

AUMA Submission to
Justice and Solicitor General on the
Police Act Review

December 2020



WE ARE economies OF SCALE	WE ARE THE support YOU NEED	WE ARE THE experts IN MUNICIPALITIES	WE ARE YOUR advocate
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About AUMA

Established in 1905, the Alberta Urban Municipalities Association (AUMA) represents the urban municipalities – cities, towns, villages, summer villages, and specialized municipalities – where over 85% of Albertans live. Like our members, we are dynamic and constantly evolving. What remains constant is our commitment to providing solutions and resources for municipal issues and challenges.

AUMA works with elected and administrative leaders of Alberta's urban municipalities to advocate for solutions to municipal issues, and to identify and develop opportunities that contribute to key components of community building. Our solutions include developing policies and toolkits, providing education and training, and collaborating with other orders of government to achieve beneficial change.

At AUMA, we strive to ensure that everyone – at every level of government – understands that municipal governments are accountable to their citizens and are trusted to act in the best interests of their respective communities. Municipal governments are intrinsically involved in the everyday lives of the people they serve. They guide and oversee the issues, programs, and services that most directly impact the day-to-day lives of their citizens, which helps make municipalities the most transparent order of government. AUMA is proud to share our members' expertise and feedback to achieve the best possible outcomes for Albertans.

Introduction

In 2018, AUMA members passed a [resolution](#) asking that the province commit to a comprehensive review of the Alberta Police Act and a review was initiated later that year. AUMA provided a written submission for the review (see Appendix 1) that identified and prioritized issues related to the Act from a municipal perspective.

In summer 2020, the Minister of Justice and Solicitor General announced that work to modernize the Police Act would be expedited. The current engagement, which closes on January 4, 2020, is focused on addressing known issues through amendments to the Act, regulations, or associated policies. Topics for engagement are governance and public trust; First Nations Policing and Indigenous Police Relationships; and the role of police. The background and discussion questions in this document were developed by Justice and Solicitor General as part of their engagement for the Police Act review. AUMA's feedback was provided by the Safe and Healthy Communities and Small Communities Standing Policy Committees.

AUMA developed suggested principles for the Police Act, as well as roles for police, in our 2019 written submission. This work has been validated by our 2020-21 standing policy committees, as well as by our current Board. Our 2019 written submission also identified the following municipal priority: *Alberta must have a mechanism to enable municipalities to assist in establishing local policing priorities and to hold police services accountable for local police service delivery and reporting on performance and outcomes. This is particularly important for municipalities that receive policing services from the RCMP.* Accordingly, this submission focuses on the topic of police governance for municipalities policed by the RCMP under the Provincial Police Services Agreement.

Governance: Themes

Background: Police Oversight Bodies

Justice and Solicitor General sets the standards for effective policing across Alberta, while police commissions and policing committees oversee policing in the province's municipalities. Members of a police commission or policing committee are usually citizens from the local community. They can include city employees and/or town council members.

The rules for police commissions and policing committees are defined in the Police Act. As per the Act, a municipality which has established a municipal police service must establish a police commission. A municipality that has a contract for the RCMP to provide municipal policing may establish a policing committee as defined in the Police Act.

Municipalities receiving policing under the provincial policing contract may be members of an RCMP Police Advisory Group formed by the officer in charge of an RCMP Detachment. However, these committees do not hold official status under the Alberta Police Act.

The province's 2018/19 review of the Police Act identified the following key factors that affect the effectiveness of police oversight bodies: recruiting, training, remuneration, and resourcing.

Recruiting

Stakeholders that participated in the 2018/19 review noted that police oversight bodies (e.g. commissions, committees, advisory groups) should represent the communities that they serve. There was general agreement that there should be provincial standards for these oversight bodies, and that special attention should be given to ensuring under-represented communities have a voice in local policing.

Other provinces have employed the following solutions to assist with recruitment to police oversight bodies:

- Saskatchewan: Commissions can make regulations prescribing minimum standards for the selection of members.
- Manitoba: Each commission must have at least one Metis and one First Nations member. Recruiting is led with the spirit that commissions should reflect the culture and gender diversity of the province.
- Ontario: Recruitment emphasizes diversity, with exclusions based on incompatible views as opposed to previous experience (such as the allowance of previous police officers to serve).

