



Legislation Details (With Text)

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Title: Bylaw 28/2017 - Policing Committee Bylaw
Presented by: Aaron Giesbrecht, Manager

Sponsors:

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Attachments: 1. Draft Policing Committee Bylaw 28/2017, 2. Alberta Policing Oversight Standards For Policing Committees, 3. AR - April 18 2017 - CM-PolicingCommittee (Previously Distributed), 4. AR - Oct 17 2016 - Policing Committee Update Report (Previously Distributed), 5. Admin Backgrounder - Nov 28 2016 - Policing Committee Update (Previously Distributed)

Date	Ver.	Action By	Action	Result
5/1/2017	1	City Council	receive first reading	Pass

TAMRMS#: B06

Bylaw 28/2017 - Policing Committee Bylaw
Presented by: Aaron Giesbrecht, Manager

RECOMMENDATION(S)

1. That Bylaw 28/2017, being a Bylaw to establish a Policing Committee within the City of St. Albert, be read a first time.
2. That Bylaw 28/2017, be read a second time.
3. That unanimous consent be given for consideration of third reading of Bylaw 28/2017.
4. That Bylaw 28/2017, be read a third and final time.
5. That Administration add \$18,300 into the 2017 Operating Budget, funded from the Stabilization Reserve in order to add a .56 fte, effective July 1, 2017, to the Policing Services department to provide the necessary administrative support required for the new Policing Committee. Ongoing funding for this position shall be built into the future operating budgets.
6. That \$10,000 be added to the 2017 Operating Budget, funded from the Stabilization Reserve, to support operating expenses related to the Policing Committee activities for things such as, expense reimbursement, travel, advertising, promotion, training and development. An annual and ongoing \$20,000 budget shall be built into future operating budgets.
7. That Administration review City Council Policy C-PS-02, Policing Services to ensure that the

policy is in line with the new policing committee oversight processes established in the Bylaw and bring back any recommended amendments to Council by the end of Q2 2018.

PURPOSE OF REPORT

Council has directed Administration to draft and present a Bylaw for the establishment of a formal Policing Committee. This report is being presented to share the proposed Bylaw as well as recommended motions to properly resource the new committee.

COUNCIL DIRECTION

On November 28, 2016 Council passed the following motions:

(C236-2016)

That Administration use: the guiding principles as outlined in the October 17, 2016 agenda report entitled "Policing Committee Update Report" as amended; and the approved Alberta Policing Oversight Standards for Policing Committees when released, when drafting the Policing Committee Bylaw 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. The backgrounder listed three (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.

On October 17, 2016, Administration provided Council with some guiding principles for the drafting of the Policing Committee Bylaw. On November 28, 2016, Council debated those principles and made three key changes. Those changes were to decrease the size of the committee membership from eleven (11) to nine (9), that the committee membership not be limited to one (1) member of the public having a law enforcement background and that the scope of the committee shall include Municipal Enforcement/Community Peace Officer matters.

During the process of drafting the bylaw and looking very closely at this matter, Administration found that this is a complex matter due to:

- Inconsistency among formal Alberta Policing Committees and informal RCMP Advisory Committees that currently exist; and
- Discrepancies and often contradictory provisions among the governing legislation and agreements (Alberta Police Act, Municipal Police Service Agreement, RCMP Act, Municipal Government Act, etc.).

Taking this into consideration, Administration has completed the proposed Bylaw as directed, working within the guiding legislation and agreements as best as possible. The end product, if passed, will establish a formal Policing Committee as per the Alberta Police Act. Below is a summary of the key governance changes if this Bylaw is passed:

1. Transfers some of the authority under the Municipal Police Service Agreement from the Council spokesperson (Mayor) to the chair of the Policing Committee, namely:
 - a) RCMP Officer in Charge would now act under the direction of the Chair of the Policing Committee rather than the Mayor for “*aiding in the administration of justice in the Municipality and in carrying into the effect the laws in force in the Province and Municipality*”; (7.1 MPSA)
 - b) The RCMP Officer in Charge would now implement the objectives, priorities, goals and report as reasonably required on those priorities to the Chair of the Policing Committee rather than the Mayor; (7.2 MPSA)
 - c) The RCMP before appointing an Officer in Charge will consult with the Chair of the Policing Committee rather than the Mayor; (7.3 MPSA).
 - d) The Chair of the Policing Committee rather than the Mayor will be able to submit requests to the RCMP for the removal of a RCMP officer from the detachment. The RCMP still retains the authority for the final decision. (7.4 MPSA)
 - e) The RCMP will provide annual statements (or additional statements from time to time) in relation to the current RCMP human resource make up including organizational charts, job functions, and vacancies to the Chair of the Policing Committee instead of the Mayor. (8.1 MPSA).
2. Establishes a Public Complaint Director, so members of the public who may not be comfortable initially going directly to the RCMP or the Federal Independent (non-RCMP) Civilian Review and Complaints Commission, have a person to seek advice from. The local Public Complaints Director will also receive basic information from the RCMP in relation to public complaint statistics. This is a limited role guided by RCMP policy and the Civilian Review and Complaints Commission processes.
3. Establishes an “advisory/information sharing” relationship between the newly formed Policing Committee and the City Manager in relation to Municipal Enforcement/Community Peace Officer matters.
4. Replaces Council’s role in directly communicating Council’s and the public’s interests and concerns:
 - a) to the RCMP in relation to police matters; and
 - b) to the City Manager in relation to Municipal Enforcement matters.
5. Establishes a public policing committee to research and make recommendations to Council on policing and community related matters.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Administration has not done any formal public engagement on this matter, however it is important to note that Administration is aware of a local public group (with unknown numbers) that is supportive of a Policing Committee. The group is called “St. Albert Citizens for a Policing Committee” and according to their website www.policingstalbert.ca <<http://www.policingstalbert.ca>> and through some informal correspondence with one of their representatives, they are a small informal group with the core being made up of retired police officers. As indicated on their website they are a group of *“long-term St Albert residents that has been formed in response to a perceived lack of police visibility, lack of traffic enforcement and absence of civilian oversight.”*

Administration has worked with both RCMP and Alberta Justice and Solicitor General in the drafting of the attached Bylaw. Both agencies have seen the final draft Bylaw and have not advised Administration of any concerns on the way it is currently written. The RCMP have explicitly expressed their willingness to work with the new Policing Committee as Council desires, but it is important to note that they have also expressed that they can only do so in a way that is compliant with their Federal policies and procedures.

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

If the recommended motions pass, there will be a draw from the stabilization reserve in the amount of \$28,300 for adding to the 2017 operating budget. This made up of \$18,300 for a part-time administrative assistant effective July 1, 2017 and a \$10,000 operating budget for the committee members to receive training, travel as required and be able to fund public engagement, promotional and advertising activities.

Ongoing annual operating expenses that will get built into the future budgets will be \$56,600 made up of \$36,600 for the part-time administrative assistant and the annual \$20,000 expense account for the Committee use.

Legal / Risk:

The Policing Committee is not a stand alone legal entity and therefore the Municipality may bear liability for actions of the policing committee and its individual members. However, the City’s insurance policies extend liability coverage to committees of Council.

A unique aspect of the current MPSA is that, in its standard template form, it allocates specific administrative powers and functions to the City’s Chief Executive Officer (defined as the Mayor or other chief elected official). Generally, the City is not party to agreements that allocate operational tasks and functions to individual elected officials, and the MPSA is an anomaly in that regard. Under the MPSA, the CEO may designate an individual to direct the Member in Charge in reference to the administration of justice in the community. It appears that the RCMP intends to consider the Policing Committee, established and functioning in accordance with the draft Bylaw, as the Mayor’s designate with specific powers and functions enumerated within the Bylaw.

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 and RCMP operations work, there is no room for any political inference with RCMP investigations or operations; however, this additional layer of civilian oversight could help 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 it is following the mandated Police Act, Policing Committee Standards 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 local civilian oversight. The added work and adjustments that are required will result in some 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. There will also be an additional workload created for Legislative Services to provide training and support to the Committee support position to ensure continuity with established processes, procedures and standards for City committees, and recruitment of committee members.

It is important to highlight that the establishment of this new committee will likely increase the number of information requests which could result in increased workload for the Policing Services area in general, or other areas of City Administration. This added layer of oversight and process may have compounding impacts and could result in a need for increased resources in the future.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

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

- a) Alternative 1: Direct Administration to stop any further work on a formal Policing Committee and instead 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 existing processes to draft a 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.

1.1. Educate residents on the impact of crime and promote opportunities for residents to become positively involved in addressing the issue.

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: May 1, 2017

Author(s): Aaron Giesbrecht

Committee/Department: Policing Services

Acting General Manager: Glenn Tompolski

City Manager: Kevin Scoble