



POLICING IN ALBERTA

*Prepared by: Alberta Urban
Municipalities Association*

*Adopted by the AUMA Convention:
November 5, 2009*



BACKGROUND INFORMATION

In response to concerns expressed by members of the Alberta Urban Municipalities Association (AUMA), the AUMA Board of Directors established a Policing Task Force to provide advice and assistance in drafting this policy paper. The Task Force consisted of elected and appointed officials from AUMA member municipalities and representatives of police commissions, policing committees, municipal police services, the RCMP and Alberta Solicitor General and Public Security.

As directed by the AUMA Board, the Task Force consulted with AUMA members through a workshop and survey at the 2008 AUMA Convention and a subsequent survey distributed to all AUMA members. This policy paper reflects the 43 responses to the member survey.

The policy paper addresses the three major areas which the AUMA Board requested the Task Force to consider: Civilian Oversight, the Continuum of Policing, and Funding Policing Services. A final section deals with other issues identified by AUMA members in the surveys.

TYPES OF POLICING ARRANGEMENTS IN ALBERTA

The *Police Act* (Alberta) provides for a municipality to receive policing services by:

- contracting with the federal or provincial government or another municipality for the provision of policing services;
- establishing a stand-alone municipal police service; or
- establishing a regional police service with other municipalities, which may include the province.

Under provincial legislation, urban municipalities of 5,000 population or greater must exercise one of the options described above. Urban municipalities under 5,000 population and all rural municipalities regardless of population receive policing services from the RCMP under the provincial policing contract between Alberta and the federal government. Some of these have contracted for enhanced policing to deal with special situations or have either by themselves or in cooperation with other municipalities retained Peace Officers to provide an additional police-like presence in their communities.

With respect to First Nations police services, the Alberta *Police Act* allows the Minister to exempt any area from all or any provision of the Act and make other arrangements for policing. For First Nations police, the Minister exempts the reserve from the Act and enters into a tripartite agreement that creates a police commission and police service. The police officers are appointed by the Minister.

CIVILIAN OVERSIGHT

Pursuant to the *Police Act*, a municipality which has established a municipal police service **must** establish a Police Commission (Section 28). A municipality which has a contract for the RCMP to provide municipal policing **may** establish a Policing Committee (Section 23). The third form of interface between police and communities, RCMP Community Advisory Committees, are **not** civilian oversight bodies and are covered later in this paper.

Both Police Commissions and Police Committees

- are established by the Council
- represent council to the police service and vice versa
- consult with the officer in charge on plans and priorities
- give direction to the officer in charge on implementing the yearly plan
- appoint a Public Complaints Director
- receive notification of serious or sensitive occurrences involving the police under provisions of s. 46.1 of the Alberta *Police Act*. This section specifically references police commissions; the RCMP also comply with Alberta's Serious Incident Protocol.

There are significant differences as outlined in the following table.

POLICE COMMISSION	POLICING COMMITTEE
Allocate funds provided by council	Oversee the Municipal Policing Agreement
Prepare a budget and plans; ensure sufficient persons employed for the police service	In consultation with the officer in charge, develop a yearly plan of priorities and strategies for municipal policing.
Establish policies for the police service for efficient and effective policing. Issue instructions, as necessary to the chief of police in respect of the policies.	Issue instructions to the Officer in Charge (OIC) on implementation and operation of yearly plan.
Investigate complaints against the chief of police. Review the chief's handling of all complaints made against the police service in respect of its policies and services. May conduct an inquiry	Represent the interest of the council to the OIC Represent the interests and concerns of the public to the OIC
Hire a chief of police as ratified by Council	Assist in selection of officer in charge
Oversee the performance of the chief of police.	

As of December 3, 2008, there were 11 Police Commissions (4 of which are First Nations) and 7 Policing Committees (2 more are organizing, 2 have sought information, 40 is the possible number of municipalities eligible to establish Policing Committees).

