



Morden Police Board Policy and Procedures Manual



Morden Police Board Policy and Procedures Manual

Index

Acknowledgements	4
Definitions	5
Legislation	7
Rationale for the Police Board	8
1. Fundamentals of the Police Board	10
1.1 The Board Philosophy	11
1.2 Vision Statement	12
1.3 Mission Statement	12
2. Introduction to the role of the Board	13
2.1 Authority and accountability	13
2.2 Legislative Parameters	13
2.3 Key governance principles	14
2.4 Terms and reference	14
2.5 Board style & commitment	14
3. Providing direction	15
3.1 Setting targets	15
3.2 Budgeting Process	15
3.3 Strategic planning	16
3.4 Communication with stakeholders	16
(1) Communication which seeks input on the work of the Board	17
(2) Communication which provides regular and periodic reports to municipal council, the Province, the public or other stakeholders.	17
(3) Emergency communication to relay information on an incident or event	18
(4) Ongoing communication with the Chief of Police and members of the Police Service.	19
3.5 Assessment and management of risk	20
4. Human Resources Responsibilities	21
4.1 Creating a positive workplace environment	21

4.2 Succession Planning	22
4.3 Complaints against police	22
4.4 Complaints regarding actions of the board or members of the Board	25
5. Administration of the Board	28
5.1 Composition of the Board	28
5.2 Terms of office	30
5.3 Oath of office	30
5.4 Police record checks	31
5.5 Code of Conduct	32
5.5.1 Maintaining the Code of Conduct	33
5.6 Conflict of Interest	34
5.7 Acceptance or giving of gifts	35
5.8 Expense accounts	36
5.9 Expenditure Approval	36
5.10 Honoraria and expenses	36
5.11 Membership in associations	37
5.12 Evaluation of the Board	37
5.13 Meetings of the Board	37
5.14 Development of policies and procedures	40
5.15 Additional Staff	40
5.16 Right to information	40
5.17 Awards and Rewards	40
6.0 Record of Policy Revisions:	41
7.0 Human Resources: Job Descriptions	42
PRIMARY ACCOUNTABILITIES	43
Appendix A: Morden Police Service	46
Appendix B: MPS Staff Chart	47
Appendix C: Sir Robert Peel's Nine Principles of Policing	49
Appendix D: City of Morden Tendering & Procurement Policy	51
Appendix E: Retention and Disposition of Municipal Records Regulation	59
Appendix F: Manitoba Police Act	61

Acknowledgements

Altona Police Board Policy and Procedures Manual. Town of Altona, MB: 2014

Brogden, Mike and Preeti Nijhar. *Community Policing: National and International Models and Approaches*. Cullompton, Devon, UK: Willan Publishing, 2005

Canadian Association of Police Chiefs: <https://www.cacp.ca>

Canadian Association of Police Governance: <http://capg.ca>

Chartrand, Paul L.A.H., et. al. *Aboriginal Justice Implementation Commission: Final Report* (June 29, 2001): http://www.ajic.mb.ca/reports/final_toc.html

Graham, Andrew. "Police Board Governance." Presentation at Manitoba Police Commission Police Board Training, St. Anne, MB. March 24, 2015.

Griffiths, Curt and Brian Whitelaw and Richard Parent. *Canadian Police Work*. Toronto: ITP Nelson, 1999.

Manitoba Police Boards: Policy and Procedure. Manitoba Police Commission, 2013

Minor, Andrew. "Roles and Responsibilities." Presentation at Manitoba Police Commission Police Board Training, St. Anne, MB. March 24, 2015.

Minor, Andrew. "Roles and Responsibilities." Presentation to Morden City Council and Morden Police Board, Morden, MB. May 11, 2015.

Morden, John: *Independent Civilian Review Into Matters Relating to the G20 Summit*. <http://www.tpsb.ca/g20/ICRG20Mordenreport.pdf>

Newburn, Tim, ed. *Handbook of Policing*. Cullompton, Devon, UK: Willan Publishing, 2003

Roberts, Jason E. "Bringing the Thin Blue Line into Line: Bill 16, *The Police Services Act*." Manitoba Law Journal Online. <http://robsonhall.ca/mlj/content/bringing-thin-blue-line-line-bill-16-police-services-act-0>

Salhany, Roger, QC. *Report of the Taman Inquiry: Taman Inquiry into the Investigation and Prosecution of Derek Harvey-Zenk*. Government of Manitoba: 2008

Scott, Ian D. ed. *Issues in Civilian Oversight of Policing in Canada*. Toronto: Thompson Reuters Canada Ltd., 2014

Sen, Sankar. *Enforcing Police Accountability Through Civilian Oversight*. Los Angeles: Sage Publications, 2010.

Zacharias, Menno. "Peel's Policy Principles," Policy, Politics and Public Policy blog:
<http://mennozacharias.com/tag/winnipeg-police/>

Definitions

For the purpose of this document, the following definitions apply:

Police Board: The term “police board” refers to an appointed form of local government charged with the oversight and governance of a local police force.

Police Board Members: “Board” and “Board members” refer to those persons appointed to the Morden Police Board—two members of Council or employees of the City of Morden, two citizens of Morden appointed by the city council, and one person appointed by the Lieutenant Governor of Manitoba.

PSA: The Manitoba Police Services Act (PSA), enacted on October 8, 2009.

Chief of Police: Synonymous with “Chief,” this officer is in charge of the Morden Police Service.

Governance: Police-board governance is a proactive, forward-thinking process by which a civilian oversight body provides direction for the general activities and operations of a police service. Exercising direct authority over the police chief, the Board formulates policy and creates a framework for the police service to make decisions and take action. While certain policies may be created in response to a particular issue, the policy-making work should be an ongoing process in which Board members are continually engaged.

Oversight: Police-board oversight ensures that the legislated functions of the police service are carried out and that the services provided accord with the law, Morden Police Service Policies, and community norms. It also evaluates the actions and activities of the police service to ensure they are consistent with the Board’s decisions and directives. If this does not occur, the Board provides corrective action.

Goal: The general intention or overarching purpose of the change process; it defines the direction and destination.

Objective: A specific, measurable action taken to reach the goal; it identifies the exact steps needed to reach the desired destination.



Legislation

- ❖ Right to Information and Protection of Privacy Act
- ❖ Canadian Charter of Rights and Freedoms Part1 of the Constitution Act, 1982 being Schedule B to the Canada Act 1982 (U.K) 1982, c11
- ❖ Criminal Code of Canada, R.S.C. 1985, c.C-46
- ❖ Employment Standards Act, Manitoba
- ❖ Industrial Relations Act
- ❖ Municipalities Act
- ❖ Police Act
- ❖ Public Service Superannuation Act
- ❖ Royal Canadian Mounted Police Act
- ❖ Manitoba Police Board Policy and Procedure Manual

Rationale for the Police Board

“Who watches the watchmen?”

The Roman poet Juvenal asked this question in the first-century A.D. (*Quis custodiet ipsos custodes?*) and, since that ancient time, it has been asked over and over of those who exercise power and authority in democratic settings. Our Morden Police Board is a contemporary answer to this vital question of governance and oversight.

It is often recalled that Sir Robert Peel, British Home Secretary in the early 19th century, founded modern policing with his officers in Metropolitan London in 1829. Peel’s famous “Nine Principles” championed “policing by public consent” and still provide the philosophical basis for our present approach to policing and our policies of governance and oversight.

For the Morden Police Board, our specific mandate derives from The Manitoba Police Services Act (PSA), enacted on October 8, 2009. The Act requires every municipality that operates a police service to establish and maintain a police board, whose purpose is to provide civilian control over local law enforcement.

The PSA brought many welcome changes to Manitoba’s policing legislation. Its predecessor, was outdated, poorly organized, and difficult to understand. As the Aboriginal Justice Implementation Commission (AJIC) noted, the old Provincial Police Act did not provide a clear mandate for policing and thus created a potential danger to the security of Manitobans. “Three different Acts may be involved in the empowerment of any one officer,” the AJIC said. “The confusion in regard to the source, scope and validity of police powers....is unacceptable.”

By contrast, the new PSA was comprehensive, organized in a logical, linear fashion, and written in simple, straightforward language. Described by Justice Minister David Chomiak as “a modern and made-in-Manitoba act,” it introduced a number of key developments:

- the foundation of the Manitoba Police Commission;
- the requirement of municipal police boards
- the recognition of specific First Nation police services and the development of the community-safety cadet program
- the regulation of policing standards, and
- the establishment of an independent investigation unit.

Many of these developments had been recommended by two high-profile inquiries that probed past failings of the Manitoba justice system:

1) the Aboriginal Justice Inquiry (1988), which responded to a) the violent death of Helen Betty Osborne (1971) and a 16-year delay in the trial of her murderers (1987), and b) the Winnipeg police shooting of John Joseph Harper, executive director of the Island Lake Tribal Council and the rapid exoneration of the officer involved (March, 1988);

2) the Taman Inquiry (2008), which reviewed the East St. Paul investigation and prosecution of an off-duty Winnipeg police officer whose truck rear-ended and killed Crystal Taman.

While even Opposition critics lauded many features of the new Police Services Act legislation, the most contentious feature was the mandated police boards.

When the Act was still in draft form, as Bill 16, the Mayor of Altona Mel Klassen spoke on behalf of the Association of Manitoba Municipalities. He expressed the concern that moving oversight of the local police away from elected municipal councils and into the purview of an appointed board would not deliver a more transparent and accountable system of police oversight. Maurice Butler, a Town of Morden councillor and a former Chief of Police in both Morden and St. Anne, echoed Klassen's concern that civilian boards would be unaccountable to the electorate. He also worried that municipal councils would cease to have an ongoing, productive relationship with their respective chiefs and that they would have no authority over how their funds for policing would be spent.

In short, Altona, Morden, and many other municipalities felt that the requirement to establish police boards was a top-down solution to a problem they did not have. In communities where the councillor system of police governance and oversight was working well, the PSA change seemed to indicate that the province did not trust councillors to do the jobs for which they were elected.

Of course, police boards did have their legislative champions, proponents who believed such boards would ensure the accountability of police services while freeing them from undue political interference. After much debate and some revision, Bill 16 passed; the Police Services Act is now a reality and police boards are part of its legal mandate. One could say that "the ship has sailed" and that such communities as Morden just have to accept the inevitable.

There is, however, a broader, brighter perspective—one with a national and international context. First, the establishment of police boards with both appointed citizens and elected councillors strikes a balance between a governance approach that is completely civilian and independent and one that is completely made up of municipal councillors. Justice John Morden, in his 2012 report on the G20 policing in Toronto ("Independent Civilian Review"), reasoned that governance through an appointed board

mitigates some of the concern about direct control by elected officials yet also allows them some direction of police policies.

Secondly, government leaders in Manitoba may have felt compelled to adopt the Police Services Act following tragic incidents and the recommendations of the Taman and AJI Inquiries, but its primary features—including the establishment of police boards—were not new. Most other Canadian provinces and many other countries already had adopted them.

In many respects, this modernization of policing—and its governance and oversight—is an outgrowth of a maturing Community Policing philosophy. By the early 1990s, most police jurisdictions in Canada had embraced some form of “community policing,” often focused at an operational level with front-line officers—e.g. foot patrols, community partnerships, crime-prevention initiatives, conflict resolution and problem-solving strategies, etc. In subsequent years, these changes have led to a paradigm shift in police administration and in police governance and oversight.

The increased involvement of civilians, as now seen in Manitoba police-boards, reflects a trend visible in the longer history of policing. Its roots go back to the nineteenth-century and Peel’s Nine Principles. The constables in Sir Robert Peel’s England were “citizens-in-uniform” and they were in close contact with their local community. “Police power stems from the community,” wrote Mike Brogden in *Community Policing: National and International Models and Approaches* (2005), “and only by intensifying that community interaction and obligation....can police legitimacy be sustained” (25).

So...*Who watches the watchmen?*

In Morden, in Manitoba, and in much of Canada it is a *police board*—appointed citizens and elected councillors who believe in our personal responsibility for the safety of the larger community and who are committed to a delivery of justice that is fair, effective, trusted and understood.

1. Fundamentals of the Police Board

Under the Manitoba Police Services Act, it is now the specific responsibility of Morden Police Board to provide our police officers with administrative and strategic direction and the organization needed to ensure adequate and effective service to the municipality. The board works with our police chief to establish police-service goals, objectives and annual priorities that reflect the needs, values and expectations of the Morden community.

The Morden Police Board is responsible for hiring the police chief and monitoring his or her performance. It provides direction for the chief and ensures that the chief establishes programs and strategies that reflect the board’s goals, objectives and

priorities for the police service. The Police Board acts as a liaison between the Morden Police Service and the Morden residents and has a duty to ensure that the programs and services delivered are consistent with community needs, values and expectations.

The Morden City Council continues to have a role to play with the Morden Police Service and with our Morden Police Board. The council is responsible to appoint all board members to the police board, with the exception of the member appointed by Manitoba's Lieutenant-Governor in Council. The City of Morden also is considered to be the employer of the police chief and of other officers in the police service. While it is the responsibility of the police board to develop an annual budget for the police service, the municipal council is responsible to review and approve that budget.

1.1 The Board Philosophy

The Morden Police Board endorses a contemporary community-policing approach—a partnership between the police and community that is prevention-oriented and focused on the proactive resolution of underlying community problems.

Policing activities In the City of Morden will align with the principles of community policing, as we understand them. The concept of Community Policing has multiple definitions and varied interpretations, depending in part on whether the focus is upon operational activities, administrative intentions, or philosophical strategies.

We recognize that it stands in contrast to the “traditional,” or military-style, policing that prevailed during the middle part of the twentieth-century, with its centralized command, top-down directives, and reactive emphasis on *fighting* crime. The AJI Commission described that approach as follows:



“...The job of the patrol officer became one of driving around the streets in a car, isolated from the citizenry, waiting for a dispatcher to call. Officers' performances were judged, to a great extent, on the law enforcement statistics they generated. Activities which were not counted, such as citizen contacts, were not encouraged. Officers were frequently moved from one patrol area to another in order to keep them from developing ties with the community.”

The results were not impressive, as Mike Brogden and Preet Nijhar note in *Community Policing: National and International Models and Approaches (2005)*:

“...the traditional way that police agencies dealt with crime neither reduced crime nor reassured the public. Traditional policing was reactive to crime, rather than preventative. It was often ineffective at catching criminals. It failed to inspire the public to obtain legitimacy and public support. In the 1980s the police in Western societies increasingly devoted more and more resources to traditionally bureaucratically safe, crime-fighting approaches that no longer worked—if they ever did. Reordering police tasks and procedures was the only possibility of making an effective impact on crime, and on public fear of crime (30).”

In smaller towns and cities like Morden, the community approach to policing has a long legacy and was never lost sight of when the “traditional” approach distanced officers from the citizens they served. Sir Robert Peel’s dictum still holds sway: “The police are the public and the public are the police.”

Most incidents of crime reflect the unique and distinctive problems in a community and those underlying problems must be addressed if they are not to recur. Working in partnership with citizens, local businesses, and government personnel, our community policing seeks to identify and eliminate the conditions that give rise to such public-safety issues as social disorder, crime, and the fear of crime.

In our governance and oversight role, members of the Morden Police Board will work closely with the police service, the municipal council, and our local citizens to ensure the safety of this community and to improve its quality of life.

1.2 Vision Statement

Morden—Manitoba’s safest community

1.3 Mission Statement

The mission of the Morden Police Board is to provide civilian oversight and governance that enables the city’s police service to fulfill its role and ensures a safe and secure community.



2. Introduction to the role of the Board

2.1 Authority and accountability

The Morden Police Board is delegated authority and responsibility from the Province, through the Police Services Act, including the Manitoba Policing Standards. That responsibility obliges the Board to ensure the delivery of policing services that adequately meet the needs of the citizens of Morden.

The Board is responsible to the City of Morden for the provision of policing services to the municipality.

The Board demonstrates accountability to the public, the Province, and other stakeholders through meetings and periodic reports, by receiving presentations from key stakeholders and other interested persons, and by operating in a transparent manner.