Discussion Questions

1. What qualifications or competencies should be required to serve on a police oversight body?

2. How do you create a diverse yet complementary oversight body? What are the barriers to doing so?
3. What skills are required by the board but may not be required by each member?
4. What additional considerations should be made when selecting members?

AUMA Feedback

- AUMA believes that local and regional police oversight bodies should have the flexibility to determine their own recruiting standards, as every community/region is unique and the diversity of that community/region should be reflected in the composition of the police oversight body.
- Requiring strict educational or social standards for members of police oversight bodies could have unintended consequences, such as eliminating a diversity of perspectives or limiting the pool of candidates able to serve on police oversight bodies, especially in smaller communities.
- However, AUMA believes it would be helpful for the province to establish guidelines or principles for recruiting members to police oversight bodies.
- AUMA believes that police oversight bodies should include at least one elected municipal official who can provide information on behalf of municipalities and act as a liaison for local government.

Training

The province heard in previous engagement that the Government of Alberta should mandate and oversee training for police oversight bodies. The existing online training was viewed as needing updating and it was suggested that a streamlined, centralized training model could be a better use of resources.

Other provinces have employed the following solutions to assist with training for police oversight bodies:

- Saskatchewan: Commissions may make regulations prescribing a training program, code of ethical conduct, or orientation.
- Manitoba: Every member of the police board must undergo training arranged by the commission.
- Ontario: Anti-bias education and greater social and cultural competencies are required.
- New Brunswick: All members receive training. Additionally, each new member receives an operational manual. Orientation continues over several months.

Discussion Questions

1. What is the current training model for your police oversight body?
2. How could the current training be improved?
3. What topics should be covered in training?
4. What additional considerations should be made when training members?
5. Who should be responsible for providing training?

AUMA Feedback

- AUMA members agree that training is key to enabling members of police oversight bodies to fulfill their roles effectively.
- Training should be provided to enable members to have a basic understanding of police governance, systems, and operations, i.e. what policing services are available regionally and locally, and how these services operate, are funded, and are delivered.
- Given municipal capacity constraints, AUMA recommends that the province work with police services to develop and deliver training. There are also opportunities to leverage existing programs and organizations (AUMA's Elected Officials Education Program, the Alberta Association of Police Governance) to develop and deliver this training.
- In developing training, it is important to consider the specific goals and purposes of the various police oversight bodies, what deliverables they are required to produce, and what success looks like for them.

Remuneration

Currently in Alberta, the Executive Director, complaint directors, support staff, and members of policing commissions receive some level of remuneration from the municipality.

Alternatively, policing committees and other advisory groups consist generally of volunteers from the community that only receive reimbursement for reasonable related expenses. The last review suggested that this lack of remuneration for committees may be a barrier for recruiting and retaining qualified board members.

Members of police advisory groups receive remuneration in Saskatchewan, Manitoba, and Nova Scotia. In Quebec and New Brunswick, these members are only reimbursed for expenses.

Discussion Questions

1. Is remuneration possible for policing committees and advisory groups?
2. Who should be responsible for the remuneration of members?
3. What would the barriers be?

AUMA Feedback

- AUMA supports remunerating members of police oversight bodies. Loss of time and/or salary may be barrier for joining a police oversight body, while providing remuneration often results in a larger and more diverse pool of applicants.
- Because municipalities, particularly small communities, are already working with constrained budgets, AUMA recommends that the province and/or the RCMP provide remuneration for members of police oversight bodies.
- As municipalities policed under the Provincial Police Service Agreement are now bearing a portion of the costs of policing, AUMA recommends that some of the funds raised through the new police costing model be used to support remuneration for members of police oversight bodies.

Resourcing

The province has heard that some of the smaller commissions and committees struggle with resourcing both in terms of managing membership and fiscal responsibilities.

Discussion Questions

1. How could the current approach to resourcing be improved?
2. Is there value in merging committees to use human and fiscal resources more efficiently?
3. What could a regional policing committee look like in Alberta?

AUMA Feedback

- AUMA supports a regional approach to police oversight that enables municipalities to pool resources and collaborate on setting regional policing priorities.
- However, it is important to ensure that smaller communities in the region continued to be represented in police oversight bodies, as there is a risk that their voices could be lost if there is not a detachment within their boundaries.

Standardization

For the following discussion questions, consider the four key factors affecting the effectiveness of police oversight bodies: recruitment, training, remuneration and resourcing.