From a policy perspective the Commissions and Committees are designed to be as similar as possible so that there would be equitable access in all communities with municipal policing – either own force or contracted. The major objectives are arm’s length oversight, localizing the complaint process and increasing the accountability of police services to the public.

RECOMMENDED AUMA POSITION ON POLICE COMMISSIONS

The current provisions regarding police commissions provide an appropriate range of responsibilities. The membership requirements provide for appropriate community representation and accountability.

Police Commissions provide oversight of municipal police services. It is appropriate that the membership of each commission is selected by the Council, enabling the appointment of people with a wide range of skills and expertise who know their community.

Policing Committees

Policing Committees are not mandatory. Some AUMA members with RCMP municipal policing contracts believe their existing arrangements are appropriate and therefore oppose making Committees mandatory. Others have observed that, since there seems to be no legal requirement for RCMP officers in charge to consult with Policing Committees on either general administration or complaint issues, a Policing Committee may not be able to deliver what is promised (e.g. “oversight”), which creates confusion for the public. The provincial government and RCMP headquarters have established a working protocol for complaint handling by Policing Committees.

Civilian oversight in the context of a contract for RCMP municipal policing service is much more complex than in the case of a stand-alone municipal police service. The RCMP is bound by federal legislation and policies, and also provides provincial policing service under the federal/provincial contract. In the context of those requirements and responsibilities, Policing Committees face significant constraints on their oversight activities, compared to Police Commissions.

The policy followed by RCMP K Division regarding Policing Committee involvement in the selection of the officer in charge is:

- If detachment commander rank is S/Sgt or above, the (Policing Committee) Mayor and Council are provided with opportunity to sit on the selection committee; have direct involvement in the process.
- If detachment commander rank is Sgt or under, the (Policing Committee) Mayor and Council may provide their desired criteria and this may be taken into consideration in final selection process.
- If the appointment involves a lateral transfer, the RCMP will endeavor to consult with the (Policing Committee) Mayor and Council. However, in certain circumstances, the Commanding Officer has the right to appoint the officer if in the best interests of the Community and/or the RCMP.

By AUMA 2008 Resolution C.ii.10, AUMA is calling on the Solicitor General to work with municipalities to develop a Framework of Outcomes related to policing, and to allow municipalities to “determine the appropriate process to meet these outcomes”. Further, the

Resolution indicates that the Province should continue “to allow municipalities the choice of appointing a policing committee or not”.

RECOMMENDED AUMA POSITION ON POLICING COMMITTEES

Each municipality contracting for RCMP municipal policing should establish a mechanism to carry out the responsibilities allocated to Policing Committees in the *Police Act*. The mechanism should be appropriate to the community and the *Police Act* should allow for locally-developed committee formats. The establishment of local committees dealing with protective services enables coordination between all of the emergency service providers. The RCMP should require consultation with local officials during the appointment of all detachment commanders. The detachment commander is essentially the local police chief. The consultation on appointment of commanders should allow for more than one candidate to be interviewed by local officials (assuming multiple candidates), and should allow local officials to frame their own questions for candidates.

RCMP Community Advisory Committees

Municipalities receiving policing under the provincial policing contract may be members of an RCMP Community Advisory Committee formed by the officer in charge of an RCMP Detachment. The terms of reference for the Committee and its membership are determined by the officer in charge, who also appoints the members. The purpose of these Committees is to advise the officer in charge on the policing concerns and problems of the community and to serve as a communication vehicle back to the community. These committees do not hold official status under the Alberta *Police Act* with respect to oversight responsibilities and do not receive notification of serious or sensitive incidents under that Act.

Where such committees have not been formed, many AUMA members report that the officer in charge meets with Council on a yearly or more frequent basis.

