



Police Commission Policy

Companion Guide to Sample Policy Manual

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*Suggestions for changes to this Writing Guide
are welcomed and should be forwarded to:*

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Introduction

This guide is intended to assist commissions in creating policy appropriate to their mandate of oversight and governance of municipal police services. It represents the minimum standard of policy development for commissions within Alberta as determined by Alberta Solicitor General and Public Security in consultations with commissions and committees in the province and through an extensive review of existing policy manuals within Alberta and select documents across Canada.

Effective policies are essential to the commission in that they ensure that the organization runs smoothly by:

- providing a sound management structure;
- connecting members to the larger organization and its mission;
- formalizing important decisions that the police commission has already made;
- promoting standardization across commissions;
- increasing satisfaction, productiveness and retention of members; and
- minimizing litigation

Thank you to the agencies that provided both documentation and the analysis given to support this project. As well, Alberta Solicitor General and Public Security appreciates permission to use portions of the material provided in creating the companion guide and sample policy manual.

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| ▪ Edmonton Police Commission | ▪ Camrose Police Commission |
| ▪ Calgary Police Commission | ▪ Lethbridge Regional Police Commission |
| ▪ Canadian Association of Police Boards | ▪ Medicine Hat Police Commission |
| ▪ Canadian Association of Chiefs of Police | ▪ Tsuu T'ina Nation Police Commission |

Overview

Police commissions across the province are mandated by the same *Police Act* and yet no two policy manuals were identical in content. While there were core similarities, each reflected the differences in the concerns and nature of the community and police service represented. For example, Calgary and Edmonton have very different policy manuals but their core content is similar:

[Calgary Police Commission Policy Manual](#)

[Edmonton Police Commission Policy Manual](#)

Following a review of existing provincial police commission policy manuals and consideration of policy existing elsewhere in Canada, Alberta Solicitor General and Public Security has identified some consistent policy areas that need be included in a policy manual for the effective functioning of a police commission. The objective of this guide is to assist commissions by identifying those areas in which policy should be developed and providing suggestions for the content and wording of the policy.

If your commission already has a policy manual, this guide can form the basis of a review of policy to ensure that it meets the minimum guidelines provided.

If your commission is in need of a policy manual, this guide provides a table of contents and model for the development of policy. It also contains internet hyperlinks to online examples of existing content that may assist in the development process.

Organization of this Guide

The model manual is organized into three separate sections.

1. Section 1: Framework
2. Section 2: Policies for the Commission
3. Section 3: Policies for the Governance and Oversight of the Police Service.

The *Sample Police Commission Policy Manual* is intended to be reviewed simultaneously with this *Companion Guide*.

Section 1: Framework

In general, the Framework outlines the scope and purpose of both the policy manual and the police commission.

Section 1 of the sample policy manual includes:

- | | |
|---|-----------------------|
| 1.1 Intent | 1.3 Mission Statement |
| 1.2 Police Commission Legislative Obligations | 1.4 Vision Statement |
| | 1.5 Values |

1.1 Intent

This section begins with a brief statement of the purpose of the policy manual. It is recommended that a list of influencing legislation be included to emphasize that the operation of the police commission is not solely reliant on the *Police Act*. Members need to be aware of all legislation that impacts their duties.

This section also includes information regarding how to forward suggested amendments to, or questions about, the policy manual. It is a living document, intended to be regularly reviewed and updated as necessary.

1.2 Police Commission Legislative Obligations

Police commissions in Alberta are established in the *Police Act*. In the interest of brevity, only the applicable sections of the *Police Act* have been referenced. The bylaw referenced (Police Commission Bylaw 25M97) is fictitious and needs to be replaced by the municipality's actual bylaw.

If a bylaw for the commission does not currently exist, a template for one may be obtained from the Manager, Civilian Oversight of Policing (see contact information on the last page).

Police Act **Section 28(1-3)** directs council to establish a commission, prescribe the rules governing its operation and allows for the appointment of members. The process generally used to establish the commission is to, within a council meeting, move or resolve to form a commission. The resolution is then enacted by creating a corresponding bylaw. The bylaw must follow the specifications as outlined in the *Police Act* as well as the individual nature of the municipality. The commission policy manual further establishes the "rules" by which the commission operates.

