



## Legislation Details (With Text)

**File #:** AR-16-244    **Version:** 1    **Name:**  
**Type:** Agenda Reports    **Status:** Passed  
**File created:** 8/29/2016    **In control:** City Council  
**On agenda:** 11/28/2016    **Final action:** 11/28/2016  
**Title:** Policing Committee Update Report  
Presented by: Aaron Giesbrecht, Manager

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Previously Distributed - April 18, 2016 Backgrounder - Policing Committee, 2. Alberta Police Act Excerpts, 3. Solicitor General Sample Policing Committee Policy Manual, 4. C-PS-02 - Policing Services

Date	Ver.	Action By	Action	Result
11/28/2016	1	City Council	amended	
11/28/2016	1	City Council	approved	Pass
11/28/2016	1	City Council	amended	Pass
10/17/2016	1	City Council		

**TAMRIMS#: B06**

### Policing Committee Update Report

Presented by: Aaron Giesbrecht, Manager

## RECOMMENDATION(S)

That Administration use the guiding principles as outlined in the October 17, 2016 agenda report entitled "Policing Committee Update Report", when drafting the Policing Committee Bylaw for Council consideration.

## PURPOSE OF REPORT

Council passed a motion for Administration to begin work on a Bylaw or Terms of Reference for the establishment of a formal Policing Committee and this report is being presented to share the guiding principles that will be used to draft the Bylaw and help clarify the role of such a committee. It is also intended to outline a number of the mandatory requirements, provisions and resource implications that are associated to ensure that the work being done is inline with Council's desire and direction.

## COUNCIL DIRECTION

On April 18, 2016 Council passed the following motion:

(C236-2016)

That Administration work with the RCMP and the Solicitor General on the establishment of a Policing

Committee and bring back a Bylaw or Terms of Reference as appropriate for Council Consideration.

## BACKGROUND AND DISCUSSION

On April 18, 2016 Council received background information related to a Council motion on the establishment of a policing committee. This previously distributed background information has been attached.

In essence Council had 3 main options for decision. They were:

1. Direct that work begins on a formal Policing Committee pursuant to Section 23 of the Alberta Police Act;
2. Direct that work begins on the re-establishment of an informal Advisory Committee; or
3. Do nothing and remain status quo in relation to the Administration and public engagement related to policing matters.

Council passed a motion for Administration to begin work on a Bylaw or Terms of Reference for the establishment of a formal Policing Committee and this report outlines the guiding principles and provisions for the future work.

In 2012 the City signed a Municipal Policing Agreement with Public Safety Canada establishing that the Royal Canadian Mounted Police (RCMP) would be the Municipal Police service for the community.

When the City entered into the Municipal Policing Agreement it agreed on a number of provisions. Two key provisions in the agreement that are linked to Council's debate on this matter are:

1. *"6.1 The CEO may set the objectives, priorities and goals of the Municipal Police Service which are not inconsistent with those of the Provincial Minister and document those objectives, priorities and goals no more frequently than annually, and in concert with the annual RCMP planning cycle."* (CEO means the elected head of the municipality).
2. *"6.2 The internal management of the Municipal Police Service, including its administration and the determination and application of professional police standards and procedures, will remain under the control of Canada."*

In 2015 City Council updated its Policing Services Policy that is linked to the Municipal Policing Agreement and sets out how the policing objectives, priorities and goals are established through the RCMP Annual Performance Plan process.

The administration of the Municipal Policing agreement is currently coordinated by City Administration working collaboratively with the RCMP Officer in Charge while reporting and communicating to Council in accordance with the Council Policing Services Policy.

Section 23 of the Alberta Police Act states that if a municipality chooses to establish a formal Policing Committee it is legislatively mandated to follow very specific regulations. The establishment of a Policing Committee would essentially delegate a number of the Council authorities related to the Municipal Policing Agreement to the new Policing Committee. Some of the key sections of the Alberta Police Act are summarized in the attachment titled Alberta Police Act Excerpts. It must be noted

though that the Police Act can not be interpreted on its own without taking the Municipal Policing Agreement into consideration. In some cases this can cause misunderstandings on roles and authorities.

The Police Act, the Municipal Policing Agreement as well as the Alberta Solicitor General Policing Committee guidelines and sample Policy manual has been used to help form the below guiding principles/provisions for the Policing Committee Bylaw.

#### Policing Committee Guiding Principles/Provisions for Draft Bylaw

1. Overall purpose and role of a Committee is to maintain a proper balance between the independence and authority of the RCMP and accountability to the community and civilian authority through community input, increased transparency regarding RCMP operations, removal of the political interference perceptions and assistance with dealing with local complaints.