RECOMMENDED AUMA POSITION ON COMMUNITY ADVISORY COMMITTEES

The RCMP should require the officer in charge of each detachment providing provincial policing services to establish an RCMP Community Advisory Committee where there is no mechanism already in place like a Policing Committee. The membership should consist of representatives appointed by the officer in charge in consultation with each municipality covered by the detachment. The officer in charge should be required to report to each Council as and when required.

CONTINUUM OF POLICING

In addition to police services, a variety of agencies are involved in general law enforcement in Alberta. The Alberta Sheriff Highway Patrol has specific responsibility for traffic enforcement and Sheriffs have authority to enforce traffic-related provincial laws and Liquor and Gaming Regulations. Sheriffs are armed and can apprehend individuals who are wanted on outstanding warrants. Also in recent years, a variety of enforcement agencies have emerged which operate primarily under the *Peace Officers Act*. In the major cities there are multiple agencies which have some enforcement/peace-keeping role involving peace officers.

Most AUMA members believe that there is appropriate cooperation and integration between the agencies in their communities.

The Canadian Association of Chiefs of Police has said that integration of police efforts and resources across jurisdictions has gone from being an occasional requirement to a way of life for most police agencies. At the same time, our historic concepts of police administration and our complex, multi-level governance structures in Canada have not kept pace. This misalignment between policy and operational realities presents barriers to police effectiveness, impedes the administration of criminal justice, increases the costs of policing to Canadian citizens, and severely limits the capacity of the policing system to fulfill its roles.

In Alberta, the Alberta Law Enforcement Response Team (ALERT) is involved in:

- Criminal Intelligence Service Alberta
- Integrated Child Exploitation Unit
- Integrated Response to Organized Crime
- Alberta Relationship Threat Assessment Management
- Enhanced Response to Organized Crime

The vast majority of AUMA members support provincial responses to such major crime areas provided that there is coordination with the local police.

RECOMMENDED AUMA POSITION ON CONTINUUM OF POLICING

Albertans should have confidence that police officers with the correct amount of training will be available to deal in a timely fashion with offences wherever they occur in the Province. Methods need to be developed to overcome any jurisdictional and governance system obstacles which hinder achievement of that objective.

FUNDING

In Alberta, municipalities have a variety of responsibilities for the costs of municipal policing services:

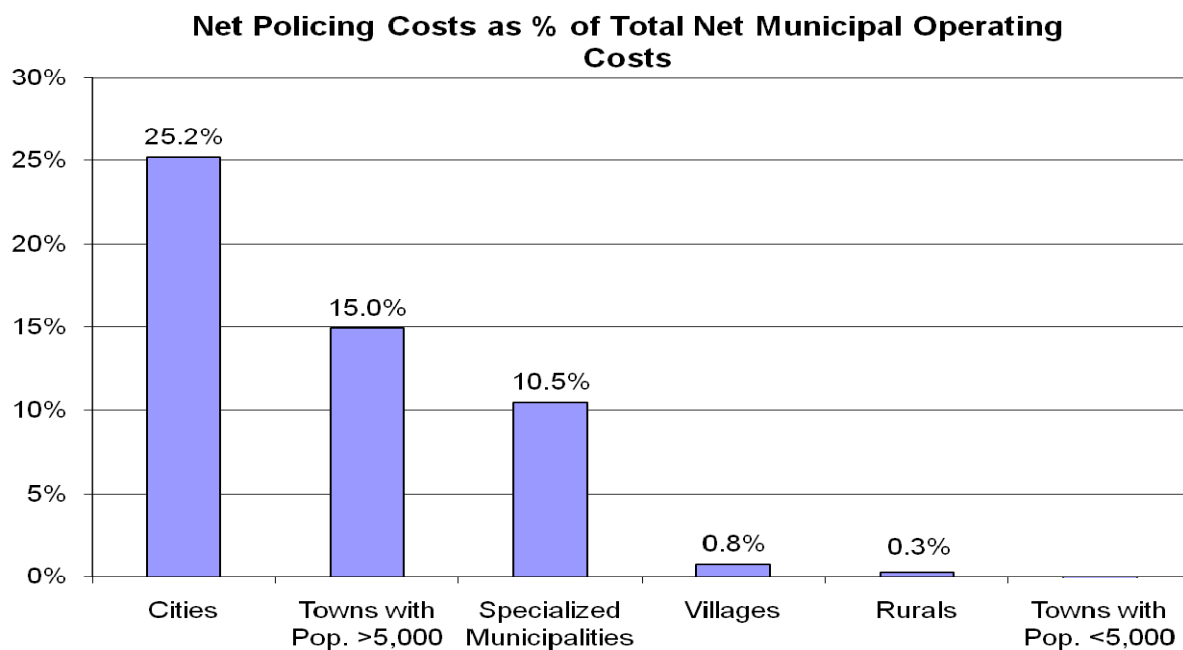
- **Own/regional municipal police service**
Municipality is responsible for 100% of the costs
- **RCMP municipal policing contract:**
Up to 15,000 population – municipality responsible for 70% of contract cost

