



**PUBLIC AGENDA
SPECIAL JOINT MEETING
BOARD OF POLICE COMMISSIONERS and
GOVERNANCE AND PRIORITIES COMMITTEE**

**Monday, January 11, 2016
Committee Room E, City Hall, Ground Floor
4:00 p.m.**

Purpose:

For Discussion of Board Membership, Governance and Accountability.

1. CALL TO ORDER

2. CONFIRMATION OF AGENDA

3. UNFINISHED BUSINESS

- 3.1** Invitation from Board of Police Commissioners for Regular Engagement Opportunities – and – Membership – Board of Police Commissioners – Councillor C. Clark (May 25, 2015) [File No. CK. 175-23]

On November 16, 2015, the former Executive Committee received an invitation from the Board of Police Commissioners to attend a joint meeting in April 2016 and following the 2016 Civic election. Executive Committee resolved that the information be received and that the Board of Police Commissioners be asked to arrange a meeting in January 2016.

Notice of Motion regarding membership on the Board of Police Commissioners was given by Councillor Clark at the meeting of City Council held on May 25, 2015 and considered on June 22, 2015.

City Council passed a motion that the administration provide a report to Executive Committee on the process for adding two additional civilian members to the Board of

Police Commissioners, including some analysis of the governance implications and considerations for determining the ratio of civilian to elected members of police boards and how this has been determined in other Canadian cities.

The attached report of the City Solicitor was subsequently reviewed by Executive Committee and forwarded to City Council on November 23, 2015. City Council resolved that discussions with the Board of Police Commissioners occur in January pertaining to board membership, governance and accountability.

4. ADJOURNMENT

**PUBLIC RESOLUTION
REGULAR BUSINESS MEETING OF CITY COUNCIL**

Main Category: 9. REPORTS FROM ADMINISTRATION AND COMMITTEES

Sub-Category: 9.11 EXECUTIVE COMMITTEE

**Item: 9.11.5 Membership – Board of Police Commissioners –
Councillor C. Clark (May 25, 2015) (Files CK. 175-23)**

Date: November 23, 2015

Any material considered at the meeting regarding this item is appended to this resolution package.

Moved By: Councillor Donauer

Seconded By: Councillor Clark

1. That the information be received; and
2. That discussions with the Board of Police Commissioners occur in January 2016 pertaining to board membership, governance, and accountability.

In Favour: His Worship the Mayor, Councillor Clark, Councillor Davies, Councillor Iwanchuk, Councillor Jeffries, Councillor Loewen, Councillor Lorje, Councillor Olauson, Councillor Paulsen and Councillor Donauer

CARRIED UNANIMOUSLY

Membership - Board of Police Commissioners – Councillor C. Clark (May 25, 2015)

Recommendation

That Executive Committee recommend to City Council that this Report be received as information.

Topic and Purpose

City Council passed a motion at its meeting held on June 22, 2015, that the Administration provide a report to Executive Committee on the process for adding two additional civilian members to the Board of Police Commissioners, including some analysis of the governance implications and considerations for determining the ratio of civilian to elected members of police boards and how this has been determined in other Canadian cities.

This Report provides a summary of these matters.

Report Highlights

This Report summarizes the process for adding members to the Board of Police Commissioners and identifies considerations regarding the composition of boards of police commissioners in jurisdictions across Canada.

Strategic Goal

This Report supports the Strategic Goal of Quality of Life as it promotes good policing practices.

Report

The Police Act, 1990 (the “Act”) requires a municipality with a population over 5,000 to establish, by bylaw, a board of police commissioners. The board of police commissioners must consist of at least three members, appointed annually by the council.

If the board consists of three members, it must include the mayor, one member of council, and one other person, who is not a member of council, as a member at large.

If the board consists of more than three members, it must consist of the mayor, two members of council, and two or more other persons, who are not members of council, as members at large.

As the board of police commissioners is established by bylaw, any changes to the number of members of the Saskatoon Board of Police Commissioners would require an amendment to *The Saskatoon Board of Police Commissioners Bylaw*.

Prior to 2001, the Act required a board of police commissioners to contain either three or five members. In 2001, the Act was amended such that a board could consist of more than five members. Notably, the number of members on the Saskatoon Board of Police Commissioners was increased from five to seven in December, 2001. Effective January 1, 2004, the number of members was decreased from seven to five. The rationale for the decrease was that a majority of the members should be elected to ensure accountability to the public.

The Boards of Police Commissioners in both Regina and Moose Jaw consist of five members. The Prince Albert Board of Police Commissioners is made up of seven members, with the City Manager, Chief of Police and Director of Financial Services acting as advisory officials.

