

NO: R209

COUNCIL DATE: November 28, 2022

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **November 24, 2022**

FROM: **General Manager, Community Services**
General Manager, Finance
General Manager, Corporate Services

FILE: **7400-01**

SUBJECT: **Framework for Maintaining the RCMP as Police of Jurisdiction in Surrey**

RECOMMENDATION

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

1. Receive this report for information;
2. Endorse the priorities, goals and objectives for policing in 2023, as described in this report;
3. Endorse the proposed framework for maintaining the Royal Canadian Mounted Police (“RCMP”) as the Police of Jurisdiction in Surrey; and
4. Direct staff to present the final plan for maintaining the RCMP as Police of Jurisdiction in Surrey for Council endorsement at the December 12, 2022 Council meeting.

INTENT

The purpose of this report is to seek Council’s endorsement of the priorities, goals, and objectives for policing in 2023 and to seek endorsement of the framework for maintaining the RCMP as the Police of Jurisdiction (“POJ”) in Surrey. This framework will guide the development of a final plan to maintain the RCMP as the POJ in Surrey which will be presented to Council for endorsement on December 12, 2022, should Council endorse the recommendations of this report.

BACKGROUND

The City 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, as the POJ, 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”).

To support the implementation of a 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. Since its inception, the SPTTC has been working to implement a phased integrated approach to enable the transition of policing services. The two 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.

On November 14, 2022 Council directed staff to prepare a plan for maintaining the RCMP as the Police of Jurisdiction (“POJ”) in Surrey. Corporate Report No. R199; 2022 is attached as Appendix “I”.

DISCUSSION

The RCMP remains the POJ in Surrey. Under the proposed framework, the RCMP will maintain command and control of the Municipal Police Unit (“MPU”). The RCMP and the City are collaboratively preparing a Joint Implementation Plan to Maintain the RCMP as the POJ in Surrey (the “Plan”). This report provides a high-level summary of the key elements of the Plan that will be submitted to the Minister of Public Safety and Solicitor General, if endorsed by Council at the December 12, 2022 Council meeting.

Project Team

The RCMP and the City have struck a joint project team to oversee development of the framework and the final Plan. The project team includes senior leadership from both the City and the RCMP as well as consultants Dr. Peter German and Tonia Enger. Dr. German and Ms. Enger's bios are attached as Appendix “II”. The project team is led by Assistant Commissioner Brian Edwards and Terry Waterhouse, General Manager, Community Services for the City of Surrey. Senior leaders from the City and the RCMP provide strategic and administrative support.

Framework

The project team has developed a proposed framework that, if endorsed by Council, will be developed into the comprehensive Plan that will be submitted to Council for endorsement on December 12, 2022 and, if approved, to the Minister of Public Safety and Solicitor General by December 15, 2022.

The proposed framework is comprised of the following elements.

1. Introduction, Context and Purpose
2. Status Update on Transition Planning
3. Draft Priorities, Goals and Objectives for Policing - 2023

4. An Implementation Plan
 - a) City Responsibilities
 - b) Surrey RCMP Revitalization Plan – 734 and Beyond
 - c) Surrey Police Board – Actions required to support the Plan
 - d) Role of Senior Governments
5. A workplan and timeline to support implementation of the plan.

Introduction, Context and Purpose

The City has the authority under the Police Act to select its model of policing from three options, as described below. The Province delegates to the Minister of Public Safety and Solicitor General and their staff the authority to superintend policing to ensure adequate and effective services are delivered to maintain public safety. It is this authority under which the Minister will review and approve the Plan.

In accordance with Sections 3(2) and 15 of the Police Act, municipalities with a population of more than 5,000 residents are responsible for providing municipal police services within their jurisdictions. Municipalities have three options to provide police services:

1. Form their own independent police department (the municipal model);
2. Contract the provincial police (RCMP) through an agreement with the Province; or
3. Enter into an agreement with another existing municipal police department.

The City is responsible for the provision of municipal policing services, meaning it must fund policing regardless of the model chosen. Specifically, regardless of the policing model, the City must provide accommodations, equipment and supplies to support policing services (i.e., the buildings and facilities, assets and equipment – cars, weapons etc., and other supplies.) required to deliver policing services.

Status Update on Transition Planning

The Plan, if endorsed, will provide a comprehensive update on the status of the transition to date and highlights the significant amount of work still required.

