Report - Standing Policy Committee on Protection and Community Services – September 10, 2007

Item No. 1 Police Advisory Board
File GF-2

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 19, 2007, the Executive Policy Committee concurred in the administrative recommendation and submits the following to Council:

1. That the Terms of Reference for a Police Advisory Board, as contained in the report dated June 13, 2007, from the Chief Administrative Officer, be approved.

2. That the City Solicitor/Manager of Legal Services be directed to prepare a by-law consistent with the above Terms of Reference.

3. That the Proper Officers of the City be authorized to do things necessary to implement the intent of the foregoing.

STANDING COMMITTEE RECOMMENDATION:

On September 10, 2007, due to a tie vote, the Standing Policy Committee on Protection and Community Services submitted the matter to the Executive Policy Committee and Council without recommendation.

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 19, 2007, the Executive Policy Committee concurred in the administrative recommendation and submitted the matter to Council.

Further, on September 19, 2007, the Executive Policy Committee received submissions from the following:

In opposition to the establishment of a Police Advisory Board:

- Emily Ternette submitted a communication undated from Nick Ternette
- Christine Burrows submitted a communication dated September 18, 2007 from Tammy Corrigal
- Theo Ogidan, President, Central Park Residents Association submitted a communication undated entitled "The need for a Civilian Police Commission in Winnipeg"
- David M. Sanders submitted a communication dated September 19, 2007

With respect to the establishment of a Police Advisory Board:

- Wanda Yamoto, Inner City Safety Coalition, submitted a presentation entitled Inner Safety Coalition "Original Recommendations" and "Proposed Revised Recommendations"
- Sel Burrows, Chair, Point Douglas Residents Committee, submitted communications (2) undated and a flyer entitled "Point Douglas Residents Committee"
- Noelle De Pape, Executive Director, Immigrant and Refugee Community Organization of Manitoba, submitted a communication dated September 17, 2007
- Joan Hay, Operations Manager, from Ma Mawi Wi Chi Itata Centre Inc., submitted a presentation dated September 19, 2007
- Gary Swanson, President, Canadian Union of Public Employees (CUPE) Local 500, submitted a presentation dated September 19, 2007
- Rob Neufeld, North End Community Renewal Corporation, submitted a presentation entitled "NECRC Support for Civilian Police Commission"
- Peter Aitchison submitted a presentation "on the Need for a Strong Police Commission" dated September 18, 2007

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DECISION MAKING HISTORY: (continued)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION: (continued)

- Allan Wise, Community Development Coordinator for West Alexander, Community Education and Development Association, submitted presentations (2) entitled Inner Safety Coalition "Original Recommendations" and "Proposed Revised Recommendations", one submitted on his behalf and the second on behalf of Marty Dolin

STANDING COMMITTEE RECOMMENDATION:

On September 10, 2007, due to a tie vote, the Standing Policy Committee on Protection and Community Services submitted the matter to the Executive Policy Committee and Council without recommendation.

Further on September 10, 2007, the Standing Policy Committee on Protection and Community Services received submissions with respect to the proposed Police Advisory Board from the following**:**

- Beth Peto, submitted a copy of her presentation dated September 10, 2007
- Phyllis Watson, Council of Women of Winnipeg, submitted a copy of her presentation dated September 10, 2007
- Tom Simms, Co-Director, Community Education Development Association, submitted supporting documentation

On July 11, 2007, the Standing Policy Committee on Protection and Community Services received as information the delegations and presentations and laid the matter over to the meeting of the Committee on September 10, 2007.