Discussion Questions

1. Should any of these factors be standardized or legislated? If so, what would that look like?
2. What areas should be left to the discretion of individual policing committees and advisory groups?
3. What areas should be consistent across different policing committees and advisory groups?

AUMA Feedback

- AUMA supports a mandated approach to regional police oversight bodies, with the province and/or police service providing grants to support resourcing and remuneration. Local/municipal oversight bodies should remain optional.
- We recommend that the province provide guidelines for recruitment and training, but that local and regional oversight bodies have the flexibility to adapt these guidelines to meet their own needs.

Governance: Options

The province has heard through its engagement on police governance so far that:

- Policing committees and advisory boards want to increase their influence.
- There is a need for more clarity between police oversight and operations.
- There is an opportunity to find efficiencies within oversight bodies by centralizing processes (e.g. development of policies, recruitment standards, and practices).

Accordingly, the province has proposed four options for police oversight in Alberta.

1. Option 1 – Provincial Approach
 - The province would support training, policy development, and recruiting through the creation of a provincial, arms-length board.
2. Option 2 – Provincial and Regional Approach
 - The province would create a provincial advisory board and regional boards aligning with RCMP boundaries.
 - The provincial board would support training, policy development, recruitment, and provide input to budgetary planning.
 - The regional boards would be responsible for district/regional oversight, priority setting, and remuneration.
3. Option 3 – Province, Regional, and Municipal Approach
 - The province would create a provincial advisory board, regional boards aligning with RCMP boundaries, and optional municipal advisory boards.
 - The provincial board would support training, policy development, recruitment, and provide input to budgetary planning.
 - The regional boards would be responsible for district/regional oversight, priority setting, and remuneration, including oversight of the Officer in Charge
 - Municipal advisory boards would be responsible for community-specific issues and relationships with detachment commanders.
 - These boards would be optional but recognized within the Police Act.
 - The municipal boards could also provide space for public education on policing and hosting events for citizens and police.
4. Option 4 – Improved Status Quo

Discussion Questions

1. What are the pros and cons of each option?
2. Do you see any red flags or barriers?
3. What could an improved current state look like without reorganization? Are there other existing oversight bodies that could be leveraged (with training and recruitment) to provide police oversight?

4. What could an improved current state look like without reorganization? Are there other existing oversight bodies that could be leveraged (with training and recruitment) to provide police oversight?
5. How can we move forward in a way that holds oversight bodies and services accountable?
6. What mechanisms are, and/or should be put in place to help identify and correct ineffective governance?

AUMA Feedback

- AUMA's members have consistently expressed that the status quo for police oversight for communities served by the RCMP under the Provincial Police Service Agreement does not work for all communities.
- However, there does not seem to be consensus around why the current police oversight model is ineffective. Our members have identified a variety of issues ranging from tension between the provincial and federal legislation and regulations governing policing to detachment commanders who are not willing to meet with municipal councils and advisory groups. Many of our members mentioned that the issue may not lie with the structure of police oversight, but rather with the RCMP being accountable to too many levels of government with competing priorities.
- Without knowing the specific problem that leads to ineffective oversight, it is difficult to determine whether any of the proposed options would be more effective.
- That said, AUMA is generally supportive of an oversight model as proposed under Option 3; however, our members did express concern that imposing this model could be duplicating efforts and creating inefficiencies. Members were also concerned about the costs associated with establishing this model.

Appendix 1 – AUMA’s March 2019 Written Submission for the Police Act Review



March 18, 2019

Honourable Kathleen Ganley
Minister of Justice and Solicitor General
424 Legislature Building
10800 – 97 Avenue
Edmonton, AB T5K 2B6

Dear Minister Ganley:

On behalf of Alberta’s urban municipalities, I am pleased to share the following information for the first phase of the Alberta Police Act review.

AUMA has identified the following key priorities for urban municipalities with respect to the Alberta Police Act:

1. The Police Act should specify a new, more equitable funding model for police services where all municipalities contribute directly to the costs of policing. The new funding model should consider both the demand for services in a municipality, as well as the municipality’s ability to pay.
2. Alberta must have a mechanism to enable municipalities to assist in establishing local policing priorities and to hold police services accountable for local service delivery and reporting on performance and outcomes. This is particularly important for municipalities that receive policing services from the RCMP.
3. Albertans need to feel safe and protected in their communities. High RCMP vacancy rates and long response times have contributed to the perception that some communities are not safe. The Alberta Police Act should ensure that all Albertans have equitable access to police services, regardless of who provides this service.

