Minutes – Executive Policy Committee – June 17, 2025

REPORTS

Item No. 13 Delegation of Authority to the Chief of Police

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Police Board, as amended, and recommended to Council:

1. That authority be delegated to the Chief of Police to negotiate and approve the terms and conditions of documents involving the Winnipeg Police Service (WPS), in accordance with terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City, and in accordance with the following terms and conditions:

    A. The subject matter of the document is consistent with the annual budget recommended by the Winnipeg Police Board and approved by Council, or aligns with strategic direction of the Winnipeg Police Board, or is incidental to the legislative responsibilities of the Chief of Police.

    B. The document relates to the operation of the WPS including, but not limited to, the following:

        i. the provision of education or training for or delivered by the WPS;

        ii. joint operations with other law enforcement agencies;

        iii. secondments or interchanges with other municipal, provincial or federal governments or law enforcement agencies;

        iv. information sharing with other law enforcement and government agencies;

        v. other matters relating to enforcement, police services and intelligence operations with other law enforcement and government agencies; and

        vi. non-disclosure and confidentiality agreements.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

2. That, in order to assist in discharging the day to day administrative and operational responsibilities, the Chief of Police be authorized to subdelegate the authority in Recommendation 1 to a member of the WPS as the Chief of Police deems appropriate.

3. Subject to the approval of Recommendations 1 and 2, that a by-law to amend the Execution of Documents By-law No. 78/2015, a draft of which is attached as Appendix A, be enacted to allow the Chief of Police to execute the above-noted documents.

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

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Carried

The Chairperson called Councillor Lukes to the Chair in order to move the following motion:

Moved by His Worship Mayor Gillingham,

That the recommendation of the Winnipeg Police Board be concurred in, with the following amendment:

- Delete Recommendation 1.B.i and renumber the remaining subclauses accordingly

and forwarded to Council.

Carried

His Worship Mayor Gillingham resumed the Chair.

WINNIPEG POLICE BOARD RECOMMENDATION:

On June 13, 2025, the Winnipeg Police Board concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to Council.:

ADMINISTRATIVE REPORT

Title: Delegation of Authority to the Chief of Police

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

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Nicholson	Chief G. Bowers		

EXECUTIVE SUMMARY

Pursuant to section 22 of Manitoba's *Police Services Act*, a chief of a municipal police service is responsible for the management, administration and operation of the police service, and the police chief is accountable to the police board for managing, administering and operating the police service in accordance with the priorities, objectives and policies established by the police board.

In addition, *The City of Winnipeg Charter* permits the delegation of powers, duties and functions to employees in such manner as Council determines is desirable for the effective and efficient delivery of services to its citizens.

In order to ensure the Chief of Police of the Winnipeg Police Service (WPS) has the requisite authority to carry out their legislative mandate and to support the efficient management, administration and operation of the WPS, this report recommends delegation of certain authorities to the Chief of Police, including the authority to enter into agreements, memorandums of understanding, letters of agreement, and contracts that relate to the management, administration and operation of the WPS.

RECOMMENDATIONS

1. That authority be delegated to the Chief of Police to negotiate and approve the terms and conditions of documents involving the Winnipeg Police Service (WPS), in accordance with terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City, and in accordance with the following terms and conditions:

    A. The subject matter of the document is consistent with the annual budget recommended by the Winnipeg Police Board and approved by Council, or aligns with strategic direction of the Winnipeg Police Board, or is incidental to the legislative responsibilities of the Chief of Police.

B. The document relates to the operation of the WPS including, but not limited to, the following:

i. the receipt of program or project specific funding with federal or provincial governments or agencies or any other entity, as well as documents required in support of funding applications or as a condition of receipt of funds, including reporting requirements;

ii. the provision of education or training for or delivered by the WPS;

iii. joint operations with other law enforcement agencies;

iv. secondments or interchanges with other municipal, provincial or federal governments or law enforcement agencies;

v. information sharing with other law enforcement and government agencies;

vi. other matters relating to enforcement, police services and intelligence operations with other law enforcement and government agencies; and

vii. non-disclosure and confidentiality agreements.

2. That, in order to assist in discharging the day to day administrative and operational responsibilities, the Chief of Police be authorized to subdelegate the authority in Recommendation 1 to a member of the WPS as the Chief of Police deems appropriate.

3. Subject to the approval of Recommendations 1 and 2, that a by-law to amend the *Execution of Documents By-law No. 78/2015*, a draft of which is attached as Appendix A, be enacted to allow the Chief of Police to execute the above-noted documents.

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

Only Council may delegate approval authority for the listed documents to the Chief of Police. Council must also approve and enact an amendment to the *Execution of Documents By-law No. 78/2015*.