1.3 Mission Statement

A mission statement is a description of an organization's fundamental purpose. It reflects the present scope of the organization, for its members and the public, by answering the question "Why do we exist?". The statement broadly describes an organization's present capabilities, client focus, activities and makeup. Mission statements vary in shape and form, but ideally are succinct and memorable. As the objective of the commission is governance and oversight of the police service, some commissions, with slight or no modification, have adopted the mission statement of their police service.

Below are examples (alphabetical) of mission statements describing law enforcement-oriented organizations within the Province:

Mission Statement of the Calgary Police Commission:

To provide independent civilian oversight and governance of the Calgary Police Service to ensure a safe community.

[The City of Calgary: Calgary Police Commission](#)

Mission Statement of the Edmonton Police Commission:

The Edmonton Police Commission is committed to leadership and partnership with diverse communities and organizations to ensure effective, responsive and innovative policing for Edmonton.

[Edmonton Police Commission](#)

Mission Statement of the Medicine Hat Police Commission:

The Medicine Hat Police Commission provides overall direction through support and guidance to the Chief of Police, ensuring a safe and secure community.

[Medicine Hat Police Service - Police Commission](#)

Mission Statement of Alberta Solicitor General and Public Security:

To work in partnership with Albertans to promote safe, secure communities through effective law enforcement, correctional and victim services and ensure integrity and accountability and social responsibility in Alberta's gaming and liquor industries.

[Alberta Solicitor General and Public Security](#)

1.4 Vision Statement

A vision statement is one in which an organization states the future it wishes to strive toward. It is a statement that should inspire the members but at the same time set the foundation for strategic planning. It allows the organization to monitor its progress toward its goal.

Again, some organizations embrace the vision statement of the police service for which they are responsible. However, a commission can create its own vision statement.

The following examples focus the thoughts and energies of the organization toward the future.

Vision Statement of the Canadian Association of Police Boards:

The Canadian Association of Police Boards is a strong, national voice for civilian governance of municipal police services.

[CAPB -Vision](#)

Canadian Police College Statement of Strategic Priority:

The CPC will become Canada's national police college by establishing partnerships from coast to coast and working cooperatively on training standards. This will serve to foster integrated policing.

[Strategic Priority CPC](#)

Vision of Alberta Solicitor General and Public Security

Albertans have safe and secure communities in which to live, work and raise their families.

[Alberta Solicitor General and Public Security](#)

1.5 Values

The values of an organization indicate how the organization carries out its mission. They reflect the core ideology of the organization and generally do not change over time. Concentrate on the values that the organization lives, breathes and reflects in its activities and not the ones that “ought” to be there. The values included in the manual are from the Medicine Hat Police Commission.

Medicine Hat Police Commission

Section 2: Policies for the Commission

The next two sections of the manual deal with taking the legislated responsibility of the commission and creating the rules that ensure this responsibility is accomplished. Sections 2 and 3 are presented outlining the recommended policy topics that Alberta Solicitor General and Public Security feels must be considered to ensure the consistent and effective functioning of a commission. This guide is a tool to start the discussion and assist in development of policy but changes/additions will need to be made to suit the individual needs of each commission. Personalize the policy to the commission, the community and police service.

Note: References to applicable portions of the *Police Act* have been noted to assist commission members in linking policy to the overarching legislation guiding their roles and responsibilities.

Section 2 includes the following policy areas:

- | | |
|--|---------------------------------------|
| 2.1 Selection and Appointment of Commission Members | 2.9 Role of Public Complaint Director |
| 2.2 Commission Responsibilities | 2.10 Commission Personnel |
| 2.3 Policy Review | 2.11 Formation of Committees |
| 2.4 Commission Member Conduct | 2.12 Legal and Professional Services |
| 2.5 Conflict of Interest | 2.13 Meetings |
| 2.6 Remuneration | 2.14 Communication |
| 2.7 Orientation of New Members | 2.15 Commission Annual Plan |
| 2.8 Roles and Responsibilities of Chair and Vice-Chair | 2.16 Complaints |

Section 2 of the sample policy manual begins with a statement focusing members on the purpose of the policies for the commission and re-introduces important legislative influences.

2.1 Selection and Appointment of Commission Members

The *Police Act* outlines the size and membership for a commission. This policy section specifies the final number of commission members and composition that have likely been set in the bylaw. For example, the *Police Act* states commission members must number between 3 and 12 members. A municipality might decide that six members are ideal for their community and with this decision, according to the *Act*, might include 2 council members or employees of the municipality. Again, tailoring to the nature of the community is encouraged. For instance, some municipalities have further specified that one member must represent the municipal district or neighboring reserve recognizing the impact that surrounding areas or communities have on policing in the municipality. Others specify representation from the community such as a person from a business association or community group.