Unlike Saskatchewan, legislation in other Canadian jurisdictions typically requires that the majority of members of a police board are not municipal councillors or employees of the municipality. In many of those jurisdictions, a board of police commissioners has a significantly greater role and specific responsibilities respecting the provision of police services set out within the legislation.

In Saskatchewan, the powers of a board of police commissioners are more general, including the delivery of policing services generally, and providing general direction, policy and priorities for the police service and developing long-term plans.

A summary of the legislative requirements in other Canadian jurisdictions is as follows:

- British Columbia – a municipal police board is to consist of the mayor, one person appointed by council and up to seven persons appointed by the Lieutenant Governor in Council (“LGC”). Appointees may not be a councillor or ineligible to be elected as a councillor;
- Alberta - a board of police commissioners may consist of three to 12 members. If it consists of four or fewer, only one may be a member of council or an employee of the municipality. If it consists of more than four people, two may be councillors or employees of the municipality;
- Manitoba - a municipal police board to consist of at least five members. One member is appointed by the LGC and the others are appointed by council. No more than half of the members of a municipal police board may be councillors or employees of the municipality;
- Ontario - a police services board in a municipality with a population over 25,000 must have five members, including the head of the municipal council,

- one member of council, one person appointed by council who is neither a councillor nor an employee of the municipality, and two persons appointed by the LGC. A municipality with a population of over 300,000 may apply to the LGC to increase the size of its board to seven members; and
- Nova Scotia – a board of police commissioners may consist of five or seven members. A five-member board must consist of two councillors, two people appointed by council who are not councillors or employees of the municipality and one person appointed by the Minister. A seven-member board must consist of three councillors, three people appointed by council who are not councillors or employees of the municipality and one person appointed by the Minister.

Greater detail of the legislative requirements in other Canadian provinces is attached as Attachment 1.

Public Notice

Public Notice pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

Attachment

1. Detailed Summary of Legislative Requirements in Other Provinces.

Report Approval

Written by: Jon Danyliw, Solicitor
Approved by: Patricia Warwick, City Solicitor

Admin Report – Membership – Board of Police Commissioners.docx
102-0460-jwd-2.docx

Detailed Summary of Legislative Requirements in Other Provinces

British Columbia - *Police Act*

Pursuant to the British Columbia *Police Act*, a municipal police board is to consist of the mayor of the municipality, one person appointed by the council, and not more than seven persons appointed by the Lieutenant Governor in Council. A person appointed to the police board cannot be a councillor or ineligible to be elected as a councillor. The legislative intent behind the creation of a police board is to ensure that a police department remains a separate and independent body from the municipality and to insulate the police department from the political decision-making process.

In British Columbia, a municipal police board has four main governance functions:

- (a) employer of all sworn and civilian staff of a police department;
- (b) primary financial oversight for the department;
- (c) establishes policy priorities and policies that set direction for the department; and
- (d) authority for policy and service complaints, and discipline authority for complaints against chief and deputy chief constables.

The City of Vancouver Police Board is made up of the mayor, one person appointed by the council and six people appointed by the Lieutenant Governor in Council. Board members are chosen to reflect the demographics of the community. The stated goal of the Vancouver Police Board is to provide civilian governance and oversight of policing. The Board has five standing committees, including Finance, Freedom of Information, Governance, Human Resources, and Service and Policy Complaint Review.

Alberta - *Police Act*

The Alberta *Police Act* states that a board of police commissioners may consist of three to 12 members. If it consists of four or fewer, only one may be a member of council or an employee of the municipality. If it consists of more than four people, two may be councillors or employees of the municipality.

In Alberta, municipal boards of police commissioners have the following legislated functions:

- (a) to allocate funds provided by a city council, in consultation with the chief of police;
- (b) to establish policies providing for efficient and effective policing;
- (c) to issue instructions as necessary to the chief in regards to those policies; and
- (d) to ensure sufficient persons are employed by the police service to carry out its functions.

The Calgary Police Commission has 11 members, nine of whom are members of the public and two of whom are municipal appointees, who may be councillors or municipal employees. The stated purpose of the Commission is to provide independent civilian oversight and governance of the Calgary Police Service to ensure a safe community.

The Calgary Police Commission has three subcommittees, including Finance and Audit, Governance, and Complaints Oversight.

The Edmonton Police Commission has nine members, two of whom are councillors. The Commission is intended to be a non-political, independent body representing the view of the public on policing matters. While the Commission is appointed by and accountable to City Council, it is intended to remain an unbiased body whose primary responsibility is ensuring professional and ethical front line policing.

The Edmonton Police Commission has three standing policy committees appointed to make recommendations to the Commission for review and decisions, including the Governance Committee, Finance and Audit Committee, and Professional Standards Committee. Each committee must have at least three members.