IMPLICATIONS OF THE RECOMMENDATIONS

The proposed delegation of approval authority will allow for the Chief of Police to approve documents that pertain to the operation of the Winnipeg Police Service. The amendment to the *Execution of Documents By-law No. 78/2015* will allow the Chief of Police to execute the documents within their approval authority.

HISTORY/DISCUSSION

The Police Service Act (PSA) sets out the responsibilities of the Chief of Police, as well as their legislative accountability to the Board:

> ***Responsibilities of police chief***
> *22(1) The chief of a municipal police service is responsible for the following:*
>
> *(a) the enforcement of law, the prevention of crime and the preservation of the public peace in the municipality;*
>
> *(b) the management, administration and operation of the police service;*
>
> *(c) the maintenance of discipline in the police service;*
>
> *(d) ensuring that the police service meets all requirements imposed by this Act and that its police officers carry out their duties in accordance with this Act;*
>
> *(e) implementing policies established by the police board respecting the police service.*
>
> ***Police chief accountable to police board***
> *22(2) The police chief is accountable to the police board for*
>
> *(a) carrying out the responsibilities set out in subsection (1); and*
>
> *(b) managing, administering and operating the police service in accordance with the priorities, objectives and policies established by the police board under subsection 28(1).*

The Board, however, has no role in specific operational decisions or the day-to-day operation of the police service (PSA s. 28(4)). The PSA also defines Council's role related to policing in the municipality, notably its responsibility as the employer (PSA Division 3) and for establishing the total budget of the police service (PSA s. 29(3)).

Except in limited circumstances, pursuant to the *City Organization By-law No. 7100/97*, Council must authorize all agreements related to the Winnipeg Police Service (WPS), including operational agreements. This has caused some concern given the limited role of Council *vis a vis The Police Services Act* and the perception that Council's involvement may be construed as influencing or interfering in operational decisions.

Delegated authority to the Chief of Police to approve and enter into documents, including, but not limited to, agreements, memorandums of understanding, letters of agreement, and contracts, that relate to the management, administration and operation of the WPS is consistent with the intent of *The Police Services Act.*

This report recommends delegation of authority to the Chief of Police to negotiate and approve the terms and conditions of WPS-specific documents, in accordance with the following terms and conditions:

1. The subject matter of the document is consistent with the annual budget recommended by the Winnipeg Police Board and approved by Council, or aligns with strategic direction of the Winnipeg Police Board, or is incidental to the legislative responsibilities of the Chief of Police.

2. The document relates to the operation of the police service including, but not limited to, the following:

    a) for the receipt of program or project specific funding with federal or provincial governments or agencies or any other entity, as well as documents required in support of funding applications or as a condition of receipt of funds, including reporting requirements;

    b) the provision of education or training for or delivered by the Winnipeg Police Service;

    c) joint operation agreements with other law enforcement agencies;

    d) secondment or interchange agreements with other municipal, provincial or federal governments or law enforcement agencies;

    e) information sharing agreements with other law enforcement and government agencies;

    f) other matters relating to law enforcement, police services and intelligence operations with other law enforcement and government agencies; and

    g) non-disclosure and confidentiality agreements.

Further, in order to assist in discharging the day to day administrative and operational responsibilities, it is recommended that the Chief of Police be authorized to subdelegate the authority in Recommendation 1 to a member of the WPS as the Chief of Police deems appropriate.

This report also recommends that the *Execution of Documents By-law No. 78/2015* be amended as outlined in Appendix A to authorize the Chief of Police to enter into, execute and deliver the above-noted documents.

On ///, 2025, the Winnipeg Police Board received this report from the WPS for review and consideration. On ///, 2025, through communication from the Executive Director and Secretary to the Board, the Winnipeg Police Board advised that it accepted this report, and indicated that the Winnipeg Police Service may proceed with the submission of this report.

FINANCIAL IMPACT

Financial Impact Statement **Date:** 03-Jun-25

Project Name:

Delegation of Authority - Chief of Police

COMMENTS:

There are no financial implications to this report.

Tara Holowka June 3, 2025
Tara Holowka CPA, CGA
Executive Director of Finance
Winnipeg Police Service

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services

OURWINNIPEG POLICY ALIGNMENT

N/A

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Climate Action Plan (CAP), and it was determined that the CAP is not applicable to this specific report.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS) and its Goals and Objectives, and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Winnipeg Police Service
Division: Executive
Prepared by: Kim Nicholson, Executive Director
Date: June 10, 2025
File No: N/A

Attachments: Appendix A - Draft By-law to amend the *Execution of Documents By-law No. 78/2015*