Minute No. 365
Report – Executive Policy Committee – April 18, 2023

Item No. 11 Amendments to the School Resource Officer Protocol – Delegation of Authority

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Police Board's decision to rescind the School Resource Officer Protocol adopted by the Board on October 7, 2016, and adopt the School Resource Officer Protocol set forth in Schedule A, be approved.

2. That provided all requirements of the Protocol are met, the City enter into, execute and deliver agreements to renew existing or establish future School Resource Officer Programs.

3. That the Chief of Police be authorized to negotiate and approve the terms and conditions of the agreements to renew existing or establish future School Resource Officer Programs in participating school divisions, in accordance with the terms and conditions in the Protocol and other such terms deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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

Report – Executive Policy Committee – April 18, 2023

DECISION MAKING HISTORY:

Moved by His Worship Mayor Gillingham,

That the recommendation of the Executive Policy Committee be adopted.

Councillor Rollins called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Gillingham, Councillors Browaty, Chambers, Dobson, Duncan, Lukes, Mayes, Sharma and Wyatt 9

Nay: Councillors Allard, Eadie, Gilroy, Rollins, Santos and Schreyer 6

and the motion was declared carried.

David Grant submitted a communication with respect to the matter.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 2023, the Executive Policy Committee concurred in the recommendation of the Winnipeg Police Board and submitted the matter to Council.

WINNIPEG POLICE BOARD RECOMMENDATION:

On March 10, 2023, the Winnipeg Police Board concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

WINNIPEG POLICE BOARD DECISION:

On March 10, 2023, the Winnipeg Police Board concurred in the recommendation of the Winnipeg Public Service and approved the following:

1. That the Board rescind the School Resource Officer Protocol adopted by the Board on October 7, 2016, and adopt the School Resource Officer Protocol set forth in Schedule A.

2. That the Board authorize the Chief of Police to renew or expand the School Resource Officer Program within the budget allocations and authorities established by the Board and consistent with the terms and conditions of the School Resource Officer Protocol.

ADMINISTRATIVE REPORT

Title: **Amendments to the School Resource Officer Protocol – Delegation of Authority**

Critical Path: Winnipeg Police Board - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Nicholson	A/Chief A. Stannard		

EXECUTIVE SUMMARY

The Winnipeg Police Service School Resource Officer (SRO) Program was established in 2002 in partnership with the Winnipeg School Division. The Program has expanded to four school divisions across the City with a total of 11 officers.

At the request of the participating school division, the SRO Program is delivered under the terms and conditions set out in an agreement. Before the agreement is approved, certain criteria established in an SRO Protocol must be met or, if one or more criteria are not met, exemptions must be granted by Council.

Based on the Province of Manitoba's funding contribution toward the SRO Program and operational requirements with respect to the assignment of officers, the Service has had to seek exemptions for two of the criteria in the SRO Protocol. As the circumstances that necessitated the exemptions are unchanged, the Service is recommending that a new SRO Protocol be adopted.

RECOMMENDATIONS

That the Winnipeg Police Board approve the following recommendations:

1. That the Board rescind the School Resource Officer Protocol adopted by the Board on October 7, 2016, and adopt the School Resource Officer Protocol set forth in Schedule A.

2. That the Board authorize the Chief of Police to renew or expand the School Resource Officer Program within the budget allocations and authorities established by the Board and consistent with the terms and conditions of the School Resource Officer Protocol.

That Council approve the following recommendations:

1. That Council concur in the Winnipeg Police Board's adoption of Recommendation 1 to rescind the School Resource Officer Protocol adopted by the Board on October 7, 2016, and adopt the School Resource Officer Protocol set forth in Schedule A.

2. That provided all requirements of the Protocol are met, the City enter into, execute and deliver agreements to renew existing or establish future School Resource Officer Programs.

3. That the Chief of Police be authorized to negotiate and approve the terms and conditions of the agreements to renew existing or establish future School Resource Officer Programs in participating school divisions, in accordance with the terms and conditions in the Protocol and other such terms deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

The following School Resource Officer Protocol was adopted by the Winnipeg Police Board on October 7, 2016, and concurred by Council on October 26, 2016:

1. That any civic employees, City Councillors and Winnipeg Police Board members or employees receiving requests for renewal or expansion of the School Resource Officer ("SRO") Program shall direct such requests to the Chief of Police for review and recommendation in accordance with this protocol.

2. That the Chief of Police may recommend renewal or expansion of the SRO Program in accordance with his or her responsibility for officer deployment provided that:

    A. any proposal for renewal or expansion must be a tri-partite agreement and shall contain a minimum three-year funding commitment by the appropriate school division and the Province of Manitoba;

    B. the financial contribution of The City of Winnipeg pursuant to any such renewal or expansion shall be limited to the same level of in-kind support as provided under the existing agreement for the North End School Resource Officer Program between The City of Winnipeg, the Province of Manitoba and the Winnipeg School Division for the period from September 1, 2005 to June 30, 2008;

    C. officers assigned to any such expansion shall consist of officers in excess of the Winnipeg Police Service's existing complement, to avoid depleting front-line officers on the streets; and

D. the relevant school division shall provide a priority placement plan for each School Resource Officer for the Chief of Police's consideration.

3. That any agreement for renewal or expansion of the SRO Program which does not meet the above criteria must be approved by City Council in order for such renewal or expansion to proceed:

Council approval is required to amend the School Resource Officer Protocol.

IMPLICATIONS OF THE RECOMMENDATIONS

If approved, the new SRO Protocol would guide the renewal of the SRO Programs in the Pembina Trails School Division, River East Transcona School Division, St. James-Assiniboia School Division and Seven Oaks School Division, which expire on June 30, 2023.

