
To: Surrey Police Board
Surrey Police Administrator
Surrey Chief Constable

From: Office of the Police Complaint Commissioner (OPCC)

Date: January 25, 2024

Re: **Administrator(s) and the *Police Amendment Act, 2023***

PURPOSE

On October 26, 2023, Bill 36, known as the *Police Amendment Act, 2023*¹, received Royal Assent. This Bill amended the *Police Act* to provide, inter alia, a mechanism to appoint one or more “administrators” to oversee the statutorily mandated transition of the policing model in the City of Surrey from an RCMP Municipal Police Unit Agreement to a Municipal Police Department within the meaning of section 26 of the *Police Act*. On November 16, 2023, by Order in Council No. 618, the Lieutenant Governor in Council (LGIC) appointed one administrator and, consequently, suspended the Surrey Police Board².

The purpose of this Bulletin is to provide guidance to decision-makers regarding how the OPCC will interpret and apply the *Police Amendment Act, 2023* provisions within its mandate, for the duration of the appointment of administrator(s).

BACKGROUND

Section 8(4) of the *Police Amendment Act, 2023* provides that the administrator(s) are deemed to be the Board. In addition, section 8(3) provides that, upon the appointment the administrator by the LGIC, each Surrey Police Board member’s appointment was suspended.

Various sections of the *Police Act* place obligations and grant authorities to a municipal police board. For the purposes of this Bulletin, the applicable provisions in Part 11 pertaining to the Board, in particular Division 5 of Part 11, are the focus of the advice provided herein.

Part 11 of the Act applies to the administrator³. For example, Division 5 places various mandatory obligations on Boards to respond to service and policy complaints from members of

¹ *Police Amendment Act, 2023*, S.B.C. 2023, c. 30

² [British Columbia Order in Council No. 618/2023](#)

³ See [British Columbia, Official Report of Debates of the Legislative Assembly \(Hansard\), 42nd Parl, 4th Session, Issue No. 344 \(23 October 2023\) at \[4:00 p.m.\] \(Hon M. Farnworth\)](#)

the public. In addition, section 110(5) provides obligations on the Board with respect to continuation of pay and allowances where a member is the subject of a suspension from duty during a discipline process. Furthermore, Part 11 places certain obligations on the Chair of the Police Board with respect to allegations of misconduct against Chief or Deputy Chief Constables.

RECOMMENDED PROCESS

Service and policy complaints from members of the public are an important accountability mechanism within the overall accountability framework for municipal police in British Columbia. The public may make complaints regarding such matters as the general management of the municipal police force, its operations, or the adequacy or appropriateness of, inter alia, staffing and resource allocation.

Section 177(2)(a) of the *Police Act* provides the Police Complaint Commissioner with the authority to create binding statutory guidelines to be followed by those receiving or handling service or policy complaints. *Guideline 4 – Service or Policy Complaints*⁴ confirms these processes and applies to the administrator(s).

The deeming provisions noted above extend the obligations of the Board to the appointed administrator(s). In addition, sections outside of Part 11 such as section 69 [Meetings and hearings open to the public] place obligations on the administrator(s) with respect to public transparency. Furthermore, section 70 requires the administrator(s) to take an oath/affirmation of office in the prescribed form⁵.

These provisions, as well as others, are important accountability components of the police governance framework in British Columbia. They serve to protect municipal police departments from improper political influence from any level of government, uphold the independence of individual police officers performing their operational duties, and ensure transparency in decisions impacting the community, including but not limited to, financial expenditures and service delivery.

The Commissioner anticipates that the administrator(s) appointed to oversee the transition of the policing model in the City of Surrey, as well as any future appointed administrator(s), will adhere to the requirements of Part 11 and the *Police Act* generally. This aligns with the Administrator Procedures approved by the Surrey Police Board on November 30, 2023⁶, which state the administrator will perform all duties and functions of the Surrey Police Board under the *Police Act* until the appointment is revoked by the Provincial Government⁷. Procedural modifications to support efficiency given resourcing restraints in relation to the full municipal

⁴ See OPCC [Guideline 4 – Service or Policy Complaints](#)

⁵ See [Police Oath/Solemn Affirmation Regulation, BC Reg 136/2002](#)

⁶ See November 30, 2023 Surrey Police Board Regular Meeting Minutes, as appended to the [January 19, 2024 Surrey Police Board Administrator Regular Meeting Agenda](#)

⁷ See Surrey Police Board Report #2023-R012, File 60550-20-02, *Administrator Procedures*, as appended to the [November 30, 2023 Surrey Police Board Regular Meeting Agenda](#)

police board administration will be considered, provided that adherence to statutory requirements is maintained.

Office of the Police Complaint Commissioner