**2019 *Police Act* Review**

**Discussion Paper**

***Universality***

***of***

***Community-Based Police Governance and Oversight***

***in***

***Alberta***

**Submitted by: The Board of Directors**

**of the**

**Alberta Association of Police Governance (AAPG)**

**Date: 30 March 2019**

# **Table of Contents**

[**Table of Contents** 2](#_Toc4831688)

[**1.0.** **Introduction** 3](#_Toc4831689)

[**2.0.** **Context for the Discussion Paper** 3](#_Toc4831690)

[**Purpose of the AAPG** 3](#_Toc4831691)

[**AAPG’s Objectives** 4](#_Toc4831692)

[**Current Members of the AAPG** 4](#_Toc4831693)

[**3.0.** **Police Governance and Oversight in Alberta** 4](#_Toc4831694)

[**i.** **Police Commissions** 4](#_Toc4831695)

[**ii.** **Policing Committees** 5](#_Toc4831696)

[**iii.** **Municipalities with less than 5,000 population** 6](#_Toc4831697)

[**4.0.** **Further Discussion** 7](#_Toc4831698)

[**a). Policing Committees** 7](#_Toc4831699)

[**b). Issues Relevant to Police Oversight and Governance in Alberta** 9](#_Toc4831700)

[**c). Federal Government Subsidies for Contracted Policing‒RCMP** 11](#_Toc4831701)

[**5.0.** **Conclusion** 11](#_Toc4831702)

[**Appendix** 12](#_Toc4831703)

# **Introduction**

Representatives of the AAPG have attended, and provided input at, all seven structured consultations and a wrap up session concerning the *Police Act Review* (the Review). Additionally, AAPG was invited by the AUMA Police Act Working Group to meet and discuss issues of common concern and interest. The AAPG attended two such meetings.

This submission is not intended to be a position paper. It is designed to be a Discussion Paper (the Paper) that will provide input and feedback to stimulate the necessary additional discussions to inform changes to our *Police Act* (*the Act*).

The AAPG understands that there will be further consultations and discussions for the purpose of fleshing out additional perspectives as well as generating input and feedback from stakeholders. The AAPG looks forward to continuing their active participation in further consultations and discussions necessary for an up to date *Police Act.* Considering the mandate of the AAPG, the Paper will focus, in large part, on discussion about some of the aspects of *the Act* related to police governance and oversight.

From 2004 to 2017, AAPG members adopted 15 resolutions that were directly, or indirectly, related to *the* *Act* **(Appendix).** These were subsequently shared with our provincial Minister of Justice and Solicitor General. The Resolutions will be left to speak for themselves with one exception. The Paper will expand on Resolution 2016 (#14) ‒ Policing Committees **(Appendix).** The Paper will also continue to build on discussion points related to topics that arose in recent *Police Act Review* consultations. Some of those discussion points involved policing committees. This will be identified in the Paper where applicable.

Overall, the Paper will raise options and make suggestions about how the respective sections of *the* *Act* could be improved. Improved that is, to advance a guiding principle of:

*Universality of Community-Based Police Governance and Oversight in Alberta[[1]](#footnote-2)*

Ideally, all persons in our province should enjoy effective independent community-based police governance and oversight. By independent, the Paper means community-based governance and oversight at arm’s length to municipal governments. This has been achieved in Alberta for many decades by our police commissions.

Although there are some barriers to overcome, which will be discussed in the Paper, it is worth exploring options necessary to move closer to *Universality*. Alberta, in effect, has three levels of governance and oversight of local police services:

1. Police Commissions;
2. Policing Committees; and
3. Municipalities without community-based governance and oversight of their local police.

These will be further discussed.

# **Context for the Discussion Paper**

To place this discussion in context, following are the purpose and objectives of the AAPG:

### **Purpose of the AAPG**

*AAPG exists to support excellence in civilian governance and oversight of police services in Alberta. It also acts as a resource for government, providing input into the development of policing-related law and policy.*

***Good governance gives a voice to the community and a place at the table when discussing community safety.***

### **AAPG’s Objectives**

1. *To support excellence in civilian governance of police services;*
2. *To facilitate educational opportunities for members to acquire information and knowledge about their roles and responsibilities;*
3. *To provide fora for members to exchange information and communicate ideas concerning civilian governance of police services;*
4. *To serve as a catalyst for the formulation of common views of importance to the association membership;*
5. *To facilitate partnership between governmental and civilian bodies through communication, co-operation, co-ordination and collaboration;*
6. *To serve as an advocate by expressing and promoting unified views to the public, criminal justice authorities and other appropriate fora, and*
7. *To do all things and to carry out all actions and activities in furtherance to the objectives set forth in subparagraph 2(a) and 2(f) above, inclusive.*

To summarize, the AAPG is well positioned to advocate for effective police governance and oversight that is responsive to our changing environment. In that regard, the AAPG provides input and feedback on potential changes to relevant legislation and policies.

### **Current Members of the AAPG**

1. Police Commissions;
2. Policing Committees; and
3. Associate Members.

# **Police Governance and Oversight in Alberta**

Before discussing various forms of community-based police governance and oversight in Alberta, it is helpful to consider the criteria for different types of policing delivery and the respective models of police oversight and governance.

### **Police Commissions**

Police commissions have existed in Alberta since the 1930s. Following are excerpts from *the Act* concerning the establishment and responsibilities of commissions. These will be further referred to when discussing policing committees and municipalities without police governance and oversight.

Pursuant to Section 4(5), *Police Act*, municipalities with 5,000 or more population are required to either have their own police service or contract with another police service. If they choose their own police service, Section 27(1), *Police Act* describes the responsibilities of a ‘standalone’[[2]](#footnote-3) police service. Pertinent to the Paper is that Section 27(1), *Police Act* mandates a municipal police commission for ‘standalone’ police services.

**Municipal Police Services**

**27(1)** A municipality that has assumed responsibility for establishing a municipal police service under section 4(2)(d) or 4(5)(c) *shall establish and maintain an adequate and effective municipal police service under the general supervision of a municipal police commission.*

Section 28(1) also makes it clear that a police commission is mandatory.

**Commissions**

**28(1)** A council, other than one that is party to an agreement entered into under section 22 or 24, that

(a) has a municipal police service, or

(b) has the approval of the Minister to establish a municipal police service, *shall establish a police commission*.

