



Office of the
Police Complaint Commissioner

British Columbia, Canada

October 17, 2023

Via E-Mail: PSSG.Minister@gov.bc.ca

Honourable Mike Farnworth
Minister of Public Safety and Solicitor General and Deputy Premier
Parliament Buildings
Victoria, BC, V8V 1X4

Dear Minister Farnworth,

Re: Correspondence regarding introduction of Bill 36-2023 proposed changes to the *Police Act*

I write regarding Bill 36 introduced October 16, 2023 proposing changes to the *Police Act*. As, my office did not receive prior consultation I write to inform you of a concern we have identified with one aspect of the Bill related to our statutory mandate. As I note this matter has already proceeded to Second Reading, to assist the legislature I have included the respective House Leaders in this correspondence.

As you know, *Part 11* of the *Police Act* provides for the oversight of complaints, investigations and the administration of discipline for municipal police officers in British Columbia. The Act provides that this oversight is performed by an independent officer of the legislature to ensure, among other things, that these matters proceed arms-length from governments and are insulated from actual or perceived interference.

Part 11 of the Act includes several important duties and responsibilities of municipal police boards including powers related to rights of police officers facing discipline (eg. s.110) and the responsibility of the Chair of the Board to Act as the Discipline Authority for Chief or Deputy Chief Constables.

Part 11, Division 5 also provides for a process of public accessibility to the transparent decision-making of a police board through the ability of members of the public to make complaints about the services or policies of the municipal police department over which the board has governance responsibility. The public may raise concerns with such matters as resource allocation, staffing, training or any other important aspects related to service-delivery to the

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public. Police boards must be responsive to these complaints and take appropriate actions. The Act also ensures appropriate transparency and accountability is in place through the authority of this office.

Section 8 (5) “Transition – Surrey Police Board” of the Bill provides that “[d]uring the transition period, the Lieutenant Governor in Council may, by order, disapply or vary a provision of an enactment that imposes a duty or confers a power on the board or the chair of the board” [emphasis added].

Since the appointment of the Surrey Municipal Police Board in 2020 and the hiring of sworn employees, the jurisdiction of this office to oversee complaints and investigations related to the Surrey Police Service has been in place. This means that various matters remain in progress and the rights, duties and powers under *Parts 9 and 11* are presently engaged with respect to serving Surrey Police Service officers. In addition, other provisions of the *Police Act* place obligations on municipal police boards with respect to adherence to important Provincial Policing Standards such as Missing Person Investigations and the Promotion of Unbiased policing which are directly related to determinations under *Part 11*.

My concern therefore is the breadth of section 8(5) and 8(9) with respect to the oversight functions we perform and the potential for government to provide itself with the power to *disapply or vary* the rights of complainants and police officers. I am also concerned this section may limit the ability of the citizens of Surrey to raise legitimate concerns with the provision of policing services within their community, and to have those concerns addressed transparently and impartially under our oversight. This is of particular importance given the unprecedented complexity of this transition and the uncertainty of its duration.

To ensure continued accountability of the Surrey Police Service, independent of government, I therefore strongly urge reconsideration of section 8(5) and 8(9) of the Bill but minimally to expressly exclude any matter falling within *Parts 9 and 11* of the *Police Act*.

Thank you for your consideration.

Sincerely,



Clayton Pecknold
Police Complaint Commissioner

Cc: Todd Stone, MLA
Adam Olsen, MLA
Bruce Banman, MLA