Manitoba - *Police Services Act*

The Manitoba *Police Services Act* requires a municipal police board to consist of at least five members. One member is appointed by the Lieutenant Governor in Council and the others are appointed by council. The City of Winnipeg Police Board must have at least seven members, two of whom are appointed by the Lieutenant Governor in Council. No more than half of the members of a municipal police board may be councillors or employees of the municipality.

As stated in the *Police Services Act*, the purpose of a police board is to provide civilian governance respecting the enforcement of law, the maintenance of public peace and the prevention of crime and to provide administrative direction and organization required to provide adequate and effective police service in the municipality. A police board has four general duties:

- (a) after consulting with the police chief, establish priorities and objectives for the police service;
- (b) establish policies for the effective management of the police service;
- (c) direct the police chief and monitor his or her performance; and
- (d) perform any other prescribed duties.

More specifically, a police board in Manitoba must:

- (a) ensure that the police chief establishes programs and strategies to implement the priorities and objectives established by the board for the police service;
- (b) ensure that community needs and values are reflected in the policing priorities, objectives, programs and strategies;

- (c) ensure that police services are delivered in a manner consistent with community needs, values and expectations; and
- (d) act as a liaison between the community and the police service.

A police board in Manitoba may give orders and directions to the police chief, but not to other police officers. No individual member of a board may give an order or direction to any police officer. Furthermore, a police board must not give orders or directions on specific operational decisions, individual investigations or the day-to-day operation of the police service.

The Winnipeg Police Board is required to establish four standing committees, including the Governance Committee, Finance Committee, Strategic Planning Committee, and Risk Management and Audit Committee. Each standing committee must have at least three members, in addition to the Board Chair.

Ontario - *Police Services Act*

In Ontario, a police services board in a municipality with a population over 25,000 must have five members, including the head of the municipal council, one member of council, one person appointed by council who is neither a councillor nor an employee of the municipality, and two persons appointed by the Lieutenant Governor in Council.

A municipality with a population of over 300,000 may apply to the Lieutenant Governor in Council to increase the size of its board to seven members, including the head of the municipal council, two members of council, one person appointed by council who is neither a councillor nor an employee of the municipality, and three persons appointed by the Lieutenant Governor in Council.

Pursuant to the *Police Services Act*, a police services board in Ontario is responsible for the provision of adequate and effective police services in the municipality and must:

- (a) appoint the members of the municipal police force;
- (b) generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality;
- (c) establish policies for the effective management of the police force;
- (d) recruit and appoint the chief of police and any deputy chief of police, and annually determine their remuneration and working conditions, taking their submissions into account;
- (e) direct the chief of police and monitor his or her performance;
- (f) establish policies respecting the disclosure by chiefs of police of personal information about individuals;
- (g) receive regular reports from the chief of police on disclosures and decisions made regarding secondary activities;
- (h) establish guidelines with respect to the indemnification of members of the police force for legal costs;
- (i) establish guidelines for dealing with complaints; and

- (j) review the chief of police's administration of the complaints system and receive regular reports from the chief of police on his or her administration of the complaints system.

The Toronto Police Services Board consists of seven members. Its purpose is to provide civilian oversight of the Toronto Police Service. The Board may appoint subcommittees to address various matters. The Chair of the Board is a member of each subcommittee.

Nova Scotia - Police Act

A board of police commissioners may consist of five or seven members. A five-member board must consist of two councillors, two people appointed by council who are not councillors or employees of the municipality, and one person appointed by the Minister. A seven-member board must consist of three councillors, three people appointed by council who are not councillors or employees of the municipality, and one person appointed by the Minister.

A board of police commissioners in Nova Scotia is to provide civilian governance on behalf of the council in relation to the enforcement of law, the maintenance of law and order, and the prevention of crime in the municipality; and to provide administrative direction, organization and policy required to maintain an adequate, effective and efficient police department. A board of police commissioners is required to:

- (a) determine, in consultation with the chief officer, priorities, objectives and goals respecting police services in the community;
- (b) ensure the chief officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;
- (c) ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;
- (d) ensure that police services are delivered in a manner consistent with community values, needs and expectations;
- (e) act as a conduit between the community and the police service providers;
- (f) recommend policies, administrative and organizational direction for the effective management of the police department;
- (g) review with the chief officer information provided by the chief officer respecting complaints and internal discipline;
- (h) ensure a strategic plan and business plan is in place; and
- (i) ensure the department is managed by the chief officer according to best practices and operates effectively and efficiently.

The Halifax City Council appoints six members of the Board of Police Commissioners, three of whom are councillors. The Solicitor General may appoint one additional member to the Board. The Board provides civilian governance regarding strategic policy and policy driven budget planning for police service delivery. It does not appear that the Board has appointed subcommittees.