In addition to identifying these key priorities, AUMA has also developed suggested principles for the Alberta Police Act as well as a new, more equitable police funding model (enclosed).

If you have any questions about this submission, or if you would like to discuss this matter further, please feel free to contact me by email at president@auma.ca or my cell phone at (403) 363-9224.

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Alberta Urban Municipalities Association

Alberta Municipal Services Corporation



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Thank you again for your willingness to review the Alberta Police Act. AUMA looks forward to continuing discussions on this important topic.

Sincerely,



Barry Morishita
AUMA President

Enclosures

AUMA's Suggested Principles for the Alberta Police Act

AUMA believes that police services in Alberta should:

- Ensure the safety and security of all people and property in Alberta.
- Safeguard the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Code.
- Work closely with the communities they serve.
- Respect victims of crime and work to understand their needs.
- Be sensitive to the diverse, multiracial, and multicultural character of Alberta society.
- Ensure police services are representative of the communities they serve.¹

The Alberta Police Act and its associated regulations, programs, and policies must enable police services to achieve these outcomes (be effective) and require police services to meet accepted rules and standards (be legitimate).

Effective

Policing is more likely to be effective if it collaborates with the public and other social service agencies; is independent and impartial; and is evidence-based and requires and provides relevant education of police officers and police employees.

Legitimate

Police methods and police oversight should be legitimate in that they are generally acceptable to the community and inspire public trust in police. Policing which is accountable, transparent, and equitable is more likely to inspire public trust and promote the public's cooperation with police.

The themes of effectiveness and legitimacy are therefore supported by the following key principles:

1. Collaborative
 - Police must work with community stakeholders to develop a culture and practice of policing that reflects the value of protecting and promoting the dignity of all members of the community.
 - Collaboration requires that police and community stakeholders work together by sharing responsibilities, resources, and decision-making.
 - The Police Act should enable collaboration across police services and between police and other public agencies and non-government organizations (social supports, health, etc.).

¹ Outcomes for police services in Alberta are based on the principles described in the Ontario Police Services Act and Sir Robert Peel's Nine Principles of Policing.

2. Independent

- Police must exercise a high degree of independence to ensure impartial policing, while remaining accountable to civilian authority.
- The Alberta Police Act must separate police from political interference while ensuring police accountability to civilian authority.

3. Educated

- Police must respect and to the best of their abilities abide by the standards of the profession, while at the same time seeking to improve them.
- The Alberta Police Act should promote the development and adoption of the highest standards in policing.
- Police should have access to and be required to participate in ongoing education delivered by subject matter experts in a curriculum designed for adult education.