Further on July 11, 2007, the Standing Policy Committee on Protection and Community Services received submissions with respect to the proposed Police Advisory Board from the following**:**

- David M. Sanders, submitted a communication dated June 21, 2006
- Nick Ternette submitted a presentation
- Tom Simms, Co-Director, Community Education Development Association, submitted a presentation entitled Winnipeg Police Service: Where's the Accountability and a copy of a newspaper article dated December 15, 1996
- Valerie Price, Executive Director, Manitoba Association for Rights and Liberties, submitted a presentation dated July 11, 2007

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DECISION MAKING HISTORY: (continued)

STANDING COMMITTEE RECOMMENDATION:

- Robert Neufeld, Executive Director, North End Community Renewal Corporation submitted a presentation entitled NECRC Support for Civilian Police Commission dated July 11, 2007
- Theophilus Ogidan, President, Central Park Residents Association, submitted a presentation entitled the Need for a Police Commission for the City of Winnipeg
- Marianne Cerilli, West Central Women's Resource Centre, submitted a brochure on the West Central Women's Resource Centre
- Cheyenne Chartrand, Inner City Safety Coalition, submitted a presentation entitled Police Governance: More than Advice
- Tracey Proctor, on behalf of St. John's Residents Association and North End Safety Network, submitted a presentation
- Joanne Crate submitted a presentation dated July 11, 2007
- Larry Wucherer, Ma Mawi Wi Chi Itata Centre, submitted a presentation dated July 11, 2007 and supporting documentation entitled Civilian Oversight of Policing, a copy of presentation from the Manitoba Association for Rights and Liberties dated July 11, 2007, and a copy of the presentation from Cheyenne Chartrand entitled Police Governance: More than Advice
- Gary Swanson, President, CUPE Local 500, submitted a presentation dated July 11, 2007
- Peter Aitchison submitted a presentation dated July 11, 2007
- Glenn Michalchuk, 1st Vice President, Winnipeg Labour Council submitted a presentation dated July 11, 2007
- Elaine Bishop, Executive Director, North Point Douglas Women's Centre submitted a presentation dated July 11, 2007, and a communication dated May 31, 2007 from Grade 5/6 Students at Norquay School
- Bill Millar, Knox Centre, Central Park Community, Mayran Kalah and Othello Wesee submitted a presentation and brochure entitled Central Market for Global Families
- Betty Edel, Chairperson, Ndinawe Youth Centre, submitted a written presentation
- Fred Curry submitted a written presentation

Further on July 11, 2007, the following persons were also in attendance with respect to the proposed Police Advisory Board**:**

- Noelle DePape, Executive Director, Immigrant and Refugee Community, Organization of Manitoba (IRCOM) Inc.
- Margaret Marin, Executive Director, Elizabeth Fry Society of Manitoba Inc.
- Judith Harris
- Rachel Charette, Executive Director, John Howard Society of Manitoba

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DECISION MAKING HISTORY: (continued)

STANDING COMMITTEE RECOMMENDATION:

On June 21, 2007, the Standing Policy Committee on Protection and Community Services laid the matter over to a Special Meeting of the Standing Policy Committee on Protection and Community Services at the call of the Chairperson.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 19, 2006, the Executive Policy Committee received as information the July 10, 2006 recommendation of the Standing Policy Committee on Protection and Community Services, and passed the following motion, namely:

WHEREAS on February 26, 2003, Council referred to the Executive Policy Committee a motion resolving that Council consider the re-establishment of the Winnipeg Police Commission;

AND WHEREAS on May 19, 2004, Council directed the Administration to develop a discussion paper on best practices relating to governance and external oversight respecting police services, and authorized discussions with the Province of Manitoba regarding governance, prior with the Province's review of The Provincial Police Act;

AND WHEREAS crime and safety are top priorities for the citizens of Winnipeg;

AND WHEREAS increased funding is provided annually to the Winnipeg Police Service and over 90 new officers have been added to the Police Service budget in the past 24 months;

AND WHEREAS citizens desire greater information and accountability regarding effectiveness of the Winnipeg Police Service in preventing crime and enhancing neighbourhood safety;

THEREFORE BE IT RESOLVED THAT the Executive Policy Committee directs:

