

Alberta RCMP Policing Committee Handbook

The Ministry of Justice & Solicitor General (JSG), in partnership with the Alberta Association of Police Governance (AAPG), has assembled this handbook in order to assist you in your new role on the local RCMP policing committee. Thank you for accepting the appointment to the committee; we appreciate the interest and commitment you have shown by undertaking this role on behalf of your community. Committee members who follow the advice in this handbook can be assured that they are successfully meeting their responsibilities to the community.

Introduction

Effective policing in your community hinges on the maintenance of a proper balance between the independence and authority of the RCMP and accountability to the public and civilian authority. The role of the policing committee is to help maintain that balance by:

- Improving community input and guidance
- Assisting in dealing with local complaints and concerns
- Increasing transparency regarding the operations of the RCMP in the community
- Removing the pressures associated with the appearance (perception or reality) of political interference

In Alberta, urban municipalities with populations of more than 5,000 persons must provide for their own municipal policing. In this respect, they have the option of contracting with Canada for the services of the RCMP. If a municipality chooses to contract its municipal service as the RCMP, it signs a Municipal Police Service Agreement (MPSA) with the federal government, which provides the services of the RCMP. Under this agreement, the cost of policing is shared between the municipality and the federal government (70/30 percent respectively, until a population threshold of 15,000 is reached at which point the cost share moves to 90/10). The operations of the RCMP are governed by the *RCMP Act* and are subject to the contractual agreements between the various levels of government.

Policing committees do have a voice and a responsibility to represent their communities, and many have established excellent working relationships with local RCMP Detachments and their staff. These efforts are to be commended and encouraged.

1. Participate in the *Roles and Responsibilities of Policing Oversight Committee Members* Training

JSG offers orientation training, at no cost, that covers the key duties of committee members and encourage all new members to attend within the first year of tenure. The training highlights:

- the history of governance and oversight in Canada;
- a governance model;
- the roles and responsibilities of a policing committee and its members;
- an overview of policing in the province; and
- a review of key legislation influencing the policing committee.

Costs to the participant for orientation training are travel, accommodation and meals which may be covered by your policing committee. This learning opportunity will be advertised in the AAPG newsletter and the quarterly newsletter from JSG. For additional information contact the Manager of Policing Oversight and Funding Programs with JSG. Contact information is provided at the end of this handbook.

2. Review the Alberta *Police Act* and your local Policing Committee Bylaw

Sections 23(14) and 28.1(1-3) of Alberta's [Police Act](#) refer to policing committees (see key sections in Appendix A). The policing committee shall, with respect to the municipality for which it is established:

- (a) oversee the administration of the municipal police service agreement made with the federal government for services from the RCMP;
- (b) assist in selecting the officer in charge (OIC)¹;
- (c) represent the interests of the council to the OIC;
- (d) in consultation with the OIC, develop a yearly plan of priorities and strategies for municipal policing;
- (e) issue instructions to the OIC respecting the implementation and operation of the yearly plan²;
- (f) represent the interests and concerns of the public to the OIC;
- (g) assist the OIC in resolving public complaints; and
- (h) appoint a Public Complaint Director.

Note: As long as a policing committee and its members act according to their legislated authority, municipal council will indemnify the policing committee.

The *Police Act* states that a council that establishes a policing committee shall prescribe the rules governing its operation, as well as select and appoint its members. The process generally used to establish the policing committee is for council to move or resolve to form a policing committee. The resolution is then enacted by creating a corresponding bylaw. The bylaw must be in accordance with the *Police Act* and will be tailored to the individual nature of the municipality. A policing committee policy manual will further establish the "rules" by which the policing committee operates.

Note: While the *Police Act* pertains strictly to policing, some policing committees also work with municipal enforcement or peace officers. The formal or informal reporting

¹ OIC refers to the Officer in Charge of the municipal RCMP Detachment. This individual could be a non-commissioned officer (a sergeant or staff sergeant) or a commissioned officer (inspector or superintendent). Currently, municipalities can participate in structured interviews for municipal detachment commanders at the staff sergeant level. The municipal must request interviews and have the discretion to appoint a panel member.

² "Issue instructions" refers to the ability for policing committees to work collaboratively with the OIC on the yearly plan. The manner in which day to day operations of a detachment are conducted remains the responsibility of the OIC of the police service.

relationship between the committee and municipal enforcement should be clarified for the benefit of all parties in the bylaw. For example, does the committee have the authority to provide direction to the peace officers or do they report through the CAO? Even if municipal enforcement does not report through the policing committee, it can be valuable to include municipal enforcement in the strategic planning process. It can also be useful to determine exactly what information the committee would like to receive from municipal enforcement in order to better understand the broader law enforcement dynamic, the interaction between agencies, and the best use of law enforcement resources within its community.

