



Agenda Forwarded: January 10, 2014

AGENDA

REGULAR MEETING OF THE TABER MUNICIPAL POLICE COMMISSION TO BE HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, ON WEDNESDAY, JANUARY 15, 2014 AT 4:30 PM.

MOTION

ITEM NO. 1. CALL TO ORDER

ITEM NO. 2. ADOPTION OF AGENDA ITEMS

X

ITEM NO. 3. DELEGATIONS - NONE

ITEM NO. 4. ADOPTION OF MINUTES

A) RFD Regular Meeting of December 11, 2013

X

ITEM NO. 5. BUSINESS ARISING FROM THE MINUTES - NONE

ITEM NO. 6. INFORMATION ITEMS

A) RFD Alberta Mental Health Patient Advocate Office

X

B) RFD Taber Special Needs Directory Pamphlet:
Information for Parents and Caregivers

X

C) RFD IAPro Policing Complaint Database Provincial Initiative:

Police Complaint Terms Standardization and Categorization Guideline

X

ITEM NO. 7. ACTION ITEMS

A) RFD LERB Draft Rules:
Consultation on Appeal Rules

X

B) RFD Police Service Regulation (PSR):
Discussion Guide

X

ITEM NO. 8. COMMISSION/STAFF REPORTS

A) RFD Police Chief's Report

X

ITEM NO. 9. OTHER BUSINESS - NONE

ITEM NO. 10. MEDIA INQUIRIES

ITEM NO. 11. CLOSED SESSION

X




ITEM NO. 12. OPEN SESSION

X

ITEM NO. 13. CLOSE OF MEETING

X

TABER MUNICIPAL POLICE COMMISSION
Commission Request For Decision

Subject: Police Commission Minutes	Date of January 15, 2014 Agenda:
Prepared By: Kerry Van Ham, Council & CAO Assistant	
Attachments: Minutes	
Budget:	If Over Budget, what is alternate funding source?
Expense:	
Topic: Minutes of the Regular Meeting of the Taber Police Commission held on December 11, 2013	
Background:	
Options:	<ol style="list-style-type: none"> 1. That the Taber Police Commission adopts the Minutes of the Regular Meeting of December 11, 2013, as presented. 2. That the Taber Police Commission adopts the Minutes of the Regular Meeting of December 11, 2013, as amended.
Recommendation:	
Option #1 - That the Taber Police Commission adopts the Minutes of the Regular Meeting of December 11, 2013, as presented.	
Approval Date:	January 10, 2014
Per CAO:	

MINUTES OF THE REGULAR MEETING OF THE TABER MUNICIPAL POLICE COMMISSION, HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, ON WEDNESDAY, DECEMBER 11, 2013 AT 4:30 P.M.

PRESENT: Ken Holst, Chair
Murray Gardner, Vice Chair
Councillor Rick Popadynetz
Councillor Randy Sparks
Chris Bernhardt
Wanda Osburne-Campbell
Harry Prummel

ALSO PRESENT:

Police Chief Alf Rudd
T. Greg Birch, Chief Administrative Officer (CAO)
Kerry Van Ham, Council & CAO Assistant/Recording Secretary

CALL TO ORDER

G. Birch, Chief Administrative Officer (CAO), called the Regular Meeting of the Taber Police Commission to order at 4:34 P.M.

ADOPTION OF THE AGENDA ITEMS

Chair K. Holst inquired if there were any additions or deletions to the Agenda, and advised of the additions under Agenda Item 6 and Agenda Item 11.

RES.107/2013 MOVED by Councillor Popadynetz that the Taber Police Commission adopt the Agenda as amended, with the addition under Agenda Item 6.A) Police Chief's Report, Agenda Item 6.B) Budget Update, and Agenda Item 11) Closed Session - Labour.

CARRIED UNANIMOUSLY

DELEGATIONS - NONE

ADOPTION OF THE MINUTES

A) Regular Meeting – November 13, 2013

RES.108/2013 MOVED by Councillor Sparks that the Taber Police Commission adopt the minutes of the Regular Meeting of November 13, 2013, as presented.

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM THE MINUTES**A) Role of Public Complaint Director (PCD)**

At the Taber Municipal Police Commission's November 13, 2013 meeting, discussion arose regarding the requirement to have an open and fair opportunity for public complaints and the perception of the Chair of the Commission being approachable and fair while holding both positions.

The Commission discussed the benefits of the role of the PCD being either inside or outside of the Commission membership, the selection process and public perception.

RES.109/2013 MOVED by Councillor Sparks that the Taber Police Commission look outside of the Commission to fill the Public Complaint Director (PCD) position.