Discretionary, however this is the overall purpose of committees as communicated by the Alberta Solicitor General.

2. Committee shall oversee the administration of the Municipal Policing Agreement.

Mandatory - Sec 23(14)(a) of the Police Act

3. Committee will replace Council's current role in communicating with the RCMP and shall represent the interests of Council directly to the RCMP Officer in Charge.

Mandatory - Sec 23(14)(c) of the Police Act

4. Committee shall consult with the RCMP Officer in Charge to develop and implement an annual plan of priorities and strategies.

Mandatory - Sec 23(14)(d)/(e) of the Police Act

5. Committee shall represent the interests and concerns of the public to the RCMP Officer in Charge.

Mandatory - Sec 23(14)(f) of the Police Act

6. Committee shall appoint a Public Complaints Director and assist the RCMP Officer in Charge in resolving complaints.

**\*\*Notwithstanding complaints made against members of the RCMP shall be resolved in accordance with the Federal laws governing complaints and discipline within the RCMP.**

Mandatory - Sec 23(14)(g)/(h) and 49 of the Police Act

7. Committee will assist in the selection of the RCMP Officer in Charge.

Mandatory - Sec 23(14)(b) of the Police Act

8. Committee membership will be 11, including 1 Councilor and 1 Municipal Employee (Manager of Policing Services).

Police Act section 23(5) mandates a maximum of 12 members and minimum of 3 members. If the Committee is made up of 4 or fewer members, 1 member may be a councilor or employee. If the Committee is made up of 5 or more members, 2 members may be a councilor and/or employee.

9. Committee membership shall be limited to 1 member of the public having a law enforcement background.

Discretionary

10. Committee role will only be related to RCMP matters and will not include the other Municipal policing units including the 911 centre and Municipal Enforcement/Community Peace Officers.

Discretionary. Other areas can be included if desired by Council but clear boundaries and authority must be established to ensure that it is in line with the Municipal Government Act and City Manager Bylaw.

11. RCMP Officer in Charge will communicate with the Policing Committee on resource matters including requests for new positions. The Policing Committee and the RCMP Officer in Charge will present these requests to Council for debate and decisions.

Discretionary however - Sec 23(14)(a) and (c) of the Police Act and Article 5 of the Municipal Policing Agreement would imply that resourcing requests should have input from the Policing Committee.

12. Committee will present and report to Council on Policing activities.

Discretionary

### Examples of a formal Policing Committee role

Below are some Questions and Answers outlining some real life examples of RCMP operations and what the role of a formal Policing Committee would or would not be.

1. Q: Can a Policing Committee direct the RCMP where to set up or not set up speed/traffic enforcement operations?

A: No. Section 6.2 of the Municipal Policing Agreement is clear that administration and application of police standards and procedures remain under the control of Canada.

2. Q: Can a Policing Committee direct the RCMP how to investigate or handle domestic violence matters?

A: No. Section 6.2 of the Municipal Policing Agreement is clear that administration and application of police standards and procedures remain under the control of Canada.

3. Q: Can a Policing Committee communicate concerns that they have heard from Council or the

community on a speeding problem in a neighbourhood?

A: Yes. Section 23(14)(c) and (f) state that representing the community and Council interests and communicating this to the RCMP Officer in Charge is within their purview. However, they can not direct what the RCMP will do with that information.

4. Q: Can a Policing Committee increase or decrease the service/resource level (approved RCMP members)?

A: No. Article 5 of the Municipal Policing Agreement requires that the Mayor (representing Council) has the authority to increase or decrease the resource level and there is no authority delegated down to the Policing Committee to commit municipal funds to policing resources.

5. Q: Can a Policing Committee perform crime prevention activities such as going door to door providing educational material such as theft or fraud prevention?

A: Yes. There is nothing in law that would prevent this, however this is not the purpose or reason for a Policing Committee's existence and may duplicate similar services provided by the RCMP through volunteer Auxiliary Constables or not for profit organizations like Neighbourhood Watch or Citizens on Patrol.

6. Q: Can a Policing Committee investigate a complaint about a RCMP Officer?

A: No. Although the Police Act requires a public complaints director to be appointed section 49 of the Police Act is clear that complaints made against the RCMP will follow the Federal law that governs it. The role of the Public Complaints director would be to educate the resident and redirect any complaints received to the RCMP Officer in Charge, to the independent Federal Civilian Review and Complaints Commission, or the Alberta Solicitor General. Another role of the public complaints director may be to review the number and types of Public Complaints received and discuss and trends with the Officer in Charge.