The commission may recommend to council modification of the bylaw as the community grows and develops. Changes in the number of members or inclusion of special interest groups to reflect changing community demographics must continue to meet the specifications of the *Police Act*.

In statement (10) reference is made to council designating administrative support for the commission. This is a suggestion only and may not be possible for all organizations. It may be that a secretary need be designated from within the membership. If that is the case, additional policy or a job description for the position specifying the duties of the secretary should be considered.

Alternatively (and covered in Section **2.10** of the Writing Guide) personnel could be engaged by the commission for this role should funds be available.

The 10 policy statements included reflect key considerations for the commission. Note: not all of the statements apply to every commission. For example, **2.1(8)** refers to the payment of commission

members. Several commissions in the province operate with no financial support and would not include this statement or an Appendix.

2.2 Commission Responsibilities

The *Police Act* clearly outlines the responsibilities of the commission.

The final statement in **Section 2.2** clarifies the legal liability of the commission as per the *Police Act* for member's benefit.

2.3 Policy Review

This statement is included to emphasize that policy is not something to be set once and forgotten. It is recommended that all policy be reviewed annually. This timeline should be used for the review of police service policy which is also the responsibility of the commission.

2.4 Commission Member Conduct

Council has processes in place to appoint professional and responsible commission members. However, setting ground rules to clarify expected behavior and attitude is a widely established practice. The setting of consequences eases the decisions that need to be made by the executive if negative situations arise.

[Edmonton Police Commission Code of Conduct](#)

2.5 Conflict of Interest

This section of policy clarifies for members what a conflict of interest could entail. There is legislation that may also deal with the concept, for example the *Municipal Government Act*, but clearly stating expected behaviors and definitions enables the topic to be dealt with effectively, efficiently and transparently. This section needs to detail how the group chooses to deal with conflict of interest.

The following are 7 categories of potential conflict of interest situations from Ken Kernaghan and John Langford in their book, *The Responsible Public Servant*:

[1] Self-dealing. For example, you work for government and use your official position to secure a contract for a private consulting company you own. Another instance is using your government position to get a summer job for your daughter.

[2] Accepting benefits. Bribery is one example; substantial [non token] gifts are another. For example, you are the purchasing agent for your department and you accept a case of liquor from a major supplier.

[3] Influence peddling. Here, the professional solicits benefits in exchange for using her influence to unfairly advance the interests of a particular party.

[4] Using your employer's property for private advantage. This could be as blatant as stealing office supplies for home use. Or it might be a bit more subtle, say, using software which is licensed to your employer for private consulting work of your own. In the first case, the employer's permission eliminates the conflict; while in the second, it doesn't.

[5] Using confidential information. While working for a private client, you learn that the client is planning to buy land in your region. You quickly rush out and buy the land in your wife's name.

[6] Outside employment or moonlighting. An example would be setting up a business on the side that is in direct competition with your employer. Another case would be taking

on so many outside clients that you don't have the time and energy to devote to your regular employer. In combination with [3] influence peddling, it might be that a professional employed in the public service sells private consulting services to an individual with the assurance that they will secure benefits from government: "If you use my company, I am sure that you will pass the environmental review."

[7] Post-employment. Here a dicey situation can be one in which a person who resigns from public or private employment and goes into business in the same area. For example, a former public servant sets up a practice lobbying the former department in which she was employed.

McDonald, M. (2007). Ethics and Conflict of Interest. Retrieved October 20, 2008 from <http://www.ethics.ubc.ca/people/mcdonald/conflict.htm>

2.6 Remuneration

Policy manuals must clearly identify how and to what extent members are reimbursed for their expenses. As mentioned previously, not all members receive honoraria, but all will likely have other expenses reimbursed. Travel expenses etc. are often dealt with using municipal policies. Clearly stating this clarifies expectations for members.

2.7 Orientation of New Members

To improve the experience for new members and enhance their retention, it is essential that each commission have an orientation program for new members. This orientation can include Alberta Solicitor General and Public Security *Roles and Responsibilities of Commission and Committee Members* (Fall 2008) but it is important that each commission aid new members informally as well.