CARRIED

RES.110/2013 MOVED by M. Gardner that the Taber Police Commission authorizes the advertisement of the Public Complaint Director (PCD) position to the general public for further interview and selection processes.

CARRIED

INFORMATION ITEMS**A) Police Chief's Report**

Police Chief Rudd provided an update of departmental activities and statistics to the Taber Police Commission.

The Commission discussed the activities and the statistical trends.

RES.111/2013 MOVED by C. Bernhardt that the Taber Police Commission accepts Police Chief Rudd's Report and Stats for information.

CARRIED UNANIMOUSLY

B) Budget Update

G. Birch provided information on amendments to the proposed Police Commission budget that were incorporated after the Police Commission's presentation to Council but prior to Administration's final presentation of the Operating and Capital Budgets to Council on December 16, 2013.

ACTION ITEMS**A) Proposed Taber Municipal Police Commission Policy Manual**

Both Chief Rudd and K. Holst presented the draft policy manual, which had been reviewed to ensure compliance with Police Oversight Standards established by Alberta Justice and Solicitor General.

The Commission discussed suggestions for clarity in Appendix A.3).

RES.112/2013 **MOVED** by C. Bernhardt that the Taber Police Commission accepts the Proposed Taber Municipal Police Commission Policy Manual, as amended, with Appendix A.3) to state;

The list of applicants shall be reviewed by the CAO who shall ensure that the applicants are able to pass the police information check to determine which names shall go forward to the Council agenda,

and requests that the document be forwarded to Council for final approval.

CARRIED UNANIMOUSLY

B) Canadian Association of Police Boards (CAPB): Membership Invoice

Police Chief Rudd stated that a motion is required to approve the payment of the 2014 Membership fees. The Taber Police Service is in the category of 11-25 members for a membership fee of \$430.00.

RES.113/2013 **MOVED** by M. Gardner that the Taber Police Commission approves the payment of the 2014 CAPB Membership Fee in the amount of \$430.00.

CARRIED UNANIMOUSLY

ACTION ITEMS – CONT'D**C) Alberta Law Enforcement Review Board:
Notice of Consultation, Board Appeal Rules**

Police Chief Rudd stated that correspondence was received from Alberta LERB detailing a request to hear from those involved in matters before the Board in regards to their draft appeal rules.

The Commission discussed the value in sending a representative to the consultation.

RES.114/2013 MOVED by Councillor Sparks that the Taber Police Commission accepts the correspondence from the Alberta Law Enforcement Review Board regarding the consultation process for Board Appeal Rules, for information.

CARRIED UNANIMOUSLY

COMMISSION/STAFF REPORTS - NONE**OTHER BUSINESS - NONE****MEDIA INQUIRIES**

T. Busch, Taber Times, requested a copy of the Police Chief's Report, which was an addition to this agenda.

Police Chief Rudd stated supplied the report.

CLOSED SESSION

RES.115/2013 MOVED by W. Osburne-Campbell that the Taber Police Commission move into Closed Session.

CARRIED UNANIMOUSLY at 5:39 PM

OPEN SESSION

RES.116/2013 MOVED by C. Bernhardt that the Taber Police Commission reconvene into Open Session.

CARRIED UNANIMOUSLY AT 6:20 PM

RES.117/2013 MOVED by Councillor Sparks that the Taber Police Commission agree to supplement the Police Chief's salary for the 2013 – 2014 contract period by an amount of \$4,773.00.

CARRIED UNANIMOUSLY

OPEN SESSION – CONT'D

RES.118/2013 MOVED by H. Prummel that the Taber Police Commission approves the extension of Police Chief Alf Rudd's contract for a two year period commencing February 16, 2014, with a salary adjustment to reflect remuneration at a rate of 1.3% above the Police Inspector's remuneration.

CARRIED UNANIMOUSLY

CLOSE OF MEETING


RES.119/2013 MOVED by H. Prummel that this Regular Meeting of the Taber Police Commission is hereby closed.