**Commission’s Responsibility**

**31(1)** Where a commission has been established, the commission shall, in the carrying out of its responsibilities, oversee the police service and for that purpose shall do the following:

(a) allocate the funds that are provided by the council;

(b) establish policies providing for efficient and effective policing;

(c) issue instructions, as necessary, to the chief of police in respect of the policies referred to in clause (b); and

(d) ensure that sufficient persons are employed for the police service for the purposes of carrying out the functions of the police service.

Of significance to this discussion is that police commissions are mandatory for all ‘standalone’ municipal police services. Moreover, for police commissions there is no requirement based on population other than that all municipalities with a population of 5,000 or more, that choose a ‘standalone’ police service, must have a commission.

### **Policing Committees**

Pursuant to Section 5(4), *Police Act*, municipalities with 5,000 or more population are required to either have their own police service or ‘contract’ with another police service. That is, when a ’standalone’ police service is not established, the municipality must choose an alternate option.

Section 22(3)a, *Police Act* provides that one of the options for a municipality without their own police service is to “enter into an agreement with the Government of Canada for the employment of the Royal Canadian Mounted Police.”

Section 23(2), *Police Act* provides that a “council that has entered into an agreement under Section 22 *may* establish a policing committee.” That is, although police commissions are *mandatory* for populations of 5,000 or more, policing committees are *optional* in municipalities in the same over 5,000 population category. This will be raised again later in the Paper.

Section 23(14) provides the responsibilities and expectations of a policing committee:

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.

The difference between ‘standalone’ police services with mandated commissions and contracted police services is that governance and oversight of the latter is by means of a policing committee, which is optional. Arguably, this does not provide optimal governance and oversight. This begs the question: when considering these current circumstances, how can police governance and oversight be improved for municipalities and policing committees?

Arguably, the parameters and responsibilities of a policing committee were progressive and appropriate in 1988. In the context of *Universality,* it is a good time to discuss changes to *the Act* so that, for example, policing committees can be more responsive to the contemporary expectations of police oversight and governance.

### **Municipalities with less than 5,000 population**

Sections 4(1) and 4(2), *Police Act* describe the policing options for municipalities of less than 5,000 population. For this discussion, the Paper will focus on Section 4(1), *Police Act* which provides for the provincial police–RCMP

*4(1). As part of providing provincial policing services generally,*

*(a) Every municipal district and Metis settlement and, subject to subsection (6), a specialist municipality and;*

*(b) Every town, village and summer village that has a population that is not greater than 5,000,*

*shall, subject to subsection (3), receive general policing services provided by the provincial police service [RCMP] at no direct cost to the town, village, summer village, municipal district or Metis settlement.*

Of relevance to the Paper, the *Police Act* does not make a provision for municipalities of less than 5,000 population, which rely on the RCMP, to establish community-based police oversight and governance. That is, unlike municipalities with commissions or committees, there is no provision for these smaller municipalities for police oversight and governance entrenched in *the Act*.

What has occurred in some municipalities under 5,000 is the establishment of, for example, police advisory committees or protective services committees. Although these committees have value, they are not community-based oversight and governance committees founded on a framework and responsibilities that are included in *the Act*.

Discussion to determine the viability of police governance and oversight in these communities would be helpful. Currently, this is a gap that needs to be filled in some way. Would a discussion with stakeholders help to make even incremental progress to the achievement of *Universality of Community-Based Police Governance and Oversight in Alberta?*

One objection by some municipalities might be that a governance and oversight committee will require more volunteers than are available. However, some of these communities already have, for example, advisory committees, community safety committees or protective services committees, all of which usually require volunteers.

Perhaps enabling regional police oversight and governance in rural areas and municipalities of less than 5,000 would make this viable. Would the establishment of police governance and oversight committees in small communities and our rural areas improve the relationship with the RCMP? In the absence of data to support this, it seems likely that this could create a closer relationship and mutual understanding. After all, the community would have an opportunity to be better engaged with their local police.

Can the *Police Act* be amended to, at least, provide an option to establish these police governance and oversight committees under these circumstances? Although a name for such committees can be determined in the future, the following is the essence of what could be presented for discussion and inclusion in the *Police Act*.

*That the Police Act be amended to provide for municipalities with less than 5,000 population and policed by the RCMP* ***may*** *establish a committee for the purpose of community-based police governance and oversight*.

# **Further Discussion**

The following includes further discussion about policing committees as well as conversations regarding some topics raised during the *Police Act Review* consultations.

### **a). Policing Committees**

**i). Level of Police Governance and Oversight**

It can be argued that policing committees do not provide the same level of police governance and oversight that is provided by police commissions. That is, compared to a ‘standalone’ police service, a municipality has less control over their contracted police service especially with respect to governance and oversight.

For many years, continuing efforts have been made so that the level and quality of police service delivery across Canada is similar. That is, for example, a person interacting with police personnel should receive the same, or similar, level and quality of service across Canada. While sometimes this has not been fully achieved, there has been substantial improvement over the last 40 years. Should those in Alberta, who are concerned about effective community input, governance and oversight, be working to improve police governance and oversight consistency in Alberta? How can we move towards *Universality* and improve the governance and oversight of contracted police agencies?

To summarize, arguably, there is a gap concerning governance and oversight between policing committees and police commissions. That is, between communities with their own ‘standalone’ police service and those with ‘contract’ policing. Without a change, do those communities with contracted police have inferior transparency, accountability and, thus, oversight of their local police? Should the police governance and oversight in municipalities with ‘contract’ policing be comparable to the level of oversight and governance that municipalities with their own police service have? How can we move closer to *Universality*? This is worthy of further discussion.

**ii). Selection of the Officer in Charge**

Section 23(14)b, *Police Act* provides for policing committees to “*assist* in selecting the officer in charge.” ‘Assist’ is a vague term. Can the wording in both *the Act* and the Municipal Police Service Agreement (MPSA) be changed such that there is no doubt that a policing committee *will be directly and actively involved in an open and transparent process to select their local ‘chief of police’*–the detachment commander? It appears that this has not been how some senior RCMP officers have interpreted this to the point that feedback from our policing committees is that committee participation in the selection process has often been little, if at all.

The reason often given by RCMP representatives has been that their “policies do not allow policing committees to be involved.” Only on one occasion in the recent past can the AAPG recall a policing committee being involved close to what it should be. Apparently, this was due in large part to the direction of the Deputy Commissioner K Division. Given that the detachment commander is essentially the local chief of police, it is critical that the policing committee be fully involved in the selection process. Language in *the Act* and the *MPSA* should reflect this. This topic was raised at the *Police Act Review* consultations.

