

## Roles of Transit Police Board versus TSML Board (2024)

	MVTP <sup>1</sup> Police Board (Police Board)	TSML Board
<b>Duties, Powers and Functions of Board</b>	<ul style="list-style-type: none"> <li>• Role of the Police Board is to govern, administer and operate the Designated Policing Unit (DPU)<sup>2</sup>, including overseeing the management of Metro Vancouver Transit Police (MVTP)<sup>3</sup>.</li> <li>• Powers, duties and functions of the Police Board are prescribed by the Minister under section 4.2<sup>4</sup>, not imposed by statute.</li> <li>• Prescribed duties, powers and functions of the Police Board<sup>5</sup> are to:               <ul style="list-style-type: none"> <li>○ enforce municipal bylaws, criminal law and laws of BC</li> <li>○ maintain law and order</li> <li>○ prevent crime</li> </ul> <p>And:</p> <ul style="list-style-type: none"> <li>○ duty to determine priorities, goals and objectives</li> <li>○ duty to report to minister on activities of MVTP and implementation of programs and strategies</li> <li>○ power to appoint constables</li> <li>○ duty to make rules consistent with <i>Police Act</i> and Regulations respecting.<sup>6</sup></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• TSML is the ‘prescribed entity’<sup>7</sup> for MVTP under the <i>Police Act</i>, and is:               <ul style="list-style-type: none"> <li>○ The employer; and</li> <li>○ Responsible for the operating and disbursement of budget funds for the MVTP<sup>8</sup>.</li> </ul> <p>NOTE: In 1999, SCBCTA created a numbered company, wholly-owned by SCBCTA (incorporation documents for Company Act of 592040 of BC Ltd.) for another purpose. In 2011, the company name was changed to TransLink Security Management Limited and the company was then used to serve as the ‘entity’ for MVTP (2013 onward).</p> </li> </ul>

<sup>1</sup> The operating name of the South Coast British Columbia Transportation Authority Police Service – Designated Policing Unit (DPU) and Designated Law Enforcement Unit (DLEU)

<sup>2</sup> Section 4.1(3)(c)(i) of *Police Act*. The same Board role applies to the Designated Law Enforcement Unit (DLEU) under s. 18.1 of the *Police Act*.

<sup>3</sup> Per 3.1.2(b) of the DPU application (2022)

<sup>4</sup> Section 4.2(c) of *Police Act*

<sup>5</sup> Section 4.2(2)(c)(i) as adopted by regulation

<sup>6</sup> Rules are considered the MVTP Policy and Procedure Manual, in compliance with the BC Provincial Policing Standards

<sup>7</sup> DPU application (2022) and *Prescribed Entity Regulation* - BC Reg. 61/2016

<sup>8</sup> Section 3.1.3(b) of the DPU application (2022)

	MVTP <sup>1</sup> Police Board (Police Board)	TSML Board
	<ul style="list-style-type: none"> <li>- standards, guidelines and policies for administration of the MVTP;</li> <li>- prevention of neglect/abuse by constables;</li> <li>- efficient discharge of duties and functions of MVTP and constables.</li> </ul>	
<b>Appointments to Board</b>	<ul style="list-style-type: none"> <li>• Board members (to both DPU and DLEU) are appointed by Minister after consulting with entity<sup>9</sup> - Up to 9 members: <ul style="list-style-type: none"> <li>○ Chair of the board – appointed by the Minister<sup>10</sup></li> <li>○ At least one member to be a nominee of TSML<sup>11</sup>.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• TSML Chair consulted on Police Board appointments.</li> <li>• TransLink Board appoints the Directors to TSML Board and determines the numbers of Directors</li> </ul>
<b>Employment Relationship and Appointments</b>	<ul style="list-style-type: none"> <li>• Police Board appoints: <ul style="list-style-type: none"> <li>○ chief officer</li> <li>○ deputy chief officers</li> <li>○ designated constables</li> </ul> the Police Board considers necessary; and   Appointments are made subject to approval of the minister<sup>12</sup>.   NOTE: Same Board role applies to the DLEU and Designated Law Enforcement Officers/Community Safety Officer (“DLEOs/CSOs”) appointments, albeit under authority from sections 18.1/18.2. </li> </ul>	<ul style="list-style-type: none"> <li>• Hired by TSML: <ul style="list-style-type: none"> <li>○ person to be chief (TSML Directors are consulted in the selection process for the Chief Officer);</li> <li>○ persons to be deputy chief officers;</li> <li>○ persons to be designated constables;</li> <li>○ persons to be Special Provincial Constables;</li> <li>○ civilian professionals; and</li> <li>○ persons to be DLEOs/CSOs.</li> </ul> </li> </ul> NOTE: The selection of civilians and persons for hire under the rank of Chief is under the authority of the Chief Officer.
<b>Employment Compensation Terms</b>	<ul style="list-style-type: none"> <li>• Chief, Deputy Chief and Constables appointed by the Police Board are subject to the terms of employment determined by TSML<sup>13</sup></li> <li>• Police Board may make recommendation to TSML on suitable compensation for MVTP employees and</li> </ul>	<ul style="list-style-type: none"> <li>• Employees are paid the remuneration the TSML Directors determines (via collective agreement with union members or compensation regime and policy for exempt employees).</li> </ul>