CARRIED AT 6:24 PM

Chair

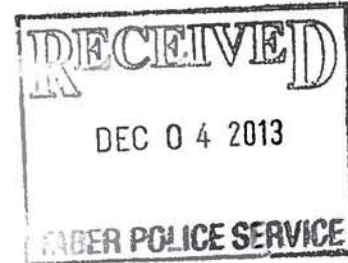
Chief Administrative Officer

TABER MUNICIPAL POLICE COMMISSION
Commission Request For Decision

Subject: Alberta Mental Health Patient Advocate Office	Date of January 15, 2014 Agenda:
Prepared By: Kerry Van Ham, Council & CAO Assistant	
Attachments: Correspondence	
Budget:	If Over Budget, what is alternate funding source?
Expense:	
Topic: Alberta Mental Health Patient Advocate Office	
Background:	Correspondence was received from Alberta Mental Health Patient Advocate Office detailing print material designed in consultation with persons with lived experience of mental illness.
Options:	1. That the Taber Police Commission accepts the correspondence from the Alberta Mental Health Patient Advocate Office, for information.
Recommendation: Option #1 - That the Taber Police Commission accepts the correspondence from the Alberta Mental Health Patient Advocate Office, for information.	
Approval Date:	January 10, 2014
Per CAO:	

November 15, 2013

Public Complaint Director or Chair
Taber Police Commission
5700 50th Avenue
Taber, AB T1G 2H7



Dear Sir/Madam:

It is my pleasure to send you copies of our office's new brochure and poster. These provide basic information about patient and family rights and how to contact the Alberta Mental Health Patient Advocate. Our new print materials were written and designed in consultation with persons with lived experience of mental illness. Our hope is the new materials will be easier to see, read and understand than our old ones, which these replace. We ask that you please display the new materials where patients, families and caregivers can see them as it is very important that individuals subject to the *Mental Health Act* and those acting on their behalf are aware of our office and their right to contact us for information about their rights or with questions and concerns.

The Alberta Mental Health Patient Advocate is legislated under Part 6 of the *Mental Health Act* to assist persons subject to one or two admission or renewal certificates or a community treatment order (CTO), and those acting on their behalf. We help persons to understand and exercise their rights and we investigate complaints regarding their detention, treatment, care and rights. We also work with others to improve the patient and family mental health care experience. The Mental Health Patient Advocate is independent from Alberta Health Services and reports directly to the Minister of Health.

Throughout the course of a lifetime, everyone is affected directly or indirectly by mental illness. Our office offers compassion, hope and help to persons at an extremely vulnerable time in their lives. Thank you for helping us to spread the message about patient and client rights and the services of our office.

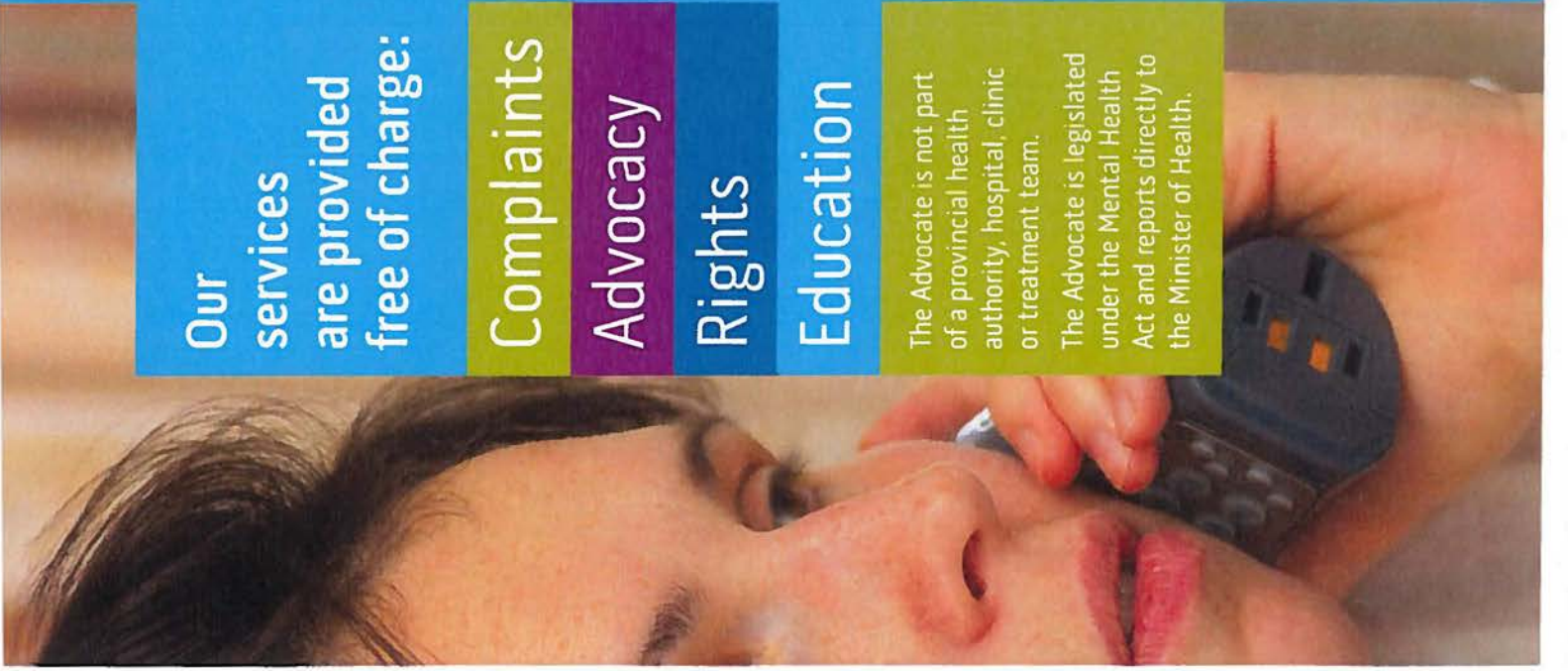
If you would like additional brochures or posters, or have any questions, please call our office at 780 422-1812 (Edmonton) or toll free at 310-0000. You may wish to visit our website at www.mhpa.ab.ca