**iii). Mandated or Optional Policing Committees?**

In the spirit of *Universality* and the contemporary expectations of the public for effective oversight and governance of their local police agencies, should the establishment of a *policing committee be* ***mandated*** *for municipalities of 5,000 plus* in the same way that police commissions are mandated? **(Refer also to Appendix 1, Resolution 14).**

There is no doubt that some responsibilities of a commission are different to those of committees. Nevertheless, it could be argued that policing committees could, and should, be closer to commissions than they have been regarding governance and oversight. If so, could this advance the principle of *Universality*?

Apparently, many years ago when the criteria for policing committees were developed for a previous revision of *the Act*, an advanced draft included *mandatory* policing committees for communities with over 5,000 population that have a ‘contracted’ police service. i.e. the RCMP.

However, apparently, because of some late lobbying, this criterion was changed to *may have a policing committee* **(Section 23(2))**. It seems, the reason given was that some smaller communities in the 5,000+ population range would have difficulty establishing a policing committee due to a limited number of community volunteers in those communities.

To overcome the potential shortage of volunteers for a policing committee, could different models be considered? For example, that:

1. policing committees be *mandatory* for municipalities of 10,000 population plus; and
2. policing committees be *optional* for municipalities of 5,000-10,000 population.

**iv). Public Complaints**

A close look at the public complaints process for policing committees would be helpful. For policing committees, and even the public, the current RCMP complaint process could be described as complex and cumbersome when compared to the complaint process in the provincial *Police Act*. The *Police Act* has no authority concerning public complaints regarding the RCMP. That is, the Alberta *Act* does not apply. This is made clear in Section 49, *Police Act*.

***Complaints re RCMP***

*49 Notwithstanding sections 43 to 48 and subject to any agreement entered into between the Government of Canada and the Government of Alberta or a municipality, as the case may be, 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.*

It seems change is required to enable improved governance and oversight of the police, including the essential oversight of the public complaint process for communities that utilize contract policing.  Is it possible to achieve changes?

There was a time when the RCMP did not participate with the province in investigations of police involved deaths or serious injuries that involved RCMP officers.  Now, the Alberta Serious Incident Response Team (ASIRT) investigates RCMP situations in the same way that applies to our 10 ‘standalone’ police services. Can similar discussions and negotiations take place to improve the complaint process and, thus, improve the quality of governance and oversight for contracted policing?

Although some AAPG members do not support centralized public complaints for Alberta, could a centralized public complaints commission improve the situation under some circumstances? For instance, a centralized provincial complaints commission, like that in Saskatchewan,[[3]](#footnote-4) might be better positioned to work with the RCMP and simplify, as well as harmonize, this very important function. In doing so, improvement could be made to the community oversight of a contracted police service.

During consultations in Saskatchewan that led to a revised provincial public complaint process, there was some progress made regarding RCMP public complaints. However, further changes would likely be required in Alberta if additional harmonization and simplification of the process is desired. Should our provincial government negotiate with the Federal Government to try to harmonize, even partially, the provincial public complaint process with the RCMP complaint process? This topic was raised at the *Police Act Review* consultations.

### **b). Issues Relevant to Police Oversight and Governance in Alberta**

**i). Sharing of Information/Data**

AAPG has learned from some members, as well as some municipalities policed by the RCMP, that it has been difficult for some policing committees and municipal administrators to obtain appropriate information and data from their local detachment commanders. This is necessary not only to ensure adequate oversight of their local police but also to keep municipalities informed. Can this be improved with changes to the *Police Act* and the *MPSA* to make it clear that other than investigative and/or confidential information, other information and data will be shared with policing committees and municipalities? This was raised during the *Police Act Review* consultations.

**ii). Organizational Justice and Procedural Justice**

To reflect the scrutiny now placed on police actions, both internally and externally, a discussion is timely to consider updating the way police function, and are seen to function, at both the leadership/management level as well as the operational level. The inclusion of the concepts of organizational justice and procedural justice as a theme and, thus, a thread throughout the *Police Act* could be helpful to guide development of the contents and tone of a revised *Police Act*. The inclusion of organizational justice as well as procedural justice[[4]](#footnote-5) can, arguably, positively affect not only trust, confidence and legitimacy of a police service but also wellness in the workplace and the nature of police interactions with the public. This was raised at the *Police Act Review* consultations.

**iii). Organizational Strategy**

Whether in *the Act,* or in police standards regulations, can it be clearly stated that a police service be led and managed pursuant to a clear and comprehensive corporate (organizational) strategy from which will flow all subsequent functional strategies, tactics and programs? The design and rigorous evaluation of same should be outcome focused. Many police services seem to be still heavily focused on trying to use copious outputs to unsuccessfully demonstrate organizational success. Moreover, while our larger police services tend to a strategic approach, others, although they sometimes have a posted strategic plan, do not appear to operate accordingly. This should be of considerable concern to police oversight and governance bodies.

Therefore, should *the Act*, or *Regulations*, include a requirement for an auditable *strategic approach to policing* through establishment of a clear *corporate (organizational) strategy* that will steer police services as well as police oversight and governance bodies?

**iv). Social Issues and Policing**

Police agencies are expected to respond to symptoms of social issues. Indeed, it is an important role of police services. As a result, they can be considered *a human service*. Many social issues that police encounter often require an initial police response; however, many will not be, and often should not be, resolved by enforcement‒suppression. Instead, they require a well-funded multi-agency approach to address the problem as opposed to the symptoms. While this has improved in the last 20 or so years, there is still much to be done.

Consequently, it could be reasoned that legislation regarding not only the *Police Act*, but legislation and policies regulating other social/human services, including non-governmental organizations (NGOs), should reflect the necessity for cooperation as well as collaboration. This, of course requires the commitment of funding and human resources for all parties. Furthermore, mandates and policies should adequately reflect and enable the essential collaboration.

Currently, this is not always working as it should. ‘It is not our mandate’ and/or ‘we have no resources’ are often the reasons given for not collaborating for the benefit of not only the community at large but especially *vulnerable people*. This issue was also raised in the recent *Police Act Review* consultations.

**v). Police Personnel Learning Standards**

It can be argued that it is necessary to establish comprehensive and contemporary education and learning standards for all police personnel so that they can be well prepared to function in their respective contemporary roles. A case could be made that the Alberta standards currently in place are insufficient. Could contemporary policing standards, which include comprehensive learning standards, be established and implemented? Should the standards include minimum educational requirements for instructors such that they are well prepared to work with adult learners?