Over 15,000 population – municipality responsible for 90% of contract cost
- **Under RCMP provincial policing contract**
Municipality not responsible for any cost
Several hire their own Community Peace Officers and/or contract for RCMP enhanced policing.

Through the Municipal Policing Assistance Grant (MPAG), the province provides some support for municipalities which pay for policing. The MPAG financial assistance is based on the following thresholds:

- Towns and cities with a population from 5,001 to 20,000 receive a \$200,000 base payment plus an additional \$8.00 per capita.
- Cities and urban service areas with a population from 20,001 to 100,000 receive greater of \$16 per capita or a \$100,000 base payment plus \$14.00 per capita.
- Cities with a population over 100,000 receive grants of \$16.00 per capita.

In addition the municipality retains some fines and other service fees related to policing. However, the net costs of policing in 2006 were a material portion of municipal operating costs for these municipalities.



Policing costs rise with municipal size.

Municipal policing cost per capita (2006)	
Communities > 50,000	
Municipal	256
RCMP	128
Communities 15,000 - 49,999	
Municipal	219
RCMP	95
Communities 5,000 - 14,999	
Municipal	184
RCMP	105

Key Funding Issues and Priorities:

The key funding issues in respect to policing in Alberta are these:

1. The high and increasing burden of policing costs among those municipalities (and urban service areas in specialized municipalities) with populations greater than 5000.

The main underlying factors include:

- The amount of provincial police funding to municipalities through MPAG and other programs.
 - The limited level of federal financial support to municipal police services.
 - The need for responsive recognition of ongoing cost increases within the MPAG formula and other supports.
2. The inequities in provincial policing supports as between rural and smaller urban municipalities served under provincial policing arrangements and those municipalities responsible for their own policing.
 3. Local policing cost burdens associated with special circumstances, including the presence of significant non-resident shadow populations, the high costs of unusually complex and extraordinary crime incidents, the proximity to areas where there are ongoing issues with greater than average criminal activity and the difficulties of recruitment faced in some areas of the province.

The highest priority for attention pertains to (1) above, addressing the financial burden of policing on the larger municipalities.

The differentials in provincial supports between those jurisdictions served by provincial policing and municipalities responsible for their own policing has been an issue of contention for a number of years. The historical provision of provincial policing derives from the need to ensure the provision of an equitable and standardized level of service to small and rural centres and to respond to the "ability to pay" needs of those jurisdictions. At the same time, there are arguments that all municipalities should pay for policing -- subject to some ability to pay -- to reflect local benefits and to encourage a greater local engagement and accountability in the policing function.

A number of other provinces have moved toward recovering some portion of policing costs from rural and small communities. The review process has examined options for addressing the current inequities, including the introduction of various levels of municipal cost-sharing for provincial policing services, the provision of added financial support to those municipalities responsible for their own policing equivalent to the costs of serving the first 5000 population (which would mitigate current inequities while enhancing funding to larger municipalities), and the latter option combined with required cost-sharing for rural jurisdictions with a population in excess of 5000 persons.