Sincerely,



Carol Robertson Baker
Acting Alberta Mental Health Patient Advocate
Encl.





Our services are provided free of charge:

Complaints

Advocacy

Rights

Education

The Advocate is not part of a provincial health authority, hospital, clinic or treatment team.

The Advocate is legislated under the Mental Health Act and reports directly to the Minister of Health.

**Mental Health Patient Advocate
Contact information:**

By Telephone:
Edmonton area 780-422-1812
Outside Edmonton
free of charge 310-0000

In Writing:
Alberta Mental Health
Patient Advocate
12th Floor
Centre West Building
10035 - 108 Street
Edmonton, AB T5J 3E1
Fax: 780-422-0695

Visit our website at
www.mhpa.ab.ca



English

We're Here to Help You

Questions or Concerns?

You have RIGHTS.

Let's work together to find answers.

Edmonton area
780-422-1812

Outside Edmonton
free of charge 310-0000



Alberta Mental Health Patient
ADVOCATE OFFICE
Compassion. Hope. Help.



Alberta Mental Health Patient
ADVOCATE OFFICE
Compassion. Hope. Help.



How can the Mental Health Patient Advocate help me as a patient, family member or health care provider?

The Advocate helps people who are receiving care under one or two admission or renewal certificates or under a community treatment order (CTO) under the Mental Health Act, and anyone acting on a person's behalf.

The Advocate provides rights information, investigates complaints, resolves concerns, gives presentations about our office and Alberta's mental health legislation, and works with others to improve the patient and family mental health care experience.

All investigations are done in private. We do not share information obtained during an investigation except as required by law or as part of the Mental Health Patient Advocate's duties.


What are some of the rights of patients detained (held) in hospital under two admission or renewal certificates or the rights of persons under a CTO?

- To receive information about their certificates or CTO
- To apply to the Review Panel to cancel their certificates or CTO
- To appeal any Review Panel decision to the Court of Queen's Bench
- To ask for information from their health records
- To be told that their detention or CTO has ended
- To contact a lawyer
- To contact the Mental Health Patient Advocate

What are some of the rights of families who have a family member under two admission or renewal certificates or under a CTO?

- To receive information about the patient's detention in hospital and discharge if they are the nearest relative, unless the patient objects
- To apply to the Review Panel to cancel the certificates or CTO
- To provide consent to a CTO under certain circumstances
- To receive information about the CTO if the family member is already chosen to make treatment decisions
- To provide or receive health information related to the patient according to the law
- To contact the Mental Health Patient Advocate

TABER MUNICIPAL POLICE COMMISSION
Commission Request For Decision

Subject: Taber Special Needs Directory		Date of January 15, 2014
		Agenda:
Prepared By: Kerry Van Ham, Council & CAO Assistant		
Attachments: Report		
Budget:	If Over Budget, what is alternate funding	
Expense:	source?	
Topic: Information for Parents and Caregivers Pamphlet		
Background:	Taber Special Needs Directory, Information for Parents and Caregivers pamphlet is supplied for information purposes.	
Options:	1. That the Taber Police Commission accepts the Taber Special Needs Directory pamphlet, Information for Parents and Caregivers, for information.	
Recommendation:		
Option #1- That the Taber Police Commission accepts the Taber Special Needs Directory, Information for Parents and Caregivers pamphlet, for information.		
Approval Date:	January 10, 2014	Per CAO: 

Taber Special Needs Registry

Taber Police Service is committed to the wellbeing of parents and other caregivers, as well as to those who are cared for by others.

Feel free to contact Constable Juanita Fudge or any other member of the Taber Police Service for more information.