3. Create and Continually Update your Policing Committee Policy Manual

Every policing committee should have a policy manual that delineates the general structure and function of the organization. Such policy will help ensure the committee is operating in an ethical, informed, transparent and timely manner.

A sample policy manual template has been developed by JSG and is available electronically upon request. The policy manual will clarify such things as:

- Selection and appointment of policing committee members;
- Policing committee responsibilities;
- How and when policy should be reviewed;
- Expected policing committee member conduct;
- Dealing with conflict of interest;
- How the committee works to orient and train new members;
- Roles and responsibilities of the Chair and Vice-Chair;
- Role of the local Public Complaint Director and the role of the committee regarding complaints against the police;
- The nature and frequency of committee meetings and who attends;
- How information is communicated internally and externally; and
- The expectations of the Policing Committee's Annual Plan.

Committee members are advised to pay attention to the sections on behavioral expectations for committee members and conflict of interest (see Appendix B).

4. Represent the Interests of the Community

In order for a policing committee to perform its function effectively, it must continually represent the interests of the community. Committee members must ensure that the community is at the heart of the mission, vision and values of your policing committee and any action proposed or undertaken. To this end, committee members must create as many opportunities as possible for two-way communication with a cross-section of the community they represent. There are many ways to accomplish this, such as:

- Policing committee meetings advertised and open to the public;
- Private and published mailing address and phone number;
- Contact information for the Chair and the Public Complaint Director;
- Members representing the policing committee at public/community events;

- Information pamphlets on policing priorities and the public complaint process;
- Citizen surveys; and
- Hosting or sponsoring community events related to public safety.

5. Contribute to the RCMP Annual Plans and Priorities Document

As directed by the Municipal Police Service Agreement, the Chief Executive Officer (Mayor or other head of the municipality, however designated) may set objectives, priorities and goals for the Municipal Police Service which are not inconsistent with those of the provincial Minister for policing in the Province. Where a policing committee has been established, it will work with the officer in charge (OIC) to determine the annual plans and priorities for policing in the community. The Chair of the policing committee together with the OIC presents the annual plans and priorities to mayor and council.

Good governance has been described as “nose in / fingers out”, meaning that it is appropriate for committee members to seek answers to questions about how well police are serving the community while leaving the day-to-day management of the police service to the OIC.

The annual planning process should be collaborative between the policing committee and the RCMP Detachment. This provides more structure and focus to the expectations of both. It also allows for future planning (i.e. industrial expansion) and provides a vehicle for evaluation. The following are examples of the types of governance questions that could be a part of developing and reviewing the police service annual plan and priorities for policing:

- Does the annual plan serve the community well?
- What more does the community need from police?
- What are the community policing strengths, weaknesses, opportunities, threats?
- Was the previous annual plan followed; were targets met and, if not, why not?
- What systemic management or personnel issues need to be addressed?
- What other resources does the OIC require?
- How well is the OIC collaborating with other agencies in order to get best results for the community?
- What efficiencies can be achieved, e.g. through technology, contracting services, training?
- What urgent needs have arisen that were not considered in the budget?
- How can the community tap into other resources for policing, e.g. grants for crime prevention?
- What has the OIC done to identify, assess, prioritize, manage, and monitor risk?
- What resources does the OIC need in order to better manage risk in the future?

6. Prepare and Review the Policing Committee Annual Plan

Similar to the police service annual plan, policing committees should prepare a plan outlining their own activities and objectives for the year. As the policing committee is responsible to the public, the policing committee's annual plan must be created with input from its stakeholders and the committee must report at least annually to the public on the committee's progress and achievements as set out in the annual plan.

7. Be Prepared for and Participate in Committee Meetings

In order to meet legislated responsibilities, a committee must meet regularly on its own, with the OIC, and with other stakeholders to address issues and/or priorities related to policing in the community.

For regular meetings, pre-reading material should be sent to members well in advance of committee meetings in order for members to be prepared to discuss the information during the meeting. As a result of informed discussion, a committee will then determine what course of action is appropriate in order to accomplish its goals and then take steps to effect those goals.

Effective policing committees will meet with council and other community leaders, police agencies, peace officers, and special interest groups, and will garner perspective by reviewing research, reports from police, reports from external agencies, benchmarking with other municipalities, and surveys.

8. Appoint and Support a Public Complaint Director

Two of the committee responsibilities set out in the *Police Act* are to appoint a Public Complaint Director (PCD) and to assist the OIC in resolving public complaints.

Before appointing a PCD, the committee should consider how their PCD can best serve the community and what skills and training the PCD needs in order to perform that function well.