It is important to note that the RCMP Contract to provide policing services in Surrey and several key requirements to maintain the RCMP as the POJ remain in place. These include:

- The MPUA (2012) between the City of Surrey and Province of British Columbia in which the RCMP serve as the municipal police force remains in effect. All terms and conditions remain.
- In 2018, the City sought to terminate the MPUA with the Province but the termination has not been enacted at this point and the Surrey RCMP remains as the POJ during Phase 1 of the police transition. Therefore, the contractual requirement for the RCMP to continue to be POJ is already in place.
- Annex “A” to the MPUA, which lists the number of RCMP Members assigned to the Surrey RCMP has not been reduced and remains at 843 Total Members.
- The City dedicates 58 Member Positions to the Lower Mainland District Integrated Teams. This number is included in the 843 Total Members, but these Members are not located within the Surrey RCMP Detachment. As such, the Surrey Detachment strength is considered 785 Members, although 51 of these positions are not currently funded.

- The Funded Strength of Members is set at 734 Members pursuant to the joint SPS-RCMP HR Strategy & Plan to advance the transition of police services.

The SPTTC monitors the ongoing implementation of the first phase of the transition, which sees SPS Assigned Officers progressively assuming duties in the Surrey RCMP MPU under RCMP command within the context of the existing Policing Agreements. As of this date, 168 SPS officers have been assigned into the MPU and are providing policing services to Surrey residents.

The first phase of the transition is managed through a joint SPS-RCMP HR Strategy & Plan which provides schedules for deployment of 295 SPS Assigned Officers and a corresponding demobilization of RCMP Members until May 2023.

The SPTTC made an informed decision to take the most expeditious route to implement Phase I of the transition to ensure SPS members were deployed as expeditiously as possible. As a result, important decisions regarding the complexities of the work required of all parties to effect change of command to allow SPS to assume command in Phase II have not yet been made. At this point, SPS officers have been integrated with RCMP members into the MPU under the command and control of the RCMP. All policing agreements, as well as RCMP policies and procedures continue to be used. Additionally, all critical infrastructure used by the MPU such as IT, Equipment, Exhibit/File custody, etc. are supplied by and remain under RCMP control.

Importantly, the majority of the work to plan and deliver Phase II of the transition must still be initiated. For example, collaborative/substantive planning for the following major bodies of work has not yet been completed:

- Legal Agreements;
- HR Plan for Phase II;
- File Audit;
- File Transfer;
- Exhibit Audit ;
- Exhibit Transfer;
- IT Transfer;
- Asset and Equipment Transfer; and
- Change of Command Requirements.

As noted above, some preliminary discussions regarding the legal agreements have been held, however, substantive details have not been worked out, nor have agreements been drafted. Such agreements may require approval of all parties, and likely Cabinet endorsement at both the Federal and Provincial levels. Based on the experience of prior negotiations, it is reasonable to assume the negotiations of these legal agreements will take 6 - 9 months. It is highly unlikely a fully endorsed and signed Transition Agreement would be in place before the expiry of the current MOU in May 2023. The SPTTC had contemplated the need to extend Phase I should the Phase II instruments not be in place by May 2023. The budget and practical implications of a holding pattern on deployment and demobilization while these legal agreements are prepared and signed off are significant and will require the City to continue to fund through most of 2023 a complement of non-deployed SPS police officers far in excess of the City's ability to pay.

Draft Priorities, Goals and Objectives for Policing - 2023

The MPUA, and the BC Police Act, provide for the City to set annual priorities, goals and objectives for policing. These provide important direction from the municipality to its police agency(ies) regarding the City’s strategic considerations for policing.

To support the Plan, the City has prepared draft priorities, goals and objectives for 2023 that reflect the work to maintain the RCMP as the POJ in Surrey. Staff recommend Council endorse the following priorities as a key element of the Plan.

The priorities goals and objectives for policing services in 2023	
Priority 1	That the Surrey RCMP be maintained as the POJ in the City of Surrey.
Goals	<ol style="list-style-type: none"> 1. Confirm and implement a Revitalization Plan to maintain the RCMP as POJ, for Council endorsement and submission to the Solicitor General for the necessary approval for maintaining the RCMP in Surrey. 2. Develop and implement a Staffing Plan to provide employment opportunities, where possible, to civilian and sworn SPS staff integrated into the Surrey RCMP or the City of Surrey to allow for continued and enhanced career development opportunities. 3. Develop and implement an Infrastructure Plan which will see the current information systems and equipment assets purchased on behalf of the SPS, repurposed by other entities within the City of Surrey.
Objectives	<ol style="list-style-type: none"> 1. Maintain a minimum service level of 734 RCMP members as soon as possible to ensure adequate and effective policing in 2023 and beyond. 2. Develop and implement a plan for SPS to provide Assigned Officers to support the operation of the MPU as RCMP staffs up to full funded strength consistent with an agreed staffing plan.
The priorities goals and objectives for crime prevention and community safety in 2023	
Priority 2	That Surrey RCMP, in collaboration with the City of Surrey and community partners, continue to prevent and reduce crime and maintain public safety.
Goals	<ol style="list-style-type: none"> 1. Enhance delivery of community safety and crime prevention programs across Surrey through collaboration with the City and other partners. 2. Align community safety and crime prevention programs with the Provincial Safer Communities Action Plan. 3. Identify opportunities to incorporate an Indigenous focus, perspective and/or enhanced participation in existing and new programs to support the Truth and Reconciliation Commission recommendations.
Objectives	<ol style="list-style-type: none"> 1. Maximize efficiency and reach of crime prevention and community safety programs in Surrey through ongoing coordination. 2. Collaborate with the City of Surrey in determining opportunities for new or enhanced community safety and crime prevention programs.