Taber Police Service

Taber Special Needs Directory

5700 50 Avenue

Taber AB T1G 2H7

403-223-8991 (phone)

403-223-5540 (fax)

jfudge@taber.ca (email)



Taber Special Needs Directory

***Information for Parents
and Caregivers***

We care about the people you care about.

What is the Taber Special Needs Registry?

The Special Needs Registry is a Taber Police Service project in partnership with Taber Special Needs that promotes communication and gives police quick access to critical information about registered persons with special needs.

The registry will provide police with emergency contact information, detailed physical descriptions, a current photograph, known routines, favorite attractions, or special needs of the individual, such as medical conditions or impairments.

This information will assist officers when interacting with a special needs adult or child who is perhaps unable to communicate or follow commands, or whose social interaction requires unique understanding. Recording this information with police ensures the safety of both the officer and the individual in an emergency situation. It will also act as an aid in the event the person goes missing. The more information police officers have readily available to them when responding to a call for service, the better it is for everyone.

Who can register?

At this time, the registry is only accessible to residents of Taber, including those who may work or school within the town limits. This includes infants, children and adults.

What happens to my information?

All information is kept confidential and only used in the event of an emergency regarding the individual.

What is the goal of the program?

The goal of the program is to give police quick access to critical information about a registered person in the community.

How do we register?

Family members and/or caregivers are encouraged to contact Taber Police Service for registration details. Registration forms may be obtained at the front desk of the Taber Police Service or at the office of Taber Special Needs. You may complete the registration form in your own home. Once completed, please return all forms to the Taber Police Service for processing. If information needs to be updated in the future, please notify the Taber Police Service so our records provide accurate and current details.

How much does it cost?

Currently the program is free of charge. This includes registration and participation.


I still have questions. Who do I contact?

For more information regarding the Special Needs Registry, please contact Constable Juanita Fudge of the Taber Police Service.

Phone: 403-223-8991

Email: jfudge@taber.ca

TABER MUNICIPAL POLICE COMMISSION
Commission Request For Decision

Subject: IAPro Policing Complaint Database Provincial Initiative	Date of January 15, 2014 Agenda:
Prepared By: Kerry Van Ham, Council & CAO Assistant	
Attachments: Correspondence	
Budget:	If Over Budget, what is alternate funding source?
Expense:	
Topic: IAPro Provincial Initiative Police Complaint Terms Standardization and Categorization Guideline	
Background:	Correspondence was received detailing the final version of the approved standardized complaint terminology.
Options:	1. That the Taber Police Commission accepts the correspondence from the Justice and Solicitor General regarding the IAPro Policing Complaint Database, for information.
Recommendation: Option #1 - That the Taber Police Commission accepts the correspondence from the Justice and Solicitor General regarding the IAPro Policing Complaint Database, for information.	
Approval Date:	January 10, 2014
Per CAO:	



AR 5898

December 11, 2013

Chief Alf Rudd
Taber Police Service
5700 – 50 Avenue
Taber, AB T1G 2H7

Mr. Henk De Vlieger, Chairperson
Taber Police Commission
A - 4900 – 50 Street
Taber, AB T1G 1T1

Dear Chief Rudd and Mr. De Vlieger:

In follow-up to our communication with you in February 2013, this is confirmation that the *testing* phase for complaint data submission/collection for the IAPro Policing Complaint Database Provincial Initiative will conclude at end of December 2013.

The implementation of the live phase for data submission will commence January 1, 2014 with the first quarter submission due by April 15, 2014. Data submission by all agencies will take place electronically as per the following schedule and your Professional Standards Section will receive a reminder notification and additional instructions in advance of the first submission date:

- Quarter 1 – on or about April 15, 2014
- Quarter 2 – on or about July 15, 2014
- Quarter 3 – on or about October 15, 2014
- Quarter 4 – on or about January 15, 2015

All agencies who did not participate in the test phase of this initiative will be given opportunity, prior to April 2014, to test the data submission process from their agency's perspective in order to verify the authenticity of the submission/collection process. If this opportunity is of interest, please contact Wendy Moshuk, Provincial Public Complaint Director, at wendy.moshuk@gov.ab.ca.

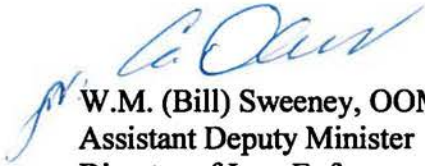
The Director of Law Enforcement is responsible for monitoring the handling of complaints by Chiefs of Police and commissions in accordance with the *Police Act* (the Act), Sections 8 and 52. The present wording of Section 52 sets out that police commissions are responsible for the submission of complaint data; however, actual practicalities would dictate this process more appropriately initiate at the police service level, where the IAPro case management tool resides.