<sup>9</sup> Section 4.1(9) of *Police Act*

<sup>10</sup> Section 3.2.1 of DPU application of TSML (2022). Ministry consultation done prior to making board appointments and reappointments.

<sup>11</sup> Section 3.2.1 DPU application of TSML (2022)

<sup>12</sup> Section 4.1(11) of *Police Act* and section 3.1.1 (a) of the DPU application (2022)

<sup>13</sup> Section 4.1(12)(b) of *Police Act*

	<b>MVTP<sup>1</sup> Police Board (Police Board)</b>	<b>TSML Board</b>
	<p>provide input into items for collective bargaining (particularly as it relates to alignment and competitiveness with other police agencies).</p> <ul style="list-style-type: none"> <li>• Police Board is informed of collective agreement provisions/bargaining outcome.</li> </ul>	<ul style="list-style-type: none"> <li>• Chief, Deputies and Inspectors have fixed term employment contracts with TSML and are exempt employees.</li> <li>• TransLink’s Executive Compensation Plan sets out limitations on compensation for those senior exempt captured.</li> </ul>
<b>COLLECTIVE BARGAINING</b>	<ul style="list-style-type: none"> <li>• Bargaining Team consults with HR and Compensation Committee prior to commencing bargaining re labour mandate and strategy.</li> <li>• Informed of bargaining outcome and negotiated agreement.</li> </ul>	<ul style="list-style-type: none"> <li>• Bargaining Team consults with Directors prior to commencing bargaining re labour mandate and strategy. TSML Board endorses labour mandate.</li> <li>• Collective agreements negotiated between TSML and the Union are signed on behalf of TSML by the Bargaining Team for TSML (subject to TSML Board approval).</li> <li>• Subsequent to the ratification of a collective agreement, advised of all Letters of Agreement entered into between TSML and the Union (via the Directors quarterly meetings).</li> </ul>
<b>Goals, Priorities and Objectives</b>	<ul style="list-style-type: none"> <li>• Determined by Police Board, in consultation with<sup>14</sup>: <ul style="list-style-type: none"> <li>○ the minister</li> <li>○ chief officer</li> </ul> </li> </ul> <p>(Achieved by creation of a strategic plan, which engages stakeholders.)</p>	<ul style="list-style-type: none"> <li>• Directors are consulted by the Police Board when developing the strategic plan (as well as the TransLink CEO and subsidiary presidents).</li> <li>• Police Board’s Semi-annual strategic plan status reports and Annual Report to the Community are shared with the Directors as well as TransLink Board.</li> </ul>
	<p>Police Board reports to Minister on activities of unit and implementation of programs and strategies to achieve priorities, goals and objectives.</p>	
<b>Discipline Authority and Complaints</b>	<ul style="list-style-type: none"> <li>• Discipline Authority: <ul style="list-style-type: none"> <li>○ for constables and deputies, the chief or delegate;</li> <li>○ for chief, the Police Board<sup>15</sup></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Directors are informed of sensitive labour relations/complaint matters via the quarterly Directors meeting or promptly upon exigent circumstances.</li> <li>• Directors are provided with copy of Police Board’s</li> </ul>

<sup>14</sup> Section 4.2(2)(c)(ii) of *Police Act*

<sup>15</sup> *Designated Policing and Law Enforcement Units Complaints Regulation (2022)*