1. That the Administration report back to Standing Policy Committee on Protection and Community Services on the establishment, within existing Council statutory authority, of a Police Board that advises Council on matters such as:

    A. Response by the Chief of Police to findings of LERA related to accusations of police misconduct;

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DECISION MAKING HISTORY: (continued)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

B. Annual Police Service business plans and their performance targets related to crime prevention and enhancement of neighbourhood safety;

C. Effectiveness of the Police Service in deployment of resources and tactics in crime prevention and neighbourhood safety efforts both as a measure of achievement of annual business plan targets and as a value for money function of budget allocations made by City Council;

D. Effectiveness of the Police Service in their efforts to liaise with community groups;

E. Effectiveness of the Police Service to report regularly to the public on crime trends and occurrences in all districts of the City; and

F. Best practices regarding police board or commission composition and operation in the above noted areas of interest.

2. That the Chief Administrative Officer be directed to have the City Solicitor/ Manager of Legal Services consult with her counterpart in Manitoba Justice on the matters noted herein.

3. That in light of the high level of public interest in this matter, the Standing Policy Committee on Protection and Community Services be requested to hold a special meeting

   in the evening to allow for extra opportunity for public comment upon the administrative report on this matter.

4. That the Administration be directed to report back on the outcomes of the Provincial Working Group constituted in 2004 to consider changes to The Provincial Police Act.

Further on July 19, 2006, the Executive Policy Committee received a presentation from Tom Simms, Co-Director, Community Education Development Association titled “Food for Thought on re-establishing a Police Commission”.

RE: Police Advisory Board

FOR SUBMISSION TO: Standing Policy Committee on Protection and Community Services

ORIGINAL REPORT SIGNED BY: Chief Administrative Officer

REPORT DATE: June 13, 2007

RECOMMENDATION:

1. That the Terms of Reference for a Police Advisory Board be approved.

2. That the City Solicitor be directed to prepare a by-law consistent with these terms.

Report Summary

Key Issues:

- A Terms of Reference for a Police Advisory Board is proposed in Appendix A. The Terms of Reference proposes a Board of 7-10 individuals with a range of skill sets and a mandate consistent with the direction provided by Executive Policy Committee (EPC) on July 19,2006.

- To be constituted within Council's existing statutory authority, it is clear in the Terms of Reference that the Board will provide advice to Council through the Standing Policy Committee on Protection and Community Services and that the Chief of Police and/or his/her designate(s) will attend Board meetings to provide information that is within the mandate of the Board. In describing the Board's relationship to Council as advisory and being clear that the Winnipeg Police Service will provide information to the Board, but does not account to the Board, Council will be within existing authority.

- The Terms of Reference proposes that the Chair of the Standing Policy Committee on Protection and Community Services be a member of the Board to provide information and context with respect to current Council policy and direction.

- The Terms of Reference proposes a mandate that reflects EPC's specific direction. As such, it includes a role for the Board in advising Council on the Police service's annual business plan and the achievement of annual business plan targets. It should be noted that the WPS's business plan is not formally tabled with EPC or the SPC on Protection and Community Services. The majority of Board meetings are however, proposed to be 'in camera' and members are expected to sign confidentiality agreements.

- The Terms of Reference explicitly states that the following matters are excluded from the Board's mandate: (i) LERA and citizen complaints during the investigative and hearing process; (ii) ongoing criminal investigations and public inquiries; (iii) personnel matters; (iv) Winnipeg Police Service (WPS) budget development.

- The Terms of Reference proposes that the Board will submit a yearly work plan to the SPC on Protection and Community Services and an annual budget and annual report to Council through the SPC on Protection and Community Services.

- The majority of Boards and Commissions at the City are volunteer Boards. However, members of both the Board of Revision and the Board of Adjustment are provided per diems.

Implications of the Recommendation(s):

General Implications

( ) None

(X) For the organization overall and/or for other departments

( ) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s): The WPS will assign a senior staff person as an Administrative Liaison to the Committee and will respond to Board requests for information.