The priorities, goals and objectives for policing will be the primary responsibility of the RCMP but will require collaboration with the SPS and the Board during the transition period and with the City and other partners on an ongoing basis.

The Implementation Plan

City Responsibilities

If approved by Council and the Minister of Public Safety and Solicitor General, the City will undertake several steps to ensure the necessary mechanisms are in place to maintain the RCMP as the POJ. These involve specific activities with respect to governance and accountability, legal structures, financial management, human resources and disposition of existing infrastructure.

To ensure governance and accountability are maintained, the City will work with the RCMP to put in place new mechanisms and structures under the existing Policing Agreements to enhance governance and accountability including:

- Increasing executive oversight through regular meetings between the CEO (Mayor) and Member in Charge and increased reporting by the MPU to the CEO under Articles 7 and 16 of the MPUA;
- Leveraging the existing Local Government Management Committee structure to support effective administration of the MPUA;
- Undertaking Operational Effectiveness Assessments of the MPU per Article 17 to ensure the CEO and Member in Charge collaborate to maximize effectiveness; and
- Using municipal committee mechanisms to monitor and report on public safety outcomes.

From a legal perspective, the City will formally advise of its intention to maintain the services of the RCMP and remain subject to the terms and conditions of the current MPUA.

I. Financial Considerations

The City of Surrey Policing Operations budget for 2023 will include funding for three services – RCMP Contract, City Police Support Services and SPS. The City of Surrey adopted 2022 – 2026 Financial Plan currently allocates a combined budget of \$202.4 million for fiscal year 2023 for policing operations. The City is currently preparing the operating and capital budgets for 2023. Proposed budgets will be presented to Council as part of the budget process, likely in early in 2023. Staff will also be detailing best estimates for other scenarios. These will be provided to Council on December 12, 2022.

To finalize the budget requirements for 2023, the City requires approval from the Minister of Public Safety and Solicitor General of the City's intention to maintain the RCMP as the Police of Jurisdiction in Surrey. This will allow staff to determine a proposed start date for the implementation of the plan. Collaborative work with the RCMP and the SPS will then take place to determine the cadence of RCMP ramp up and SPS ramp down and confirm corresponding budget allocations required.

The City's preliminary budget analysis and modelling envisions a January 2023 decision from the Minister and a ramp up of RCMP and ramp down of SPS beginning in March 2023. This will require revisions to the current RCMP Multi-year Financial Plan. It will also require submission of a provisional budget from the SPS in keeping with Ministerial direction. Together these budgets will allow for determination of the budget requirements for 2023, and more particularly any funding deviations from the current budget allocation for 20203 (\$202.4 million) for policing operations.

In addition, the City is determining the funding required for one-time expenditures based on potential severance payments and contractual obligations to external vendors associated with the ramp down of the SPS.

If the framework presented here is endorsed by Council, staff will continue the financial analysis and modelling and provide additional details to Council in the final Plan regarding financial implications, including the budgetary requirements for 2023 and beyond, as well as the budget requirements should the transition to SPS continue.

II. Human Resources Considerations

Human resources is an area requiring considerable work by both the RCMP and the City. The City will, as always, continue to support the civilian staff employed in the Police Support Services.

Developing an employee transfer plan for SPS civilian employees is critical as is a plan for managing outstanding liabilities for the City with respect to civilian collective agreement provisions to which the City is not a party.

III. Information Technology Considerations

The City will be responsible for disposition of the infrastructure such as Information Management/Information Technology (“IM/IT”), and other equipment (e.g., vehicles, equipment and furniture) that have been purchased on behalf of the SPS to date. Removal and repurposing of SPS IM/IT hardware from the detachment will be a key aspect of this work, as will termination of IM/IT contracts held with third-party vendors for SPS IM/IT. The City will also work with the RCMP to determine Detachment IM/IT needs such as implementation of next generation 911 services in line with Federal policies.

