

Policy Name:	CONFLICT OF INTEREST		
Policy #:	AD 2.3	Last Updated:	2021-10-21
Issued By:	SUPPORT SERVICES BUREAU	Approved By:	SURREY POLICE BOARD
		Review Frequency:	AS REQUIRED

RELATED POLICIES

AD 2.2 Complaints and Professional Standards

AD 2.4 Internal Discipline

1. PURPOSE

- 1.1. To provide direction to Surrey Police Service (SPS) Employees regarding business or personal interests, board memberships, political and charitable activities, and receiving gifts and gratuities where there may be a conflict of interest.
- 1.2. To provide direction to SPS Employees regarding their responsibility to disclose or report to the SPS any situation that may give rise to an actual, potential, or perceived conflict of interest.
- 1.3. To reinforce the public trust and confidence in the integrity of the SPS and its Employees.
- 1.4. To maintain impartiality of SPS Employees while on duty.

2. SCOPE

- 2.1. This Policy applies to all SPS Employees.

3. POLICY

General

- 3.1. Employees must not place themselves in a position where they are under an obligation to any person who might benefit from special consideration or favour on their part or seek in any way to gain preferential treatment from them.
- 3.2. No conflict of interest can exist or appear to exist between the private interests of Employees and their official duties. Employees must arrange their private affairs in a manner that will prevent work-related conflicts of interest. Where an actual, potential, or perceived conflict of interest arises, Employees must take immediate steps to eliminate the conflict in favour of SPS.
- 3.3. Information acquired during an Employee's official duties, and which is not generally available to the public, must not be used to benefit, or appear to benefit, the Employee, the Employee's family members, or the Employee's close associates.
- 3.4. In the performance of their official duties, Employees must not grant (or give the appearance that they are granting) preferential treatment to any individual person, business, or organization.
- 3.5. Employees have a primary occupational responsibility to SPS. Extra employment, external business interests, membership in organizations, and volunteering, separate from employment with SPS, must remain secondary and must not harm or discredit the reputation of SPS.
- 3.6. Engaging in any form of secondary employment or external business interest without advance written authorization from the Chief Constable is prohibited.
- 3.7. The Chief Constable will not authorize, and will withdraw prior authorization, for any Employee to engage in secondary employment or external business interests that, in the Chief Constable's opinion, gives or may give rise to an actual, potential, or perceived conflict of interest or the appearance of the same, or which brings or may bring discredit upon SPS.
- 3.8. Except as prohibited by this policy, and with the advance written authorization of the Chief Constable, Employees may invest or engage in secondary employment or External Business Interest, provided that:
 - i. their participation does not create a conflict of interest with their duties within SPS and is not likely to do so;
 - ii. the Employee's participation does not derive an advantage from their employment with SPS;
 - iii. the Employee's effectiveness and performance of their work-related duties are not adversely affected;

- iv. the reputation of SPS is not harmed or discredited; and
 - v. a Member's position as a peace officer is not harmed or discredited.
- 3.9. SPS supports its Employees' rights to engage in political activity, and participate in religious activity; however, such activities must not infringe on the public's right to impartial delivery of policing services.
- 3.10. Employees are prohibited from membership in, employment by, or volunteering with organizations that are illegal or could reasonably be considered to bring discredit upon SPS or policing generally or have the potential to adversely affect an Employee's discharge of their duties.
- 3.11. While on duty, Employees must not engage in secondary employment or business activities unrelated to their work-related duties, without the advance written authorization of the Chief Constable.
- 3.12. Except as specified in s. 4.27 below, Employees will not accept any gift, favour, or gratuity without the consent of the Chief Constable.
- 3.13. Employees may only use SPS equipment, assets, property, and confidential information for purposes related to the duties of their employment with SPS, unless otherwise authorized by the Chief Constable.
- 3.14. Employees shall not enter into a personal relationship with another Employee where there may be an actual, potential or perceived conflict of interest. Examples include but are not limited to recruiting staff and applicants, field trainers and their trainees, mentors and their subordinates, and a Supervisor over an immediate subordinate.
- 3.15. A personal relationship between Employees which gives rise to an actual, potential, or perceived conflict of interest, as defined by this policy, may result in one or both parties being transferred and/or reassigned.
- 3.16. SPS will assess disclosed personal relationships that give rise to an actual, potential, or perceived conflict of interest, on a case-by-case basis.
- 3.17. Lobbying the City of Surrey (including its Council, Boards, Commissions, Committees, and Staff) is not permitted during SPS work hours or when in uniform. Employees must not use their position with SPS to influence the City of Surrey on personal matters, in any method not available to the public.

