



Office of the  
Police Complaint Commissioner

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British Columbia, Canada

October 17, 2023

**Via E-Mail:** [PSSG.Minister@gov.bc.ca](mailto: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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Clayton Pecknold  
Police Complaint Commissioner

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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

Office of the  
Police Complaint Commissioner



BRITISH  
COLUMBIA

VIA EMAIL

Ref. 657822

October 19, 2023

Clayton Pecknold  
Police Complaint Commissioner  
Office of the Police Complaint Commissioner  
Email: [KTarves@opcc.bc.ca](mailto:KTarves@opcc.bc.ca); [opcceck@opcc.bc.ca](mailto:opcceck@opcc.bc.ca)

Dear Clayton Pecknold:

Thank you for your letter of October 17, 2023, in which you identified concerns with Bill 36 – *Police Amendment Act, 2023*, which was introduced on October 16, 2023. Specifically, you expressed concern with Section 8(5) of the Bill which, if an administrator is appointed in place of the Surrey Police Board, would allow the Lieutenant Governor in Council to disapply, or vary any legislative provisions that confer a duty or power on the board or chair of the board. You also expressed concern with Section 8(9), which specifies that the transitional provisions respecting the Surrey Police Board apply despite any provisions in the *Police Act*.

I understand you are concerned that Section 8(5) could be used to disapply or vary the rights of complainants and police officers involved in a complaint, investigation, or disciplinary proceeding under Part 11 of the *Police Act*. Further, your letter noted the potential for limiting a person's ability to raise concerns about how policing services are provided, and to have the Office of the Police Complaint Commissioner oversee the handling of their complaints.

In acknowledgement of those concerns I have filed a floor amendment to remove clause 8(5) from the Bill. I understand that you have discussed the potential removal of clause 8(5), via a floor amendment, with my staff and that this will address your concerns with Bill 36 - *Police Amendment Act, 2023*.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Farnworth".

Mike Farnworth  
Minister of Public Safety and Solicitor General  
and Deputy Premier

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



OFFICE OF THE  
POLICE COMPLAINT COMMISSIONER

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British Columbia, Canada

October 20, 2023

Via E-Mail: [PSSG.Minister@gov.bc.ca](mailto: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,

I reply to your letter of October 19, 2023, responding to my October 17, 2023 correspondence within which I express concerns with Bill 36 - *Police Amendment Act, 2023*. Staff from your Ministry have now consulted with me regarding the concerns.

I acknowledge your response, which I also note is reflected in the Orders of the Day for Monday, October 23, 2023, proposing an amendment deleting clause 8(5) from the Bill. I am satisfied that amendment, if passed, will address the specific concerns raised in my letter to you.

Thank you for responding to my concerns.

Sincerely,

Clayton Pecknold  
Police Complaint Commissioner

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

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