Policy Implications

( ) No

(X) Yes

Comment(s): The establishment of an advisory board on policing matters is itself a policy choice. Further, the Board may provide advice to Council on policy matters.

Regulatory Implications

(X) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s):

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

( ) No

(X) Yes

Comment(s): If approved, the Advisory Board would have staff support position(s).

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s): $100,000 was included in the 2007 operating budget for such a board.

Report

REASON FOR THE REPORT:

On July 19, 2006 the Executive Policy Committee (EPC) directed:

1. That the administration report back to the Standing Policy Committee on Protection and Community Services on the establishment, within existing Council statutory authority, of a Police Board that advises Council on matters such as:
   A. Response by the Chief of Police to findings of LERA related to accusations of police misconduct;
   B. Annual Police Service business plans and their performance targets related to crime prevention and enhancements of neighbourhood safety;
   C. Effectiveness of the Police Service in deployment of resources and tactics in crime prevention and neighbourhood safety efforts both as a measure of achievement of annual business plan targets and as a value for money function of budget allocations made by City Council:
   D. Effectiveness of the Police Service in their efforts to liaise with community groups;
   E. Effectiveness of the Police Service to report regularly to the public on crime trends and occurrences in all districts of the City; and
   F. Best practices regarding police board or commission composition and operation in the above noted areas of interest
2. That the Chief Administrative Officer be directed to have the City Solicitor/Manager of Legal Services consult with her counterpart in Manitoba Justice on the matters noted herein.
3. That in light of the high level of public interests in this matter, the Standing Policy Committee on Protection and Community Services be requested to hold a special meeting in the evening to allow for extra opportunity for public comment up on the administrative report on this matter.
4. That the Administration be directed to report back on the outcomes of the Provincial Working Group constituted in 2004 to consider changes to the Provincial Police Act.

HISTORY:

At its meeting on June 21, 2006, EPC directed the Chief Administrative Officer to examine the current governance model of the Winnipeg Police Service (WPS), focusing on best practices in Canada in oversight and police accountability for results in crime prevention and enhancing community safety and transparency and report back to the Standing Policy Committee on Protection and Community Services.

This report was received as information by the Standing Policy Committee on Protection and Community Services on July 10, 2006. At that same meeting, the Committee reiterated a recommendation requesting that EPC work with the Province of Manitoba to establish an intergovernmental committee, with significant citizen representation and public input, to explore the feasibility of establishing a civilian police commission to oversee the operations of the WPS, and that the (proposed) intergovernmental committee report to EPC and the public by December 31, 2006.

EPC received this recommendation as information on July 19, 2006 and directed the Administration report back as described above under the Reason for the Report.

DISCUSSION:

Establishment of a Police Advisory Board

Terms of Reference for a Police Advisory Board is provided in Appendix A.

The following provides background to the Terms of Reference.

Mandate

EPC's motion (July 19, 2006) provided an explicit mandate for the Board. However, it is recommended that item f) of the mandate not be included given that this work was completed as part of the report WPS's report June 21, 2006.

As noted in the report received by the Standing Policy Committee on Protection and Community Services on July 10, 2006, the Charter does not allow for the delegation of powers to non-City employees or to a committee which includes a combination of Councillors and members of the public. In response to EPC's direction and under the Terms of Reference proposed, the Board will provide advice to Council through the Standing Policy Committee on Protection and Community Services. In addition, under the proposed Terms of Reference, the Chief of Police and/or his/her designates will attend Board meetings and provide information that is within the mandate of the Board. In describing the Board's relationship to Council in this way and in limiting the WPS's role to that of providing information, Council will be within existing authority; the Board advises Council and the Chief of Police/WPS provides information to the Board but does not account to the Board.