Numerous recommendations from inquests and fatality inquiries recommend ‘more training for police officers.’ While that might be true in some situations, the question is: is the right learning being designed and delivered by the right people in the right way? Should there be closer scrutiny of the establishment of clear relevant police learning criteria? This issue was also brought up during recent *Police Act Review* consultations.

### **c). Federal Government Subsidies for Contracted Policing‒RCMP**

**i). Population Dependent Policing Subsidies**

While this subject is not directly related to police governance and oversight, it is of concern for municipalities with populations over 5,000 that are policed by the RCMP. These municipalities are concerned about the seemingly arbitrary population numbers that change the Federal Government subsidies for contract policing. For instance, the subsidy decreases from 30% for municipalities of 5,000-15,000 population to 10% when the population exceeds 15,000. How are those numbers determined? Can they be changed in *the Act*?

Because the AUMA has a Police Act Working Group considering this matter, as well as many others, the AAPG will limit comment on this issue other than to state that AAPG supports the AUMA’s concern about the Federal Government subsidies for contract policing. Following is the link to AUMA’s Terms of Reference (ToR).

(<https://auma.ca/sites/default/files/auma_seeking_representatives_for_alberta_police_act_working_group_-_tor.pdf>)

# **Conclusion**

As shared at the beginning of the Paper, the discussion only includes some of the issues for consideration when preparing the new *Police Act*. Currently, there appears to be a disparity in the governance and oversight of Alberta police services depending on whether the municipality has a commission, a policing committee or, in the case of municipalities with less than 5,000 population, has no provision in *the Act* for a police governance and oversight committee.

The Paper is not intended to be an AAPG position paper. Rather, it is intended to raise issues for additional probing, such as additional scans and searches of the relevant literature, to stimulate discussion necessary for informed decisions. Would the adoption of the principle‒*Universality of Community-Based Police Governance and Oversight in Alberta‒*improve this situation? Yes, it could be a goal to strive for over time. The AAPG, as an advocate for effective community-based governance and oversight of local police, looks forward to continuing their participation in the future important discussions.

# **Appendix**

**AAPG Police Act Resolutions‒Consolidated**

Following are Resolutions for 2004-2017 that have been presented at the annual AGMs of the AAPG: AAPG recognizes that circumstances might have changed since they were initially presented. They are included for information and to stimulate discussion.

**Resolution 1 2004*–*Police Commissions: Reception, Investigation, and Resolution of Public Complaints: Police Act Amendments**

***Therefore, Let It Be Resolved That*** *the Alberta Association of Police Governance petition the Alberta Solicitor General to affect the necessary changes in the Police Act which in turn would authorize a Police Commission, if it so chose, to receive, investigate and resolve all public complaints received against the local police–its officers, its policies and procedures and its Chief of Police, and/or under Section 5(1) of Police Act, exempt a Commission, it so requested, from the relative section of the Police Act which would then allow it to put in place procedures whereby the Commission would receive, investigation, and resolve all public complaints against the police–its officers, its policies and procedures, and its Chief of Police.*

***Be It Further Resolved That*** *the Alberta Association of Police Governance petition the Alberta Solicitor General to affect the necessary amendments to the Police Act prior to November 30, 2004*.

**Resolution 2 2004***–***Complaints–The Police Act–Need for Change**

WHEREAS concern respecting complaints against police have been raised in a number of circumstances specifically as they relate to complaints being investigated by police; and

WHEREAS complaints are always suspect unless changes to existing legislation are made notwithstanding the current oversight responsibility of Police Commissions; and

WHEREAS changes to legislation may be effective if ‘buy-in’ by Commissions, Police Management and Police Organizations, working together, propose possible changes to the Solicitor General;

***Therefore, Let It Be Resolved That*** *the Alberta Association of Police Governance encourage the Alberta Association Chiefs of Police and the Alberta Federation of Police Associations to (in joint effort) propose acceptable changes to the Alberta Police Act and/or Regulations to the Solicitor General for consideration and enactment by the Government of Alberta.*

**Resolution 3 2007***–***Request for Civilian Governance of RCMP**

WHEREAS the predecessor of the Royal Canadian Mounted Police was established to bring law and order in advance of settlement of the Canadian west;

WHEREAS in the 133 years since its founding the RCMP has evolved into a truly national police force providing safety and security from individual communities to the entire nation;

WHEREAS consistent with the principles first introduced by Sir Robert Peel upon the founding of the Metropolitan Police Service in London and the contemporary concept of community policing, that the police are the community and the community is the police;

WHEREAS democracyin 21st Century Canada is based on institutions that are accountable to Canadians;

WHEREASthe RCMP has grown as an effective and globally admired policing organisation;

WHEREASsuccessive governments of Canada have failed in their responsibility to the RCMP and Canadians to maintain the police force as it should be–a truly vital and accountable institution within Canadian society;

***Therefore, Let It Be Resolved That*** *the Alberta Association of Police Governance calls upon the Parliament of Canada to pass legislation to bring civilian governance and oversight to the Royal Canadian Mounted Police thereby providing a civilian role, appropriate in a democratic society, to national, regional, and local policing and strengthening the trust and confidence of all Canadians in their national police force.*

**Resolution 4 2010***–***Amendments to the *Police Act***

WHEREAS the investigation of complaints as against police officers and police services under Part 5 of the *Police Act* has become increasingly complex; and

WHEREAS the length of time required to investigate these complaints and to conduct police disciplinary hearings, continues to increase;

WHEREAS the legislative processes currently in place serve to undermine the public’s confidence in the complaints process and may adversely affect both the complainant and the subject officer or service;

***Therefore, Let It Be Resolved That*** *members of the Alberta Association of Police Governance call upon the Government of Alberta to amend the Police Act and, in particular Part 5 thereof, and the Police Service Regulation for the purpose of simplifying and streamlining the processes related to the making of complaints, the investigation of complaints and the disposition of complaints including the holding of disciplinary hearings as well as those processes by which these matters are appealed or reviewed.*

**Resolution 5 2012***–***Call for Timely Enhanced Police Security Clearance for Public Complaint Directors**

WHEREAS the establishment of Public Complaint Directors is a high priority for the Province of Alberta and Policing Committees; and

WHEREAS there are lengthy delays in obtaining Enhanced Security Clearance for Public Complaint Directors, leading to gaps in service;

***Therefore, Let It Be Resolved That*** *the Alberta Association of Police Governance request that the Province of Alberta ensure that the resources are available for the timely and efficient processing of Enhanced Security Clearances for Public Complaint Directors.*

**Background:**

Public Complaint Directors play an important role of oversight and facilitation of public complaints regarding police services in Alberta.[[5]](#footnote-6) Prior to commencing in their roles, Public Complaint Directors are required to undergo an enhanced security clearance with the local police service. This is a lengthy process that can take upwards of a year to complete. These lengthy time delays create gaps in having Public Complaint Directors (who are primarily volunteers) who are well prepared to fill these roles.