4. PROCEDURE

Disclosure

- 4.1. Employees must disclose to the Chief Constable all secondary employment and external business interests. See sections 4.5-4.9 below for approval and renewal procedures.

Prohibited Secondary Activity

- 4.2. Employees shall not invest in, be a member of, participate in, engage in, be employed by or volunteer with any business, association or enterprise involving:
- i. bill collecting;
 - ii. skip tracing;
 - iii. the provision of property or personal security services;
 - iv. private investigative services;
 - v. the licenced sale of alcohol* or cannabis;
 - vi. licensed gaming;
 - vii. insurance adjusting or investigation;
 - viii. adult escort services;
 - ix. the serving of legal process;
 - x. the requirement to be armed;
 - xi. pornography; or
 - xii. exotic dancing.

* Employees are exempt from the prohibition regarding the licensed sale of alcohol in “food-primary licence” or “liquor-primary licence” secondary employment as defined by the BC Liquor and Cannabis Regulation Branch.

- 4.3. The Chief Constable may exempt an Employee from the application of s. 4.2, if the Employee has submitted a notice of intention to retire or resign from SPS and is, and remains, on leave until their date of retirement or resignation.

Canadian Armed Forces Reserves

- 4.4. Employees may be members of the Canadian Armed Forces Reserves for the purposes of military training or while performing a peacekeeping role, and if so employed, must provide annual written notice to the Chief Constable, including details of their duties and responsibilities and the time commitment involved.

Authorization Process

- 4.5. An Employee must complete and submit an Application For Secondary Employment/Outside Activity (Form AD-2303) and *Indemnification Agreement* to the Chief Constable or designate specific to their secondary employment or external business interest, and the Chief Constable or designate will assess

each request individually and may provide written authorization if no conflict of interest is determined to exist.

- 4.6. If an Employee disagrees with the decision of the Chief Constable, the Employee may appeal to the Surrey Police Board. The decision of the Surrey Police Board is final.
- 4.7. All authorizations must be renewed on a yearly basis, following the procedures outlined above for initial authorization.
- 4.8. Any changes between renewals to the ownership or nature of the business or venture, or the Employee's duties within the business interest or venture, must be reported promptly to the Chief Constable in writing. The Chief Constable may continue or cancel the authorization.
- 4.9. Employees must not, under any circumstances, use SPS resources to assist them in carrying out any function of an External Business Interest or venture or employment. This prohibition includes the use of SPS computer equipment, photocopiers, telephones, cellphones, and vehicles.

Directorships

- 4.10. Where an organization seeks to have an Employee, in the role of representative of SPS, assume a Director position, the Chief Constable may require the organization to enter into an *Indemnification Agreement* to protect the Employee and SPS against financial liability associated with the position.
- 4.11. Employees seeking a Directorship, as a representative of SPS or in their private capacity must first submit a report to the Chief Constable requesting written authorization and providing:
 - i. the name and address of the corporation, non-profit society or charitable organization;
 - ii. the purposes of the corporation, non-profit society or charitable organization;
 - iii. the duties and responsibilities of the directorship role;
 - iv. whether the corporation, non-profit society or charitable organization has a Directors' and Officers' Liability Insurance (DOLI) policy;
 - v. the start date of the position; and
 - vi. the term of the appointment.
- 4.12. Any authorization will be limited to the term of the Directorship. Employees seeking or appointed to subsequent Directorship terms will request a renewal of the authorization, providing the information required in s. 4.11.
- 4.13. Employees will notify the Chief Constable in writing of any changes in their Directorship, including resignation from the Directorship of a corporation, non-profit society, or charitable organization.

Political Activity

- 4.14. SPS supports its Employees' individual democratic right to engage in political activity. However, Employees' activities must not infringe on the public's right to an impartial police service. To ensure an impartial police service, Employees must, while on duty or in uniform, not make any public expression of political opinion or political association.
- 4.15. Employees may, while off duty and not in uniform, attend, participate, and express views on any issue not directly related to their responsibilities as a police officer or an SPS Employee as long as the Employee does not associate their position as an SPS Employee with the issue or represent their views as those of SPS.