	MVTP <sup>1</sup> Police Board (Police Board)	TSML Board
	<ul style="list-style-type: none"> <li>For Part 11 Complaints, the Police Board is deemed to be the ‘employer’ of the designated constables, Chief, Deputies, and DLEO/CSOs (not TSML Board)<sup>16</sup></li> </ul>	<p>quarterly complaint statistical reports.</p>
<b>Powers of Discipline Authority</b>	<ul style="list-style-type: none"> <li>Pursuant to the new <i>Designated Policing and Law Enforcement Units Complaints Regulation</i>: <ul style="list-style-type: none"> <li>“reassign” means “attach conditions to the appointment of” and “suspend” means “suspending of appointment of”<sup>17</sup></li> <li>“dismiss” and “reduce rank” mean “revocation of appointment”<sup>18</sup></li> <li>Police Board may discontinue pay and allowances<sup>19</sup></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Directors are to be promptly notified of a discipline decision of misconduct where suspension, reduction in rank or dismissal are determined by the Discipline Authority (following the Police Complaint Commissioner’s approval of the discipline measure).</li> <li>In order to enact the discipline, the Directors will follow the protocol set out in TSML Policy No. 019 – Employer Response to Discipline Imposed Under the <i>Police Act</i>. As set out in this policy, the Directors shall, on a case-by-case assessment, consider the information received and may, at its sole discretion (as appropriate to the DA discipline rendered), terminate the Member from their employment with the Employer, allow for an application to the Police Board for reappointment of the Member with a reduction in rank, discontinue the Member’s pay for the days of the temporary suspension of the Member’s Designated Constable appointment, or take some other course of action.</li> </ul>
<b>Responsibility for compliance with the Police Act</b>	<ul style="list-style-type: none"> <li>BC Provincial Policing Standards sets out what the Police Board is responsible for and what is responsibility of the Chief Officer as it relates to various operational areas; a number of mechanisms are in place to help fulfill obligations and compliance</li> </ul>	<ul style="list-style-type: none"> <li>TSML, as the entity, is responsible to correct any failure of MVTP, its board or designated constables to comply with the <i>Police Act</i> and Minister may appoint replacement officers to provide policing in place of MVTP for such failure.<sup>20</sup></li> </ul>

<sup>16</sup> *Designated Policing and Law Enforcement Units Complaints Regulation* (2022)

<sup>17</sup> Section 126(1)(c) and (d) of *Police Act*, as amended by the *Designated Policing and Law Enforcement Units Complaints Regulation* (2022)

<sup>18</sup> Section 126(1)(a) and (b) of *Police Act*, as amended by the *Designated Policing and Law Enforcement Units Complaints Regulation* (2022)

<sup>19</sup> Section 110(5) of *Police Act*, as amended by the *Designated Policing and Law Enforcement Units Complaints Regulation* (2022)

<sup>20</sup> Section 17.1(1) and 17.1(2) of *Police Act*

	MVTP <sup>1</sup> Police Board (Police Board)	TSML Board
<b>Budget</b>	<ul style="list-style-type: none"> <li>• Police Board develops with MVTP draft budget (consistent with TransLink guidelines) and approves a provisional budget.</li> <li>• Police Board approves/publicly releases final budget, after TransLink Board approval.</li> <li>• Police Board Finance Committee monitors the budget and the Police Board receives quarterly financial operating status update reports.</li> </ul>	<ul style="list-style-type: none"> <li>• TSML responsible for budget and costs of the MVTP, including: <ul style="list-style-type: none"> <li>○ costs incurred in establishing a DPU and its board<sup>21</sup></li> <li>○ costs incurred for replacement policing incurred for failure to comply with <i>Police Act</i><sup>22</sup></li> <li>○ costs incurred by government for failure of entity, the board or its constables to comply with the <i>Police Act</i><sup>23</sup></li> </ul> </li> <li>• Directors review and endorse the provisional budget to proceed to TransLink.</li> <li>• Directors receive copies of the Police Board’s quarterly financial operating status.</li> </ul>
<b>Policy</b>	<ul style="list-style-type: none"> <li>• Police Board approves policies required to comply with BC Provincial Policing Standards and directions of the Director of Police Services, and as required to fulfill Board obligations under section 4.2(2) of the <i>Police Act</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• Directors approve policies related to human resource management, employee personal information, financial services/administration, and signing authority and requisitioning.</li> </ul> <p>NOTE: Where there is overlap due to BC Provincial Policing Standards, policies may be complementary and linked.</p>
<b>FOIPPA</b>	<ul style="list-style-type: none"> <li>• DPU Board – Public Body (Head: Board Chair)</li> <li>• DLEU Board – Public Body (Head: Board Chair)</li> </ul> <p>NOTE: The Chief Officer is the Head for both the MVTP DPU and DLEU</p>	<ul style="list-style-type: none"> <li>• TSML as entity – Public Body (Head: Chief Officer)</li> </ul>

**Prepared by MVTP – Strategic Services Section**

<sup>21</sup> Section 4.1(14) of *Police Act*

<sup>22</sup> Section 17.1(3) of *Police Act*

<sup>23</sup> Section 17.1(4) of *Police Act*