Note: JSG provides PCD-specific training as well as PCD meetings at least twice a year to share experiences, best practices, etc.

The PCD is best served by an independent citizen, however, it may be a municipal employee whose role is limited to providing an avenue of information for the public regarding the process of filing a complaint against the police service. If comfortable in the role and with the support of the OIC, the PCD could informally resolve complaints that are at the low end of the spectrum.

As many small communities receive a low number of complaints, these communities may wish to consider appointing a regional PCD that serves more than one community, (*Police Act* Section 28.2)

Once a PCD is appointed, the committee will also need to consider a communications plan – informing the public on the role of the PCD and how to file a complaint against the police service.

Committees should receive regular reports from the PCD on the number of complaints received (identifying/personal information may not be shared with the committee due to confidentiality) and what trends, if any, are being observed from these complaints.

With respect to very minor complaints that can be resolved informally, the committee should discuss with the OIC what was learned in the complaints process. For complaints that must be referred to the Commission for Public Complaints about the RCMP, the PCD should follow-up on the result of the investigation and report to the committee on how it was resolved. For all complaints, the committee may request the OIC determine what systemic problems, if any, were identified and prepare a plan to correct those problems, as appropriate.

9. Seek out More and Relevant Information

- Read up on board governance to become a more effective committee member
- Read your RCMP Municipal Police Service Agreement
- Talk to policing committee members in other communities
- Talk to members of your community
- Visit recommended websites regarding governance, oversight and the RCMP
 - https://www.solgps.alberta.ca/programs_and_services/public_security/law_enforcement_oversight/policing_oversight_complaints/Pages/default.aspx
 - <http://www.cacole.ca/home-accueil-eng.shtml>
 - <http://www.capb.ca/Home>
 - <http://www.nacole.org/>
- Stay in tune with local/provincial news reports regarding policing incidents
- Review *the Alberta Police Act*
 - <http://www.canlii.org/en/ab/laws/stat/rsa-2000-c-p-17/latest/rsa-2000-c-p-17.html>
- Look at the *RCMP Act*
 - <http://laws.justice.gc.ca/en/R-10/index.html>
- Review the Solicitor General and Public Security website
 - <http://justice.alberta.ca/jsg/Pages/default.aspx>

10. Attend Additional Training and Events

- Become a member of and participate in the Alberta Association of Police Governance
 - <http://www.aapg.ca/AAPG/Home.html>
 - Attend the annual AGM and Conference held each spring
 - Become involved in the direction of the provincial organization
 - Submit one or more resolution for consideration

- Seek out other training opportunities
 - Suggest training topics to JSG and AAPG
 - Watch for training announcements in AAPG and JSG newsletters
 - Seek relevant training in the community (e.g. Community Spirit Volunteer Sessions, tour the RCMP detachment and local court)

Contact Information

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APPENDIX A

Alberta Police Act – Key Sections Pertaining to RCMP Policing Committees

Policing committees

23(1) In this section, “officer in charge” means the officer in charge of the unit of the police service that is providing policing services to a municipality under section 22.

(2) A council that has entered into an agreement under section 22 may establish a policing committee.

(3) A council that establishes a policing committee shall, subject to the regulations,

(a) prescribe the rules governing the operation of the policing committee, and

(b) appoint the members of the policing committee.

(4) A policing committee shall consist of not fewer than 3 nor more than 12 members.

(5) If

(a) 4 or fewer members are appointed under subsection (3), one of them may be a member of the council or an employee of the municipality, or

(b) 5 or more members are appointed under subsection (3), 2 of them may be members of the council or employees of the municipality.

(6) The council may provide for the payment of reasonable remuneration or of a gratuity or allowance to members of the policing committee.

(7) The term of office of a person appointed to a policing committee is

(a) 3 years, or

(b) a term of less than 3 years, but not less than 2 years, as may be fixed by bylaw.

(8) Notwithstanding subsection (7), a majority of the members appointed to a newly established policing committee shall be appointed for 3 years, and the remaining members shall be appointed for 2 years.

(9) The members of a policing committee shall, at the first meeting of the policing committee in each year, elect from among their members a chair and one or more vice-chairs.

(10) A member who is a member of the council or an employee of the municipality is not eligible to be elected as chair or vice-chair of the committee.

(11) A member of a policing committee is eligible for reappointment if the reappointment does not result in more than 10 consecutive years of service by that member.

(12) If a person who is a member of a council is a member of the policing committee, that person's appointment to the policing committee terminates on that person's ceasing to be a member of the council.

(13) The appointment of a member to the policing committee may not be revoked by the council except for cause.