Surrey RCMP Revitalization Plan – 734 and Beyond

The joint SPS-RCMP HR Strategy & Plan established that Phase I of the transition would be guided by the goal of maintaining a staffing level of 734 FTE Utilization/Headcount of operational police officers in the MPU. As of this date, the current composition of the detachment is as follows:

RCMP Member	573
SPS Officers	168
Total	741

To achieve the funded strength of 734 RCMP Members, the RCMP will need to add approximately 161 members to offset the current complement of SPS Assigned Officers. This will be accomplished through multiple staffing processes and redundancies.

To achieve this number by the end of 2023, if not sooner, the RCMP will predominantly focus on five target audiences:

1. SPS Officers deployed within the RCMP;
2. SPS Officers not deployed within the RCMP;
3. SPS recruits;
4. RCMP Cadets; and
5. Other Experienced Police Officers.

The Plan outlines specific processes by which the RCMP will attract and maintain each group of resources to ensure they can adequately staff the MPU to the required funded strength. The RCMP's Experienced Police Officer Program ("EPOP") will be vital in this regard as it provides an expedited process for previously experienced officers to join the RCMP bypassing the cadet recruitment hiring. The priority for EPOP will be on constable ranks to ensure that frontline police services are maintained throughout the period.

The RCMP will also honour existing agreements between the RCMP and the SPS to facilitate Justice Institute of British Columbia training requirements for the SPS recruits in progress. It will provide employment opportunities for these recruits to deploy as an RCMP Member (following training equivalencies). The RCMP will seek further cadets through its existing programs. To supplement the number of cadets sent to Depot by E Division, the RCMP will begin recruitment activities directly in the detachment and will pursue new avenues to attract candidates. Discussions will take place to establish new initiatives such as pre-posting agreements to prospective candidates to allow them to return to the RCMP Surrey detachment for their first posting. It is anticipated that this initiative will bolster recruitment into the cadet intake in 2023.

Surrey Police Board – Actions required to support the Plan

The Board is an independent entity from the City. Implementation of the Plan will require direction from the Minister of Public Safety and Solicitor General, and collaboration between the Board, SPS, the City of Surrey and the RCMP.

Role of Senior Governments

The Federal Government plays a role in implementation of the Plan in connection to the administration of the existing Policing Agreements and with respect to the Federal cost share for RCMP. Canada will need to participate actively with the RCMP in finalization of the Plan and its subsequent implementation to ensure that actions taken are consistent with federal policies and authorities held by Canada or the RCMP.

The Province will need to receive and consider the Plan, as well as related plans from the RCMP regarding maintenance of provincial policing services and services to other municipalities in the context of the proposed retention of the RCMP in Surrey. In addition, the Province will consider reports provided by the Board and the SPS with respect to its readiness to assume command as POJ and a timeline to complete the necessary steps should the transition to a municipal police service continue.

Once the Province reviews these reports it will need to come to a decision and communicate this to impacted parties. It will also need to make several specific recommendations, some of which are proposed in the Plan, to ensure necessary steps are taken that are outside the authority of the City or the RCMP.

Workplan and Timeline

All elements and activities of the final Plan will be embedded in a workplan jointly executed by the City, the RCMP, the Surrey Police Board and the Surrey Police Service. The workplan will be implemented in a timely manner to ensure adequate and effective policing. The City and the RCMP are committed to the timely resolution of any outstanding questions required to ensure the execution of a comprehensive and appropriate approach to maintain the RCMP as POJ and will work collaboratively with all parties to satisfy its obligations and duties. Primary among these commitments is full collaboration with the Surrey Police Board and the Surrey Police Service.

SUSTAINABILITY CONSIDERATIONS

This work supports the objectives of the 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

This report provides a framework for the City to maintain the RCMP as the Police of Jurisdiction in Surrey. This framework will guide the development of the final plan to maintain the RCMP as the Police of Jurisdiction in Surrey which will be presented to Council for endorsement on December 12, 2022, should Council endorse the recommendations of this report.