Political Office

- 4.16. An Employee's participation in political activity, whether an appointment to a Board or candidacy in an election, is regulated by federal, provincial and municipal legislation. Appointment, candidacy, or service by an Employee is prohibited if it interferes with SPS duties or places or is likely to place the Employee in a position of conflict of interest.
- 4.17. An Employee may not run for election or be nominated to run for political office without first taking an unpaid leave of absence. If an Employee is elected to political office resignation of employment may be required.
- 4.18. An Employee must not use their position or employment with SPS to actively campaign for the election of or solicit funds for a potential or a declared candidate for elected office, whether municipal, provincial, or federal or to actively campaign or partake in political activity with respect to municipal, provincial, or federal campaigns or elections, or work for candidates for elective office during the Employee's working hours for SPS. This section does not affect the Employee's right to actively participate in the democratic process or participate in elections, whether municipal, provincial, or federal as a regular citizen during their own time.

Speeches and Presentations by Employees

- 4.19. No Employee may make a speech or presentation as a representative of SPS relating to police matters and law enforcement activities to any public gathering or public event without first obtaining the advance written authorization of the Chief Constable.
- 4.20. An Employee may hold a position of leadership in a non-profit or professional association where they may be viewed as a spokesperson for that organization. In such situations, the Employee will ensure that when speaking on behalf of the association they are viewed as speaking for the organization and not as a spokesperson for SPS.

Wearing Uniform While Off-Duty

- 4.21. Other than at an SPS-sanctioned event or with the advance written authorization of the Chief Constable, Employees shall not appear in uniform, either on or off duty, in public or at any event.
- 4.22. Employees wishing to obtain advance written authorization to appear in uniform in public at a non-sanctioned event must submit a request in writing, through the chain of command, to the Chief Constable outlining:
- i. the nature of the event;
 - ii. the Employee's affiliation to the organization or person responsible for the event; and
 - iii. the reason the Employee believes it would be beneficial or appropriate to appear in uniform.

Charitable Events and Fund-Raising Activities

- 4.23. Prior to an Employee organizing, participating in, or endorsing a charitable fund-raising event, as a representative of SPS, they must make written application to, and receive written authorization from the Chief Constable.
- 4.24. Prior to an Employee soliciting funds for an SPS-related project or event, the Employee must make written application to, and receive written authorization from the Chief Constable.
- 4.25. The Chief Constable may provide advance written authorization for SPS name, emblem, crest, or flag to be used to promote any non-police function.

Gratuities and Gifts

- 4.26. Except as noted in section 4.27 below, unless authorized by the Chief Constable, no Employee may accept any gift, favour, gratuity, compensation, either in cash or in kind, commission, or special recognition, whether or not the same has monetary value, from an individual, organization or business enterprise, if offered or to be awarded to the Employee on account of, or in association with, their employment with SPS.
- 4.27. Employees may accept a gift or gratuity where the gift or gratuity:
- i. is offered as the result of a customary or hospitality practice;
 - ii. is of nominal economic value (less than \$25);
 - iii. is not viewed as placing any obligation on the Employee;
 - iv. would not adversely affect, or appear to adversely affect, the Employee's impartiality; and
 - v. would not compromise, or appear to compromise, the integrity of SPS.
- 4.28. Despite section 4.27 above, Employees must not accept any cash gift, e-transfer of funds, or cryptocurrency, regardless of the value.

4.29. A person seeking to offer a gift or gratuity to an Employee, specific to their employment with SPS, is to be directed to make the offer through the Chief Constable.

4.30. An award of special recognition, specific to an Employee's service with SPS, may be accepted and retained by an Employee, if it is of nominal monetary value or benefit and authorized by the Chief Constable.

Honorarium

4.31. Employees will not personally accept an honorarium for providing services on behalf of SPS. If an honorarium is offered, the Employee may, in consultation with the Chief Constable, request that the honorarium be directed to an SPS-authorized charitable organization. If a donation to an SPS-authorized charitable organization is not possible, the honorarium must be respectfully declined. If respectfully declining an honorarium is not possible, the honorarium must be forwarded to the Chief Constable for assessment and disposition.

Contracting for Goods and Services

4.32. Employees shall not enter into any agreement or contract to supply goods and services to SPS without the advance written authorization of the Chief Constable.