2.2 Legislative Parameters

The Board is a legislative-based organization. Its role, responsibilities, and function are founded upon the following legislation:

- ❖ The Police Act of Manitoba
- ❖ The Manitoba Policing Regulations

Important pieces of legislation and agreements of concern to board members include the following:

- ❖ Access to Information and Protection of Privacy Act
- ❖ Employment Standards Act
- ❖ Criminal Code of Canada
- ❖ Canadian Charter of Rights and Freedoms
- ❖ Key Municipal Bylaws
- ❖ Public Service Act
- ❖ Public Service Superannuation Act
- ❖ Industrial Relations Act
- ❖ Municipal Act
- ❖ Manitoba Human Rights Act
- ❖ The City of Morden Personnel Policy

2.3 Key governance principles

- ❖ A governing body takes a “nose in, fingers out,” “steering, not rowing” approach.
- ❖ A governing body exists not only to help the organization, but also to “own” it on behalf of the community.
- ❖ A governing body governs by policy (bylaw or resolution). Its policies articulate the perspectives and values that underlie action.
- ❖ Individuals who make up the Board have no authority. A governing body has authority only when acting as a whole entity. The Chair has authority only when speaking on behalf of the Board as a whole.

2.4 Terms and reference

- ❖ Govern the Morden Police Service according to the Police Act of Manitoba.
- ❖ Set goals, objectives and priorities for the Morden Police Service.
- ❖ Monitor implementation of the goals, objectives and priorities for the Police Service.
- ❖ Seek out and receive input from municipal residents regarding community safety and security needs.
- ❖ Monitor and manage effectively the financial activities of the Morden Police Service.
- ❖ Provide advice to the municipality regarding the finances and resources needed by the Morden Police Service.
- ❖ Provide periodic reports, as reasonably required, to such key stakeholders as the Province, the City Council, and the citizens of Morden.
- ❖ Recruit and appoint the Chief of Police and, if necessary, appoint any Acting Chief of Police (subject to the ratification of Morden City Council).
- ❖ Monitor the performance of the Police Chief or Acting Police Chief.

2.5 Board style & commitment

As a statutory governance body, the Board must be—and must be seen to be—

- a.) Mindful of its accountability for governance of the Morden Police Service and its obligations to the public as a civic trustee, and
- b.) Independent of police management and operations and of political affiliations, influence and interest groups;
- c.) Open, transparent and accessible to both the public and the Morden Police Service (subject to the needs of confidentiality and security); and
- d.) Responsive to the citizens of Morden.

3. Providing direction

3.1 Setting targets

The Board will set goals, objectives, and priorities for the Morden Police Board and the Morden Police Service which are consistent with its governing policies and with Manitoba Police Regulations.

3.2 Budgeting Process

In managing the finances of the Morden Police Service, the Board must develop a budget and seek approval from the City of Morden. The budget is comprised of the estimated cost and revenues of the Police Service and the estimated cost of operating the Board.

1. The Police Board must submit a budget in a reasonable but timely manner to the City of Morden's budget system for review, consideration and approval.
2. Once the budget is approved by the City of Morden Council, the Police Board must allocate funds in such a way that adequate and effective policing services are provided and that strategic goals and objectives are met.
3. Any budgetary surpluses will carry forward from one year to the next. Similarly, any budgetary deficits also will carry forward.
4. The Police Chief is responsible to the Police Board for the financial planning, control, administration and management of the Police Service's operational and capital budgets.
5. The Police Board must ensure that the Police Service expenditures do not exceed the allocated budget without prior approval from the City of Morden.
6. The Police Board must establish with the City of Morden Council a contingency plan to address the impact of unforeseen critical issues or expenditures.
7. The Police Chief must be given authority to expend budgeted operating funds, unless the Board suspends the general authority.



3.3 Strategic planning

The Board is responsible to work with the Chief of Police to develop a strategic plan for the Morden Police Board and the Morden Police Service. The strategic plan provides the direction and scope of the Board and the Police Service.

During the strategic planning process, the Board's roles are to:
Provide direction and counsel to the Police Chief in the strategic planning process;
Approve the strategic direction/priorities and the strategic plan for the Police Service/Board; and
Monitor the success of the Chief and the Service in implementing the goals, objectives and priorities of the strategic plan.

1. The Police Board must establish a multi-year strategic plan for the Morden Police Service.
2. The Police Board must work with the Police Chief to devise a strategic plan that establishes an organizational focus for the delivery of police services and that reflects the public interest, incorporating the community's needs and values within the plan's goals, objectives, and priorities.
3. The Police Board will endeavor to identify performance indicators that measure the success of the police services' strategic plan.
4. The Police Board must ensure that the strategic plan is available to the public.

Once approved, the strategic plan provides a basis for evaluating the performance of the Chief, the Police Service, and the Board.

3.4 Communication with stakeholders

In order to provide effective oversight of policing, the Board must develop strategies to engage and communicate with the public, other stakeholders, and the media to seek input and provide information on a range of governance activities. When communicating, the Board speaks with a unified voice. If a Board member wishes to publicly express disagreement with a decision of the Board, the member must make it clear that the opinion expressed is a personal opinion and not that of the Board.

Unless otherwise specified, the Chair of the Board serves as its official spokesperson. Should the Chair not be available, the Vice-Chair or the Acting-Chair shall be the spokesperson.

There are four types of communication:

1. Communication which seeks input on the work of the Board,
2. Communication which provides regular and periodic reports to the municipal council, the Province, the public, or other stakeholders;
3. Emergency communication which relays information on an event or incident; and
4. Ongoing communication with the Chief of Police and members of the Police Service.

(1) Communication which seeks input on the work of the Board

To fulfill its role as the representative of the community, the Board will identify and seek input on policing strategies from diverse stakeholders and representatives of the community. This input will be utilized when setting the goals, objectives, and priorities of the Police Service.

The Board will provide opportunities for the community to give input on matters of interest or concern using such community-outreach mechanisms as public forums, town-hall meetings, and environmental scans.

The Board will schedule, at least annually, a workshop or session so that the City Council, the Police Board, and the Police Service have an opportunity to discuss and understand each other's current priorities and issues.

(2) Communication which provides regular and periodic reports to municipal council, the Province, the public or other stakeholders.

Board meetings will be open to the public. Only when the matters being discussed dictate that an open forum is not be in the public interest will the meeting be held in-camera.

The public and media will have access to the minutes of the public-meeting portion of Board meetings through postings on the City of Morden website.

The Chair or a member of the Board should attend all meetings of the municipal council when the Chief of Police presents information regarding policing of the municipality or when the Council seeks to inform itself of the work of the Board. If the Chair is not available, attendance shall be designated to the Vice-Chair. If the Vice-Chair is not available then any Board member may serve.

The Chair of the Board shall be the official spokesperson for the Police Service Budget presentation to Council.

The Chief should attend all regularly scheduled meetings of the Board and other meetings requested by the Board. Police staff attendance at in-camera Board meetings shall be co-ordinated with the Chief and be at the request of the Board.

The Chief of Police must take all reasonable steps to ensure that the Board representative is briefed prior to attending scheduled Police Service presentations to Council or to a committee of council.

Prior to major public announcements by the Police Service, the Chief of Police must take all reasonable steps to ensure that the Chair of the Board is made aware of the announcements being made.

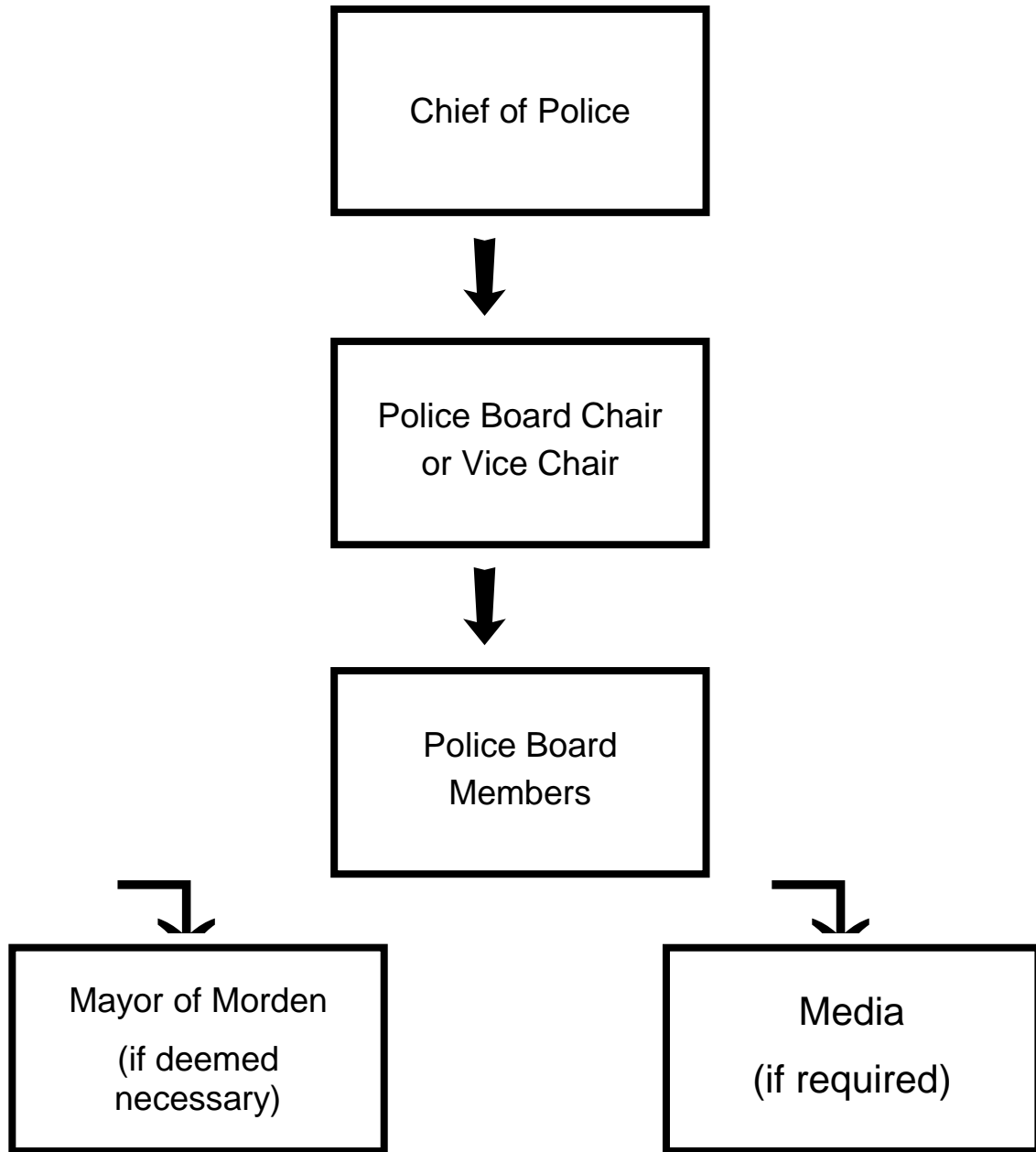
The Board should ensure that reports of Board meetings and activities are provided to the media for publication and broadcast.

(3) Emergency communication to relay information on an incident or event

When an incident or event occurs in which the media may be interested or about which the public should be informed, the Chief and the Board Chair will consult to determine the scope and content of media releases. At that time, it may be desirable for the Chair and the Chief to address the public or the media jointly or separately.



Media Release Flowchart:



(4) Ongoing communication with the Chief of Police and members of the Police Service.

The Chief of Police is the conduit for information with the Police Service. The Chief of Police shall be consulted regarding any communication intended for the benefit of members of the Police Service.

At times it may be desirable or necessary for other members of the Police

Service to appear before the Board. This will be done in the company, or with the support, of the Chief of Police.

As a general principle, Board members acting in their capacity as members of the Board and performing their official duties shall direct to the Chief of Police all requests for advice or information under the control of the Police Service.

3.5 Assessment and management of risk

Risk refers to the events, conditions and developments that may affect the ability of the police service to reach its goal.

It is the responsibility of the Board to identify and effectively manage all significant risks facing the Police Service and its ability to attain its goals, objectives, and priorities.

The Board should identify such risks through ongoing:

- consultation with the Chief of Police,
- communication with the Policing Services Branch of the Province of Manitoba,
- discussion with the municipal council and officials,
- input from members of the community, other police boards, and other key stakeholders.

Risks experienced in other locales also may affect the local situation and a periodic review of the public media can provide information on those.

As a part of each strategic-planning cycle, the Board, in partnership with the Chief, will assess both internal and external risks to the police service's operations. The Board must ensure that police management identifies the principal risks and takes all reasonable steps to to monitor and manage these risks.

At an in-camera session, the Chief will report to the Board on the principal risks to the police service, so that the Board may provide counsel and general direction to the Chief regarding these risks.



4. Human Resources Responsibilities

4.1 Creating a positive workplace environment

The contents of this section outline the responsibilities of both the Board and the Chief of Police. These guidelines apply to the Board and the Police Service.

It is the responsibility of the Board to ensure that the police service offers a positive workplace, one that exemplifies the organization's vision, mission and values, and that complies with relevant legislation, regulations and collective agreements. The police service should provide members with a formal method of resolving workplace concerns that is fair and expeditious. It should offer:

- A safe workplace;
- Equal and accessible treatment;
- Personal and professional support;
- Appreciation of each member's contribution;
- High ethical and professional standards; and
- Diversity and non-discrimination.

The Board shall ensure the Chief of Police implements procedures / practices that contribute to a positive workplace, specifically in the areas of:

- Respectful workplace;
- Outreach and diversity;
- Salary and benefit administration;
- Health and safety;
- Performance management;
- Discipline;
- Absence management and support;
- Collective Agreement Administration;
- Recognition of meritorious service, community service, long service and valour.

Furthermore, the Board shall ensure that the Chief of Police implements:

- Appropriate policy and procedures to redress workplace discrimination and harassment;

- Reasonable measures to educate members of the Police Service regarding a positive work environment
- Reasonable measures to promote the fair and equitable treatment of all individuals in recruitment, hiring, training, evaluations, work assignments, transfers and promotions; and
- Equal opportunity for employment that extends to all candidates and employees without regard to race, colour, place of origin, ancestry, gender, language, age, marital status, economic status, sexual orientation, religious beliefs or disability.

Additionally, the Board shall ensure that the Chief of Police, during each strategic-planning cycle, implements a procedure to:

- Assess the effectiveness of the Police Service's respectful workplace program;
- Audit compliance for salary and benefits;
- Review the working conditions of any sworn officers and civilian members, including him or herself, to ensure consistency with the negotiated contract; and
- Assess the effectiveness of the performance-review program.

The Chief of Police shall report to the Board, on an annual basis:

- A summary of usage and outcomes of the respectful workplace program;
- The compliance rate and other outcomes of the performance-review program;
- The number of complaints filed by members with the Manitoba Human Rights Commission and the Official Languages Commission; and
- The results of any audit in the annual report on the audit plan.

4.2 Succession Planning

The Board recognizes that succession planning is critical for the ongoing effective delivery of policing services. To this end, the Board will ensure that it has a succession plan in place for both for the Board and the Chief of Police, and that the Chief has a succession plan in place for his or her senior personnel.

The strategic-planning process will include a long-range succession plan that sets out a framework for changes in the work force. The Chief will prepare promotion policies and a succession plan for annual review and approval by the Board.

The Police Chief will also ensure that procedures are in place for effective succession planning throughout the service.

4.3 Complaints against police

A person who wishes to complain regarding either the actions of an individual Police Service member may file a complaint with the Chief of Police or LERA (Law Enforcement Review Agency). A person who wishes to complain regarding the general quality of the Morden Police Service may file a complaint with the Chief of Police, the civic authority, the Police Board, Police Board members or the Manitoba Police Commission who will take appropriate action or, if necessary, redirect the complaint.

1. All complaints to the Morden Police Board about the Police Chief's conduct must be made in writing, signed and dated. If the complainant is unable to put the complaint into writing, the person to whom the complaint is made shall:
 - take down the complaint in writing;
 - read the complaint back to the complainant; and,
 - have the complainant sign and date the complaint.

Any complaint must include a means for the Morden Police Board to communicate with the complainant (e.g.: phone number, address, email address, etc.)

2. The Morden Police Board will deal with each complaint in accordance with the processes noted below. There are four distinct processes at the disposal of the Morden Police Board to address complaints received against the Chief of Police.

Process 1: Ministerial Assignment of Investigation: To be used if a complaint comes to the attention of the Board about an alleged-criminal offense committed by the Chief.

If the minister believes it is the interest of the administration of justice, under Section 20 of the PSA, he or she may assign the investigation of an alleged offense to another service. An investigation that normally would be conducted by a police service or independent investigation unit may be assigned to the RCMP, to another police service in Manitoba, or a police service elsewhere in Canada.

i.) If the complaint normally would be investigated by a police service or an independent investigation unit, the Police Board must forward the complaint to the minister, or the minister's designate, to determine how an investigation of the alleged complaint should proceed.

ii.) The Police Board must not interfere with any investigation being undertaken by a policing agency. Board members must co-operate in the investigation and ensure the co-operation of the Police Chief to the fullest extent possible. If a complaint has been forwarded to the minister, the Police Board should make councillors for the City of Morden aware of this, unless otherwise instructed by the investigating authority.

