

Policy Name:	LEGAL ADVICE TO MEMBERS AND CIVILIAN EMPLOYEES		
Policy #:	AD 9.9	Last Updated:	2022-03-03
Issued By:	SUPPORT SERVICES BUREAU	Approved By:	SURREY POLICE BOARD
		Review Frequency:	AS REQUIRED

RELATED POLICIES

1. PURPOSE

- 1.1. To ensure Surrey Police Service (SPS) Members and civilian Employees have appropriate access to legal advice which applies to client interactions, judicial applications and updates on the state of the law and case law.

2. SCOPE

- 2.1. This policy applies to all SPS Members and civilian Employees.

3. POLICY

- 3.1. Legal Advice available to Members and civilian Employees must only be used in relation to SPS operational and administrative files, and not be used for personal matters. Legal advice is provided to SPS under lawyer-client privilege and is not to be further disclosed or shared outside SPS without first consulting the SPS General Counsel, Legal Services.
- 3.2. Provincial Crown Counsel and Federal Crown Counsel do not provide legal advice to SPS before charge assessment and the laying of criminal charges. However, SPS Members may need to consult Crown Counsel during major case investigations and complex criminal files in pre-charge situations.

- 3.3. After a charge has been laid in Court, SPS Members will have regular contact with the assigned Crown Counsel, before and during the criminal trial. Crown Counsel has conduct and management of the criminal trial. With the advance consent of the assigned Crown Counsel, SPS Members may consult the SPS General Counsel, Legal Services on matters relating to the criminal trial and associated legal issues.

4. PROCEDURE

- 4.1. When an SPS Employee believes they require Legal Advice for a file, they must first consult a Supervisor to confirm the appropriateness of the request and the need for Legal Advice.
- 4.2. Members seeking advice for legal matters relating to an Information to Obtain for search warrants, production orders, and Form 5.2 Report to Justice extensions and/or hearings must first consult a Legal Application Support Team (LAST) Member.
- 4.3. If a Supervisor supports an Employee's request for Legal Advice that is outside the scope of the LAST, the Employee may contact the SPS General Counsel, Legal Services **S. 22(1)** and office telephone **S. 22(1)**. Members can expect a response during regular business hours unless there are exigent circumstances that require an immediate call-back and response
- 4.4. Legal Advice is private and confidential and cannot be disclosed outside the scope of SPS lawyer-client privilege. Where Legal Advice to SPS is to be disclosed in any proceeding or consultation, Members and civilian Employees first must consult the SPS General Counsel, Legal Services or receive a waiver of lawyer-client privilege from the Chief Constable.

After-Hours Legal Advice

- 4.5. If a Member requires immediate Legal Advice relating to an SPS file that cannot wait until daytime hours or during a regular business working day, the Member will contact their immediate Supervisor and relay the requested information.

Supervisor / Duty Officer

- 4.6. A Supervisor who approves the request for after-hours Legal Advice will contact the Duty Officer.
- 4.7. If the Duty Officer approves the request, the Duty Officer will provide the Member with the after-hours contact telephone number, so that the Member can speak directly with SPS General Counsel, Legal Services.

APPENDIX A: DEFINITIONS

“Employee” means a sworn Member or Civilian Employee appointed by the Surrey Police Board.

“General Counsel” means the SPS General Counsel, Legal Services.

“Legal Advice” means information and guidance provided to SPS by a lawyer qualified to practice law in British Columbia, within the coverage of lawyer-client privilege.

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

“Supervisor” means a 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