Terry Waterhouse
General Manager, Community Services

Kam Grewal
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Appendix “I”: Corporate Report No. R199; 2022
Appendix “II”: Consultant Bios



CORPORATE REPORT

NO: R199

COUNCIL DATE: Nov 14, 2022

REGULAR COUNCIL

TO: Mayor & Council DATE: November 12, 2022

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



Terry Waterhouse
General Manager, Community Services



Kam Grewal
General Manager, Finance



Rob Costanzo
General Manager, Corporate Services

DR. PETER M. GERMAN, KC

Peter German is a lawyer and member of the B.C. and Ontario bars. He served for 31 years in the RCMP, including as a Detective Inspector (Ottawa), Operations Officer (Richmond), Director General Financial Crime, Lower Mainland Operations Officer, and District Commander, with headquarters in Surrey, and Deputy Commissioner (West), responsible for western and northern Canada. His early service included postings at Burnaby Detachment and Vancouver Commercial Crime Section. He served as Canada's initial team commander in the 2008 search for kidnapped Canadian diplomats in West Africa and was responsible for the RCMP's urban domain during the 2010 Winter Olympics. He was Vice-President of the Canadian Association of Chiefs of Police. After retiring from the RCMP, he became Regional Deputy Commissioner (Pacific) for Correctional Service Canada.

Since leaving government service in 2016, he has undertaken law and consulting assignments for a variety of governments and private industry, including the City of Richmond's police review, the Office of the Ombudsperson's investigation of firings in the Health Ministry, and was commissioned by the Attorney General of B.C. to review allegations of money laundering in casinos, and later in other sectors of the economy, resulting in the *Dirty Money* and *Dirty Money – Part 2* reports. Both reports received wide currency within Canada and abroad.

ACADEMIC QUALIFICATIONS

Dr. German has a Bachelor of Arts (Honours) in political science from Mount Allison University, a Master of Arts in political science from Simon Fraser University, a Juris Doctor from the University of New Brunswick, a Master of Laws from the University of British Columbia, and a Doctorate in Law from the Institute of Advanced Legal Studies at the University of London, England. His MA thesis was the first academic examination of the RCMP's role in contract policing of provinces and municipalities.

TEACHING AND PRESENTATIONS:

Dr. German has lectured at various universities and spoken at over 250 conferences, workshops, and legislative committees, including 25 consecutive years at the Cambridge Symposium on Economic Crime. He was a Canadian representative to various international forums, including the FATF, OECD, UN Convention Against Corruption, and the Global Forum on Corruption. He was a Canadian examiner of the United Kingdom's compliance with the OECD foreign bribery convention.

PUBLICATIONS:

Dr. German is the author of *Proceeds of Crime and Money Laundering*, published by Thomson Reuters. The text has been quoted with approval in the Supreme Court of Canada, the Federal Court, and provincial courts of appeal, superior and provincial courts. He is also the author of numerous chapters in published texts and journal articles, relating to policing, criminal justice, money laundering, and corruption.

AWARDS:

Dr. German's awards include Queen's Counsel, the Queen's Diamond and Golden Jubilee medals, RCMP Long Service and Good Conduct medal with clasps, Officer of the Order of Merit of the Police Forces, Province of B.C. Outstanding Service Award, Gold Medal of the International Society for the Reform of Criminal Law, and Mount Allison University's Alumni Lifetime Achievement Award.

Tonia G. Enger – BluelineVantage Consulting Co.

- Tonia Enger served over 29 years with the RCMP, retiring in 2015 at the rank of Chief Superintendent. Tonia has served as a detachment commander (chief of police) in locations such as Prince Rupert, North Vancouver and the Regional Municipality of Wood Buffalo (AB) and has also served in several rural and remote postings across Canada.
- Having served in several positions related to RCMP contract policing, Tonia is extremely proficient in the application and interpretation of RCMP policing contracts and advancing intergovernmental relations.
- Tonia has an academic background in police management, project management and national security.
- After retiring from the RCMP, Tonia joined the Ministry of Public Safety and Solicitor General, Policing and Security Branch as the Associate Director of Police Services leading the areas of RCMP contract management, police policies and governance and has led and participated in several community safety initiatives.
- Tonia retired from the provincial government in May 2019 and is a consultant on police governance, RCMP contract management and integrated community safety initiatives.
- While working as a consultant, Tonia completed a police service review for the City of Pitt Meadows (2020).
- Tonia was also appointed by the provincial government to the Surrey Police Transition Steering Committee, chaired by the Hon. Wally Oppal Q.C., and was involved in researching and developing the report for the chair on the feasibility of the City of Surrey transitioning to an independent police department. As a consultant, Tonia has remained current on the matters surrounding the Surrey police transition in addition to conducting other police governance and service reviews.
- Additionally, Tonia is called upon from time to time to support the Director of Police Services, and others in the Policing and Security Branch in superintending policing by working with communities helping leaders understand their authorities while managing and planning for law enforcement and public safety services.
- Since 2021, Tonia has been an appointed volunteer on the Chilliwack Mayor's Community Safety Governance Committee to assist in shaping and enhancing public safety.