Process 2: Law Enforcement Review Agency (LERA): To be used if the Board becomes aware of a disciplinary default committed by the Police Chief.

i.) If the Police Board receives a complaint that may fall within LERA's purview, the Police Board must make the complainant aware of how to file a complaint with LERA under section 11(1) of The Law Enforcement Review Act. The Morden Police Board, as a third party, also may bring this complaint forward to LERA.

ii) The Police Board must not interfere with any investigation being undertaken by LERA. Board members must co-operate in the investigation and ensure the co-operation of the Police Chief to the fullest extent possible. If a complaint has been forwarded to LERA, the Police Board should make councillors for the City of Morden aware of this, unless otherwise instructed by the investigating authority.

Process 3: Police Chief Accounting to the Police Board for performance: To be used if the Board receives a complaint about the Police Chief's performance, e.g.: The Police Chief is not working on the priorities set forth in the strategic plan, etc.

i.) The Police Board must create a means for vetting complaints, whereby complaints are forwarded to the Police Chief for him/her to account to the Police Board for the matter at issue.

Process 4: Administrative Review by the municipality: To be used if the Board becomes aware the Police Chief has violated a municipal process.

As the employing authority for the Police Chief, the City of Morden must ensure that any internal complaint regarding the Police Chief's handling of administrative policies or procedures is addressed through the City's internal-complaint review process. This process includes investigation of the complaint and, should the investigation deem a penalty is warranted, the imposition of that penalty.

i.) If the Police Board determines the Chief has violated an administrative policy or procedure, the complaint must be forwarded to the City of Morden for administrative review.

Process 5: Police Chief Accounting to the Police Board for performance: To be used for concerns about the Police Chief's performance. e.g.: The Police Chief is not working on the priorities set forth in the strategic plan, etc.

i.) The Police Board must create a means for vetting complaints, whereby complaints are forwarded to the Police Chief for him/her to account to the Police Board for the matter at issue.

3. The Police Board must give notice to the Police Chief the substance of all complaints about his / her conduct.

4. The Police Board must create a means whereby the Police Chief can disclose to the Board any contentious act or involvement in a contentious matter that may bring into disrepute the Police Board, the Police Service or the administration of justice. The Police Board will handle this disclosure as it would a complaint by a complainant and follow the processes outlined above.

4.4 Complaints regarding actions of the board or members of the Board

Initiation of complaints process

All complaints or allegations against the Board or a Board member must be made in writing, signed and dated by the complainant. Complaints may be submitted to the Board at its registered office or to the Manitoba Police Commission.

If a complaint is received that is not signed, the Chair and the Board must exercise due diligence in deciding whether or not to pursue an investigation.

Allegations concerning offenses against an Act of the Parliament of Canada or the Legislature of Manitoba will be dealt with in a formal criminal-investigative process.

There are three categories of complaints that may require the Board to initiate an investigation:

1.) An allegation that the Board has failed to meet its obligations under the Police Act

a.) A written and signed copy of the complaint should be forwarded by the complainant to the Chair of the Morden Police Board or to the Manitoba Police Commission. Any communication forwarded to one should be copied to the other.

b.) If a complaint is received that is not signed, the Chair and the Board must exercise due diligence in deciding whether or not to pursue an investigation.

c.) At the first feasible opportunity, the Chair should inform the Board of the complaint.

d.) The Chair must ensure the complaint is investigated in a way that gathers sufficient information to assess the validity of the complaint. If the complaint is deemed to be valid, the Chair will ensure that it is investigated with operational, managerial, financial, statistical, or other data and that a recommended course of action is developed.

e.) The Manitoba Police Commission will be notified of the outcome of the investigation and will be asked to review that outcome to ensure that the Board's

investigation and actions are sufficient in the circumstances. The Manitoba Police Commission will notify the Chair of the Board if clarification or further information is required.

f.) If an investigation of the complaint identifies a need for the Board to change any policy or practice, this change will be formulated by the Board and included in its Manual.

g.) The Board will forward to the complainant a summary of the investigation and the outcome of its findings.

h.) The Board will forward to to the Manitoba Police Commission a copy of the investigation report, along with a summary of the investigation and the outcome of its findings.

2.) An allegation that a Board member has contravened the Code of Conduct of the Board.

a.) A written and signed copy of the complaint should be forwarded by the complainant to the Chair of the Board. If the Chair of the Board is the subject of the complaint, the complaint will be forwarded to the Vice-Chair.

b.) If a complaint is received that is not signed, the Chair and the Board must exercise due diligence in deciding whether or not to pursue an investigation.

c.) Any complaint forwarded to the Board or to the Manitoba Police Commission should be copied to the other.

d.) If the Chair of the Board is the subject of the complaint, the Chair will step aside and the Vice-Chair will assume the role of the Chair for the duration of the complaint investigation. Depending on the nature and circumstances of the complaint, the Vice-Chair may wish to consult the Board whether the Chair should be suspended from all Board activities pending the outcome of the investigation.

e.) At the first feasible opportunity, the Chair or Vice-Chair should inform the Board of the complaint.

f.) The Chair or Vice-Chair must ensure the complaint is investigated in a way that gathers sufficient information to assess the validity of the complaint. If the complaint is deemed to be valid, the Chair or Vice-Chair will ensure that it is investigated and that a recommended course of action is developed.

g.) The Manitoba Police Commission will be notified of the outcome of the investigation and will be asked to review that outcome to ensure that the Board's investigation and actions are sufficient in the circumstances. The Manitoba Police

Commission will notify the Chair or Vice-Chair of the Board if clarification or further information is required.

h.) If the investigation determines that a Board member has contravened the Code of Conduct of the Board, then appropriate corrective action(s) will be initiated by the Chair or Vice Chair of the Board, e.g.:

Counsel and/or reprimand the member in writing;

Request the member's resignation;

Recommend to the Minister of Public Safety or to the municipal council that the Board member be dismissed under section 35 (2) of the Police Act.

i.) If an investigation of the complaint identifies a need for the Board to change any policy or practice, this change will be formulated by the Board and included in its Manual.

j.) The Board will forward to the complainant a summary of the investigation and the outcome of its findings.

k.) The Board will forward to to the Manitoba Police Commission a copy of the investigation report, along with a summary of the investigation and the outcome of its findings.

3.) An allegation that a Board member has committed an offense against an Act of Parliament of Canada or the Legislature of Manitoba.

a.) If information is received by any Board member alleging that a member of the Board has committed an offense, against the Legislature of Manitoba or an Act of the Parliament of Canada, the Chair will be immediately notified. If the Chair is the subject of the allegation, then the Vice-Chair will be immediately notified.

b.) The Chair (or Vice-Chair, if the Chair is the subject of the allegation) shall inform the Chief of Police who will deal with the complaint in the appropriate manner.

c.) The Chair or Vice-Chair, in consultation with the Manitoba Police Commission or the federal Minister of Public Safety, will determine whether—in the best interest of the Board and subject to maintaining the integrity of the investigation—the Board member who is the subject of the complaint should be suspended from his / her duties for the duration of the investigation.

d.) If the Board Chair is the person being investigated, then—upon notification by the police and subject to maintaining the integrity of the investigation—the Vice-Chair will assume the role and function of the Chair for the duration of the investigation of the complaint.

e.) If the Chair or Vice-Chair is advised by the Manitoba Police Commission or the federal Minister of Public Safety that the complaint does not constitute an offense

against the Legislature of Manitoba or an Act of the Parliament of Canada, then the Board will determine whether the actions of the Board member constitutes misconduct under its policies and practices (Code of Conduct). If the actions are deemed to be misconduct, then the process outlined above in Section 2 will be followed.

f.) If the Board member is convicted of an offense against the Legislature of Manitoba or an Act of the Parliament of Canada, the Chair or Vice-Chair (if the Chair is the Board member convicted), will consult with the Minister and determine if the member should be removed from the Board, for cause. The Chair or Vice-Chair will request, as determined and appropriate, that the municipality or the Minister remove the member from the Board.

The Board will consider the public interest in determining whether the matter is made public either during or at the conclusion of the process outlined above in Section 1, 2 or 3. Throughout the investigation, the needs of public interest must be balanced with respect for the rights of the accused individual.

In the policy outlined above, with respect to a Board member allegedly contravening the Legislature of Manitoba or an Act of Parliament of Canada, the Board recognizes that it cannot become involved in the operational matters of a criminal investigation. Yet the Board must be—and must be seen to be—objective and transparent when confronted with alleged criminality on the part of a Board member. As well, the Board must ensure that its response does not “politicize” the administration of justice or in any manner bring into disrepute the administration of justice.

The Board, in its oversight and governance capacity, must feel confident that the investigative process, undertaken by a police agency at the request or direction of the Minister, aligns with Board policies and practice.

5. Administration of the Board

5.1 Composition of the Board

Composition of the Board is determined in accordance with the provisions contained in the Police Services Act of Manitoba (Section 30 [1], SM 2009, c.32) and the City of Morden By-law No. 14-2012 establishing the Morden Police Board.

To be eligible to serve, a prospective board member must be at least 18 years of age; be a Canadian citizen or a permanent resident of Canada; and reside in, be employed in, or have a business interest in the City of Morden.

The board will consist of at least five members:

- Two members of Morden City Council or employees of the City of Morden
- Two citizens appointed by Morden City Council
- One member-at-large appointed by the Lieutenant Governor in Council

The skills and competencies of the board members are crucial to the Board's ability to govern effectively. Collectively, Board members should possess experience in a broad range of subjects such as business, law, finance, communications, community involvement, education, etc. Members also should have the personal attributes necessary to function as part of a board and to represent the Morden community.

5.1.1 Role of the Chair

Policy:

1. The Chair is responsible for ensuring the Police Board is meeting its legislative responsibilities and obligations.
2. The Chair must ensure that the Police Board follows the PSA, policies set forward by the Manitoba Police Commission, and its own practices and procedures.
3. The Chair must maintain communication with all Police Board members.
4. Any role bestowed upon the Chair may be delegated by the Chair to any member of the Police Board except the role of chairing a Police Board meeting, which must be delegated to the Vice-Chair.

Procedure:

1. The Chair of the Police Board is responsible to ensure that any practices or procedures established by the Police Board are written down in their policy and procedure manual and that a copy of this manual is available for Police Board reference.
2. The Chair may delegate his / her authority but remains accountable for its use.
3. Ongoing communication is important to ensure that the board operates as a
4. cohesive unit, in which members are recognized and supported for their unique
5. contributions.
6. Another key responsibility of the Chair includes creating an atmosphere at Police Board meetings that is positive and that encourages members to work together harmoniously, decisively and efficiently.

5.1.2 Role of the Vice-Chair

Policy:

1. The Vice-Chair shall act on behalf of the chair when the chair is unable to assume his or her duties.
2. While presiding over a meeting of the Police Board, or acting during the absence of the Chair, the Vice-Chair shall exercise all the same rights powers and authority as the chair.

Procedure:

1. If the Vice-Chair is unable to act on behalf of the Chair, a designate shall be identified.
2. See responsibilities of the chair outlined in Policy 5.1.1: Role of the Chair.

5.1.3 Role of the Board Member

Policy:

1. Board members must assist the board to make effective and informed decisions during their term of office.
2. Board members must oversee and support the work of the Morden Police Service.

Procedure:

1. Board members must ensure that they and their colleagues follow The Ethical Code of Conduct for Police Board Members (Section 5.5 below).

5.2 Terms of office

Appointments to a board may be for a term not exceeding four years with possible renewals up to a maximum of eight years. If a person appointed to a board ceases to maintain his / her ordinary residence within the municipality for which he / she has been appointed the board shall declare the position vacant and a new appointment will be made.

If a Police Board member is the Mayor or a Councillor and ceases to serve in that capacity, the Board shall declare the position to be vacant.

5.3 Oath of office

Upon appointment, all Board members will sign an oath of office and confidentiality agreement, in the form prescribed below:

"I _____, solemnly swear/affirm that I will faithfully, diligently and impartially perform the duties required of me as a member of the City of Morden Police Board, and while I continue to hold office, I will, to the best of my judgment, skill, knowledge and ability, carry out, discharge, and perform all of the duties bestowed on the police board*

*and police board members in The Police Services Act (Manitoba), the Cod of Ethical Conduct and the Manitoba Police Board Policy and Procedure Manual developed for police board members by the Manitoba Police Commission and any other act and any regulation, rule or bylaw; and, will not, except in the discharge of my duties, disclose to or discuss with any person any matter of information brought before the City of Morden Police Board during a meeting, or part of a meeting, that was closed to the public, so help me God */ I so affirm (select one).*

(*Delete in cases of affirmation)

The following individuals may administer the oath:

- a.) the City Clerk; or
- b.) a notary public or a commissioner of oaths; or
- c.) a judge of the Provincial Court, the Court of Queen's Bench of Manitoba or the Court of Appeal of Manitoba

Once administered, an oath will be signed and filed by the Executive Secretary of the Board and will be recorded in the Board minutes. Board members will adhere to the principals of these declarations for the duration of their tenure as a member of the Board and beyond.

5.4 Police record checks

Prior to being appointed as a member of a Board, candidates will be required to present to the Morden City Council a criminal-record check. This criminal-record check is an eligibility requirement for service on the Board and can be obtained by making a request to the Morden Police Service. Those who have appointing authority under the Police Services Act are responsible to ensure a criminal-record check has been conducted.



The standard Police-Service approach to conducting a criminal-record check requires the person involved to apply directly. Such record checks will not be conducted on behalf of organizations, not even Police Boards.

Should the check indicate that a criminal record may exist, confirmation and specific information can only be obtained by the applicant's submission of fingerprints, which the Morden Police Service will process through the RCMP Fingerprint Center in Ottawa.

If the Police Service receives confirmation of a criminal record, it will release that information only to the person requesting the check. The potential Board nominee then must decide whether to disclose that information in order to pursue the appointment process.

If a nominee discloses information confirming a criminal record, the Chair/Mayor will decide whether that record is sufficient cause to render the nominee unsuitable for appointment to the Board. As a general guideline, the Chair/Mayor should consult with the Chief of Police before recommending to the City of Morden Council acceptance of a Board nominee.

The types of offenses that would be deemed unacceptable for appointment to the Board include convictions related to crimes of violence, sexual offenses, public-trust offenses, drug-offenses, or serious driving offenses.

5.5 Code of Conduct

The oversight and governance of policing must exemplify impartiality and professionalism and it must understand and support the safety needs of the community. Accordingly, it is the responsibility of Morden Police Board members to abide by a Code of Conduct that underscores these ideals while maintaining a high degree of public trust in their stewardship of the Morden Police Service.

Board members are expected to fulfill their roles and responsibilities with the highest standards of conduct and to perform their duties in a manner that instills public confidence in the abilities and integrity of the Board.

Board members must commit to following the following Code of Conduct:

Board members will:

1. Sign, upon their appointment to the Board, and review, on an annual basis thereafter, a copy of the Code of Conduct acknowledging that they understand it. Board members will return their signed Code of Conduct to the Executive Secretary of the Board for safekeeping.
2. Attend all Board meetings, unless they have a reasonable excuse, and contribute expertise and experience to the best of their ability.
3. Not interfere with the Police Service's operational decisions and responsibilities or with day-to-day operations of the police service, including the selection and promotion of officers.
4. Inform themselves of the policies, general business and affairs of the Police Service, and participate in such Board training events and opportunities as may be provided.
5. Keep confidential all information, documents and matters discussed at a meeting of the Board that is closed to the public.

6. Adhere to all policies adopted by the Board.
7. Recognize the Chair as spokesperson for the Board and not speak on behalf of the Board unless authorized to do so by the Chair of the Board.
8. Make it clear that he or she is expressing a personal opinion when publicly disagreeing with a decision the Board has made during a public meeting.
9. Discharge their duties loyally, faithfully, impartially, and in accordance with the requirements, obligations, and responsibilities set out in the Police Act, and any other applicable Act, regulation, rule or bylaw.
10. Uphold the letter and spirit of the Code of Conduct and discharge their duties in a manner that inspires public confidence in the abilities and integrity of the Board and the Police Service.
11. Discharge their duties in a manner that respects the dignity and rights of individuals and accords with the Manitoba Human Rights Act and the Canadian Charter of Rights and Freedoms.
12. Not use their position inappropriately to advance their personal interests or the interests of any person with whom—or organization with which—they are associated.
13. Avoid any conflict of interest which may bring into disrepute the impartiality of the Board or its governance of policing.
14. Declare any potential or perceived conflict of interest, which will then be recorded in the minutes of the Board.
15. Resign Immediately from the Board if applying for any type of employment with the Police Service governed by the Board, including employment on contract or fee for service.
16. Demonstrate commitment to the principles of good governance and accountability to the community.
17. Respect the Code of Conduct and abide by ethical standards of a Board member after ceasing to be a member of the Board. (The confidentiality of Board information must remain confidential in perpetuity).
18. Notify the Board as a whole if they learn of a possible breach of the Code of Conduct by another Board member.

