

2018 Police Services Act – Key Sections

50 (9) Budget dispute arbitration – decision criteria

If the municipal council demonstrates that the municipal board could reasonably have entered into an agreement under section 14 to have policing functions provided in a manner that meets the applicable standards for adequate and effective policing and at a lower cost than is set out in the estimates, the arbitrator shall not find that the budget is insufficient to the extent of the amount that could have been saved by entering into the agreement.

We want the arbitrator to also consider the board’s strategic plan for policing the community.

171(2) Collective Bargaining

Legal counsel and advisors to the bargaining committee and to the police service board may participate in or conduct the bargaining sessions.

This means that board members no longer have to be present in bargaining, a very important advancement for us that we do not want to lose.

37-42 Police Board Duties, Powers & Restrictions – we want this wording, because it clarifies board authority and limits.

POLICE SERVICE BOARD DUTIES AND POWERS

Police service board duties

37 (1) A police service board shall,

- (a) provide adequate and effective policing in the area for which it has policing responsibility as required by section 10;
- (b) employ members of the police service;
- (c) appoint members of the police service as police officers;
- (d) recruit and appoint the chief of police and any deputy chief of police and determine their remuneration and working conditions, taking their submissions into account;
- (e) prepare and adopt a diversity plan to ensure that the members of the police service reflect the diversity of the area for which the board has policing responsibility;
- (f) monitor the chief of police’s performance;
- (g) conduct a review of the chief of police’s performance at least annually in accordance with the regulations, if any;
- (h) monitor the chief of police’s decisions regarding the restrictions on secondary activities set out in section 120 and review the reports from the chief of police on those decisions;
- (i) monitor the chief of police’s handling of discipline within the police service;

- (j) ensure that any police facilities, including police lock-ups, owned by the board comply with the prescribed standards, if any; and
- (k) perform such other duties as are assigned to it by or under this or any other Act, including any prescribed duties.

Transition

(2) Any police force maintained by a board that was in existence under the *Police Services Act* immediately before that Act was repealed continues as a police service maintained by a police service board under this Act, and any member of the police force at that time, including the chief of police and any deputy chief of police, continues to be a member of the police service under this Act.

Police service board policies

38 (1) A police service board shall establish policies respecting,

- (a) the administration of the police service;
- (b) the provision of adequate and effective policing in accordance with the needs of the population of the area for which it has policing responsibility;
- (c) disclosure by the chief of police of personal information about individuals;
- (d) disclosure of secondary activities under section 120 and decisions under that section;
- (e) the handling of discipline within the police service;
- (f) subject to subsection (4), the indemnification of members of the police service for legal costs; and
- (g) any other prescribed matters.

Other policies

(2) In addition to the policies required by subsection (1), a police service board may establish policies respecting any other matters related to the police service or the provision of policing.

Consultations and considerations

(3) A First Nation board that has policing responsibility for a First Nation reserve shall,

- (a) consult a person identified by the band council regarding the cultural traditions of the First Nation before establishing a policy under clause (1) (b); and
- (b) consider the cultural traditions of the First Nation while establishing the policy.

Indemnification policy

(4) The police service board is not required to establish a policy described in clause (1) (f) if it is required to indemnify members of the police service in accordance with an agreement under Part X.

No policies for certain matters

(5) The police service board shall not make policies with respect to specific investigations, the conduct of specific operations, the management or discipline of specific police officers or other prescribed matters.

Other limitations on policies

(6) The police service board shall not make policies that would require a member of the police service to do something that is inconsistent with his or her duties under this Act or the regulations.

Publication

(7) The police service board shall publish the policies referred to in subsections (1) and (2) in accordance with the regulations.

Strategic plan

39 (1) The police service board shall, in accordance with the regulations, if any, prepare and adopt a strategic plan for the provision of policing, which shall address at least the following matters:

1. How the police service board will ensure the provision of adequate and effective policing in accordance with the needs of the population of the area.
2. The objectives, priorities and core functions of the police service.
3. Quantitative and qualitative performance objectives and indicators of outcomes relating to,
 - i. the provision of community-based crime prevention initiatives, community patrol and criminal investigation services,
 - ii. community satisfaction with the policing provided,
 - iii. emergency calls for service,
 - iv. violent crime and clearance rates for violent crime,
 - v. property crime and clearance rates for property crime,
 - vi. youth crime and clearance rates for youth crime,
 - vii. police assistance to victims of crime and re-victimization rates,
 - viii. interactions with persons described in paragraphs 4 and 5 of this subsection,
 - ix. road safety, and
 - x. any other prescribed matters.
4. Interactions with,
 - i. youths,
 - ii. members of racialized groups, and
 - iii. members of First Nation, Inuit and Métis communities.
5. Interactions with persons who appear to have a mental health condition.
6. Information technology.
7. Resource planning.
8. Police facilities.
9. Any other prescribed matters.

Same

(2) The strategic plan must also provide an overview of the consultations that were conducted under subsection (3) and state whether and, if applicable, how the needs and concerns regarding policing identified during the consultations have been addressed by the plan.

Consultations

- (3) In preparing or revising the strategic plan, the police service board shall consult with,
- (a) the chief of police;
 - (b) the municipal council of any municipalities in the board's area of policing responsibility;
 - (c) the band councils of any First Nations in the board's area of policing responsibility;
 - (d) groups representing diverse communities in the board's area of policing responsibility;
 - (e) school boards, community organizations, businesses and members of the public in the board's area of policing responsibility; and
 - (f) any other prescribed persons, organizations or groups.

Considerations

- (4) In preparing or revising the strategic plan, the police service board shall consider, at a minimum,
- (a) the results of the consultations conducted under subsection (3);
 - (b) any community safety and well-being plans adopted by the municipalities or First Nations that are in the board's area of policing responsibility; and
 - (c) the needs of members of diverse communities in the board's area of policing responsibility, including the needs of members of racialized groups and of First Nation, Inuit and Métis communities.

Review and revision

- (5) The police service board shall review and, if appropriate, revise the strategic plan in accordance with the regulations, if any, at least once every four years.

Publication

- (6) The police service board shall publish the strategic plan in accordance with the regulations.

Police service board directions

40 (1) The police service board may give directions to the chief of police.

No direction to other members of the police service

- (2) For greater certainty, the police service board shall not direct members of the police service other than the chief of police.

No direction by individual members of the board

- (3) No individual member of a police service board shall direct the chief of police or, for greater certainty, any other member of the police service.

No directions for certain matters

(4) The police service board shall not direct the chief of police with respect to specific investigations, the conduct of specific operations, the discipline of specific police officers, the routine administration of the police service or other prescribed matters.

Other information serves purpose

(5) The police service board shall not direct the chief of police to provide personal information to the board under subsection (1) if other information will serve the purpose for which the information is to be used.

Personal information limited to what is reasonably necessary

(6) The police service board shall not direct the chief of police to provide more personal information to the board under subsection (1) than is reasonably necessary to meet the purpose for which the information is to be used.

Other limitations on directions

(7) The police service board shall not direct the chief of police to do anything that would,

- (a) contravene this Act or the regulations, or any other Act or regulation; or
- (b) require a member of the police service to do something that is inconsistent with his or her duties under this Act or the regulations.

Chief of police may decline

(8) A chief of police may decline to provide information pursuant to a direction from the police service board if authorized to do so by the regulations.

Publication

(9) The police service board shall publish any directions given to the chief of police under subsection (1) in accordance with the regulations.