- (14) A policing committee shall, with respect to the municipality for which it is established,
- (a) oversee the administration of the agreement made under section 22,
 - (b) assist in selecting the officer in charge,
 - (c) represent the interests of the council to the officer in charge,
 - (d) in consultation with the officer in charge, develop a yearly plan of priorities and strategies for municipal policing,
 - (e) issue instructions to the officer in charge respecting the implementation and operation of the yearly plan,
 - (f) represent the interests and concerns of the public to the officer in charge,
 - (g) assist the officer in charge in resolving complaints, and
 - (h) appoint a Public Complaint Director.
- (15) All persons appointed to a policing committee shall take the oath set out in Schedule 2.
 RSA 2000 cP-17 s23;2005 c31 s12;2010 c21 s7

Public Complaint Director

28.1(1) Each commission and policing committee shall designate a person as a Public Complaint Director.

- (2) The Public Complaint Director may be
- (a) a member of the commission or policing committee other than a member of the council,
 - (b) an employee of the commission or policing committee,
 - (c) an employee of the municipality,
 - (d) another person, other than a member of the council, who in the opinion of the commission or policing committee is qualified to serve in that capacity, or
 - (e) a former police officer if the position of Public Complaint Director is not in the same municipality where the former police officer was employed.
- (2.1) The Public Complaint Director shall not be a currently serving police officer.
- (3) The Public Complaint Director shall
- (a) receive complaints against police officers from the public and refer them to the chief of police under section 43(1),
 - (b) act as a liaison between the commission, policing committee, the chief of police, the officer in charge of a police service and the complainant as applicable,
 - (c) perform the duties assigned by the commission or policing committee in regard to complaints,
 - (d) review the investigation conducted in respect of a complaint during the course of the investigation and at the conclusion of the investigation,
 - (e) offer an alternative dispute resolution process where, in the Public Complaint Director's opinion, that may be an appropriate manner in which to resolve the complaint,

- (f) if an alternative dispute resolution process is offered under clause (e), review the manner in which the alternative dispute resolution process is delivered, and
- (g) provide reports to the commission or policing committee, as required by the commission or policing committee.

2005 c31 s15;2010 c21 s9

Serious incidents and complaints

46.1(1) The chief of police shall as soon as practicable notify the commission and the Minister where

- (a) an incident occurs involving serious injury to or the death of any person that may have resulted from the actions of a police officer, or
- (b) a complaint is made alleging that
 - (i) serious injury to or the death of any person may have resulted from the actions of a police officer, or
 - (ii) there is any matter of a serious or sensitive nature related to the actions of a police officer.

2005 c31 s23;2005 c43 s8;2007 c6 s2

Complaints re RCMP

49 ... any complaints in Alberta with respect to members of the Royal Canadian Mounted Police shall be resolved in accordance with the laws governing complaints and discipline within the Royal Canadian Mounted Police.

1988 cP-12.01 s49;1995 c23 s17

APPENDIX B

Conflict of Interest Self-Check

The following are seven categories of potential conflict of interest situations from Ken Kernaghan and John Langford in their book, *The Responsible Public Servant*:

[1] Self-dealing. For example, you work for government and use your official position to secure a contract for a private consulting company you own. Another instance is using your government position to get a summer job for your daughter.

[2] Accepting benefits. Bribery is one example; substantial [non token] gifts are another. For example, you are the purchasing agent for your department and you accept a case of liquor from a major supplier.

[3] Influence peddling. Here, the professional solicits benefits in exchange for using her influence to unfairly advance the interests of a particular party.

[4] Using your employer's property for private advantage. This could be as blatant as stealing office supplies for home use. Or it might be a bit more subtle, say, using software which is licensed to your employer for private consulting work of your own. In the first case, the employer's permission eliminates the conflict; while in the second, it doesn't.

[5] Using confidential information. While working for a private client, you learn that the client is planning to buy land in your region. You quickly rush out and buy the land in your wife's name.

[6] Outside employment or moonlighting. An example would be setting up a business on the side that is in direct competition with your employer. Another case would be taking on so many outside clients that you don't have the time and energy to devote to your regular employer. In combination with [3] influence peddling, it might be that a professional employed in the public service sells private consulting services to an individual with the assurance that they will secure benefits from government: "If you use my company, I am sure that you will pass the environmental review."

[7] Post-employment. Here a dicey situation can be one in which a person who resigns from public or private employment and goes into business in the same area. For example, a former public servant sets up a practice lobbying the former department in which she was employed.

McDonald, M. (2007). Ethics and Conflict of Interest. Retrieved October 20, 2008 from <http://www.ethics.ubc.ca/people/mcdonald/conflict.htm>