This section lists several pieces of legislation that must be provided to all members. They need not be memorized, but in order to be effective in their positions, all members need a working understanding of the documents. Listed is a variety of informal learning opportunities that the chair or designate may review with new members upon joining the organization.

The final section is ongoing development, both formal and informal to be considered for all commission members. Alberta Solicitor General and Public Security is committed to working with governance/oversight organizations to continue developing targeted training for members.

2.8 Roles and Responsibilities of Chair and Vice-Chair

The *Police Act* makes reference to three (3) executive positions in relation to a commission.

- chair
- vice-chair
- public complaint director

Policy is included here to reinforce the fact that these positions must be represented on the commission. The commission may designate other executive positions as deemed necessary such as secretary or treasurer.

Note: The *Police Act* (**Section 28(11)**) indicates that neither a member of council nor an employee of the municipality may be chair or vice-chair.

The revocation of membership on the police commission is often of concern for members of council. Clarification of "cause" is suggested in various sections of this policy including attendance, disclosure of sensitive materials. This section of the policy further details how more serious incidents or breaches should be dealt with by the chair of the commission for eventual recommendation to mayor and council.

It is strongly recommended that a job description be included for each position (commission and staff) and can be attached as an Appendix to the Policy Manual. This not only clarifies the position for future consideration of the position by members, it also limits the scope of the position and thus defines the expectations for the position.

The policy statements in the sample manual are brief, expecting more detail in the job descriptions of the chair and vice-chair.

2.9 Role of Public Complaint Director

The public complaint director (PCD) is a mandatory position of the commission. The duties of the position as outlined in the *Police Act* are summarized here. It is recommended that the written recording of complaints is via a standardized form approved by the Provincial Public Complaint Director (PPCD). The frequency of reporting is at the discretion of the commission, but is usually at every meeting of the commission (monthly).

2.10 Commission Personnel

As noted in this section, the commission may hire staff and in doing so is subject to all influencing legislation particularly those listed here. Key to the policy is the commitment to detailing the duties of each job and providing an evaluation of each staff member on a yearly basis. The evaluation often falls to the chair with input from the commission. It is good practice to clarify that staff do not vote on commission decisions.

2.11 Formation of Committees

For larger organizations, the standard practice is for an organization to have a Financial Standing Committee (of which the treasurer is chair) and a Governance Standing Committee. For many, other special projects, temporary or ad hoc committees may be formed. Included in the sample manual are some basic guidelines for the way in which the committees function. Key is that committees provide options for the commission to consider and not decisions. The committee does not speak for the commission unless formally deemed appropriate by the commission. Regular reporting of the committee to the commission is essential. For each, more specific terms of reference are required to clearly set the scope of work being done. *Freedom of Information and Protection of Privacy* legislation, dealt with in policy manual section 2.13(13), must be considered for committee agenda and minutes.

2.12 Legal and Professional Services

The inclusion of this policy section provides guidance on seeking legal and professional services. Some commissions have hired in-house legal counsel. Should this position also be responsible for monitoring of the complaint process, care must be taken to prevent any conflict of interest.

2.13 Meetings

Many organizations have similar questions regarding the frequency, recording, and running of meetings thus the provision of the basic information covered here. Some commissions have included details regarding meetings as appendix type information rather than as a section of the policy manual. Key to commission policy is the inclusion of:

- behavioral expectations and corresponding consequences;
- contribution to and distribution of the agenda;
- provision of and requirement to review all supporting documentation;
- dealing with delegations;
- audience requests to speak (should they be considered outside of delegations);
- transitory records; and
- storage of agenda and minutes.

All organizations must decide quorum and clearly state who is eligible to vote. As guests of the commission at meetings, the Chief or any of his staff, or staff of the commission, are not eligible to vote.

In general, the chair, unless designated otherwise in by-law or policy, cannot vote (unless the vote is anonymous i.e. by ballot). The exception is if voting has resulted in a tie. At that time, the chair is encouraged to vote in such a way that nothing changes within the organization or to “maintain the status quo”.

All commissions in the province are public bodies and as such are subject to the *Freedom of Information and Protection of Privacy* legislation (FOIP). Consultation with FOIP in Alberta Solicitor General and Public Security indicates that the city appointed coordinators can act on behalf of the commission but that this must be identified in writing. For new organizations, it is recommended noting the position responsible for FOIP within the bylaw. Larger commissions may need to appoint a coordinator for the commission as do Edmonton and Calgary for example.