HISTORY/DISCUSSION

On July 4, 2008, the SPC on Protection and Community Services adopted a School Resource Officer Protocol to provide guidelines for the Chief of Police in considering any renewal or expansion of the Winnipeg Police Service's School Resource Officer (SRO) Program.

In 2016, the SRO Protocol was revised to reflect the establishment of the Winnipeg Police Board and its organizational reporting structure. The new SRO Protocol was adopted by the Board on October 7, 2016, and concurred by Council on October 26, 2016.

The SRO Protocol stipulates that any agreement for renewal or expansion of the SRO Program which does not meet the Protocol's criteria must be approved by City Council in order for such renewal or expansion to proceed.

Since adoption of the Protocol, the criteria have not been met due to fundamental changes in the Province of Manitoba's role in the SRO Program and the Service's inability to add police officer positions over complement. As a result, Council has been requested to grant exemptions to the following criteria:

A. any proposal for renewal or expansion must be a tri-partite agreement and shall contain a minimum three-year funding commitment by the appropriate school division and the Province of Manitoba;

C. officers assigned to any such expansion shall consist of officers in excess of the Winnipeg Police Service's existing complement, to avoid depleting front-line officers on the streets;

Prior to 2017, the Province of Manitoba was a signatory to the agreements; however, the Province's funding mandate was only for three school divisions. During the program renewal discussions in 2017, additional provincial funding was not available for cost increases for the existing SRO Programs or for expansion of the SRO Program to additional school divisions that were interested in commencing the program in 2017. The Province was willing to withdraw from being a signatory to the agreements and direct the funds to the Service to allow the provincial

funds to be shared among all of the participating school divisions. As a result, the City entered into bilateral agreements with the participating school divisions. The Province's funding of $552,000 continued and has remained in place to date.

The stipulation that officers assigned to the SRO Program must be over complement is problematic due to the timing of recruit classes and retirements. More importantly, decisions impacting the day-to-day operations of the Service fall within the legislative authority of the Chief of Police. While the Chief is accountable to the Police Board in carrying out this responsibility, subsection 28(4) of *The Police Services Act* prohibits the Police Board from giving orders or directions on specific operational decisions or day-to-day operations. Restricting the assignment of complement positions is contrary to the Act.

At its September 30, 2020, meeting, Council acknowledged that criteria 2.A. is frustrated as a result of the change in provincial funding and criteria 2.C. is an operational decision within the purview of the Chief of Police.

With the change to bilateral agreements and the equal sharing of the province's contribution to the SRO Program, the Service recommends revising criteria 2.B., which stipulates the following:

> *B. the financial contribution of The City of Winnipeg pursuant to any such renewal or expansion shall be limited to the same level of in-kind support as provided under the existing agreement for the North End School Resource Officer Program between The City of Winnipeg, the Province of Manitoba and the Winnipeg School Division for the period from September 1, 2005 to June 30, 2008;*

Under the current SRO Agreements, the school divisions, coupled with the funding from the Province, contribute to the salaries. This funding is reflected as revenue in the Service's budget and is offset by expenses in the salary line.

The Service invoices for the SRO constables at the 4th Class level but the majority of the constables assigned are more experienced officers at the 9th Class level or higher. The difference in the salary is the City's in-kind contribution. Additional in-kind contributions include cruiser cars, gas, insurance, uniforms, supervision and training.

FINANCIAL IMPACT

Financial Impact Statement Date: February 28, 2023

Project Name: Amendments to the School Resource Officer Protocol - Delegation of Authority

COMMENTS:

There is no budgetary impact to the City of Winnipeg with respect to the recommendations outlined within this report.

original signed by K.Kreitz
Kerri Kreitz CPA, CGA
Assistant Director Finance
Winnipeg Police Service

CONSULTATION

This Report has been prepared in consultation with:

Legal Services

OURWINNIPEG POLICY ALIGNMENT

Goal: Good Health and Well-being

Policy 4.6 Community Safety: Facilitate a culture of safety and crime prevention across the City and community by building trusting relationships to enable collaborative action.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Goal 4: Community Well-Being Supports for those in Greatest Need are Increased
10-YEAR OBJECTIVES

B. Front-line City employees have the knowledge, skills and resources to help connect residents to needed supports.

C. Strategic partnerships to connect people with needed supports are developed.

SUBMITTED BY

Department: Winnipeg Police Service
Division: Executive
Prepared by: Kim Nicholson, Executive Director of Strategic Affairs
Date: February 28, 2023
File No:

Attachments: Schedule A - School Resource Officer Protocol

Schedule A
School Resource Officer Protocol

1. That any civic employees, City Councillors and Winnipeg Police Board members or employees receiving requests for renewal or expansion of the School Resource Officer ("SRO") Program shall direct such requests to the Chief of Police for review and recommendation in accordance with this protocol.

2. That the Chief of Police may recommend renewal or expansion of the SRO Program in accordance with his or her responsibility for officer deployment provided that:

   A. any proposal for renewal or expansion shall contain a minimum three-year funding commitment by the appropriate school division;

   B. the financial contribution of the Province of Manitoba to any such renewal or expansion shall be shared equally among participating school divisions based on the number of SROs assigned to the school divisions at the commencement of each three-year interval;

   C. the financial contribution of The City of Winnipeg to any such renewal or expansion shall be limited to the same level of in-kind support as provided under the bilateral agreements between The City of Winnipeg and the participating school divisions for the period from September 1, 2017, to June 30, 2020; and

   D. the relevant school division shall provide a priority placement plan for each School Resource Officer for the Chief of Police's consideration.

3. That any agreement for renewal or expansion of the SRO Program which does not meet the above criteria must be approved by City Council in order for such renewal or expansion to proceed.