The Terms of Reference proposes a mandate that reflects EPC's specific direction. As such, it includes a role for the Board in advising Council on the Police service's annual business plan and the achievement of annual business plan targets. It should be noted that the WPS's business plan is not formally tabled with EPC or the SPC on Protection and Community Services. Board meetings are however, proposed to be 'in camera' and members are expected to sign confidentiality agreements.

The Terms of Reference explicitly states that the following matters are excluded from the Board's mandate: (i) LERA and citizen complaints during the investigative and hearing process; (ii) ongoing criminal investigations and public inquiries; (iii) personnel matters; (iv) Winnipeg Police Service (WPS) budget development.

Composition and Membership

The Terms of Reference proposes a Board of 7-10 members. This ensures the range of skills and experience necessary to deliver on its mandate. The Terms of Reference identifies financial/audit expertise, legal expertise, public safety policy/research expertise and expertise in community safety as examples of the skill sets required by the Board.

The proposed membership includes the Board Chair and the Chair of the Standing Policy Committee on Protection and Community Services. The Chair of the Standing Policy Committee on Protection and Community Services will bring an important perspective relative to current City policy and direction.

The Terms of Reference proposes that City Council appoint Board members. Council's existing process of recruiting for such appointments (managed by the City Clerk) can be used. It is recommended that background checks by the WPS be part of the selection.

It is recommended that membership terms be staggered to ensure that, in any given year, there will be experienced members of the Board along with fresh faces.

Meeting, Information Gathering and Reporting

The Terms of Reference proposes monthly meetings, two of which shall be public meetings and the remainder "in camera". In addition, the Terms of Reference proposes an annual town hall meeting to provide opportunity for broad community input. An annual work plan and annual report is also proposed.

It is recommended that the WPS appoint an Administrative Liaison to the Board to facilitate the exchange of information between the Board and the WPS. The Administrative Liaison will be a senior representative of the WPS and will attend Board meetings. The Chair of the Board may specifically request the attendance of the Chief of Police to provide information with respect to particular Minutes items.

Budget and Supports

The Board will require operating funds for administrative support, research, etc. The funds provided to other City advisory boards range $70,000-$100,000. In the 2007 operating budget, $100,000 was approved by Council for a Police Board. As with other advisory groups at the City, the Board could use these funds for staff support (policy research, etc.).

City Clerks has confirmed that clerking services will be provided for the meetings and that the meetings will be held in the Council Building.

Per Diems

Most Boards and Commissions at the City are volunteer boards/commissions. However, members of the Board of Revision and the Board of Adjustments are provided a per diem, which is set in their respective by-laws. The per diem rate for Board members is generally $25.00 per hour; $37.50 per hour for the Chair. The by-laws establish a minimum amount of time for board meetings and an hourly rate thereafter. A per diem will be included in the draft by-law and subject then, to Council approval.

Consultation with Manitoba Justice and changes to Provincial Police Act

Legal Services has consulted with Manitoba Justice which is not opposed to the creation of a board as directed by EPC on July 29, 2006. The current Provincial Police Act is now under review but the consultation process for that review is just commencing. If any new legislation is be enacted, it will not be for several years.

Financial Impact Statement

Date: June 8, 2007

Project Name:
Police Advisory Board

First Year of Program **2007**

	2007	2008	2009	2010	2011
Capital					
Capital Expenditures Required (Sal. & Ben.)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 100,000	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 100,000	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts:	$ 100,000	$ -	$ -	$ -	$ -
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

A budget of $100,000 was included in City Clerk's 2007 budget for this Board. In subsequent years, the Board will submit a workplan and budget to the Standing Policy Committee on Protection and Community Services for consideration during the City's annual budget process.

(Original signed by R. Abeysekera)
Radhika Abeysekera
Manager of Finance & Administration
Corporate Services Dept.

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

Legal Services

The WPS was consulted on technical and procedural issues.

External Consultation With:

THIS REPORT SUBMITTED BY:

Department: CAO Secretariat
Division: Strategic Management Division
Prepared by: Connie Walker
File No.