Details for the order of business and recording of minutes are offered to promote standardization of such records and to assist in guiding the approach to business by commissions. Some commissions have included details regarding meetings as appendix type information rather than as a section of the policy manual.

2.14 Communication

Commissions are to represent themselves with one voice to the council, police service and public. It is important that the commission detail how communication is to take place to outside organizations. In this sample, the chair has been designated as the authority given his position. However, some commissions employ a professional communications advisor to represent the commission in dealings with the media. Others have arranged to utilize the municipality’s or police service’s communications resources.

2.15 Commission Annual Plan

Commissions are responsible for assisting in the development of a business plan for the police service (Section 3.4 of this policy manual) but should have a similar plan outlining their own activities and aspirations for the year created with consultation from stakeholders. This section also outlines (if not already identified in the bylaw) the frequency of reporting to council on its activities. Here it is suggested that reports go forward quarterly.

As a public body, the commission is responsible to the public and should report to the public annually on the achievements of the commission.

2.16 Complaints

This section has been included to clarify the role of the commission (as designated where appropriate to the public complaint director (PCD)) with regard to complaints. Complaints rely on several sections of the *Police Act* as well as the *Police Service Regulations* and this section attempts to outline the process and applicable legislation to assist members in understanding the commission’s role in the taking of public complaints.

Note: Policy manual Section 2.16(1) (f) of the policy sample manual deals with requests for extensions. These are usually brought to the commission via the Professional Standards Section of the police service and are critical in ensuring that misconduct investigations continue to conclusion. The commission must carefully monitor the frequency and duration of requests for extension.

Section 3: Policies for the Governance and Oversight of the Police Service

Section 3 outlines the recommended policy topics that Alberta Solicitor General and Public Security feels must be considered to ensure the consistent and effective functioning of a commission. This portion of the sample manual concentrates on and provides the key policies that guide interaction between the commission and the chief (and thus police service).

While the commission is responsible for all policy for the police service, the commission relies heavily on the expertise of the police service to provide that policy and it generally remains on file with the police service. It is referred to, but not included in this sample manual.

Section 3 includes the following policy areas:

- | | |
|--------------------------------------|-----------------------------|
| 3.1 Approach to Policing | 3.4 Personnel |
| 3.2 Management of the Police Service | 3.5 Financial |
| 3.3 Jurisdiction | 3.6 Police Service Policies |

3.1 Approach to Policing in

This section identifies the overall approach to policing that the commission thinks best suits the municipality.

3.2 Management of the Police Service

The chief of police is clearly identified as having the authority (as delegated by the commission) to manage the police service. Note that the commission retains ownership of policies and oversight of the chief.

3.3 Jurisdiction

The consent of the police commission must be obtained (preferably in writing and duly noted in commission minutes) if police officers are to work outside of their restricted territorial jurisdiction as determined by the commission. This becomes important in the event that the service is called to investigate an incident or situation on behalf of another organization. It is also very important in the establishment of multi-jurisdictional joint force operations (JFOs) where several police organizations from different parts of the province must work together in each others' territory.

3.4 Personnel

The commission interacts with the chief or his staff as delegated. Except for a few very specific situations, the commission entrusts personnel issues to the police service for management as per the commission approved policies.

3.5 Financial

The sample policy manual gives what seems to be the standard in the province, that the municipal council retains authority for collective bargaining. However, **Section 4** of the *Police Officers Collective Bargain Act* indicates that the commission may be authorized to bargain on behalf of the municipality.

Key to this section is inclusion of expectations regarding the policing plan and budget for the police service. Included are some details outlining some of the parameters that must be considered. This type of detail may best be obtained from a financial expert.

The chief of police must report to the commission regarding the budget. This section is an example of the frequency and content of such a report. Setting limits for expenditures based on the size of police service

ensures that the commission becomes aware of possible budget shortfalls or excesses long before the final accounting required at the end of the year.

3.6 Police Service Policies

The initiative by Alberta Solicitor General and Public Security to standardize the delivery of police services across the Province provides an excellent tool with which commission members can review the policy for their police service. The ***Provincial Policing Standards Manual*** outlines the policy requirements (minimal) needed by a police service. While teams from Alberta Solicitor General and Public Security audit police services regularly, it is suggested that commission members use the standards as a guide for their own monitoring, evaluating, and modifying of policy in consultation with the police service. Ultimately, members are responsible for ensuring that the police service has policy in place to ensure the effective operation of the service and mitigate risk to the service and the public.

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