5.5.1 Maintaining the Code of Conduct

If the Board deems it necessary, it will initiate an informal investigation of a Board member's conduct. The Board member whose conduct or performance is the subject of investigation will withdraw temporarily from all Board duties and activities until the investigation is complete.

If the Board determines, following an investigation, that a member has breached the Code of Conduct, it must record that determination and outcome in its minutes. The Board then must take one of the following actions:

1. Counsel and/or reprimand the member in writing;
2. Request the member's resignation; or
3. Recommend to the Morden City Council or Manitoba Police Commission that the Board member be dismissed under Section 5(2) of the Police Act.

5.6 Conflict of Interest

Conflict of interest means any conflict that exists between a Board members' personal and / or business interests and his / her responsibilities as a member of the Board. A conflict of interest may occur when a Board member participates in discussions or in decision-making that benefits him/her personally or someone close to him/her. Conflict of interest may occur whether or not the member accrues a financial gain from the matter.

Conflict of Interest may take one of three forms: Real, Potential, and Perceived (or Apparent) Conflict.

- Real conflict of interest: when a board member exercises an official power or performs an official duty or function and, at the same time, knows that in the performance of that duty or function or in the exercise of power, there is an opportunity to further a private interest.
-
- Potential conflict of interest: when there exists some private interest that could influence the performance of a board member's duty of function.
-
- Perceived or apparent conflict of Interest: when a reasonably well-informed person could believe that a member's private interests affect his / her ability to exercise Board responsibilities.

Members of the Board must avoid any conflict of interest that might impair the independence, integrity or impartiality of the Board. There must be no appearance of bias, based on what a reasonable person might perceive.

- Upon appointment to the Board and during the term of office, members must declare any real, potential or perceived conflicts of interests. The Board then will determine which discussions and votes the member will be excluded from.
- In the performance of their duties, members of the Board will not give preferential treatment—or request that the Police Service give preferential treatment—to friends, relatives, business associates, or any other person or organization.
- Members of the Board will not hold outside employment, on a paid or volunteer basis, that may impair—or may be perceived to impair—the ability to exercise their responsibilities as members of a Board. This includes paid or volunteer employment within the Police Service.
- Any Board member shall declare a potential conflict-of-interest with respect items on the meeting's Agenda by or before the time the Agenda is approved. All declarations of conflict of interest must be entered into the minutes of the meetings of the Board.
- Any Board member who is concerned that another member may have a conflict of interest must bring the concern to the attention of the Board as soon as practicable.
- Conflicts of interest that are brought to the attention of the Board must be resolved in a manner that sustains or enhances the public trust in the integrity, objectivity, and impartiality of the Board.
- Board members who are determined to have breached the conflict-of-interest guidelines must abide by the policy of the Board and withdraw from further discussion of the matter that created the breach. Failing to do so, may result in sanctions.
- The conflict-of-interest guidelines shall be reviewed annually for the information and guidance of Board members. Any new members of the Board shall be advised of the guidelines upon becoming a member of the Board.

5.7 Acceptance or giving of gifts

Members of the Board shall not accept fees, gifts, gratuities or any other benefit that could reasonably be seen 1) to influence any decision made by them, or 2) to use the Board position or its privileged information for personal gain or the personal gain of a family associate.

5.8 Expense accounts

All expenses incurred by board members must support the mandate and functions of the Board. All reasonable expenses, including the amount set by City Council for travel costs and out-of-pocket expenses incurred while discharging duties as a Board member, will be reimbursed if they are supported by receipts.

All anticipated expenses that exceed the set amount must receive approval from the Chair or a designate prior to the expenditure. The Chair or a designate, and another Board member will review and approve all such expense account payments.

5.9 Expenditure Approval

The Chair, or a designate, and another Board member will have signing authority on all contracts and payments of the Board. All one-time payments in excess of a set amount will require signed approval by the Chair, or a designate, and a member of the Executive Committee.

The Chair, or a designate, and another Board member may approve all expenses previously approved by the Board for ongoing contracts such as rental, legal, accounting, including expenses of the set amount.

5.10 Honoraria and expenses

All members who attend duly constituted meetings of the Board will be reimbursed for expenses as per City of Morden Council indemnities. Such meetings may be meetings of the whole Board or committee meetings which, prior to their occurrence, have been approved and scheduled by the Board.

Where approved, expenses also will be paid for members who attend other meetings relevant to the purpose of the Board.

The Board may decide to adopt a policy whereby members will receive an honorarium in an approved amount each year regardless of number of meetings attended (there are four public meetings/year). The Board also may decide to set an approved amount for the Chair, in excess of the Board member rate per quarter. The Board should refer to the Police Act and ensure compliance.

5.11 Membership in associations

The Board supports the participation of its members in associations which share common interest with the Board—associations which advocate community safety and security and innovative community-oriented responses to policing. Upon a request from a member, the Board determines if a corporate membership is such a membership. The membership fees may be submitted for reimbursement by the Board. The Board supports memberships with the following agencies:

- Canadian Association of Police Board (CAPB)
- Canadian Association of Civilian Oversight of Law Enforcement (CACOLE)
- National Association of Civilian Oversight of Law Enforcement (NACOLE)
- Canadian Association of Police Governance (CAPG)
- Any other associations deemed appropriate by the Police Board.

5.12 Evaluation of the Board

The Board will establish a mechanism to assess its performance and effectiveness. The Board will complete an annual evaluation of its degree of success in providing oversight and governance of the Police Service. Conducted collectively by board members, this assessment will review the successes and shortcomings of the Board.

Where the assessment results reveal a need for change or adjustment, a means to resolve that need should be reflected in minutes of subsequent Board meetings.

Board members also should assess their personal performance on an annual basis,.

5.13 Meetings of the Board

The Morden Police Board must hold a meeting at least once every three months. These meetings will be conducted following *Roberts' Rules of Order* and will be open to the public except where, in the opinion of the Board, it is not in the public interest.

Members of the public who wish to address the Board must request permission from the Chair in advance of the meeting, noting the subject to be discussed and the names of anyone accompanying them. In general, presentations will be limited to five minutes, unless otherwise approved by the Chair. Complaints about officer conduct are not topics for a Board presentation.

All participants will conduct themselves respectfully, use appropriate language and follow the rules as outlined by the chair. Attendees displaying poor conduct may be asked by the Chair to leave.

Regular and in-camera meetings:

In order to ensure orderly progression of business, the Board will adhere to Roberts Rules of Order for its procedures at regular and in-camera meetings.

Special meetings:

If an additional “special” meeting is required between regular meetings in order to deal with important or unforeseen business, the Chair or Vice-Chair must give all board members specific notice of that meeting to ensure they can attend and participate. Provision also should be made to notify the public and ensure that Morden citizens are aware of when the special meeting will take place.

Quorum:

A majority of the members of the Morden Police Board will constitute a quorum.

If a number of members have withdrawn from participation in a Police Board meeting due to conflict of interest, the remaining members will constitute a quorum, provided the number is not less than two.

Agenda:

The Chair will set the agenda for each meeting in consultation with the Chief of Police and other Board members. In-camera items will be clearly marked.

If the Agenda is distributed in advance, Board members are expected to review it and all accompanying material prior to the meeting and be prepared to discuss it in detail at the meeting.

Procedural Rules at Meetings:

Meetings of the Police Board will be conducted using Robert’s Rules of Order as a guide. The general order of business for Board meetings will be as follows:

- Call the meeting to order
- Regrets
- Adoption of the agenda
- Approval of previous Minutes
- Executive/Committee Reports (correspondence)
- Other new business
- Delegations
- Old business
- Closing question period
- Adjournment

Meeting Minutes: Minutes of meetings are an honest expression of the group's opinions and a summary of what was discussed and decided. Unbiased, accurate minutes will include:

- Time the meeting was called to order;
- Names of attendees and those sending regrets (and if only attending part of the meeting);
- Persons who moved and seconded the adoption of the agenda, the approval of previous minutes, and all decisions made during the meeting;
- Concise summaries of discussions and presentations;
- Items that have been held over to another meeting (for tracking) with deadlines;
- The time the meeting adjourns.

Retention and Disposition of Records:

All records of the Board are stored and archived as per the policies and procedures of the municipality.

5.14 Development of policies and procedures

The Board will continue to develop administrative policies and procedures necessary for the oversight and governance of the Police Service and Board. All Board policies should be reviewed annually and updated as necessary.

5.15 Additional Staff

Additional staff may be hired to help the Board fulfill its duties and manage day-to-day operations. The hiring of additional staff must be approved by the Board, as a whole, taking into consideration the budget cycle and available finances.

Each position shall have a job description and be subject to an annual performance review. Board staff do not have the right to vote on Board decisions and are expected to keep confidential all matters before the Board.

The Chair or Vice-Chair will forward a letter to the City of Morden if the Board deems it necessary to request budgetary, financial or budgetary assistance.

5.16 Right to information

The Board supports the principle of open-yet-appropriate access to all Board information. The Board also recognizes and respects the need for privacy when appropriate.

The Board is subject to the provisions of relevant federal and provincial legislation. All requests for information will be dealt with expeditiously.

5.17 Awards and Rewards

From time to time, the Board may desire to present awards to citizens, police officers, civilian staff or community agencies that have made a significant contribution to the safety and security of the municipality. The Board will determine the recipients of such award in consultation with the Chief of Police. An appropriate award fund will be determined by the Board and will be part of its budget.

The Board also may authorize the Police Service to offer financial rewards in cases where, in the opinion of the Chief, such a reward will assist in the investigation of a crime and lead to a successful conviction.

Rewards are to be approved through the chain of command, considered by the Chief of Police and then presented to the Board for final approval. In consultation with the Chief of Police, the Board will decide upon the conditions for the payment of a reward.

Rewards will not be paid to any member of the Board, to family members of the Board, to members of the Police Service, to family members of the Police Service, nor to any persons whose knowledge of an incident of wrongdoing arises through their own criminal activity.

Financial rewards approved by the Board will be in addition to the reward systems operated by such community organizations as "Crime Stoppers".

6.0 Record of Policy Revisions:

7.0 Human Resources: Job Descriptions

Position Title: Chief of Police

Reports to: Morden Police Board

Subordinate Positions: Sergeant, Sergeant Constable, Regular Constables, Special Constable

Position summary: The Chief is appointed by and accountable to the Morden Police Board. The Chief leads the development of a vision and identifies the strategic direction and objectives for the Morden Police Service. The Chief oversees all operational, policing and administrative functions of the Morden Police Service and represents the Police Service at municipal, provincial, federal and international levels.

Salary Range:

Date: January 2015

<i>Section</i> Personnel	<i>Classification</i> Policy
<i>Subject</i> Police Chief Job Description	<i>Pages</i> 3
<i>Authority</i> Council	<i>Effective Date</i> June 26, 2001
<i>Approved (date and resolution number)</i> June 26, 2001 – Res. #17	<i>Index Number</i> PER-005

PRIMARY ACCOUNTABILITIES

1. Plans, directs and coordinates the day-to-day operation of the department to achieve the department mission and goals. Oversees the consistent and uniform enforcement of all statutes and by-laws through a team of trained professional peace officers. Identifies and responds to all matters of public safety within the jurisdiction of the Town.

Key Performance Measures:

- ✓ Crime Statistics, measured by incident counts for various offenses.
 - ✓ Public Feedback, measured by major complaints logged.
2. Prepares and recommends both capital and operating budgets for the department in accordance with approved guidelines. Directs and controls all department spending within the approved budget. Approves the purchase of supplies and equipment, within the limits set by Town policy, and recommends the approval of purchases above those limits.

Key Performance Measures:

- ✓ Budget Variance, measured in dollars and percentage over or under.
- ✓ Operational Readiness, measured by equipment failure or downtime.

GENERAL ACCOUNTABILITIES

3. Recruits, develops and evaluates all department staff. Recommends training, promotion, salary adjustment and disciplinary action as appropriate, keeping in mind the terms of the collective agreement.
4. Assigns duties, determines shift scheduling and approves all requests for time off, including vacation. Ensures appropriate back up is available at all times to provide for the safety of the team members. Personally participates in patrol duties as required.
5. Conducts regularly scheduled meetings with all department staff to review operations; communicate expectations; advise on legislative or policy changes with respect to enforcement; and to share information of general interest to the team.
6. Ensures that all files, documentation and reports are completed and maintained according to requirements set out in legislation, by-laws, policy or professional best practices.

7. Attends monthly meetings of the Public Works Committee to report crime statistics for the period. Prepares and presents various reports and recommendations to Council or its Committees as required.
8. Responds to public enquiries, media requests for information or complaints with regard to police activities, following approved policy and procedure. Coordinates the investigation of any formal complaint against a police officer with the Provincial Law Enforcement Review Agency (L.E.R.A.)

TECHNICAL COMPETENCIES

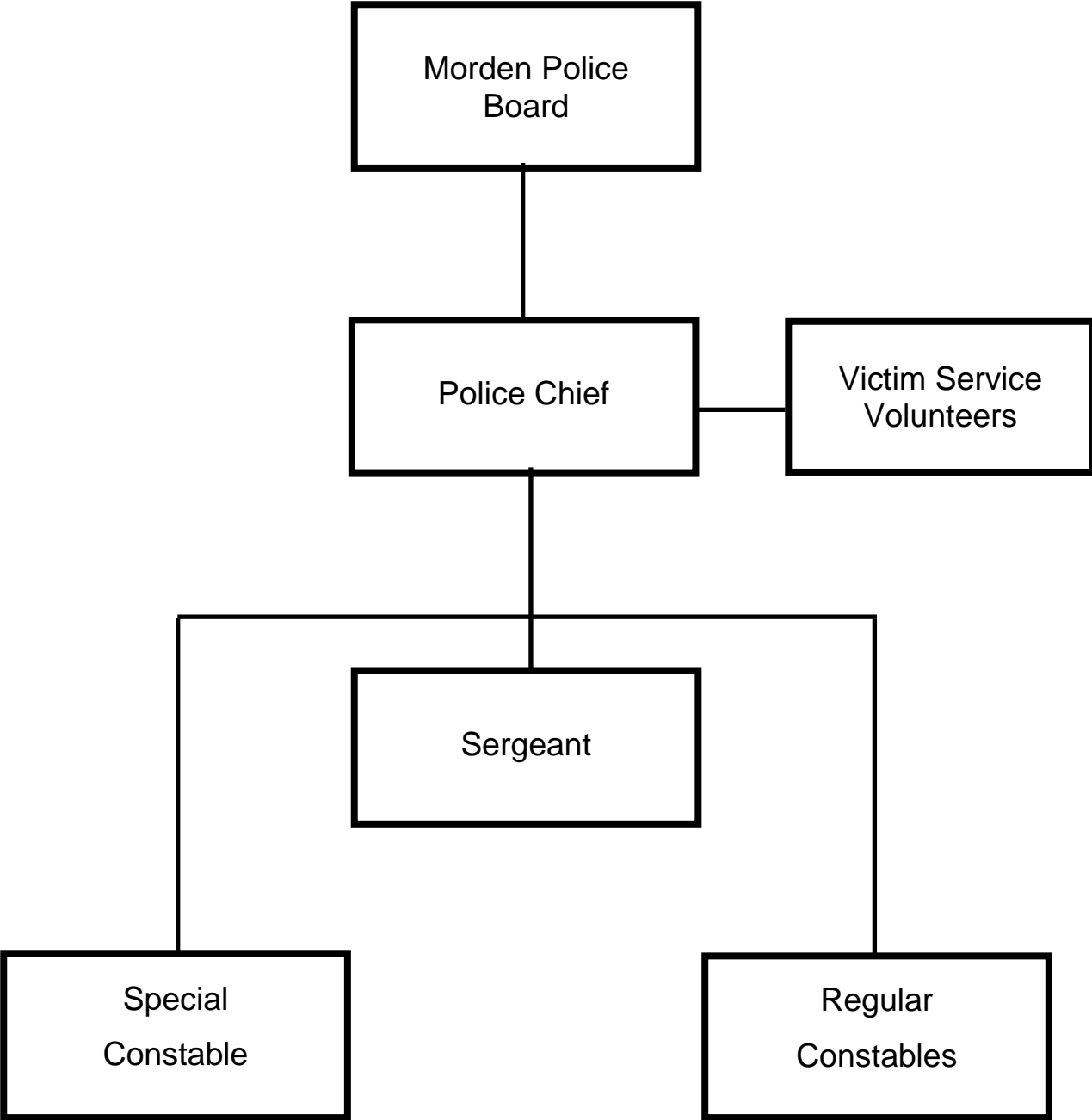
- Canadian citizen or Landed Immigrant
- High School graduation. Post-secondary education in disciplines such as administrative management, leadership, human resource management or law enforcement is desirable.
- Completion of a formal police officer training program approved by the Province.
- Ten years experience as a police officer, with a minimum of five years in a supervisory role.
- Physically fit, according to department standards, and capable of performing the duties assigned

BEHAVIOURAL COMPETENCIES

- ✓ Integrity & Trust Seen as a direct, truthful individual; widely trusted and adheres to a strong set of core values.
- ✓ Command Skills Demonstrated leadership and team building skills; doesn't hold back anything that needs to be said; lets people know where they stand.
- ✓ Interpersonal Skills Relates well to all kinds of people inside and outside the organization; uses diplomacy and tact to diffuse tense situations; makes people feel important and valued.
- ✓ Action Oriented Can be counted on to get things done; energetic, with a bias for action; makes good decisions in a timely manner.
- ✓ Composure Cool under pressure; can handle stress; is a settling influence in a crisis.
- ✓ Planning & Organizing Can marshal resources to get things done; uses resources effectively and efficiently; sets clear expectations; designs practical processes and procedures.
- ✓ Communications Able to speak and write clearly; able to get the desired message across to a variety of audiences.
- ✓ Problem Solving Uses rigorous logic and methods to investigate and solve problems; excellent at analysis; looks beyond the obvious.