**Resolution 6 2014***–***Legislated Confidentiality Guarantee in Complaint Mediation and Other Alternative Dispute Resolution Processes**

WHEREASmediation has been shown to be a valid alternative dispute resolution mechanism for resolving public complaints; and

WHEREASconfidentiality is a vital component of the mediation process, to ensure active participation and open communication, as well as to provide procedural safeguards protecting statements made, should mediation be unsuccessful; and

WHEREASlegislated protection of confidentiality in the mediation and other alternative dispute resolution processes does not currently exist in Alberta's *Police Act;* and

WHEREASthis lack of legislative protection may make complainants and police officers wary of participating in the mediation process, thereby reducing its effectiveness as an alternative dispute resolution mechanism to resolve public complaints;

***Therefore, Let It Be Resolved That*** *the Alberta Association of Police Governance urge the Ministry of Alberta Justice and Solicitor General to amend the Police Act to include provisions protecting the confidentiality of communications and statements made in the alternative dispute resolution process when used to resolve public complaints.*

**Resolution 7 2014‒Statutory Withdrawal of Complaint Upon Successful Alternative Dispute Resolution**

WHEREAS mediation and other informal resolution techniques have been shown to be valid alternative dispute resolution (ADR) mechanisms for resolving public complaints; and

WHEREAS the finality of a resolution is a key component to confidence in the complaints process and its outcomes, encouraging active participation and open communication; and

WHEREAS the Alberta *Police Act* does not currently deem successful alternative dispute resolutions as the conclusion of the complaints process, hindering their acceptance as a viable alternative to the traditional complaints process; and

WHEREAS this lack of legislative finality in the ADR process may make complainants and police officers wary of participating in the various ADR approaches available, thereby reducing the effectiveness of alternative dispute resolutions as viable complaint resolution processes;

***Therefore, Let It Be Resolved That*** *the Alberta Association of Police Governance urge the Ministry of Alberta Justice and Solicitor General to amend the Police Act to include provisions that deem a public complaint as withdrawn upon the successful resolution of a public complaint through an alternative dispute resolution mechanism.*

**Resolution 8 2014***–***Police Funding**

WHEREAS the current legislation and level of support by the Government of Alberta creates substantial inequities in funding for police across the province; and

WHEREAS more than 20 percent of the provincial population receive policing through the Provincial Police Service Agreement at no direct cost; and

WHEREAS the average cost for policing in the 48 municipalities which are responsible for policing costs is approximately 15 percent of total tax revenue; and

WHEREAS in 2010 the Government of Alberta, through the Alberta Law Enforcement Framework (LEF), committed to restructuring funding for policing in Alberta to ensure it is a fair, shared responsibility *“whereby each municipality contributes to the costs of providing local policing”*; and

WHEREAS there has been no progress by the Government of Alberta in fulfilling its commitment pursuant to the LEF;

***Therefore, Be It Resolved******That*** *the Alberta Association of Police Governance reaffirm its 2011 resolution and again calls upon the Government of Alberta to fulfill its 2010 commitment to address the substantial inequities in funding for police across the province by developing the sustained, equitable and fair costing model envisioned in the Law Enforcement Framework; and*

***Therefore, Also Be It Resolved That*** *any new funds obtained under a new costing model be reinvested into policing in Alberta (i.e. offset funding reductions to the Alberta Law Enforcement Response Teams).*

**Background**

In 2010, the Government of Alberta released the Law Enforcement Framework (LEF). The vision of the LEF was that policing reflects the priorities of Albertans and, specific to this resolution, *“The cost of policing services in Alberta should be shared in an equitable manner among Albertans and Alberta communities.”*

Strategic Direction 9 of the LEF, calls for the development of a model to distribute the costs of local policing in an equitable, transparent and sustainable manner. This strategic direction highlights the need for *“Shared responsibility for the costs of law enforcement services, whereby each municipality contributes to the costs of providing local policing”.*

During the LEF stakeholder consultation process the Province identified $27 million as the costs for front line policing to those who currently do not pay. These additional funds could be reinvested in law enforcement. In that regard, it is our recommendation that a portion of those new funds be used offset funding reductions to the Alberta Law Enforcement Response Teams and distributed to crime prevention and public safety strategies where it is most needed.

The concern is that there has been little or no progress in implementing the Government of Alberta’s commitment to the new funding model in over three years. Under Alberta’s current model, 20 per cent of Albertans pay no direct costs for policing while the tax burden, for example, to the citizens of Edmonton is $341 per capita–this is inherently unfair.

In 2011, the AAPG passed the following Resolution:

***Therefore, Be It Resolved That*** *members of the Alberta Association of Police Governance call upon the Government of Alberta to develop the sustained, equitable and fair funding formula envisioned in the Law Enforcement Framework to address the current inequities in funding for police costs; and*

***Therefore, Also Be It Resolved That*** *any new funds obtained under a new funding model be reinvested into policing in Alberta.*

The Government of Alberta’s response to the 2011 resolution was;

During the Alberta Government 2012 Budget announcement, the government indicated that it "continues to work on a new funding model to distribute the costs of local policing in an equitable, transparent and sustainable manner."

**Resolution 9 2014***–***Equitable Funding**

WHEREAS the Alberta Solicitor General has established a Law Enforcement Framework; and,

WHEREAS Strategic Direction 9 calls for the development of a model to distribute the costs of local policing in an equitable, transparent and sustainable manner; and,

WHEREAS Alberta communities of population less than 5,000 do not contribute directly to policing costs consisting of 234 municipal districts, towns and villages while the residents of 30 Alberta municipalities support local policing and are assisted through municipal policing assistance grants (MPAG); and,

WHEREAS the 234 Alberta entities which have no costs, nor receive MPAG assistance equates to having the ‘first five free’, five referring to the population and five referring to police officers at a ratio of 1:5K; and,

WHEREAS a practical cost per officer is $100K.