The 2011 *Police Act* amendment to address this irregularity was omitted and, as such, the Act currently does not reflect this logistical reality. We would, therefore, ask that police services and commissions work together to determine an interim process that would achieve the complaint data submission objectives. At the earliest opportunity, Section 52 will be amended to stipulate the flow of complaint data submission from the police service to the Director of Law Enforcement and to the police commission. The Provincial Public Complaint Director is responsible for gathering statistical data and information respecting complaints and presenting reports to the Minister as described in Section 28.2 (e) and (f) of the Act.

For your convenience and reference, the final version of the approved standardized complaint terminology is attached. This terminology underlies the pick lists contained in the case management tool. This terminology will be reviewed annually by the Provincial IAPro Change Working Group. The Working Group is made up of agency and commission subject matter representatives, as well as the Provincial Public Complaint Director. All changes/updates to standardized terminology in IAPro will be synchronized to achieve a January implementation date each year. I would, again, highlight the significance of the Complaint Classification Definitions as these categories are integral to the overall validity of complaint data. I, therefore, encourage adhering to the classifications that have collaboratively been determined.

Any questions should be directed to Wendy Moshuk, Provincial Public Complaint Director, at wendy.moshuk@gov.ab.ca or via telephone 780-644-6935. Thank you for your support of this important initiative.

Sincerely,



W.M. (Bill) Sweeney, OOM
Assistant Deputy Minister
Director of Law Enforcement

Attachment

cc: Ken Holst, Public Complaint Director, Taber Police Commission
Inspector Graham Abela, Taber Police Service, Professional Standards Section

IAPro Provincial Initiative
Police Complaint Terms Standardization
and Categorization Guideline
For Statutory and *Police Act*/PSR Complaints
and Incidents of Citizen Contact
Version: 2013 December 04

Original Core Stakeholder Consultative Group (IAPro users):

Calgary Police Service, Professional Standards Section
Edmonton Police Service, Professional Standards Branch
Edmonton Police Commission, Public Complaint Director
SGPS, Public Security Division Project Management Team

I. COMPLAINT CLASSIFICATIONS DEFINED:

- a. **Statutory Complaint** – the complaint category *Statutory* shall include: a Criminal Complaint consisting of any act by a police officer that may constitute an offense under the *Criminal Code* or *Controlled Drugs and Substances Act*. A Statutory Complaint may be generated by way of a Citizen Contact, or a PA/PSR Complaint by a complainant or the police service;
- b. **Complaint (Police Act / Police Service Regulation)** – a “Complaint” as defined in Section 42 and as per Part 5 of the *Police Act* is a complaint as to the conduct of a member that may contravene the regulations governing the discipline or performance of duty of police officers; a *Complaint* includes a complaint under s.44 of the Act related to the policies of and services provided by a police service. A Complaint may take the form of a written complaint, an e-mail complaint, an on-line complaint submitted on the website of a police service or police commission. A Complaint may be lodged by a complainant as described in Section 42.

(Note: The sufficiency or quality of the alleged misconduct or alleged deficiency in service or policy need not be proven in whole or in part prior to a matter being classified as a Complaint.)

i. Criteria required to satisfy a Complaint (PA/PSR) classification:

1. Complainant name in full;
2. Complainant contact information or that of Agent if applicable;
3. Date of incident giving rise to alleged misconduct *IF KNOWN*;
4. Description of incident giving rise;

5. Identification of involved police officers *IF KNOWN*;
6. Information as to the policy or service deficit complained of.

ii. **For a PA/PSR complaint to proceed effectively to resolution or investigation the complainant must provide:**

1. Any other information requested by the chief of police; AND
2. Any other information prescribed by Regulation.

Received Date: the Received Date is the date the Complaint is first received by the chief of police or designate, or the public complaint director (includes Regional and Provincial Public Complaint Directors) or the police commission. In the case of a Citizen Contact that becomes a Complaint, the Received Date is the date the criteria for Complaint designation are met. For the purposes of ensuring proper application of legislated time limitation provisions in the *Police Act* and *Police Service Regulation*, the Received Date shall be recorded on all written versions of the Complaint and recorded in the electronic database. Complaints are considered made the date they are received.

- c. **Citizen Contact** – a *Citizen Contact* is an initial contact that may be either verbal or written, from a member of the public to the police service or police commission. A Citizen Contact may take the form of a concern consisting of an actual allegation under the PSR or an offense under the Parliament of Canada or Legislature of Alberta. A Citizen Contact may also consist of a matter that is pure inquiry or assistance-based. A *Citizen Contact* may become a Complaint or a Statutory Complaint.