Appendix A: Morden Police Service

Organization Chart



Appendix B: MPS Staff Chart

Morden Police Service



C/Cst Brad Neduzak
(August 1st, 1985)



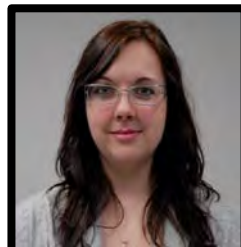
Sgt Brent Menzies
(April 28th, 1988)



Sgt Sean Aune
(October 20th, 2000)



S/Cst Pam Goertzen
(August 11th, 1997)



Danselle Neufeld
(July 2nd, 2012)



Cst Bill Flynn
(February 3rd, 2003)



Cst Jeremy Loewen
(February 2nd, 2004)



Cst Jeff Forster
(January 16th, 2006)



Cst Dane Demianiw
(May 1st, 2007)



Cst Chris Flook
(May 1st, 2007)



Cst Scott Edwards
(July 2nd, 2008)



Cst April Penner
(February 2nd, 2009)



Cst Richard Faucher
(May 14th, 2009)



Cst Dale Hiebert
(January 25th, 2010)

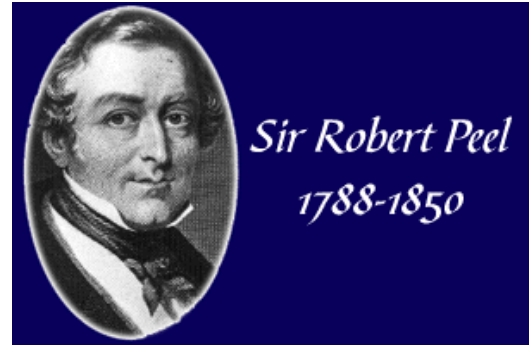


Cst Devin Bell
(August 9th, 2010)



Cst Jon Goertzen
(December 5th, 2011)

Appendix C: Sir Robert Peel's Nine Principles of Policing



Sir Robert Peel, the Home Secretary in London, created the first modern police force in 1829. The following nine principles were issued to every new police officer. As the *Globe and Mail* states in "The Nine Commandments of Policing" (Aug. 15, 2014): "Nearly 200 years on, there is no clearer statement of what policing in a democratic society is supposed to be about."

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
2. To recognize always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect.
3. To recognize always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.
4. To recognize always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.
5. To seek and preserve public favour, not by pandering to public opinion, but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour, and by ready offering of individual sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.
7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police,

the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.

8. To recognize always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.
9. To recognize always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.

Appendix D: City of Morden Tendering & Procurement Policy

CITY OF MORDEN

POLICY & PROCEDURES MANUAL

<i>Reference</i> General Administrative	<i>Classification</i> Policy
<i>Subject</i> Tendering and Procurement Policy	<i>Pages</i> 6
<i>Authority</i> Council	<i>Effective Date</i> March 26, 2013
<i>Approved</i> March 25, 2013 resolution 8.2	<i>Index</i> G/A-005

1. **PRINCIPLES**

The following principles will guide the procurement practices of the Municipality and the process for the sale of municipal capital assets.

- An open, fair and consistent process for the procurement of all goods, services and construction projects that will ensure the best value for dollar spent.
- Procurement processes that encourage competitive bidding for the supply of all goods and services.
- An open, fair and consistent process for the sale of surplus capital assets that will ensure the best value for capital assets sold.
- Accountability of the Municipality for the procurement of goods and services and the disposal of surplus capital assets.

2. **PREAMBLE**

The purpose of this policy is to establish guidelines for the purchase of goods and services and for construction projects undertaken by the Municipality and guidelines for the sale of municipal capital assets.

3. DEFINITIONS

Bid means a competitive bid received from a supplier in response to a verbal or written Request for Quotation, a Request for Proposal or an Invitation to Tender.

Bid Opportunity means a publicly advertised invitation for suppliers to submit bids for the provision of goods or services through a Request for Quotation, a Request for Proposal or an Invitation to Tender.

Goods mean all types of personal property (machinery, gravel, office supplies, computer hardware, land, etc.).

Local Supplier means a business that is located in Morden.

Services mean all types of services, including construction (consulting, engineering and design, accounting and auditing services, legal services, maintenance, operation and repair of buildings, machines or equipment, etc).

4. SCOPE

The policy applies to the procurement of goods and services by purchase, lease, rental or other agreement by the City of Morden and the disposal of surplus capital assets by the City of Morden.

5. PURCHASES FOR THE CITY OF MORDEN

Purchase Orders must be used for all orders placed with any supplier (vendor) providing any good and/or service to the City of Morden, except those items specified in the paragraph titled "EXEMPTIONS".

Purchase Orders must be signed by a Designated Officer or his/her delegate. For this policy, designated officers are the following: City Manager, Finance and Administration Director, Police Chief, Fire Chief, Public Works Director, Community Services Director, Community Development Director, Community Resource Officer, City Engineer, Human Resource Officer, and the Executive Assistant.

Designated Officers shall have the authority, according to the policies of the Municipality, to financially commit the Municipality to expenditures as outlined and approved within the annual financial plan. Designated Officers may also approve expenditures for unexpected and emergency repairs necessary for the continued operations of the department that may result in an overexpenditure in the financial plan, provided they have previously advised, and received the approval of the City Manager or the Director of Finance & Administration. In addition to this, the City Manager shall also have the authority to approve over-expenditures on outlined items within ten

percent of estimated amounts provided that the total expenditures do not exceed the total outlined in the annual financial plan.

Signing authority for Purchase Orders may be granted in writing to other employees at the discretion of the appropriate Designated Officer. The Designated Officer shall establish a purchasing limit for these employees, which shall not exceed the Designated Officer's own limit.

Vendors shall be notified that purchases made without an authorized Purchase Order number or signature of a designated officer or his/her designate will not be approved for payment.

Where available, purchase Orders should include the following information:

- name and address of supplier
- terms of sale
- detailed description of item/service being purchased
- price of item/service being purchased
- appropriate G/L coding
- authorized signature

6. PROCUREMENT GUIDELINES

The value of the goods and services is the total financial commitment resulting from the procurement, including any premiums, fees, commissions, interest, duty, freight and applicable taxes.

The following guidelines will be followed for the purchase of goods and services:

- **Up to \$5,000.00** – For the acquisition of goods and services with a value of up to \$5,000.00 may be made at the discretion of the Designated Officer. Though quotes are not required, the Designated Officer will obtain quotes when it is believed doing so will benefit the City of Morden. Funds are to be clearly identified in the municipality's financial plan.
- **More than \$5,000.00 and up to \$60,000.00** – For the acquisition of goods and services with a value of more than \$5,000.00 and up to \$60,000.00, under normal circumstances at least three (3) written quotations will be required.

It is recognized and accepted that in the case of repairs on equipment or the purchase of specialized or used items, three suppliers may not be available. The City Manager is authorized to approve expenditures under these circumstances.

The tender process may be used where circumstances dictate.

The City of Morden has an interest in supporting Morden businesses. Local suppliers that normally supply such goods and/or works needed shall be contacted to provide a quote. Factors to be included in determining which supplier the goods and/or works are obtained from will include: price including cost of delivery, length of time of delivery, quality of product, warranty, cost for servicing, as well as service history and capabilities. The Designated Officer or authorized employee purchasing shall take all these into account when determining which quote is the most beneficial for the City of Morden.

In cases where repairs are needed to prevent or end an emergency situation and time is of the essence, quotes will not be required.

- **More than \$60,000.00** – For the acquisition of goods and services of more than \$60,000.00, the City of Morden will provide a bid opportunity, using a procurement method identified in Section 7 of this policy.

Bid opportunities will be posted on the City of Morden’s website and advertised in one or both of the local newspapers.

The bid opportunity will also be posted on MERX and/or another system which is low cost, easy to use and readily accessible across Canada, in accordance with the Agreement on Internal Trade MASH Annex 502.4.

The municipality is not required to accept a bid if Council decides not to proceed with the purchase, if all bids are too high, or if none meet the needs of the municipality. The municipality retains the right to reject the lowest or any bid.

7. METHODS AND PROCESSES OF PROCUREMENT

The City of Morden will use the following methods of procurement:

- **Sole Source Purchases** – Sole source purchases will be used in the following circumstances:
 - when there is only one available supplier of a required product or service that meets the needs of the City of Morden.
 - during a state of local emergency where due to immediate need and time constraints normal procurement methods cannot be followed.
 - for the procurement of minor goods and services such as standard office supplies, repairs, small tools, etc.
- **Requests for Quotation** – the Municipality may obtain quotations for provision of goods and services for which there are specific requirements in the following manner:

- **by directly contacting known suppliers.** This method may be used for the procurement of goods and services up to \$60,000.00 in value.
 - Where possible, written quotations will be obtained from 3 suppliers.
 - The City of Morden will contact only local suppliers if it is determined that sufficient competition exists.
 - **through a written Request for Quotations (RFQ)** – an RFQ for the procurement of goods and services will be used where the goods and services have specific and detailed requirements, but are not considered to be “minor” and the cost of the good or service does not warrant the time and level of effort required for a formal tender process.
 - Suppliers will be invited to provide quotations for the sale of goods or services through a public advertisement (bid opportunities).
 - The award of a Request for Quotation will typically go to the lowest total cost bid received from a supplier.
- **Requests for Proposals (RFP)** – an RFP will be used to acquire professional services such as auditors, planning consultants, engineering consultants etc. regardless of the amount of the anticipated procurement.

Potential suppliers will be asked to describe how their services, methods, equipment of products can address and / or meet the needs of the municipality.

An award of a contract will be given to the supplier whose proposal is determined to be the most advantageous to the municipality based on criteria for evaluation set out in the RFP and applied to all proposals.

- **Formal Tenders** – the City of Morden will formally tender for competitive bids for the procurement of capital projects.

Detailed specifications and requirements will be provided in tender documents. The evaluation of tenders will be against detailed specifications and requirements.

A Formal Tender is a formal, competitive sealed bidding process.

Typically, the award of a tender goes to the lowest total cost bid received from a supplier meeting the specifications and requirements of the tender.

8. ADVERTISING BID OPPORTUNITIES

Where considered reasonable to do so, bid opportunities solicited through a Request for Quotations, Request for Proposals, or a Formal Tender will be posted on the City of Morden website and advertised at least once in one or both of the local newspapers.

All bid opportunities for the procurement of goods and services valued equal to or greater than \$100,000 and construction projects valued equal to or greater than \$250,000 will be advertised on Manitoba's electronic tendering system (MERX) (<http://www.merx.com/>) and/or another system which is low cost, easy to use and readily accessible across Canada.

9. AWARD OF CONTRACTS

Quotations, proposals and tenders will be awarded using the evaluation process that is specified in the procurement documents. Generally, the City of Morden will award contracts as follows:

- tender shall be opened publicly
- tender submissions received after the advertised deadline, are to be returned unopened to the originator
- to the lowest total cost bid, in the case of quotations received from a supplier for a good or service
- to the bidder whose proposal has met established evaluation criteria, in the case of proposals submitted to the municipality in response to a Request for Proposal
- to the lowest total cost bid received from a supplier meeting the specifications and requirements of the tender.

The City of Morden is not required to accept any bid if the City decides not to proceed with the purchase.

When all factors are equal, in terms of price, quality, suitability, service and delivery, the City may give preference to a "local" supplier.

The City of Morden may enter into a contract with the successful bidder. The form of the contract will be determined by the City.

10. PROCUREMENT ACCOUNTING AND MANAGEMENT

Procurement Tracking System

The Director of Finance & Administration, or his designate, will prepare accounts payable listings that include the supplier name, the good(s) and/or service(s) provided and the amount payable to each supplier.

The accounts payable listing(s), supported by invoices that have been signed by the appropriate department head(s), are to be submitted to Council each month for payment approval by resolution of Council.

The Director of Finance & Administration, or his/her designate, will issue payment for all accounts payable authorized for payment by resolution of Council and to maintain adequate record of accounts payable listings, the corresponding invoices and cheque registry information.

Procurement Reporting System

The City Manager will provide Council with a monthly report on contracts awarded under this policy.

The City Manager will ensure Council is provided with a monthly progress report for each active capital construction project valued at \$60,000 or greater that is underway. A progress report will be provided each month, beginning with the starting month of the project until the completion of the project when all invoices relating to the project have been paid.

11. EXEMPTIONS FROM PURCHASE ORDERS

The following purchases shall be exempt from the purchase order requirements of the City of Morden:

- education levy payments
- intermunicipal obligations
- debt servicing payments
- legal fees
- municipal aid expenditures
- specific levies outlined in the annual financial plan
- meals
- services provided by contract on a reoccurring basis, and
- purchases made via credit cards held in the name of the Municipality
- purchases made by an authorized employee where an invoice is signed at the time of purchase and immediately forwarded for payment

All purchases fitting the above criteria must be clearly marked as to the nature of the purchase and the department making the purchase. The exemption of said items shall be reviewed by the City Manager, as required.

12. PROCESS FOR SELLING SURPLUS CAPITAL ASSETS:

Surplus capital assets of any value will be disposed of in the following manner:

- competitive bid process through a Request for Quotations
- public auction
- where the estimated saleable value of the item is under \$5,000, the item shall be advertised for sale and sold to the highest bid received. Bids shall be accepted during regular business hours only. Where it is possible to determine a value for the item based on sale of the item by others, a specific asking price process may be used.
- where the estimated saleable value of the item is over \$5,000, the item shall be tendered for sale with the decision to sell made by resolution of Council.
- estimated values of items shall be determined by the Management position in charge of that area, in consultation with the City Manager.
- prior to an item being disposed of, the Director of that department shall check with all the other departments within the City of Morden to first determine if another department has use for the item.
- where the item being sold has a value, it shall normally be advertising in some form of media advertising for a minimum of one (1) week. The advertisement shall specify a closing date and time for which the City of Morden shall receive bids for the item being disposed of.
- where, after attempting to sell an item it is determined that the item does not have saleable value, the item may be discarded.

Appendix E: Retention and Disposition of Municipal Records Regulation

The retention and disposition of municipal records is regulated by The Municipal Act of the Province of Manitoba.

At the time this policy manual was created, the most current version available of the Municipal Act was as of 2016-12-20. As the provincial government website states: "It is the first version and has not been amended."

The information below is an excerpt from The Municipal Act. For further details, please consult the full act as presented on the provincial government website.

THE MUNICIPAL ACT (C.C.S.M. c. M225): Len Derkach Minister of Rural Development—February 25, 1997

Retention and Disposition of Municipal Records Regulation

Regulation 53/97 Registered March 4, 1997

Definitions 1

In this regulation,

- "archives" means an agency responsible for the permanent storage of records that are designated as archival in the Schedule;
- "designated as archival" means a record that is required under the Schedule to be transferred to an archives;
- "disposition" means transfer to an archives ("Archive") or destroy, ("Destroy") as provided in the Schedule;
- "minimum retention period" means the minimum time period for which a record must be retained before it is destroyed or transferred to an archives.