***Therefore, Be It Resolved That*** *the Alberta Association of Police Governance, in support of the Alberta Law Enforcement Framework Strategic Direction 9, calls upon Alberta Justice and Solicitor General to:*

* 1. *Establish a police costing formula that would equally fund all Alberta communities, and*
  2. *That such costing formula reflects the advantage that exists in areas of less than 5K population.*

**BACKGROUND**

***Alberta Law Enforcement Framework Strategic Direction 9–Equitable Policing Costs (First Five Formula)***

The *Police Act* sets the population size to determine when a community is eligible for the Municipal Policing Assistance Grant (MPAG) at 5,000. Communities less than 5K come under the jurisdiction of the provincial police service (RCMP). It can be said that these communities have their policing paid for. Once a community reaches a population of 5K+ they are required to provide their own policing and costs associated. This is accomplished by either establishing a police service or contracting with the RCMP or another community. Those communities then receive the MPAG based on one of three formulas tied to population thresholds. This discussion is in relation to the 30 Alberta communities between 5,001 and 20,000 who are eligible to receive a base grant of $200K and $8/capita. The balance then includes 64 municipal districts, 75 towns and 95 villages who receive no policing grants nor pay a policing cost, other than a portion of individual provincial taxation that goes to the province and in turn apportioned in support of RCMP provincial policing costs.

Associations representing stakeholders participated in the framework consultations. Service levels became a rather loud consideration in arriving at the conclusion that everyone should pay. Service levels are not a topic for this discussion.

It is the proposition here that as communities less than 5K population have their policing costs covered then the resulting ‘first five free’ scenario should be applied to all communities. This of course would be in lieu of the MPAG and exclusive of other grant programs that exist from time to time. A practical formula of $100K per officer at a ratio of one officer per thousand equates to five officers and would calculate to $500K for each community under the 20K population threshold.

This of course must be paid for. The Solicitor General is at a juncture of crafting the “everyone pays” formula presumably through some form of direct taxation creating an opportunity to generate funds necessary to support a ‘first five free’ increase. Once the rural component is contributing, those funds can be distributed in support of all policing. This will create a “policing value” for that portion of individual provincial taxes paid by those who already support municipal policing through their property tax.

**Resolution 10 2014***–***Information Sharing and Protection of Vulnerable Persons**

WHEREAS privacy laws are necessary to protect the personal information of all members of society and more specifically vulnerable persons, including persons with mental health issues, addictions and children at risk, and the overly broad application of privacy laws can limit appropriate information sharing between government agencies and service providers; and

WHEREAS the lack of training and information sharing protocols within government agencies and service providers can impede both the effective delivery of services to persons at risk, as well as increase the potential risk of harm to vulnerable persons; and

WHEREAS the ability of service providers, multi-disciplinary teams and police officers to respond in the most appropriate and beneficial manner to individuals in need requires appropriate information sharing; and

WHEREAS those persons requiring assistance and the public at large might be exposed to increased safety risks due to unintended information sharing limitations;

***THEREFORE, LET IT BE RESOLVED THAT*** *the Alberta Association of Police Governance urge the Province of Alberta to develop workable and effective changes to legislative information sharing provisions and protocols, as well as more effective information sharing training and leadership within government agencies and service providers in order to improve the services provided to and level of safety of vulnerable persons including persons with mental health issues, addictions and children at risk.*

**Background**

Several privacy regimes exist in the Province of Alberta and govern the release of information in each of the following sectors:

**Freedom of Information and Protection of Privacy Act (FOIP) - Public Bodies**

**Health Information Act (HIA) - Medical Community**

**Personal Information Protections Act (PIPA) - Private Sector**

**Emergency Health Services Act (EHSA) - Ambulance Services**

Each of these Acts specify when and how information can be released, although challenges have arisen with the *interpretation* of each Act. In instances where individuals possessing personal information are unsure of their authority to release, they often choose not to release for fear of personal liability under the legislation.

It appears in some cases appropriate and authorized sharing of information pursuant to privacy legislation does not occur, with personal liability concerns being prioritized over the health, wellbeing and safety of vulnerable persons.

This approach limits effective and timely interventions for persons at risk and others in need. Appropriate, timely and adequate information sharing is vital to provide the best outcomes for vulnerable individuals and to reduce the potential for harm.

Attempts to educate employees of government agencies and service providers on their ability to share information under Alberta statues have been ineffective to date, and many employees continue to be unaware or unsure of their lawful ability and duty to appropriately share information.

Additionally, privacy laws in Alberta would benefit from using similar definitions and terminology across statutes and clearly define when, how and to whom information can be released.

*Re-Inventing Criminal Justice: The Fifth National Symposium;* "[p]rivacy concerns, real or imagined, can impede appropriate information sharing. It was suggested that this is an area where governments could usefully undertake a review of federal and provincial privacy legislation to see if rules around the appropriate sharing of personal information could be clarified. The importance of good and timely communication among the different people who may have contact with or will be providing service to people living with mental illness was stressed". 1

1 Re*-Inventing Criminal Justice: The Fifth National Symposium; Final Report,* January 18-19, 2013, Montreal Quebec, p 7.

**Resolution 11 2014***–***Legislated Confidentiality Guarantee in Complaint Mediation and Other Alternative Dispute Resolution Processes**

WHEREAS mediation has been shown to be a valid alternative dispute resolution mechanism for resolving public complaints; and

WHEREAS confidentiality is a vital component of the mediation process, to ensure active participation and open communication, as well as to provide procedural safeguards protecting statements made, should mediation be unsuccessful; and

WHEREAS legislated protection of confidentiality in the mediation and other alternative dispute resolution processes does not currently exist in Alberta's *Police Act;* and

WHEREAS this lack of legislative protection may make complainants and police officers wary of participating in the mediation process, thereby reducing its effectiveness as an alternative dispute resolution mechanism to resolve public complaints;

***Therefore, Let It******Be Resolved That*** *the Alberta Association of Police Governance urge the Ministry of Alberta Justice and Solicitor General to amend the Police Act to include provisions protecting the confidentiality of communications and statements made in the alternative dispute resolution process when used to resolve public complaints.*

**Background**

The Alberta *Police Act,* RSA 2000, c. P-17, promotes the use of alternate dispute resolution (ADR) processes in resolving public complaints. While this is seen as a beneficial and effective way to resolve complaints, there is no protection in the *Police Act,* of the confidentiality of statements or other communications made in the mediation process. While the courts support the notion that mediation is to be regarded as a confidential process that, if unsuccessful, can in no way interfere with future action taken, there is currently a feeling of unease on the part of complainants and police officers that statements made could potentially be used further in the process, should a mediation be unsuccessful. This unease is impeding the mediation process in Alberta, as individuals involved in a complaint are leery about agreeing to participate in mediation.

Other provinces have written confidentiality provisions into their Police Acts. Doing this in Alberta would help promote mediation as an effective mechanism to resolve public complaints, therefore resolving issues early in the process, saving on resources, stress and time for both complainants and police officers, as well as police services.

