

Policy Name:	INTERNAL DISCIPLINE		
Policy #:	AD 2.4	Last Updated:	2021-10-21
Issued By:	SUPPORT SERVICES BUREAU	Approved By:	SURREY POLICE BOARD
		Review Frequency:	AS REQUIRED

RELATED POLICIES

AD 2.6 Professional Department

AD 2.2 Complaints and Professional Standards

1. PURPOSE

- 1.1. The Surrey Police Service (SPS) has established rules and procedures regarding the determination of and notification to the Office of the Police Complaint Commissioner (OPCC) of internal disciplinary matters and their subsequent processing and investigation. This policy ensures that the SPS complies with the *Police Act* and requirements of the OPCC.
- 1.2. To ensure that all complaints and/or matters of alleged misconduct against Members are presumptively assessed as a matter of disciplinary breach of public trust.
- 1.3. To ensure that the OPCC is engaged at the outset to preserve public confidence and provide oversight of the process.

2. SCOPE

- 2.1. This policy applies to all sworn SPS Members. Internal Discipline Rules comply with the *Police Act* and, in the event of any inconsistency between these rules and the *Police Act*, the *Police Act* will govern.
- 2.2. The SPS internal discipline process will be governed by the *Police Act*, the Collective Agreement, and the provisions of the *Labour Relations Code* of British Columbia.

3. POLICY

- 3.1. If a matter comes to the attention of the Inspector in charge of Professional Standards Section (PSS) that may fall within the definition of an Internal Discipline Matter, PSS will presumptively deal with the matter as a disciplinary breach of trust and notify and seek direction from the Office of the Police Complaints Commissioner (OPCC) in relation to the matter.
- 3.2. If the Chief Constable, designated Internal Disciplinary Authority, or the Inspector i/c PSS believes that the matter is an Internal Discipline Matter, a request will be made to the OPCC for permission to handle the matter in accordance with the process laid out in Division 6 of the *Police Act*.
- 3.3. If the complaint or matter to be investigated is of a minor nature, the designated Internal Discipline Authority may assign a member of equal or higher rank to conduct the investigation on the Member being investigated. The appointed investigator will be selected on knowledge, skills, and abilities regarding the specific matter. It is also the prerogative of the Internal Discipline Authority to assign an investigator from another police force.
- 3.4. If the OPCC agrees that the matter be handled as an Internal Discipline Matter under Part 11, Division 6 of the *Police Act*, the Internal Discipline Authority will order an investigation be undertaken into the matter.
- 3.5. When the Internal Discipline Authority has deemed the investigation report complete, a copy will be provided to the Member. Portions of the investigation report may be redacted as permissible and/or required under the *Freedom of Information and Protection of Privacy Act (FOIPPA)*.
- 3.6. If the Internal Discipline Authority is considering imposing corrective, disciplinary measures, or other action in relation to the Member, the Member will be provided a reasonable opportunity to respond to the information and recommendations made in the investigation report.
- 3.7. After reviewing any response provided by the Member, the Internal Discipline Authority will determine whether corrective and/or disciplinary measures should be imposed and what other decisions, if any, will be made concerning the Member.

4. PROCEDURE

- 4.1. When the designated Internal Disciplinary Authority has requested an investigation into a matter involving a Member, that Member will be notified in writing that an investigation has been initiated, unless the investigator has reason to believe that immediate disclosure could reasonably be expected to harm the investigation.

- 4.2. Once notice is provided, a Member who is covered by a Collective Agreement may request that a union representative be present at interview(s) with the Member during the investigative process.
- 4.3. The investigator must provide the Member with a reasonable opportunity to respond to the allegation(s) prior to the completion of the investigation.
- 4.4. Upon completion of the investigation, the investigator will provide an investigation report to the designated Internal Discipline Authority which may include recommendations concerning corrective, disciplinary measures, or other actions to be taken by the Internal Discipline Authority.
- 4.5. On request of the OPCC an Internal Discipline Authority must provide any additional information or records respecting an internal matter and provide the OPCC a copy of the investigation report.
- 4.6. The Internal Discipline Authority may recommend to the Chief Constable whether the suspension will be with or without pay. The Internal Discipline Authority may terminate the suspension at any time.
- 4.7. The Internal Discipline Authority will notify the union representing the Member when or if suspensions are being considered and or when a Member will receive discipline.
- 4.8. The union representing a Member controls the filing and conduct of any grievance and arbitration process pursuant to the relevant Collective Agreement.
- 4.9. After a finding of misconduct in an Internal Discipline Matter, the Employee Services Section will hold any record of discipline and or corrective measures imposed on the Member, and any expungement provisions applicable to the record.

APPENDIX A: DEFINITIONS

“Discipline” means, but is not restricted to, provisions included in s. 126 of the *Police Act*.

“Internal Discipline Authority” means the Chief Constable or delegate in relation to an internal discipline matter concerning the conduct or deportment of a Member who is not the Chief Constable or a Deputy Chief Constable. In relation to an internal discipline matter concerning the conduct or deportment of the Chief Constable or a Deputy Chief Constable, the Chair of the Police Board is the Internal Discipline Authority.

“Internal Discipline Matter” means a matter concerning the conduct or deportment of a Member that is not the subject of an admissible complaint or an investigation under Division 3 (Process Respecting Alleged Misconduct) of the *Police Act*, and does not directly involve or affect the public.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

APPENDIX B: REFERENCES

BC Police Act, R.S.B.C. 1996, c. 367

Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165

Labour Relations Code, R.S.B.C. 1996, c. 244