4. Accountable and Transparent

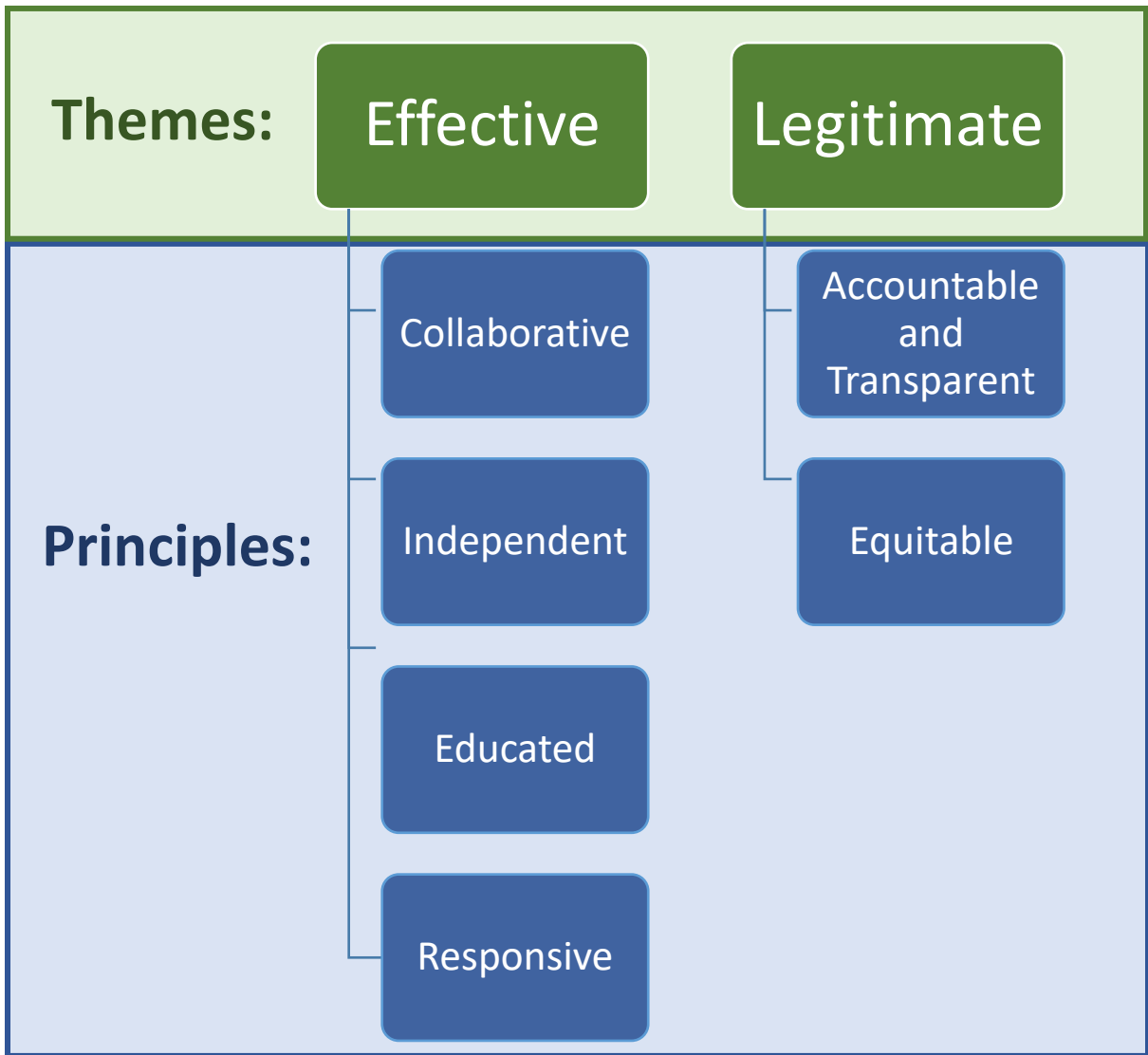
- Police must be accountable to their communities for the services they deliver, and individual officers must be accountable for how they interact with individual citizens.
- Alberta must have a mechanism to enable municipalities to assist in establishing local policing priorities and to hold police services accountable for local service delivery and reporting on performance and outcomes.
- Allegations of police misconduct must be fairly and effectively investigated or reviewed by an independent civilian authority in a timely manner.

5. Equitable

- All Albertans are entitled to receive police services.
- All Albertans should be treated equitably by police.
- All Albertans should contribute to the costs of policing.
- Police governance and oversight should be equitable and universal.

6. Responsive

- Police must be responsive to the needs of Albertans.
- Police must be responsive to changing legislative and social environments.
- Police should have the flexibility to adjust to regional differences.
- Policing must be appropriately resourced to fulfill its responsibilities.



AUMA's Suggested Principles for an Equitable Police Funding Model

1. A fair, flexible, and equitable model should be developed that:
 - Ensures the level of provincial funding is sufficient to meet standard levels of service.
 - Requires services beyond the standard level to be funded by the jurisdiction wanting the additional services.
 - Recognizes the unique needs of each municipality.
 - Recognizes the ability of a municipality to pay for services.
2. The model should encourage efficiencies by:
 - Using other mechanisms to address municipal capacity issues.
 - Encouraging regional policing models.
3. The transition to a new model should:
 - Ensure an adequate impact assessment analysis is completed.
 - Ensure that effective education and consultation mechanisms are available to Alberta's municipalities.
 - Allow for an adequate notice period.
4. Revenues created from the new model should be reinvested in public safety.
 - Ensure any revenue collected from an "everyone pays" model is returned to the municipalities that generated the revenue for the protection of public safety.
 - Ensure fine revenues stay in the municipalities in which they are generated.
5. Paying directly for policing should enable municipalities to participate meaningfully in police oversight, e.g. setting local policing priorities.