Appendix A

Police Advisory Board

TERMS OF REFERENCE

(1) MANDATE

As per the EPC motion of July 19, 2006, the Board will advise City Council on the following:

(a) annual Police Service business plans and their performance targets related to crime prevention and enhancement of neighbourhood safety;
(b) effectiveness of the Police Service in deployment of resources and tactics in crime prevention and neighbourhood safety efforts, both as a measure of achievement of annual business plan targets and as a value for money function of budget allocations made by City Council;
(c) effectiveness of the Police Service in their efforts to liaise with community groups;
(d) effectiveness of the Police Service in reporting regularly to the public on crime trends and occurrences in all districts of the City;
(e) response by the Chief of Police to findings of LERA related to accusations of police misconduct

Matters excluded from the Board's mandate include such things as: (i) LERA and citizen complaints during the investigative and hearing process; (ii) ongoing criminal investigations and public inquiries; (iii) personnel matters; (iv) Winnipeg Police Service (WPS) budget development.

(2) COMPOSITION / TERM

Composition

The Board will consist of 7-10 members, including the Board Chair and the Chair of the Standing Policy Committee on Protection & Community Services.

All initial Board appointments shall be made by City Council, and all subsequent Board appointments shall be made by City Council following consultation with the Board Chair.

Board members shall be selected to provide a balance of skills on the Board including for example, financial/audit expertise, legal expertise, public safety policy/research expertise and expertise in community safety.

All citizen nominees to the Board shall be subject to background checks, and all Board members shall be required to sign declarations with respect to confidentiality and conflict of interest.

Term

The terms of Board members shall be staggered. Initially, half of the Board members will be appointed for two year terms, and half will be appointed for three year terms, with all subsequent appointments for fixed terms of three years. Following their initial term, each Board member shall be eligible for two additional renewal terms.

(3) MEETINGS, INFORMATION GATHERING, REPORTING

Meetings

The Board shall hold monthly meetings, of which at least two such meetings annually shall be public and the remainder shall be *in camera*. The Board may hold additional meetings at the call of the Chair.

The Board shall hold an annual town hall meeting to solicit community input on public safety issues and priorities.

The Board will establish its own rules of procedure.

Information Gathering

The Board shall be provided with information that it requests within its mandate from the WPS including, for example, information on CrimeStat and crime trends.

The WPS will appoint an Administrative Liaison to the Board. The Administrative Liaison will coordinate with the Chief and others in the WPS, the most appropriate representative of the WPS to attend Board meetings as required and depending on the expertise needed. The Chair of the Board may specifically request the attendance of the Chief of Police on particular Minutes items. The Administrative Liaison will be a senior representative of the WPS and will attend Board meetings.

Reporting

The Board will prepare an annual work plan. The work plan will be presented to the Standing Policy Committee on Protection & Community Services each January for approval.

In addition, the Standing Policy Committee on Protection & Community Services shall have the authority to direct the Board to study specific issues that fall within the Board's mandate and report back with recommendations.

At the conclusion of each year, the Board shall issue an annual report to Council through the Standing Policy Committee on Protection & Community Services, which shall include a summary of the Board's activities for the year, significant findings, and recommendations for consideration.

Notwithstanding the foregoing, the Board may, at its discretion, report to the Standing Policy Committee on Protection & Community Services at any time throughout the year.

(4) BUDGET AND SUPPORT TO THE BOARD

Budget and staff

The Board will prepare an annual budget for consideration by Council, which will provide annual operating funds in an amount to be determined annually.

Within the Board's approved budget, the Board may hire staff, including, for example, an Executive Director and/or a policy/research analyst.

Additional supports to the Board

The WPS will appoint an Administrative Liaison to the Board, as described above.

In addition, the City Clerk's Office will designate a clerk to provide process advice and to take and distribute Minutes for each Board meeting.