It should be recognized that a move toward policing contributions by small and rural municipalities is likely to be contentious. Concurrent initiatives to increase funding supports to larger municipalities will make these moves additionally sensitive.

With regard to the key funding issue -- the inadequacy of current police supports to larger communities -- the funding review has identified concerns relating both to the federal and provincial governments.

The Federation of Canadian Municipalities has proposed -- on the basis of a recent study -- that the Government of Canada reimburse at least 10% of municipal police budgets to every municipal government that pays for police services but receives no federal contribution or cost-shared support. This premise is not universally accepted.

In any event, if accepted, this FCM recommendation would reduce the inequities in policing costs within Alberta's municipal sector -- with primary benefits to the largest communities -- and inject roughly an additional \$50 million annually for the benefitting municipalities in the province.

With regard to the need for additional provincial funding, three broad options (NOT LISTED IN ANY ORDER OF PREFERENCE) have been explored:

- a) The province to fund policing costs equivalent to the costs of the first 5000 population, plus \$50/capita beyond.
- b) The province should fund policing at a rate of \$50/capita to all municipalities responsible for their own policing. This option addresses the issue of declining assistance to larger municipalities under the current MPAG and gives every municipality approximately the same effect per capita as the current MPAG funding to municipalities at the 5000 population level. The Province would provide additional top-up funding to any community which might otherwise receive reduced funding under this new funding model.
- c) The province to fund policing at a rate of \$50/capita, as under (b) above, plus an additional \$20/capita for urban populations above 50,000. This option recognizes the higher policing costs in larger centres associated with the greater range and complexity of local crime and the need for more specialized services.

Under any new funding options pursued, it would be important that the funding formula reflect the need for regular adjustments to address the ongoing escalation of policing costs. Aside from enhancing policing supports to the larger municipalities, the proposed provincial and federal funding initiatives would also have the effect of reducing disparities in policing costs between those jurisdictions served through provincial policing arrangements and those required to provide municipal policing.

RECOMMENDED AUMA POSITION ON FUNDING

The provincial policing grant (MPAG) does not reflect policing service costs. The effect of the grant declines from about \$48/capita at 5000 population to about \$16/capita for larger cities. Policing costs at all levels are increasing at a faster pace than population inflation while MPAG has only increased to match population growth.

There is no rationale apparent to property taxpayers as to why 10 to 25 cents of every property tax dollar paid by a property owner in mid-size and larger urban municipalities

should be required for policing while a lesser portion of the property tax dollar is generally required in small urban and rural municipalities served under provincial policy arrangements.

The current police funding arrangement is inconsistent with the principles of inter-municipal equity and fairness, funding adequacy and responsiveness and may not reflect an appropriate inter-governmental balance.

Federal Support

AUMA advocates that more Federal funding for policing in Alberta is warranted, as an inordinate amount of the financial burden for policing is borne by the Province and municipalities. As well, Federal cost-sharing support is provided through RCMP contracted services, but not to those municipalities which provide their own police forces.

Provincial Support

Three options (NOT LISTED IN ANY ORDER OF PREFERENCE) have been examined and should be reviewed with the Province with a view to finding a new equitable formula:

- a) The province should fund policing costs equivalent to the costs of the first 5000 population, plus \$50/capita beyond.
- b) The province should fund policing at a rate of \$50/capita to all municipalities responsible for their own policing. This option addresses the issue of declining assistance to larger municipalities under the current MPAG and gives every municipality approximately the same effect per capita as the current MPAG funding to municipalities at the 5000 population level. The Province would provide additional top-up funding to any community which might otherwise receive reduced funding under this new funding model.
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All three options would provide significant added financial support to the municipal sector, ranging from roughly \$86 million per year more under Option 2 to \$122 million under Option 3.