Retention and disposition requirements respecting records

2 A council must ensure

(a) in respect of each record, that

- (i) the record is retained by the municipality for the minimum retention period,
- (ii) documentation of the disposition of the record is maintained which provides details of the destruction of a record, or its transfer to an archives;

(b) in respect of each record designated as archival, that

(i) the record is not destroyed, and

(ii) the record is transferred to the Archives of Manitoba, or to an archives that the council has determined meets established minimum archival standards, as soon as is reasonably possible after the minimum retention period.

Other requirements respecting records

3(1) A council must ensure in respect of each record that reasonable care is taken to protect the record against damage, deterioration, unauthorized destruction or alienation.

3(2) A council that retains a record in electronic form must ensure that the record is retained and retrievable for the minimum retention period.

3(3) A council that retains a record that is designated as archival in electronic form must copy the record to paper or microfilm for the purpose of transfer to an archives.

3(4) Microfilm applications of records designated as archival must conform to industry accepted technical standards and established preparation and documentation procedures.

Duplicate copies of records

A council may destroy or authorize the destruction of a duplicate copy of a record at any time.

Retention and Disposition of Police Records:

The retention and disposition of administrative and operational police records is found in Schedule: Records Category 15: "Police, Ambulance, Fire, Emergency Response."

Appendix F: Manitoba Police Act

Bill 16: THE POLICE SERVICES ACT

Table of Contents

Explanatory Note

WHEREAS police services play a critical role in protecting the safety and security of Manitobans;
AND WHEREAS co-operation between police services and the communities they serve will result in improved safety and security and better relations between police and citizens;
AND WHEREAS civilian governance and oversight of police services will improve transparency and accountability in the delivery of policing services;
AND WHEREAS it is desirable that policing services be provided in a manner that recognizes the pluralistic and multicultural character of Manitoba society, and in particular, First Nation, Metis and other aboriginal peoples;
AND WHEREAS it is recognized that public safety is enhanced as police services become more representative of the communities they serve;
AND WHEREAS it is important to recognize the rights of victims of crime and their needs in the delivery of policing services;
AND WHEREAS the importance of safeguarding the fundamental rights protected by the *Canadian Charter of Rights and Freedoms* and *The Human Rights Code* is recognized by all;
THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

PART 1 INTERPRETATION

Definitions

1(1) The following definitions apply in this Act.

"**civilian director**" means the person appointed as the civilian director of the independent investigation unit. (« directeur civil »)

"**civilian monitor**" means a person appointed under Part 7 to monitor investigations. (« observateur civil »)

"**commission**" means the Manitoba Police Commission established under section 6. (« Commission »)

"**council**" means the council of a municipality. (« conseil municipal »)

"**department**" means the department of government over which the minister presides and through which this Act is administered. (« ministère »)

"**director**" means the person appointed as the Director of Policing under section 3. (« directeur »)

"**First Nation**" means a band as defined in the *Indian Act* (Canada). (« Première nation »)

"**First Nation police service**" means a police service established under Part 5. (« service de police de Premières nations »)

"independent investigation unit" means the unit established under Part 7. (« unité d'enquête indépendante »)

"investigator" means a person selected to serve as an investigator with the independent investigation unit. (« enquêteur »)

"minister" means the minister appointed by the Lieutenant Governor in Council to administer this Act. (« ministre »)

"municipal police service" means a police service operated by a municipality under Part 4. (« service de police municipal »)

"police board" means the police board for a police service. (« conseil de police »)

"police chief" means the person appointed as the chief of a police service, and includes an acting chief of a police service. (« chef de police »)

"police officer" means a person appointed to serve as a police officer in a police service, and includes a police chief. (« agent de police »)

"police service" means a police service established or continued under this Act, but does not include the Royal Canadian Mounted Police. (« service de police »)

"prescribed" means prescribed by regulation.

"regional police service" means a police service established under Division 4 of Part 4. (« service de police régional »)

"special constable" means a special constable appointed under Part 8. (« agent de police spécial »)

"urban municipality" means a city, town, village or other urban municipality formed or continued under *The Municipal Act*, and includes the City of Winnipeg. (« municipalité urbaine »)

Reference to "Act" includes regulations

1(2) In this Act, a reference to "this Act" includes the regulations made under this Act.

PART 2 ADMINISTRATION

Minister's role

2 The minister is responsible for ensuring that adequate and effective policing is provided throughout Manitoba.

Director of policing

3 A Director of Policing is to be appointed as provided in *The Civil Service Act*.

Director's responsibilities

4(1) The director, under the general direction of the minister, is responsible for the following:

- (a) the oversight and supervision of police services in Manitoba;
- (b) the assessment of policing requirements in Manitoba;
- (c) the co-ordination of policing in Manitoba.

Specific duties of director

4(2) The duties of the director include

- (a) monitoring, inspecting and reporting to the minister on the quality and standard of police services in Manitoba;
- (b) co-ordinating the delivery of policing in Manitoba;
- (c) developing and promoting programs to enhance professional practices and standards for police services and police boards;
- (d) consulting with and providing information to the minister, police chiefs, police boards and the Royal Canadian Mounted Police on matters relating to law enforcement and policing;
- (e) developing programs and statistical records respecting law enforcement and policing;
- (f) establishing programs to promote cooperation between police services and the public; and
- (g) performing any other duties assigned by the minister.

Delegation

5 The director may delegate any power conferred or duty imposed on the director by this Act to an employee of the department.

Commission established

6 The Manitoba Police Commission is hereby established.

Duties of commission

- 7** The duties of the commission include
- (a) providing advice to the minister on regulations dealing with the operation of police services and the conduct of police officers, including regulations prescribing standards for police services and police officers;
 - (b) consulting with the public on matters relating to law enforcement and policing, and providing the results of those consultations to the minister;
 - (c) developing a policy and procedures manual for police boards and a code of ethical conduct for members of police boards;
 - (d) arranging for training to be provided to members of police boards and civilian monitors; and
 - (e) performing any other duties assigned by the minister.

Studies by commission

8(1) The minister may direct the commission to conduct a study on a specific issue relating to law enforcement or policing.

Report to minister

8(2) When the commission conducts a study at the request of the minister, it must provide the minister with a report setting out its findings and any recommendations it may have on the issue.

Membership

9(1) The commission is to consist of at least five but no more than nine persons appointed by the Lieutenant Governor in Council.

Makeup of commission

9(2) The commission must include at least one member of a First Nation and one other aboriginal person.

Appointment considerations

9(3) In appointing persons to the commission, the Lieutenant Governor in Council must take into account the cultural and gender diversity of Manitoba.

Term of office

10(1) Members of the commission are to be appointed for the term fixed in the order appointing them, which must not exceed four years, and no member may serve more than two successive terms.

Appointment continues

10(2) A member of the commission whose term expires continues to hold office until he or she is reappointed, a successor is appointed or the appointment is revoked.

Chair and vice-chair

11(1) The Lieutenant Governor in Council must appoint one of the members of the commission as the chair of the commission and another as the vice-chair.

Authority of vice-chair

11(2) The vice-chair has the authority of the chair if the chair is absent or unable to act, or if authorized by the chair.

Staff

12 Any employees required to enable the commission to carry out its duties may be appointed in accordance with *The Civil Service Act*.

PART 3 RESPONSIBILITY FOR PROVIDING POLICING IN MANITOBA

Policing in large urban municipalities

13(1) An urban municipality with a population over 5,000 must ensure that policing services are provided in the municipality by

- (a) establishing its own police service;
- (b) entering into an agreement with the Government of Canada to have the Royal Canadian Mounted Police provide policing services in the municipality;
- (c) entering into an agreement with one or more municipalities to jointly operate a regional police service that will provide policing services in those municipalities; or
- (d) entering into an agreement with another municipality to have that other municipality's police service provide policing services in the municipality.

Policing in mid-sized urban municipalities

13(2) An urban municipality with a population between 750 and 5,000 must ensure that policing services are provided in the municipality by

- (a) establishing its own police service;
- (b) entering into an agreement with the Government of Manitoba to have the Royal Canadian Mounted Police provide policing services in the municipality under an agreement entered into under section 18;
- (c) entering into an agreement with one or more municipalities to jointly operate a regional police service that will provide policing services in those municipalities; or
- (d) entering into an agreement with another municipality to have the police service for that other municipality provide policing services in the municipality.

Policing in other areas of Manitoba

14(1) Unless policing services are being provided in accordance with subsection (2), the minister must ensure that policing services are provided in

- (a) an urban municipality with a population under 750;
- (b) a rural municipality; and
- (c) any part of Manitoba that is not in a municipality.

Policing options for rural and small urban municipalities

14(2) A municipality referred to in clause (1)(a) or (b) may arrange for policing services to be provided in the municipality by

- (a) establishing its own police service;
- (b) entering into an agreement with one or more municipalities to jointly operate a regional police service that will provide policing services in those municipalities; or
- (c) entering into an agreement with another municipality to have that other municipality's police service provide policing services in the municipality.

Notice of intention to establish police service

15(1) A municipality that intends to establish its own police service or jointly establish a regional police service must advise the minister of its intention before establishing the service.

Approval to stop operating police service

15(2) A municipality that operates its own police service or jointly operates a regional police service must not discontinue the operation of the service unless the minister has approved the discontinuance.

Copies of agreements

16 A municipality that enters into an agreement

- (a) under clause 13(1)(b) to have the Royal Canadian Mounted Police provide policing services in the municipality;
- (b) to operate a regional police service; or
- (c) to have the police service of another municipality provide policing services in the municipality;

must provide the director with a copy of the agreement.

Cost of municipal police service

17(1) A municipality that establishes its own police service must pay all costs of the service.

Costs of regional police service

17(2) A municipality that jointly operates a regional police service is responsible for the costs of the service in accordance with the terms of the agreement establishing the regional police service.

Costs when policing provided by agreement

17(3) A municipality that enters into an agreement
(a) under clause 13(1)(b) or 13(2)(b) to have the Royal Canadian Mounted Police provide policing services in the municipality; or
(b) to have the police service of another municipality provide policing services in the municipality;
is responsible for the costs of those policing services in accordance with the terms of the agreement.

Agreement for RCMP to provide policing

18(1) The Government of Manitoba may enter into one or more agreements with the Government of Canada to have the Royal Canadian Mounted Police act as a provincial police service and provide
(a) policing services in all or any portions of Manitoba that may be designated by the minister; and
(b) additional services set out in the agreements.

Status, duties and powers of RCMP members

18(2) When providing policing services under an agreement entered into under subsection (1), members of the Royal Canadian Mounted Police
(a) have all the powers, duties, privileges and protections of a peace officer and constable at common law or under any enactment or applicable by-law;
(b) have, with respect to the areas where policing services are being provided, the duties set out in clauses 25(a) to (g) (duties of municipal police officers), subject to any necessary changes; and
(c) have authority to act throughout Manitoba in order to carry out their duties.

RCMP accountable to minister

18(3) The commanding officer of the Royal Canadian Mounted Police in Manitoba is accountable to the minister for policing services provided by the Royal Canadian Mounted Police under an agreement entered into under subsection (1).

Emergency policing

19(1) If the minister determines that an emergency situation exists in an area of Manitoba, he or she may, by written notice, direct the Royal Canadian Mounted Police to provide policing in the area for a specified period.

Provision of policing in emergencies

19(2) On receiving notice from the minister, the Royal Canadian Mounted Police must provide the requested policing services for the period directed by the minister.

Ministerial assignment of investigation

20 Despite any other provision in this Act, if the minister considers it to be in the interests of the administration of justice, he or she may assign the conduct of an investigation into an alleged offense that would normally be conducted by a police service or the independent investigation unit to members of the Royal Canadian Mounted Police or members of another police service in Manitoba or another Canadian province.

PART 4 MUNICIPAL POLICE SERVICES DIVISION 1 POLICE CHIEF AND OFFICERS

POLICE CHIEF

Appointing police chief

21 A municipality's police board must appoint a person with prescribed qualifications to serve as the chief of the municipal police service.

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).

POLICE OFFICERS

Appointing police officers

23(1) The police board may appoint eligible persons to serve as police officers in the police service, or it may delegate that power to the police chief.

Qualifications

23(2) To be eligible for appointment as a police officer, a person must have the prescribed qualifications.

Status of police officers

24(1) A police officer has all the powers, duties, privileges and protections of a peace officer and constable at common law or under any enactment.

Jurisdiction of police officers

24(2) A police officer has authority to act throughout Manitoba in order to carry out his or her duties, subject to any restrictions or conditions established by regulation or set out in his or her appointment.

Duties of police officers

25 The duties of a police officer include

- (a) preserving the public peace;
- (b) preventing crime and offenses against the laws in force in the municipality;
- (c) assisting victims of crime;
- (d) apprehending criminals and others who may lawfully be taken into custody;
- (e) executing warrants that are to be executed by peace officers, and performing related duties;
- (f) laying charges and participating in prosecutions;
- (g) enforcing municipal by-laws; and
- (h) performing other duties assigned by the police chief.

DIVISION 2 POLICE BOARDS

Police board required

26(1) Every municipality that operates a police service must establish and maintain a police board in accordance with this Division.

Police board responsible for police service

26(2) A municipal police service must operate under the general direction and supervision of the municipality's police board in accordance with this Part.

Purpose of police board

27 The purpose of a police board is to provide

- (a) civilian governance respecting the enforcement of law, the maintenance of the public peace and the prevention of crime in the municipality; and
- (b) the administrative direction and organization required to provide an adequate and effective police service in the municipality.

General duties of police board

- 28(1)** The police board must
- (a) after consulting with the police chief, establish priorities and objectives for the police service;
 - (b) establish policies for the effective management of the police service;
 - (c) direct the police chief and monitor his or her performance; and
 - (d) perform any other prescribed duties.

Specific duties of police board

- 28(2)** Without limiting the generality of subsection (1), the police board must
- (a) ensure that the police chief establishes programs and strategies to implement the priorities and objectives established by the board for the police service;
 - (b) ensure that community needs and values are reflected in the policing priorities, objectives, programs and strategies;
 - (c) ensure that police services are delivered in a manner consistent with community needs, values and expectations; and
 - (d) act as a liaison between the community and the police service.

Restriction on police board activities

- 28(3)** The police board may give orders and directions to the police chief, but not to other police officers. No individual member of the board may give an order or direction to any police officer.

No role on specific matters

- 28(4)** The police board must not give orders or directions on specific operational decisions, individual investigations or the day-to-day operation of the police service.

No role in personnel matters

- 28(5)** With the exception of the police chief, the police board has no role with respect to the discipline or personal conduct of any police officer.

No right to sensitive information

- 28(6)** The police board is not entitled to any information about individual investigations or intelligence files.

Information from board to develop budget

- 29(1)** To assist the council in developing the municipal budget, the police board must provide the council with
- (a) an estimate of the costs required to operate the police service in the next fiscal year; and
 - (b) any additional information that the council considers necessary to enable it to assess the financial requirements of the police service.

Council has final responsibility for budget

29(2) The council is responsible for establishing the total budget of the police service.

Police board to allocate funds

29(3) The police board is responsible for allocating the funds that are provided to the police service under the municipal budget.

Size of police board

30(1) The council of a municipality must establish the size of its police board by by-law. The police board must

(a) consist of at least three members, in the case of a municipality with a population of 5,000 or less;

(b) consist of at least five members, in the case of a municipality with a population over 5,000; or

(c) consist of at least seven members, in the case of the City of Winnipeg.

Appointing members to police board

30(2) Subject to subsection (3), one member of a police board is to be appointed by the Lieutenant Governor in Council, and the other members are to be appointed by the council.

Police board for City of Winnipeg

30(3) In the case of the City of Winnipeg, two members of the police board are to be appointed by the Lieutenant Governor in Council, and the other members are to be appointed by the council.

Number of council members and employees

30(4) No more than half the members of the police board may be council members or employees of the municipality.

Term of council member

31(1) The term of a council member on the police board ends when the person is no longer a member of the council.

Term of member appointed by council

31(2) The term of a person appointed to the police board by council who is not a council member must be fixed in his or her appointment, but must not extend past the term of office of the council that made the appointment.

Term of member appointed by L.G. in C.

31(3) The term of a person appointed to the police board by the Lieutenant Governor in Council must be fixed in the order appointing the person, but must not exceed four years.

Extension and reappointment

31(4) A person appointed to the police board who is not a council member

- (a) may continue to serve on the board after the expiry of his or her term until the appointment of his or her successor; and
- (b) is eligible for reappointment, as long as the reappointment does not result in more than eight consecutive years of service on the board.

Election of chair and vice-chair

32(1) The members of the police board must elect a chair and a vice-chair from among themselves at the first meeting of each year.

