrey RCMP Municipal Unit.
- s.16
- Notably, the SPTTCs.16 but have conceptually considered the future phase(s) to involve transferring command to SPS as police agency of jurisdiction.
- s.13; s.16
- s.12; s.16

INDIGENOUS PEOPLES CONSIDERATIONS:

- The City of Surrey includes Semiahmoo First Nation (SFN) reserve lands within its municipal boundaries and is responsible to provide municipal policing services to these lands. SFN also receives dedicated, enhanced policing through the federal First Nation Policing Program (FNPP). s.13; s.16
s.13; s.16
- Surrey's police model transition will also require a future policing arrangement for the unincorporated area of Barnston Island (under RCMP Provincial policing jurisdiction), which includes Katzie First Nation reserve lands. s.13; s.16
s.13; s.16
- In addition, Surrey is also home to the largest off-reserve urban Indigenous population in BC, with an annual growth rate higher than that of Vancouver.
s.13; s.16

OTHER MINISTRIES IMPACTED/CONSULTED:

- None

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PURPOSE: For **INFORMATION** for Douglas Scott, Deputy Solicitor General.

ISSUE: Office of the Information and Privacy Commissioner (OIPC) review case released regarding preliminary Surrey Police Model Transition documents

BACKGROUND:

- In November 2020, Policing and Security Branch (PSB) released the redline for Freedom of Information and Protection of Privacy Act (FOI or FOIPPA) request PSS-2020-03997. The applicant was a law firm.
- The request was for all Deloitte LLP documents regarding the Surrey police model transition from January 1, 2019 to September 30, 2019.

Surrey's transition from RCMP to an independent municipal police service is an unprecedented change in police model, with potential impacts to policing and public safety in the lower mainland and across the province.

- As a result, Deloitte was contracted by PSB to develop an evaluation framework for the Province to be used as part of the overall evaluation. However, since these documents were developed, the Province's knowledge of the transition process, requirements, and risks has evolved dramatically, and the assumptions and prescriptions contained in the documents were not all applicable nor adopted.
- The final FOI package of PSB records was 1,370 pages, largely comprised of early drafts, placeholder templates, and Deloitte's proposed work and proposed evaluation framework tool. Planning documents and internal status updates were also included.
- Over 1,000 pages were redacted in full, mostly under the discretionary section 13 of FOIPPA – policy advice or recommendations – due to the nascent nature of the documents.
- Due to the volume, approximately 67 staffing hours were redirected to locate, retrieve, and process documents. As a result, the applicant paid a fee of \$1,830 to access this FOI package.
- In June 2021, PSB received notice that the applicant requested an OIPC review of PSB's use of section 13 throughout the FOI package.
- On the request of the OIPC, the Director of Police Transition Secretariat and her team reviewed the heavily severed 1,370 pages and identified significantly more areas for release, resulting in 1,286 pages either fully or partially released. The Assistant Deputy Minister and Director of Police Services of PSB approved the new redline package for this OIPC review.

- The sections marked for release with this current OIPC review have been identified by the Police Transition Secretariat as either information later released and/or likely benign, general information about policing.
- The Police Transition Secretariat confirmed that significant redactions be maintained (section 13).
- FOIPPA section 16 harms – harmful to governmental relations – were additionally identified and applied to many sections where previously only section 13 was applied.
- In summary, while significant content was identified for release, large components of the FOI package remain redacted (s.13 and s.16 harms).
 - These documents contain draft versions of prescriptive policy advice or recommendations on how a provincial evaluation of a policing model transition should be structured and take place, which has since evolved.
 - Release of these documents would additionally be harmful to intergovernmental relationships, should municipalities be led to believe this content were, in fact, the Province's evaluation tool/process.
 - Release of the identified areas could undermine public confidence in the Surrey's transition process as well as future policing model transitions.
- This newly revised redline package has now gone to both the applicant and the OIPC in January 2022.
- The applicant now has the right to request a formal inquiry if still not satisfied.
- An OIPC inquiry would involve the ministry legal team and affidavits from PSB executives and could take over a year for the OIPC to make a legally binding order regarding the specific redactions in this file.
- Should an OIPC inquiry rule against the current Ministry redaction decisions, municipalities could be misled regarding provincial framework and guide to police model transitions.

INDIGENOUS PEOPLES CONSIDERATIONS: N/A

OTHER MINISTRIES IMPACTED/CONSULTED: None

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