Under any new program support it is recommended that regular adjustment provisions be incorporated to address the ongoing escalation in policing costs.

Inter-Municipal Inequities in Policing Costs

The existing differentials in policing costs as between those municipalities served under the provincial policing arrangements and those responsible for their own policing have been clearly recognized. There are precedents from other provinces and apparent benefits in terms of increased accountability and local engagement and responsibility for a move toward cost-sharing by all benefitting jurisdictions. At the same time, the issue is a contentious one and local concerns regarding the effects on municipal costs and fiscal capacities are very real.

To the extent that new federal and provincial policing supports for the larger municipalities, discussed earlier, are introduced, this will reduce the cost disparities between the two

groups of municipalities, but will not address the potential benefits of local responsibility, accountability and engagement. Thus, as a related matter, the issue of all municipalities in Alberta, regardless of size, paying something for policing should be also be discussed, in conjunction with a discussion about levels of service.

Special Circumstances

A number of "special circumstance" issues have been identified during the review. These relate to the following:

- The impacts of "shadow populations"
- The local cost impacts of major and complex police investigations
- The effects on policing caseloads and costs in communities adjacent to higher than normal crime areas
- The difficulties of attracting police officers to some remote and high cost areas of the province.

While it is acknowledged that the Province does have regard to some extent to shadow populations as currently defined in its per capita grants, and that the Specialized Services Protocol and the Critical Community Safety Initiative deal to some extent with extraordinary police costs and extraordinary crime rates, it is recommended that the appropriateness of current provincial arrangements for accommodating these issues, including the definition of "shadow population", be further examined by AUMA and the Solicitor General.

OTHER ISSUES-RECOMMENDED AUMA POSITIONS:

Number of Police

Alberta does not have enough police officers, even with the additional sheriffs and new approved positions to date

Attraction and Retention

There should be better recognition that there are areas of the Province where it is very difficult to attract and retain officers, and funding and incentives should be adjusted accordingly

Municipal Responsibility

AUMA supports ongoing municipal responsibility for policing, in partnership with the other orders of government.

APPENDIX-POLICY PAPER ON POLICING

I. RECOMMENDED AUMA POSITION ON POLICE COMMISSIONS

The current provisions regarding police commissions provide an appropriate range of responsibilities. The membership requirements provide for appropriate community representation and accountability.

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II. RECOMMENDED AUMA POSITION ON POLICING COMMITTEES

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III. RECOMMENDED AUMA POSITION ON COMMUNITY ADVISORY COMMITTEES

The RCMP should require the officer in charge of each detachment providing provincial policing services to establish an RCMP Community Advisory Committee where there is no mechanism already in place like a Policing Committee. The membership should consist of representatives appointed by the officer in charge in consultation with each municipality covered by the detachment. The officer in charge should be required to report to each Council as and when required.

IV. RECOMMENDED AUMA POSITION ON CONTINUUM OF POLICING

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All three options would provide significant added financial support to the municipal sector, ranging from roughly \$114 million per year more under Option 1 to \$122 million under Option 3.

Under any new program support it is recommended that regular adjustment provisions be incorporated to address the ongoing escalation in policing costs.

Inter-Municipal Inequities in Policing Costs

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To the extent that new federal and provincial policing supports for the larger municipalities, discussed earlier, are introduced, this will reduce the cost disparities between the two groups of municipalities, but will not address the potential benefits of local responsibility, accountability and engagement. Thus, as a related matter, the issue of all municipalities in Alberta, regardless of size, paying something for policing should be also be discussed, in conjunction with a discussion about levels of service.

Special Circumstances

A number of "special circumstance" issues have been identified during the review. These relate to the following:

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VI. OTHER ISSUES-RECOMMENDED AUMA POSITIONS:

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Municipal Participation

AUMA recognizes the need for ongoing participation in policing, in partnership with the other orders of government.