Authority of vice-chair

32(2) The vice-chair has the authority of the chair when the chair is absent or unable to act, or when authorized by the chair.

Procedure

33 Subject to the requirements of this Act, a police board may determine its own practice and procedures.

Meetings

34(1) The police board must hold a meeting at least once every three months.

Public meetings

34(2) Subject to subsection (3), meetings of the police board must be open to the public and the board must give public notice of its meetings in the prescribed manner.

Exception

34(3) The police board may exclude the public from all or part of a meeting in order to consider matters involving public security or sensitive financial or personal information.

Policy and procedures manual

35(1) The police board must operate in accordance with the policy and procedures manual developed by the commission for police boards.

Code of ethical conduct

35(2) Every member of the police board must comply with the code of ethical conduct developed by the commission for police board members.

Training

36 Every member of the police board must undergo training arranged by the commission.

Remuneration

37 The council may provide for reasonable remuneration to members of the police board who are not members of the council.

Delegation

38 The police board may delegate to two or more of its members any duty imposed or power conferred on it by this Act.

DIVISION 3 MISCELLANEOUS PROVISIONS RE MUNICIPAL POLICE SERVICES

Employer

39(1) A municipality that operates a police service is deemed to be the employer of the police chief and other police officers in the service.

Pay and other benefits set by council

39(2) A council is responsible for setting the pay and other benefits of the police chief and other police officers in the service.

Municipality liable for torts of officers

40(1) A municipality that operates a police service is jointly and severally liable for a tort committed by a police officer in the performance of his or her duties.

Municipality to indemnify officer

40(2) A municipality that operates a police service must pay the following:

- (a) any damages or costs awarded in an action or proceeding against one of its police officers as the result of a tort committed by the officer in the performance of his or her duties;
- (b) any costs incurred and not recovered by the officer in the action or proceeding;
- (c) any sum required to settle the action or proceeding against the officer.

Municipality may defend officer

40(3) A municipality that may be liable under this section has the right to defend — in the name and on behalf of the police officer — an action or proceeding that may be brought against the officer.

Duty to cooperate

40(4) A police officer whose conduct is the subject of an action or proceeding must cooperate with the municipality in the settlement or defence of the action or proceeding.

DIVISION 4 REGIONAL POLICE SERVICES

Agreement re regional police service

41(1) The councils of two or more municipalities may enter into an agreement to jointly establish and operate a regional police service to provide policing services in those municipalities.

Agreement requirements

41(2) An agreement to establish and operate a regional police service must

- (a) set out the manner in which the costs of operating the police service are to be divided between the municipalities that operate the service;
- (b) in the case of an amalgamation of existing municipal police services, set out the process by which the police services are to be amalgamated; and
- (c) address any other matter that the minister considers necessary.

Police board required

42(1) The municipalities that operate a regional police service must establish and maintain a police board for the police service.

Role of police board

42(2) A regional police service must operate under the general direction and supervision of the police board in accordance with this Part.

Makeup of regional police board

42(3) The police board for a regional police service is to consist of

- (a) two members appointed by the council of every municipality that operates the police service, unless an agreement has been reached under subsection (4) to alter the number of board members from each municipality; and
- (b) one member appointed by the Lieutenant Governor in Council.

Agreement on number of board members

42(4) The councils of the municipalities that operate a regional police service may enter into an agreement to alter the number of police board members appointed by the council of each municipality. However, each municipality must appoint at least one member of the police board.

Application

43(1) The provisions of Divisions 1, 2 and 3 of this Part apply, with necessary changes, to a regional police service and its police chief, police officers and police board.

Employer

43(2) Unless the agreement under section 41 provides otherwise, the municipalities that operate a regional police service are deemed to jointly employ the police officers in the service.

Actions against regional police officers

44 Section 40 (municipality liable for torts of officers) applies, with necessary changes, to an action or proceeding involving a police officer in a regional police service. Each municipality that operates a regional police service

- (a) jointly and severally liable for the torts of a police officer in the regional police service that are committed in the performance of the officer's duties; and
- (b) jointly and severally liable for the payments set out in subsection 40(2).

PART 5 FIRST NATION POLICE SERVICES

First Nation police service

45(1) The Government of Manitoba, the Government of Canada and one or more First Nations, or an entity representing a group of First Nations, may enter into an agreement to establish a police service to provide policing services to a First Nation community or group of First Nation communities.

Police board

45(2) An agreement referred to in subsection (1) must provide for the establishment of a police board for the First Nation police service.

Jurisdiction of First Nation police service

46 A First Nation police service may act as the police service only in the areas specified in the agreement referred to in subsection 45(1), or any additional areas specified in amendments to that agreement made by the parties set out in that subsection.

Application

47 All of the provisions of this Act apply, with necessary changes, to a First Nation police service and its police chief, police officers and police board. If there is a conflict between this Act and the agreement establishing a First Nation police service, the provision in the agreement prevails.

PART 6 POLICING STANDARDS

Regulations re policing standards

48(1) To ensure that police services provide adequate and effective policing, the minister may make regulations respecting the operation of police services, including the conduct of police officers.

Specific regulations

48(2) Without limiting the generality of subsection (1), the minister may make regulations

- (a) prescribing the minimum number of police officers in a police service, based on the population of the area policed, the size of the area policed, or a combination of those factors;
- (b) prescribing training for new police officers, and ongoing training requirements for current police officers or any category of police officers;
- (c) establishing standards for the following facilities, items and equipment used by a police service:
 - (i) offices,
 - (ii) detention facilities,
 - (iii) motor vehicles,

- (iv) computers and communications equipment,
- (v) firearms, and
- (vi) other prescribed items and equipment;
- (d) governing the use of firearms and other prescribed equipment by police officers;
- (e) prohibiting or governing the use of physical force by police officers, including prescribing training in the use of physical force in emergency response situations, pursuits and forcible entries, and as a means of restraining an individual;
- (f) respecting joint operations conducted by two or more police services or by one or more police services and the Royal Canadian Mounted Police;
- (g) requiring the sharing of certain information between police services and between police services and the Royal Canadian Mounted Police;
- (h) establishing standards of dress for police officers on duty, and prescribing requirements for police uniforms;
- (i) prescribing the records, returns, books and accounts to be made and kept by police officers and police services;
- (j) prescribing the method of accounting for fees, costs, money and other property received by police officers and police services.

Directives, guidelines and standard operating procedures

49(1) The director may

- (a) issue a directive, guideline or standard operating procedure to one or more police services on a specific matter relating to law enforcement and policing; or
- (b) by written notice, require a police service to develop and issue a directive, guideline or standard operating procedure on a specific matter relating to law enforcement and policing.

Chief to ensure compliance

49(2) The chief of a police service must ensure that police officers comply with a directive, guideline or procedure issued under subsection (1).

Model code of conduct

50 The director, in consultation with the commission, may prepare a model code of conduct for police officers for adoption by police services.

Providing information to director

51 On request from the director, the chief of a police service must provide the director with the following:

- (a) forms used and records maintained by the police service;
- (b) information about the police service, its police officers and its operations;
- (c) statistical information about crime or policing in the area where the police service has jurisdiction.

Inspections

52(1) The director may conduct inspections of police services.

Chief to ensure co-operation

52(2) The chief of a police service must ensure that all police officers co-operate with the director during an inspection.

Notice of policing failures

53(1) If the minister determines that a police service has failed to provide adequate and effective policing services or that the operation of the police service has failed to meet the requirements of this Act, the minister may notify the police board responsible for the police service and the chief of the police service of that determination.

Form of notice

53(2) The notice under subsection (1) must be in writing and must

- (a) identify the failures;
- (b) specify how the failures are to be corrected or the steps that are to be taken to prevent future failures; and
- (c) specify the deadline for taking the action required under clause (b).

Notice to other parties

53(3) The notice under subsection (1) must also be sent

- (a) in the case of a municipal police service, to the council of the municipality;
- (b) in the case of a regional police service, to the council of each municipality that receives policing services from the police service; and
- (c) in the case of a First Nation police service, to the council for each First Nation that receives policing services from the police service.

Intervention by minister

53(4) If the minister determines that the required corrections or preventative steps have not been made or taken by the deadline specified in the notice, the minister may do one or more of the following:

- (a) suspend, in whole or in part, the operation of the police service;
- (b) arrange for the Royal Canadian Mounted Police or another police service to provide policing services in the area in question;
- (c) appoint an administrator to perform specified functions respecting the police service for a specified period;
- (d) remove the police chief from office, and appoint a replacement;
- (e) remove one or more members of the police board from office and appoint interim members to the board;
- (f) take any other steps that the minister considers necessary to provide adequate and effective policing services in the area in question.

Immediate intervention by minister

54 The minister may take one or more of the actions set out in subsection 53(4) without giving notice under section 53 if the minister determines that

- (a) the police service has failed to provide adequate and effective policing services; and
- (b) it is in the public interest for the minister to immediately take those actions.

Liability for costs

55 The minister must certify the costs of actions taken under subsection 53(4) or section 54. Unless the minister directs otherwise, the costs

- (a) in the case of a municipal police service, must be paid by the municipality;
- (b) in the case of a regional police service, are the joint and several responsibility of every municipality that operates the regional police service; or
- (c) in the case of a First Nation police service, must be paid by the operator of the police service specified in the agreement establishing the police service.

PART 7

INVESTIGATIONS INTO POLICE OFFICER CONDUCT

DIVISION 1

INDEPENDENT INVESTIGATION UNIT

Independent investigation unit established

56(1) The independent investigation unit is hereby established.

Members of independent investigation unit

56(2) The independent investigation unit consists of the civilian director, who is in charge of the unit, and investigators selected by the civilian director.

Appointing civilian director

57(1) The Lieutenant Governor in Council must appoint a person as civilian director.

Civilian director must not be police officer

57(2) A person who is a current or former member of a police service or the Royal Canadian Mounted Police may not be appointed as the civilian director.

Term of office

58(1) Unless he or she resigns, dies or has his or her appointment terminated, the civilian director shall hold office for five years from the date of his or her appointment. A person may be re-appointed as civilian director for a second term of five years but may not serve more than two terms.

Termination only for cause

58(2) The civilian director's appointment must not be terminated, except for cause.

Duties of civilian director

59 The civilian director is responsible for the following:

- (a) the management, administration and operation of the independent investigation unit;
- (b) overseeing investigations conducted by the independent investigation unit;
- (c) performing any other duties imposed by this Act.

Investigators

60 The civilian director may select any of the following persons to serve as an investigator with the independent investigation unit:

- (a) a current or former member of the Royal Canadian Mounted Police;
 - (b) a current or former police officer from a police service in Manitoba or another Canadian province;
 - (c) a civilian with investigative experience;
- if the person has the prescribed qualifications and experience.

Investigators to be released from other duties

61 A police officer who is selected to be an investigator in the independent investigation unit must be released from all other duties in order to join the unit.

Civilian director in charge of investigators

62 An investigator is under the sole command and direction of the civilian director while serving with the independent investigation unit.

Peace officer status

63 Members of the independent investigation unit have all the powers, duties, privileges and protections of a peace officer and constable at common law or under any enactment.

Annual report

64(1) The civilian director must submit an annual report on the operations of the independent investigation unit to the minister. The report must include the following information:

- (a) the number of investigations started in the year;
- (b) the number of investigations concluded in the year;
- (c) the number of charges laid against police officers in the year, and particulars of the charges;
- (d) the number of investigations for which a civilian monitor was appointed.

Tabling report

64(2) The minister must table the annual report in the Assembly within 15 days after receiving it if the Assembly is sitting or, if it is not, within 15 days after the next sitting begins.

DIVISION 2 MANDATORY INVESTIGATIONS BY THE INDEPENDENT INVESTIGATION UNIT

Notice of incident

65(1) When a police officer is at the scene of an incident where it appears that

- (a) the death of a person may have resulted from the actions of a police officer;
- (b) a serious injury to a person may have resulted from the actions of a police officer; or
- (c) a police officer may have contravened a prescribed provision of the *Criminal Code* (Canada) or a prescribed provision of another federal or provincial enactment;

the independent investigation unit is to be immediately notified in accordance with prescribed procedures.

Notice even if officer not on duty

65(2) Notice must be given under subsection (1) even if the police officer involved in the incident was not on duty at the time of the incident.

Duties of officers at scene of incident

65(3) Until members of the independent investigation unit arrive at the scene of the incident, the police officers at the scene must take any steps that the officers would normally take in such an incident, unless directed otherwise by a member of the independent investigation unit.

Unit to assume conduct of investigation

65(4) Upon arriving at the scene of the incident, a member or members of the independent investigation unit must assume conduct of the investigation of the incident.

Notice of investigation of police officer

66(1) When a police service is conducting an investigation into the conduct of a police officer and there is evidence that the officer may have

- (a) caused the death of a person;
- (b) caused a serious injury to a person; or
- (c) contravened a prescribed provision of the *Criminal Code* (Canada) or a prescribed provision of another federal or provincial enactment;

the police chief of the police service must, as soon as practicable, notify the independent investigation unit.

Notice of complaint involving police officer

66(2) When a police service receives a formal complaint that a police officer

- (a) caused the death of a person;
- (b) caused a serious injury to a person; or
- (c) has engaged in conduct that would constitute a contravention of a prescribed provision of the *Criminal Code* (Canada) or a prescribed provision of another federal or provincial enactment;

the police chief of the police service must, as soon as practicable, notify the independent investigation unit.

Notice even if officer not on duty

66(3) Notice must be given under subsection (1) or (2) even if the police officer was not on duty at the time of the conduct in question.

Unit to take over investigation

66(4) When the independent investigation unit receives notice of an investigation or complaint under this section, one or more of its members must assume conduct of the investigation in accordance with directions from the civilian director.

Advice on charges

67 After the conclusion of an investigation, if the civilian director is considering laying an information against a police officer, he or she must forward the results of the investigation to independent legal counsel for advice on whether an information should be laid.

Conduct of prosecution

68 If an information has been laid against a police officer as the result of an investigation under this Part, it must be prosecuted by an independent prosecutor retained by the department.

CIVILIAN MONITORS

Appointing civilian monitors

69(1) The commission may appoint persons who are not current police officers to monitor investigations conducted by the independent investigation unit.

Training

69(2) A civilian monitor must receive training arranged by the commission before monitoring an investigation conducted by the independent investigation unit.

Request for civilian monitor

70(1) The civilian director must ask the chair of the commission to assign a civilian monitor to monitor an investigation conducted under this Part if a police officer may have caused the death of a person or in any other case where the civilian director considers it to be in the public interest to involve a civilian monitor.

Chair to assign civilian monitor

70(2) When a request is made under subsection (1), the chair of the commission must assign a civilian monitor to monitor the investigation in question.

Role of civilian monitor

71 A civilian monitor must monitor the progress of the investigation by the independent investigation unit in accordance with prescribed practices and procedures.

Report to commission chair

72 A civilian monitor must report to the chair of the commission on the investigation that he or she has monitored.

DIVISION 3 INVESTIGATIONS BY POLICE SERVICES INTO POLICE OFFICER CONDUCT

Notice of complaints and investigations

73(1) A police chief must, as soon as practicable, notify the independent investigation unit

(a) when the police service receives a formal complaint that a police officer has engaged in conduct that constitutes a contravention of the *Criminal Code* (Canada) or any another federal or provincial enactment, other than the provisions prescribed under clause 65(1)(c); or

(b) when the police service is conducting an investigation into the conduct of a police officer and there is evidence that the officer may have contravened the *Criminal Code* (Canada) or any another federal or provincial enactment, other than the provisions prescribed under clause 65(1)(c).

Information about complaint or investigation

73(2) At the request of the civilian director, the police chief must give the civilian director information about the complaint or investigation and the status of the police service's investigation.

Information on results of investigation

73(3) When an investigation into a matter referred to in subsection (1) has been completed, the police chief must provide the civilian director with the results of the investigation.

Monitoring investigation

74 On request of the civilian director, the police chief of a police service must allow a civilian monitor or a member of the independent investigation unit to monitor the progress of an investigation by the police service into a matter referred to in subsection 73(1).

Investigation by independent investigation unit

75(1) The independent investigation unit may assume conduct of an investigation into a matter referred to in subsection 73(1) if the civilian director considers it to be in the public interest to have the unit conduct the investigation.

Notice to police chief

75(2) The civilian director must notify the police chief of the police service if the independent investigation unit is assuming conduct of the investigation.

Transfer of investigation

75(3) Upon receiving notice from the civilian director, the police chief must turn over conduct of the investigation to the independent investigation unit.

Application

75(4) Division 2 applies, with necessary changes, to an investigation conducted by the independent investigation unit under this section.