Received Date: the Received Date is the date the Citizen Contact is first received by the police service or police commission. For the purposes of ensuring proper application of legislated time limitation provisions in the *Police Act* and *Police Service Regulation*, the Received Date shall be recorded on all written and recorded versions of the Citizen Contact and recorded in the electronic database.

Provincial Standard Complaint Terms: The following standardized complaint terms will form the classification pick lists within the IAPro Software Case Management Application and collectively form the basis for consistent complaint language across Alberta police agencies.

I. ALLEGATIONS (CONDUCT): Note: One (1) Allegation to (1) Subject Officer – Allegations not shared

Referring: PSR 5(2):

(a) Breach of Confidence:

- **a(i) Breach:** Divulge Confidential Information
- **a(ii) Breach:** Improper Notice of Warrant/Summons
- **a(iii) Breach:** Unauthorized Communication w. Media
- **a(iv)(A) Breach:** Unauthorized Disclosure of Records of the Police Service to Non Police
- **a(iv)(B) Breach:** Disclosure of Records of the Police Service to Unauthorized Police Personnel
- **a(v) Breach:** Sign/Circulate a Petition/Statement

(b) Consumption or Use of Liquor or Drugs:

- **b(i) Liquor/Drug:** Consume Liquor on Duty
- **b(ii) Liquor/Drug:** Consume/Use Prohibited Drugs
- **b(iii) Liquor/Drug:** Report Unfit for Duty
- **b(iv) Liquor/Drug:** Purchase Liquor on Duty

(c) Corrupt Practice:

- **c(i) Corrupt Practice:** Fail to Account/Return \$ or Prop.
- **c(ii) Corrupt Practice:** Solicit or Receive Gift or Favour
- **c(iii) Corrupt Practice:** Engage in Inappropriate Contract
- **c(iv) Corrupt Practice:** Use Position for Advantage

(d) Deceit:

- **d(i) Deceit:** Utter/Sign False Statement (Willful or Negligent) in an Official Document/Record
- **d(ii) Deceit:** Willful or Negligent False Statement Re: Official Duties
- **d(iii)(A) Deceit:** Destroy/Conceal Records w. no lawful excuse
- **d(iii)(B) Deceit:** Alter or Erase Records w. no lawful excuse

Provincial Standard Complaint Terms: The following standardized complaint terms will form the classification pick lists within the IAPro Software Case Management Application and collectively form the basis for consistent complaint language across Alberta police agencies.

(e) Discreditable Conduct:

- **e(i)(A) Discreditable:** Contravene Act Parliament
- **e(i)(B) Discreditable:** Contravene Act Legislature AB
- **e(i)(C) Discreditable:** Contravene Regulation of AB
- **e(ii) Discreditable:** Oppressive/Tyrannical Behaviour
- **e(iii) Discreditable:** Profane/Abusive Language
- **e(iv) Discreditable:** Make False Complaint
- **e(v) Discreditable:** Withhold/Suppress Complaint
- **e(vi) Discreditable:** Accessory to Discreditable Conduct
- **e(vii) Discreditable:** Differentially Apply Law
- **e(viii) Discreditable:** Discredit the Reputation of the Service

(f) Improper Use of Firearms:

- **f(i) Use of Firearm:** Possess Non-Issue Firearm
- **f(ii) Use of Firearm:** Fail to Report Firearm Discharge
- **f(iii) Use of Firearm:** Fail to Exercise Sound Judgment/Restraint

(g) Insubordination:

- **g(i) Insubordination:** By Word or By Action
- **g(ii) Insubordination:** Breach Policy/Order/Directive

(h) Neglect of Duty:

- **h(i) Neglect Duty:** Fail to Promptly/Diligently Perform Duty
- **h(ii) Neglect Duty:** Fail to Work in Accordance w. Orders
- **h(iii) Neglect Duty:** Permit Prisoner Escape
- **h(iv) Neglect Duty:** Fail to Report Offender Whereabouts
- **h(v) Neglect Duty:** Fail in Duty to Report Matter
- **h(vi) Neglect Duty:** Fail to Report Knowledge of Offense
- **h(vii) Neglect Duty:** Fail to Disclose Evidence

Provincial Standard Complaint Terms: The following standardized complaint terms will form the classification pick lists within the IPro Software Case Management Application and collectively form the basis for consistent complaint language across Alberta police agencies.