Examples of such legislative protections are as follows:

**British Columbia**:

*Police Act,* RSBC 1996, c. 367

**Confidentiality of statements**

**166 (1)** An oral or written answer or statement made by the complainant, the member or former member concerned or any other person in the course of attempting to resolve a complaint through mediation or other informal means under this Division

(a) must not be communicated to any person other than those persons participating in the attempt to resolve the complaint, and

(b) must not be used in any criminal or civil proceedings, including disciplinary proceedings under this Act.

**Ontario:**

Regulation to the *Police Services Act*

*Public Complaints* - *Local Complaints,* OR *263/09*

**Resolution**

**4. (5)** The following rules apply if the chief of police refers the complainant and the police officer to an alternative dispute resolution process:

1. The person selected or appointed to facilitate the alternative dispute resolution process shall not be a member or employee of any police force.

2. All communications at an alternative dispute resolution process and the facilitator's notes and records shall remain confidential and are deemed to have been made without prejudice to the complainant and the police officer in the process. O. Reg. *263/09,* s. 4 (5).

**Resolution 12 2014***–***Statutory Withdrawal of Complaint Upon Successful Alternative Dispute Resolution**

WHEREAS mediation and other informal resolution techniques have been shown to be valid alternative dispute resolution (ADR) mechanisms for resolving public complaints; and

WHEREAS the finality of a resolution is a key component to confidence in the complaints process and its outcomes, encouraging active participation and open communication; and

WHEREAS the Alberta *Police Act* does not currently deem successful alternative dispute resolutions as the conclusion of the complaints process, hindering their acceptance as a viable alternative to the traditional complaints process; and

WHEREAS this lack of legislative finality in the ADR process may make complainants and police officers wary of participating in the various ADR approaches available, thereby reducing the effectiveness of alternative dispute resolutions as viable complaint resolution processes;

***Therefore,******Let******It******Be******Resolved******That*** *the Alberta Association of Police Governance urge the Ministry of Alberta Justice and Solicitor General to amend the Police Act to include provisions that deem a public complaint as withdrawn upon the successful resolution of a public complaint through an alternative dispute resolution mechanism.*

**Background**

The Alberta *Police Act,* RSA 2000, c. P-17, promotes the use of alternative dispute resolution (ADR) processes in resolving public complaints. While this is seen as a beneficial and effective way to resolve complaints, these resolutions are not deemed to conclude the public complaint when they are successful.

While ADR offers many useful approaches to conclude a public complaint, without the guarantee that a successful ADR process ends the public complaint, complainants and police officers may be uneasy about participating in such a process. Without the guarantee of finality, there is potential concern that the traditional complaints process will continue, unimpeded, negating the valuable work done through ADR and leaving the complainant and police officer in limbo, awaiting a second conclusion to the complaint. This unease and lack of certainty and finality is impeding the ADR process in Alberta, as individuals involved in a complaint are leery about agreeing to participate in ADR.

Other provinces have provisions in their Police Acts that provide for the automatic withdrawal of a public complaint upon the successful conclusion of an ADR process to resolve the complaint. Doing this in Alberta would help promote ADR as an effective mechanism to resolve public complaints, therefore resolving issues early in the process, saving on resources, stress and time for both complainants and police officers, as well as police services.

Examples of such legislative protections are as follows:

**British Columbia**

*Police Act,* RSBC 1996, c. 367

**Outcome of mediation**

**163** (1) A mediation is completed when

(a) all issues are resolved in accordance with the guidelines,

(5) If a resolution described in subsection (1) (a) is achieved, the resolution is final and binding and, except for sections 166 and 167, no other provisions of this Part apply in respect of the matter.

**Confidentiality of statements**

**166** (1) An oral or written answer or statement made by the complainant, the member or former member concerned or any other person in the course of attempting to resolve a complaint through mediation or other informal means under this Division

(a) must not be communicated to any person other than those persons participating in the attempt to resolve the complaint, and

(b) must not be used in any criminal or civil proceedings, including disciplinary proceedings under this Act.

(2) A proceeding under this Division is not open to the public.

**If complaint is resolved and no disciplinary or corrective measures are taken**

**167** (1) If a resolution is final and binding under section 157 (7) or 163 (5) and no disciplinary or corrective measures are taken against the member or former member concerned in relation to the complaint, the record of the complaint must not be entered in the service record of discipline of the member or former member concerned, but it may be entered in that member's or former member's personnel file.

(2) A record of complaint in a member's or former member's personnel file under subsection (1) may be opened only

(a) for the purposes of deciding whether a subsequent attempt at informal resolution or mediation is appropriate, or

(b) for personnel matters unrelated to discipline.

**Ontario**

Regulation to the *Police Services Act*

*Public Complaints* - *Local Complaints,* OR 263/09

**Confirmation**

5. The resolution of a local complaint under section 4 [Resolution] shall be confirmed in writing by the complainant, the chief of police and, in the case of a complaint respecting the conduct of a police officer, the police officer. O. Reg. *263/09,* s. 5.

**Restriction on related Part V complaints**

7. (1) A person who makes a local complaint respecting a matter shall not make a Part V complaint in respect of the same matter. O. Reg. *263/09,* s. 7 (1).

(2) Subsection (1) does not apply if,

(e) the local complaint is not resolved, or its resolution is not confirmed under section 5, within 30 days after the complainant makes the complaint. O. Reg. *263/09,* s. 7(2).

(3) The 30-day period referred to in clause (2)(e) may be extended for an additional 30 days if,

(a) the complainant, the chief of police and, in the case of a local complaint respecting the conduct of a police officer, the police officer, agree in writing to the extension; and

(b) the Independent Police Review Director approves the extension. O. Reg. *263/09,* s. 7(3).

(4) The agreement and the approval required by subsection (3) to extend the 30-day period may be made or given before or after the expiry of the period. O. Reg. *263/09,* s. 7 (4).

**Resolution 13 2016***–***Changing the Terms for Commission Members from 3 to 4 Years**

WHEREASan additional year added to a commission term would allow for a more effective retention and transfer of information by members, resulting in better succession execution, and

WHEREAS an alignment with municipal governance terms will allow for better synergy with the municipality, promoting a more effective working relationship with the Police Commission.