7. Q: Can a Policing Committee set the objectives, priorities and goals of the local RCMP Detachment?

A: Yes. This is a function of the committee pursuant to section 23(14)(d) and (e) however Article 6 of the Municipal Policing Agreement also applies and any objectives, priorities and goals can not be inconsistent with those of the Alberta Solicitor General and can not be set more frequently than annually in concert with the normal RCMP planning cycle (Annual Performance Plan).

## STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Administration has not done any formal stakeholder communications or engagement on this matter. If the recommendation is passed, Administration would begin work on the draft Bylaw for Council consideration in 2017 at which time public communications would be increased in order to recruit committee membership. Once the committee is established, it is recommended that the Committee would take the lead on coordinating and planning public communications in relation to their activities

## IMPLICATIONS OF RECOMMENDATION(S)

Financial:

The total estimated annual financial impact related to the recommendation is \$50,000. This is made up of:

1. A part-time (.56 fte, 20 hrs/week) administrative support position being established to support the management and coordination of the committee. The estimated annual salary and benefit cost is \$30,000.
2. A \$20,000 annual operating budget for that would pay for costs related to holding and advertising public meetings, distributing information to the public and attend trade fairs, attending Police Committee training and membership in the Alberta Association of Police Governance.

Legal / Risk:

A Policing Committee is not a stand alone not for profit entity and therefore the Municipality is liable for the actions of, and liability incurred by, the Policing Committee.

Program or Service:

There are some benefits to the establishment of a formal Policing Committee, most notably would be an increased public engagement mechanism that could be drawn upon. Because of the way the municipal policing agreement, Council policy on policing as RCMP operations work there is no room for any political inference with RCMP investigations or operations; however this additional layer of civilian oversight could reduce any further perceptions of such.

Through discussion with the Solicitor General and through review of other formal Policing Committee meeting minutes, it is clear that a Policing Committee will require constant maintenance and support for it to be effective and efficient and to ensure that is following the mandated Police Act requirements as well as working within the parameters of the Municipal Policing Agreement.

Organizational:

The establishment of a policing committee will have some impact to the organization that will likely last a few years until such time as corporate processes related to annual department reports, plans, budget requests as well as the Council Policies are adjusted to fit the added layer of civilian oversight. The added work and adjustments that are required will result in some short term impacts on the Policing department's action planning because of the anticipated time commitments required from the Policing Services Manager to recruit a support position and get the committee started and trained.

## **ALTERNATIVES AND IMPLICATIONS CONSIDERED**

If Council does not wish to support the recommendation, the following alternatives could be considered:

- a) Alternative 1: Direct Administration to stop any further work on a formal Policing Committee and begin work on an Advisory Committee as outlined in Administrative Backgrounder provided to Council on April 18, 2016
- b) Alternative 2. Direct Administration to stop any further work on a formal Policing Committee or Advisory Committee. Administration would then continue to work with the RCMP under the status quo processes as per Council Policy on Policing Services.
- c) Refer the matter back to Administration for further consideration, as per the general discussion held by Council, and direct that a revised report be brought back to Council at a future date.

## **STRATEGIC CONNECTIONS**

a) City of St. Albert Strategic Plan (Policy C-CG-02)

Pillars of Sustainability

SOCIAL - We are a friendly and inclusive community of passionate equals, where everyone feels a sense of belonging. We believe that community starts with the person next door.

Governance Strategy

Council is committed to ensuring that the City of St. Albert is a responsive, accountable government that delivers value to the community.

Service Delivery Strategy

Council is committed to ensuring that the City of St. Albert is engaging residents to identify opportunities to improve delivery of services to the community.

- b) Long Term Plans (e.g. MDP, Social Master Plan, Cultural Master Plan, etc.)
- Policing Services Long Term Department Plan (2014)
- c) Corporate Objectives (See Corporate Business Plan)
- Deliver programs and services that meet or exceed our standards
  - Exercise strong fiscal management
  - Ensure our customers are very satisfied
- d) Council Policies, Bylaws or Federal/Provincial statutes
- Council Policy C-PS-02 Policing Services (2015)
  - Municipal Policing Agreement (2012)
  - Police Act, Alberta
- e) Other Plans or Initiatives (Business Plans, Implementation Strategies, etc.)
- Policing Services Department Action Plan

Report Date: November 28, 2016  
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