SPS Property and Equipment

4.33. Employees must not use, provide, sell, or make available, any SPS property, equipment, issue uniform, crest, badge, or materials to anyone for purposes other than as authorized by the Chief Constable.

Employee Relationships

4.34. An Employee who becomes involved in a Family Member or Intimate Partner relationship within the context defined in this policy must disclose that relationship, as soon as practicable, to their immediate Supervisor or the Inspector, Employee Services Section. If the Employee discloses to their Supervisor, the Supervisor will advise the Inspector, Employee Services Section.

4.35. Employees will not be placed and may not remain in a partnership or an assignment where they will work directly with a Family Member or Intimate Partner except in the following situations:

- i. call out;
- ii. additional staffing needs required over a minimal period of time; and
- iii. exigent circumstances.

4.36. Despite section 4.36 above, Family Members or Intimate Partners may work together on the same shift or within the same unit or section where conflicts of interest can be eliminated or adequately minimized, as determined by the Chief Constable.

- 4.37. SPS will consider an Employee's Family Member or Intimate Partner as an Applicant for employment with SPS, if the Applicant meets the required qualifications for appointment and an appointment will not create a conflict of interest.
- 4.38. The appointment or placement of an individual to a position of authority over someone who is a Family Member or Intimate Partner is prohibited.
- 4.39. An Employee who has a Family Member or Intimate Partner relationship with another Employee, but is not a direct Supervisor, will not participate in any disciplinary or evaluation procedure involving the Employee or process any complaints on behalf of the Employee.
- 4.40. Where disclosure is made of a Personal Relationship which adversely affects, or has potential to adversely affect, the security of SPS, police information, investigations, or other Employees, SPS has the right to repeat background clearance procedures. Failure to pass background clearance procedures may result in termination of employment.
- 4.41. Employees seconded to integrated units or another agency where a Personal Relationship may adversely affect their employment (e.g., where a partner is currently working in the unit) are to notify the Inspector, Employee Services Section of the conflict before accepting the secondment or posting.
- 4.42. SPS will review, on a case-by-case basis and pursuant to the *Human Rights Code*, situations where an actual, potential or perceived conflict of interest arises involving Family Members or Intimate Partners. SPS will attempt to reasonably accommodate Employees where possible. Accommodation will not be possible where accommodation would lead to undue hardship to SPS.
- 4.43. Employees may apply in writing to the Chief Constable to request an exemption from any part of this policy, if the actual, potential, or perceived conflict of interest can be eliminated or adequately minimized.

APPENDIX A: DEFINITIONS

“Applicant” means a person who is not a current SPS Employee, who is seeking a position serving SPS.

“Conflict of Interest” means a conflict between an Employee’s personal, business or political interests and their responsibilities or duties as an Employee of SPS and/or a peace officer and includes actual or perceived conflicts and those situations that have potential to be actual or perceived conflicts. A conflict of interest may give rise to a reasonable concern that the Employee may take action or fail to take action, or make a decision or fail to make a decision, based in whole or in part on the Employee’s personal, business or political interests, or personal relationships, rather than on the Employee’s professional duties and responsibilities as an Employee of SPS and/or as a peace officer.

“Employee” means any Employee of SPS (including Members and civilian staff).

“External Business Interest” means a monetary or proprietary interest in any undertaking carried on with a view to a gain or profit. It includes such things as farming operations, rental properties, multi-level marketing schemes and “consulting” practices, but does not include such things as personal investment portfolios. Employees should consult with the Professional Standards Section, if in doubt about a particular activity.

“Family Member” for the purpose of this policy means spouse (including common-law), parent, child, or sibling.

“*Indemnification Agreement*” means a document that transfers financial risk from SPS to a third party.

“Intimate Partner” means an Employee who is in a romantic or intimate relationship with another person (other than a spouse), whether living in the same household as the other person or not. Examples include dating partners and sexual partners.

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

“Personal Relationship” means a relationship between Employees and another person including, but not limited to, a family relationship (e.g., spouse, including common-law, sibling, parent, or child), a romantic or intimate relationship, and a financial or business interest.

“Preferential Treatment” means treatment of one individual or group of individuals in a manner that is likely to lead to greater benefits, access, rights, opportunities, or status than those of another individual or groups of individuals.

“Supervisor” means a Team Leader, Manager, Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

APPENDIX B: REFERENCES

Human Rights Code, R.S.B.C. 1996, c. 210