***Therefore, Let It Be Resolved That*** *the Alberta Association of Police Governance urge the Ministry of Alberta Justice and Solicitor General to amend the Police Act 2000 P-17 section 28 (6)(a) to state that “The term of office of a person appointed to a commission is 4 years”*

**Background**

In recent discussion on the challenges associated with effective succession planning for police commissions, it was pointed out that the three-year term is a limiting factor when assessing the viability of potential commissioners to serve as Chair, Vice-Chair, or sub-committee Chair. The first year served is just a long orientation process, and it is often only in the second and third year that a commissioner gains enough knowledge and experience to start becoming an effective member.

While a commissioner may choose to put their name forward for a second term, it is not guaranteed that they will be appointed. Also, it should not be assumed that each commissioner will want to serve six years.

This discussion raised the point that a four-year term would be more amenable to identifying and preparing potential commissioners who would like to serve in an executive role, and that in fact the Municipal Governance Act had recently been amended to change municipal councillors’ and mayors’ terms to four years. It was suggested that the *Police Act* be amended to have commissioner terms align with their municipal counterparts, creating more synergy with the municipality, and a better environment for succession planning.

**Note from the 2018-2019 AAPG Board:** The wording of the above noted section currently states:

28 (6) The term of office of a person appointed to a commission 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.

This section is mirrored in section 23 (7) regarding policing committees.

**Resolution 14 2016–Police Act Amendments Regarding Policing Committees**

WHEREAS Alberta has five legislatively based *policing committees*; and

WHEREAS more than 40 communities within Alberta are eligible to have a legislatively based *policing committee*; and

WHEREAS there is no legislative requirement to have a policing community in eligible communities; and

WHEREAS anecdotally, AAPG has been informed that the requirement to have a public complaint director is a barrier to having a policing committee in many communities; and

WHEREAS the Alberta government has stated its support for police governance and community input into policing for all Alberta communities;

***Therefore, Let It Be Resolved That*** *the Alberta Association of Police Governance urge the Province of Alberta to amend subsection 23 of the Police Act, RSA 2000, C.P-17, to mandate policing committees in eligible communities and make public complaint directors optional in communities with a policing committee.*

**Background**

Police oversight and governance bodies provide a valuable ands essential contribution to communities. They ensure that the local police service fulfills its duty to the public, enhances transparency and accountability of the police and ensure community input into local policing priorities. The loss of a number of these committees over the past few years is a loss for the local residents of those communities.

The AAPG has been told by communities that have policing committees and those that are eligible to have a policing committee that the requirement to have a public complaint director is a deterrent to keeping or establishing a public complaint director. Smaller communities have few complaints each year and the onus on these communities to recruit, prepare and retain an individual in this position is onerous. A policing committee can monitor public complaints through statistical reporting and a summary from the detachment commander. A policing committee can also continue to receive complaints from individuals who do not want to file a complaint directly with the RCMP. These complaints would follow the regular process of being passed on to the detachment for investigation and/or the provincial public complaint director.

Both Alberta Justice and Solicitor General and the Royal Canadian Mounted Police (RCMP) have stated their support for increased community input in policing. This has formed part of the joint business plan in the past. The RCMP continue to promote community consultative groups, in whatever form, in all its detachments in Alberta. Mandating policing committees through the *Police Act* will improve this work. The result will be a standardised structure and criteria, including for reporting by all parties.

Policing in Alberta will be enhanced by the promotion of strong police governance practices throughout the province. Mandating policing committees is a positive step forward in this regard.

**Resolution 15 2017–Modernize the *Police Act***

WHEREAS Efficiency, integrity, fairness and transparency of police discipline and oversight are fundamental to public confidence and trust in the police; and

WHEREAS the Police Act has not been modernized to address current policing and community concerns; and

WHEREAS Policing in Alberta has advanced and continues to evolve correspondingly with case law, tribunal decisions, community expectations and developments in labour relations.

***Therefore, Let It Be Resolved That*** *the Alberta Association of Police Governance urges the Government of Alberta to immediately start consultations aimed at modernizing the Police Act, with the aim of tabling a revised act in 2018.*

**Background**

In April 2016, AAPG passed a resolution urging the Government of Alberta: “to consult with police agencies and stakeholders to identify areas of the Police Act that require amendments, and to initiate a timely and thorough review of the Alberta Police Act and Regulations to make the amendments necessary to enhance and preserve public confidence and transparency in Alberta policing.”

In July 2016, the Justice Minister and Solicitor General replied indicating that recommendations for a path forward would come forward once the Minister had an opportunity to review and evaluate various proposals.

In the absence of movement by the Province on overhauling the legislation and regulations, the Alberta Association of Chiefs of Police established a committee that will begin reviewing the policy objectives of the *Police Act*, and to identify areas of potential legislative improvement to meet those objectives.

A broad consultation process that seeks input and agreement from stakeholders is likely to take many months. It should be initiated immediately so a new act can be tabled as soon as possible - 2018 is a realistic deadline considering the time required to conduct consultations and draft amendments.

The current *Police Act* presents specific challenges for Alberta police services who want to operate in a way that is in line with modern human resource management principles and processes. When it comes to harassment, discrimination, and workplace bullying, for example, the *Police Act* requires those matters to proceed through an antiquated quasi-military court martial approach and leaves little room for informal resolution that would help strengthen the health of the workplace.

In a December 2013 report by the Standing Senate Committee on National Security, “Conduct Becoming: Why the Royal Canadian Mounted Police Must Transform Its Culture,” the committee recognized that “unresolved conflict poisons the workplace and slowly creates a toxic work environment,” and that “immediate steps need to be taken.”

The *Police Act* must be amended to provide mechanisms for mandatory mediation and conciliation to address workplace bullying, discrimination and harassment. The Act also needs more effective procedures within the formal disciplinary system, as well as effective and independent oversight mechanisms.

Broad reforms are needed to instill confidence in police that they can speak out about harassment and discrimination in the workplace when they see or experience it, without fear of punishment or retaliation. The Act must better reflect current community and police officer standards and expectations, particularly around police discipline.

1. Referred to in the Paper as *Universality*. [↑](#footnote-ref-2)
2. This term is used to differentiate between municipalities policed by a ‘contracted’ police agency (RCMP) and those that are a *‘standalone’* municipalpolice service. [↑](#footnote-ref-3)
3. In Saskatchewan, the administration of public complaints has been centralized for many years. It was updated in about 2006 in response to the findings of an inquiry concerning interactions of Aboriginal persons with police officers. This model could be considered. [↑](#footnote-ref-4)
4. There is some overlap between the two. [↑](#footnote-ref-5)
5. **Note:** They are only applicable under *the Act* for Police Commissions and Policing Committees. [↑](#footnote-ref-6)