



Corporation of the City of
NEW WESTMINSTER

A vibrant, compassionate, sustainable city that includes everyone.

SPECIAL REGULAR MEETING OF CITY COUNCIL

JOINT MEETING WITH NEW WESTMINSTER POLICE DEPARTMENT

Notice is hereby given of the following Special Regular Meeting of Council:

November 26, 2020 at 1:00 p.m.

Meeting held electronically under Ministerial Order No. M192

AGENDA

Call to order.

REPORTS FOR ACTION

1. [Roles and Responsibilities of Police Boards, Chief Constable, New Westminster Police Department](#)

ADJOURNMENT



New Westminster Police Department

1.

REPORT

To: Mayor Coté and Members of the New Westminster Police Board and New Westminster City Council

Date: November 26th, 2020

From: Deputy Chief Constable Paul Hyland

Item #:

Subject: Roles and Responsibilities of Police Boards

RECOMMENDATION

That the New Westminster Police Board and City Council accept this report for information.

PURPOSE

The purpose of this report is to provide the New Westminster Police Board (NWPB) and City Council (Council) with some relevant information regarding the roles, responsibilities and governance models of police boards in the Province of British Columbia.

DISCUSSION

Policing in British Columbia

Police officers occupy positions of power and trust and come into contact with citizens in all walks of life and in many different circumstances. The nature of these contacts often poses significant challenges and consequences for both the police officers and citizens involved. A delicate balance always needs to be struck between the independence and discretion that police officers have and the need for them to be held accountable for the way in which they exercise those powers. Police agencies need to secure the co-operation and approval of the public by demonstrating impartial service to the law, treating members of the public with respect and using force only when, and to the degree, necessary.

The legal framework in which policing services are provided in British Columbia comes from the *Constitution Act, 1867*, which outlines the distribution of powers and the authority of Parliament and the provincial legislatures. While the Federal Government has exclusive jurisdiction over criminal law and procedures, the provinces have jurisdiction over the creation of civil and criminal courts and in the administration of civil and criminal justice, which includes the responsibility for provincial and municipal policing.

Policing in British Columbia falls under the authority of Police Services, a division of the Ministry of Public Safety and Solicitor General. The Director of Police Services is assigned broad powers under the *Police Act*, including policing standards, training and involvement in the selection, oversight and training of municipal police board members.

Municipalities in BC with populations over 5,000 must provide their own policing services in one of three ways:

1. Forming their own municipal police department
2. Contracting with an existing municipal police department
3. Contracting with the provincial government to utilize RCMP

Currently there are 13 municipalities who have police boards including Abbotsford, Central Saanich, Delta, Nelson, New Westminster, Oak Bay, Port Moody, Saanich, Surrey, Vancouver, Victoria-Esquamalt and West Vancouver.

Police Board Governance and Composition

Police agencies that are well trained, understand the needs of the community and behave in a transparent, ethical and compassionate manner, contribute greatly to a free and democratic society. Police boards provide general direction to their department in accordance with relevant legislation and in response to community needs while also ensuring the interaction between the police and the community is fair and responsive.

In British Columbia, police boards are mandated by the *BC Police Act, 1996* to provide civilian oversight. This Act was amended in 1998 by the *Police Amendment Act, 1997*, and in 2009 by the *Police Amendment Act, 2009*. Municipal police boards are created independently from municipal councils and the provincial government to remove potential political influence while recognizing that both municipalities and the Province still have legitimate interests in municipal policing.

Police boards establish the overall objectives and priorities for the provision of policing services to their community in consultation with the Chief Constable, taking into account the policing priorities, goals and objectives set by the Province and the priorities, goals and objectives of the municipal council. Police board governance functions can be broken down into four categories:

1. Employer of all sworn and civilian members of the department;
2. Budgeting and financial oversight for the department;

3. Establishing policies that set the direction for the department (Strategic Planning, governance and policy development); and
4. Act as the authority for policy and service complaints, with the Chair being responsible for discipline matters related to the Chief Constable and Deputy

The *Police Act* mandates that a municipal police board consist of the mayor of the community (designated as chair), one member appointed by the municipal council and not more than seven members appointed by the Province. Police board members are appointed to various terms however they cannot hold the office for more than six consecutive years. The members of the New Westminster Police Board are not paid though they may have some expenses covered while performing board duties.

Police Department Operations

The relationship between the municipal police board and the Chief Constable is similar to that of a board of directors of a company in relation to the Chief Executive Officer. The board's role is to set general policies, to establish a vision regarding how and what policing services are provided in the municipality and to be ultimately accountable to the community for the provision of police services. The Chief Constable's role is to manage the department on a daily basis to ensure that the board's vision and direction are put into action and to bring high-level policy issues to the attention of the board.

The Chief Constable operates under the direction of the municipal police board and is responsible for the general supervision and command of the municipal police department on a day-to-day basis. In addition, the Chief Constable is responsible for the overseeing the operations of a municipal police department and ensuring that this is being done in accordance with the objectives, priorities and policies that the police board has established. Municipal police boards do not direct a Chief Constable with respect to operational decisions or with respect to day to day operations of the department.

Budgeting and Financial Management

The budgeting process should be approached in a manner in which the police board takes into account the financial realities and the needs of the community. The police board must submit its "provisional budget" (operating and capital expenditures) to the municipal council prior to November 30th of each year. This budget estimates what finances are required for the coming year to ensure adequate policing in the municipality.

The *Police Act* provides that a municipal council must include this provisional police budget in its municipal budget, unless it disagrees with specific budget items. In such cases where this cannot be resolved at the council-police board level, the Director of Police Services can arbitrate at the request of either party.

RECOMMENDATIONS

1. *That the New Westminster Police Board and City Council accept this report for information*

This report has been prepared by:



Deputy Chief Constable Paul Hyland