Regulations re internal investigations

76 The minister may make regulations respecting the manner in which police services conduct investigations of possible unlawful conduct involving their police officers, including regulations respecting

- (a) the minimum qualifications of police officers conducting such investigations; and
- (b) public reporting on the results of such investigations, including the form and content of the reports.

DIVISION 4 INTERPRETATION

Interpretation

77 In this Part,

"**police chief**" includes the commanding officer of the Royal Canadian Mounted Police in Manitoba; (« chef de police »)

"**police officer**" includes a member of the Royal Canadian Mounted Police (« agent de police »); and

"**police service**" includes the Royal Canadian Mounted Police. (« service de police »)

PART 8 SPECIAL CONSTABLES

Appointing special constables

78(1) The director may appoint an individual or class of individuals as special constables, subject to any terms or conditions that the director considers appropriate.

Qualifications

78(2) An individual may be appointed as a special constable only if he or she has the prescribed qualifications.

Applications

78(3) Except in exigent circumstances, an application for the appointment of a special constable must be made in writing to the director on a form approved by the director.

Appointment requirements

78(4) The appointment of a special constable must be made in writing and must set out

- (a) the duties and responsibilities of the special constable;
- (b) the territorial jurisdiction of the special constable;
- (c) the term of the appointment; and
- (d) any terms or conditions imposed on the appointment.

Revoking appointment

79 The director may revoke the appointment of a special constable.

Peace officer status

80 Subject to any limitations imposed on his or her appointment, a special constable has the powers and protections of a peace officer when carrying out the duties and responsibilities set out in his or her appointment.

Responsibility for special constables

81(1) The employer of a special constable is responsible for ensuring that a special constable carries out the duties and responsibilities set out in his or her appointment in a proper manner.

Liability for special constable

81(2) The employer of a special constable is liable for the actions of the special constable while he or she is carrying out the duties or responsibilities set out in his or her appointment.

Regulations

82 The minister may make regulations respecting special constables, including regulations respecting

- (a) the training of special constables;
- (b) the performance of duties and responsibilities by special constables; and
- (c) information and documents to be provided to the director by the employer of a special constable.

PART 9 MISCELLANEOUS PROVISIONS

Community safety cadet program

83(1) The minister or a police service may establish a program to hire members of the community and provide them with training on crime prevention, public safety and other related matters.

Members may assist police officers

83(2) Members of the community safety cadet program may work with police officers to prevent crime and enhance public safety in the community.

Support to become police recruits

83(3) The minister or a police service may make arrangements to provide members of the community safety cadet program with additional training and any educational upgrades necessary to enable them to meet the eligibility requirements to become police officers.

Advisory committee

84(1) When the Royal Canadian Mounted Police provides policing services in a municipality under an agreement entered into under section 18 or clause 13(1)(b), the council for the municipality may establish an advisory committee consisting of at least three but no more than seven persons appointed by the council.

Role of advisory committee

84(2) The advisory committee is responsible for

- (a) working with the officer in charge of the detachment that provides policing services in the municipality
 - (i) to establish priorities and objectives for policing in the municipality, and
 - (ii) to ensure that policing services are delivered in a manner consistent with community values, needs and expectations; and
- (b) serving as a liaison between the community and the Royal Canadian Mounted Police.

Oaths

85 Before assuming his or her duties, a police officer or special constable must take an oath or affirmation approved by the minister.

Calculating population

86 For the purposes of this Act, the population of a municipality or other area is to be determined using the latest census for which Statistics Canada has issued its final report under the *Statistics Act* (Canada).

Membership restricted to same police service

87(1) Police officers may belong to an association only if membership in the association is limited to persons in the same police service.

Senior officers association

87(2) Despite the definition of "employee" in *The Labour Relations Act*, if at least 50% of the senior officers in a police service belong to an association composed only of senior officers, the senior officers in that police service may bargain separately with their employer through that association.

Definitions

87(3) The following definitions apply in this section.

"**association**" means an association that has as its objectives the improvement of conditions of service and remuneration of its members. (« association »)

"**senior officer**" means

- (a) a police officer with the rank of inspector or higher, but does not include the police chief or a deputy police chief; and
- (b) a civilian employed with the police service in a supervisory or confidential capacity.
(« cadre supérieur »)

Protection from liability

88 No action or proceeding may be brought against the minister, the director, a member of the commission, a member of a police board, the civilian director, an investigator, a civilian monitor or any other person acting under authority of this Act for anything done or omitted to be done, in good faith, in the exercise or intended exercise of a power or duty under this Act.

Delegating minister's duties and powers

89 The minister may delegate to the director or any other employee of the department any duty or power conferred or imposed on the minister under this Act, other than the power to make regulations.

Review

90 Within five years after this Act comes into force, the minister must undertake a comprehensive review of it, and must, within one year after the review is undertaken or within such further time as the Legislative Assembly may allow, submit a report on the review to the Assembly.

Regulations

91(1) The minister may make regulations

- (a) respecting police boards, including the qualifications of board members and the dismissal of board members;
- (b) establishing restrictions or conditions on the ability of police officers to act throughout Manitoba;
- (c) respecting regional police services or First Nation police services;
- (d) respecting the inspection of police services;
- (e) respecting the operation of the independent investigation unit;
- (f) respecting the obligations of police officers and police services when the independent investigation unit is, or will be, conducting an investigation;
- (g) respecting appeals of internal discipline by police officers who are not subject to a collective agreement that addresses such appeals, including prescribing the person or body that is to hear an appeal, and appeal procedure;
- (h) defining any word or expression used but not defined in this Act;
- (i) prescribing any matter required or authorized by this Act to be prescribed by regulation;
- (j) respecting any matter necessary or advisable to carry out the purposes of this Act.

Application of regulations

91(2) A regulation made under this Act may be general or specific in its application and may apply to one or more police services.

**PART 10
CONSEQUENTIAL AMENDMENTS,
TRANSITIONAL PROVISIONS,
REPEAL, CITATION
AND COMING INTO FORCE**

CONSEQUENTIAL AMENDMENTS

C.C.S.M. c. A84 amended

92 *Subsection 1(1) of **The Animal Care Act** is amended in the definition "police officer" by striking out "municipal police force" and substituting "police service established or continued under **The Police Services Act**".*

S.M. 2002, c. 39 amended

93(1) ***The City of Winnipeg Charter** is amended by this section.*

93(2) *Section 166 is repealed.*

93(3) *Subsections 176(2) is amended by striking out everything after "same liabilities" and substituting "as a special constable appointed under **The Police Services Act**. The appointment must comply with subsections 178(2) and (4) of that Act."*

C.C.S.M. c. C107 amended

94 *Subsection 1(1) of **The Civil Remedies Against Organized Crime Act** is amended by replacing the definition "police chief" with the following:*

"police chief" means

(a) the chief of a police service established or continued under ***The Police Services Act***;
or

(b) the commanding officer of the Royal Canadian Mounted Police in Manitoba; (« chef de police »)

C.C.S.M. c. C275 amended

95 *Subsection 10(3) of **The Provincial Court Act** is amended by striking out "or **The Provincial Police Act**".*

C.C.S.M. c. C325 amended

96(1) ***The Cross-Border Policing Act** is amended by this section.*

96(2) *Section 1 is amended by replacing the definitions "local commander" and "Manitoba police force" with the following:*

"local commander" means

(a) the chief of police of a police service established or continued under ***The Police Services Act***; and

(b) the senior officer of a local RCMP detachment. (« chef local »)

"Manitoba police force" means a police service established or continued under ***The Police Services Act***. (« corps de police du Manitoba »)

96(3) *Section 5 is amended by striking out "municipal police force" and substituting "Manitoba police force".*

96(4) *Clause 38(a) is repealed.*

C.C.S.M. c. E85 amended

97 *Section 1 of **The Emergency 911 Public Safety Answering Point Act** is amended by replacing clause (a) of the definition "emergency service provider" with the following:*

(a) the Royal Canadian Mounted Police or a police service established or continued under ***The Police Services Act***;

C.C.S.M. c. L75 amended

98(1) *The Law Enforcement Review Act is amended by this section.*

98(2) *Subsection 1(1) is amended*

(a) by replacing the definition "Chief of Police" with the following:

"Chief of Police" means

(a) the person appointed as the chief of a police service, and includes an acting chief of a police service, and

(b) the civilian director of the independent investigation unit appointed under *The Police Services Act*; (« chef de police »)

(b) by repealing the definition "'member" or "member of a police department"'; and

(c) by adding the following definitions:

"member" or **"member of a police service"** means a person appointed as a police officer in a police service, and includes an investigator with the independent investigation unit established under *The Police Services Act*; (« membre » ou « membre d'un service de police »)

"police board" means the police board responsible for a police service; (« conseil de police »)

"police service" means a police service established or continued under *The Police Services Act*, and includes the independent investigation unit established under *The Police Services Act*; (« service de police »)

98(3) *Subsection 6(1) of the English version is amended by striking out "police department" and substituting "police service".*

98(4) *Clauses 6(3)(b) and (c) are amended by striking out "department" and substituting "police service".*

98(5) *Subsection 7(1) is amended by striking out "department" wherever it occurs and substituting "police service".*

98(6) *Subsection 12(2) is amended*

(a) by striking out "the Chief of Police of the department involved in the complaint" and substituting "a Chief of Police";

(b) by striking out "police department involved in the complaint" and substituting "police service"; and

(c) by striking out "members of the police department" and substituting "members of the police service".

98(7) *Subsection 12(7) is amended*

(a) in the section heading, by striking out "department" and substituting "police service"; and

(b) by striking out "police department" in the English version and substituting "police service".

98(8) *Subsection 12(9) is amended by striking out "department" and substituting "police service".*

98(9) *Section 14 of the English version is amended by striking out "police department" and substituting "police service".*

98(10) *Section 22 is amended*

(a) by striking out "police department" in the English version and substituting "police service"; and

(b) by striking out "municipal authority which governs the department" and substituting "police board for the police service".

98(11) *Subsection 24(10.1) of the English version is amended in the part before clause (a) by striking out "police department" and substituting "police service".*

98(12) *Clause 29(c) is amended by striking out "police department" and substituting "police service".*

98(13) *Subsection 32(1) of the English version is amended by striking out "police department" wherever it occurs and substituting "police service".*

98(14) *Section 33 is amended*

(a) by striking out "police department" in the English version and substituting "police service"; and

(b) by striking out "the municipal authority which governs the department" and substituting "the police board for the police service".

98(15) *Subsection 41(2) is amended*

(a) in the section heading, by striking out "police commissions" and substituting "police boards";

(b) by striking out "municipal police department" and substituting "police service"; and

(c) by striking out everything after "investigation or hearing" and substituting "by the police board for the police service respecting that conduct, except in accordance with this Act."

98(16) *Subsection 41(3) is repealed.*

98(17) *Clause 44(c) is repealed.*

98(18) *Section 45 is amended by striking out "each municipality in the province which has established a police department" and substituting "every police board in the province".*

C.C.S.M. c. L160 amended

99(1) ***The Liquor Control Act** is amended by this section.*

99(2) *The definition "constable" in section 1 is replaced with the following:*

"constable" means a police officer appointed under *The Police Services Act* or a member of the Royal Canadian Mounted Police; (« agent de police »)

99(3) *Subsection 136(1) is amended by striking out everything after "devolves upon all" and substituting "inspectors and constables."*

99(4) *Subsection 136(2) is amended by striking out ", the Provincial Police".*

99(5) *Subsection 136.1(1) is amended*

(a) by striking out "an inspector, constable or other officer," and substituting "a constable or other officer"; and

(b) by striking out "board of police commissioners" and substituting "police board".

99(6) *Subsection 136.1(3) is amended by striking out "Provincial Police" and substituting "Royal Canadian Mounted Police".*

C.C.S.M. c. M225 amended

100(1) ***The Municipal Act** is amended by this section.*

100(2) *The heading for Division 3 of Part 9 is amended by striking out "AND POLICE SERVICES".*

100(3) *The centred heading "FIRE PROTECTION SERVICES" before section 264 is repealed.*

100(4) *The centred heading before section 271 and sections 271 and 272 are repealed.*

C.C.S.M. c. M230 amended

101 *Section 10 of **The Municipal Affairs Administration Act** is amended in the part after clause (c) by striking out "The Municipal Act" and substituting "The Police Services Act".*

C.C.S.M. c. P97 amended

102 *Clause 11(1)(h) of **The Powers of Attorney Act** is replaced with the following:*

(h) a police officer with a police service established or continued under *The Police Services Act*.

C.C.S.M. c. P215 amended

103 *Section 50 of **The Manitoba Public Insurance Corporation Act** is amended by striking out "The Royal Canadian Mounted Police force or the Chief Constable of the City of Winnipeg, or the Chief Constable of any municipality, whose force has" and substituting "the Royal Canadian Mounted Police or the chief of police of a police service whose members have".*

C.C.S.M. c. V55 amended

104 ***The Victims' Bill of Rights** is amended by adding the following after section 3:*

Independent investigation unit

3.1 For greater certainty, the independent investigation unit established under *The Police Services Act* is to be considered a law enforcement agency when it is investigating a matter.

S.M. 2008, c. 7 amended

105 *Section 1 of **The Witness Security Act**, S.M. 2008, c. 7, is amended by replacing the definition "law enforcement agency" with the following:*

"law enforcement agency" means the Royal Canadian Mounted Police or a police service established or continued under *The Police Services Act* (« organisme chargé de l'application de la loi »).

TRANSITIONAL PROVISIONS

Continuation of municipal police services

106(1) *The following municipal police services are continued under this Act:*

(a) *the Winnipeg Police Service established under **The City of Winnipeg Charter**;*

(b) *a police service that was established by a municipality under **The Municipal Act** and was operating immediately before the coming into force of this Act.*

Establishing police board

106(2) *A municipality that operated a police service immediately before the coming into force of this section must establish a police board within six months after this section comes into force.*

Interim operation

106(3) *Until its police board is established, the municipality may continue to operate its police service in accordance with the procedures it had in place immediately before the coming into force of this section.*

Continuation of Dakota Ojibway Police Service

107(1) *The Dakota Ojibway Police Service, established under an agreement between the Government of Manitoba, the Government of Canada and the Dakota Ojibway Tribal Council Inc., is continued under this Act as a First Nation Police Service.*

Police board

107(2) *The Dakota Ojibway Tribal Council Police Commission established under the agreement referred to in subsection (1) is continued and, for the purposes of this Act, is deemed to be the police board for the Dakota Ojibway Police Service.*

Continuation of appointment of police chief

108(1) *The appointment of a police chief that was in force immediately before the coming into force of this section is continued. The appointment is deemed to be an appointment made under this Act and may be dealt with as if it were made under this Act.*

Employment contracts unchanged

108(2) *The terms of any employment contract for a police chief entered into before the coming into force of this section continue to apply.*

Appointments continue

108(3) *The appointment of a police officer or special constable that was in force immediately before the coming into force of this section is continued. The appointment is deemed to be an appointment made under this Act and may be dealt with as if it were made under this Act.*

Continuation of policing agreements

109(1) *An agreement that was made under the former Act or **The Municipal Act** respecting the provision of policing services by the Royal Canadian Mounted Police and that was in effect immediately before the coming into force of this section is continued.*

Definition

109(2) *In subsection (1), "**former Act**" means **The Provincial Police Act**, R.S.M. 1987, c. P150, as it read immediately before the coming into force of this section.*

REPEAL, CITATION AND COMING INTO FORCE

Repeal

110 *The Provincial Police Act*, R.S.M. 1987, c. P150, is repealed.

C.C.S.M. reference

111 This Act may be referred to as chapter P94.5 of the *Continuing Consolidation of the Statutes of Manitoba*.

Coming into force

112 This Act comes into force on a day to be fixed by proclamation.

Explanatory Note

This Bill replaces *The Provincial Police Act* and governs policing in Manitoba. Significant features of the Bill include the following.

Manitoba Police Commission

The Manitoba Police Commission is established. It will conduct studies and provide advice to the minister on law enforcement and policing issues. The commission will also make recommendations to the minister on regulations dealing with the operation of police services and the conduct of police officers.

Police Boards

Every municipal police service in Manitoba must operate under the general direction of a police board. The members of the police board will be appointed by the municipal council and Cabinet. A majority of the board must be persons who are not members of the council or municipal employees.

Independent Investigation Unit

An independent investigation unit is established, to be headed by a civilian director. The unit must conduct an investigation if a police officer has been involved in an incident where a person has died or suffered a serious injury, or if there is evidence that a police officer has engaged in specified unlawful conduct.

First Nation Police Services

The Bill provides legislative recognition of police services that will provide policing in designated First Nation communities.

Policing Standards

The Bill enables regulations to be made to ensure that police services provide effective policing.