(i) Unlawful/Unnecessary Exercise Authority

- **i(i) UUEA:** Unlawful/Unnecessary Exercise Authority
- **i(ii) UUEA:** Inappropriate Use of Force

II. ALLEGATIONS (POLICY/SERVICE):

- Failure to Provide Adequate Service or Deficient Policy (*Police Act* – Section 44)

CHARGE ALLEGATIONS (CRIMINAL OR OTHER PROVINCIAL STATUTE):

The following list of Criminal Allegations consists of the most commonly occurring.

- Assault (CCC 266)
- Assault - CBH (CCC 267)
- Assault - with Weapon (CCC 267)
- Assault – Aggravated (CCC 268)
- Break and Enter (CCC 348)
- Careless Use of Firearm (CCC 86)
- Criminal Harassment (CCC 264(1))
- Forcible Confinement (Kidnapping) (CCC 279)
- Fraud (CCC 380)
- Impaired Driving (CCC 253)
- Mischief (CCC 430)
- Obstruction of Justice (CCC 139)
- Perjury (CCC 131)
- Sexual Assault (CCC 271)
- Sexual Assault w. Weapon or CBH (CCC 272)
- Theft (CCC 322)
- Utter Threats (CCC 264.1)
- Other (specify)

II. CHARGE ALLEGATIONS (PROVINCIAL STATUTORY)

- **Currently not specified**

Provincial Standard Complaint Terms: The following standardized complaint terms will form the classification pick lists within the IAPro Software Case Management Application and collectively form the basis for consistent complaint language across Alberta police agencies.

III. FINDINGS: (To mean the finding as per each allegation per each Subject Officer)

PSR Allegations

- Dismissed–1 Year s.43(11)
- Dismissed–Extension Not Granted
- Dismissed–Frivolous/Vexatious/Bad Faith s.43(7)
- Dismissed–Failure to Participate s.43
- Dismissed–Failure to Participate–At Hearing s.47
- Dismissed–Loss of Jurisdiction–Member Resigned/Retired
- Dismissed–At Hearing :Loss Jurisdiction
- Dismissed–No Hearing PSR 19(1)(a)(i)
- Sustained–At Hearing
- Sustained– No Hearing
- Not Sustained–At Hearing
- Dismissed–No Hearing–No Reasonable Prospect
- Resolved Informally–DR Informal Discussion among parties incl. PS (Professional Standards)
- Resolved Informally–DR Facilitated Discussion
- Resolved Informally–DR Supervisor Intervention
- Resolved Informally–DR Third Party Conciliation
- Resolved Informally–DR Public Complaint Director
- Resolved Informally–DR Peace Maker or Restorative Conference
- Resolved Informally–DR Professional Mediation
- Withdrawn by Complainant
- Withdrawn by Service–At Hearing
- Withdrawn by Service–No Hearing
- Abandoned (Citizen Contact)

Statutory or Criminal Allegations – Findings as to Charge (Charge Disposition in IAPro)

- Charged
 - Conviction Acquittal Discharge Stay Other Alternative Measures
- Not Charged

Provincial Standard Complaint Terms: The following standardized complaint terms will form the classification pick lists within the IAPro Software Case Management Application and collectively form the basis for consistent complaint language across Alberta police agencies.

V. DISPOSITION: (To mean “decision” on complaint)

- Dismissed–1 Year s.43(11)
- Dismissed–Extension Not Granted
- Dismissed–Frivolous/Vexatious/Bad Faith s.43(7)
- Dismissed–Failure to Participate s.43
- Dismissed–Failure to Participate–At Hearing s.47
- Dismissed–Loss of Jurisdiction–Member Resigned/Retired
- Dismissed–At Hearing :Loss Jurisdiction
- Dismissed–No Hearing PSR 19(1)(a)(i)
- Sustained in Part–At Hearing
- Sustained in Part–No Hearing
- Sustained–At Hearing
- Sustained–No Hearing
- Not Sustained–At Hearing
- Dismissed–No Hearing–No Reasonable Prospect
- Resolved Informally–DR Informal Discussion among parties incl. Professional Standards (PS)
- Resolved Informally–DR Facilitated Discussion
- Resolved Informally–DR Supervisor Intervention
- Resolved Informally–DR Third Party Conciliation
- Resolved Informally–DR Public Complaint Director
- Resolved Informally–DR Peace Maker or Restorative Conference
- Resolved Informally–DR Professional Mediation
- Withdrawn by Complainant
- Withdrawn by Service–At Hearing
- Withdrawn by Service–No Hearing
- Charged
- Not Charged
- Abandoned (Citizen Contact)
- Not a Police Matter (Citizen Contact)
- Resolved (Citizen Contact)

Provincial Standard Complaint Terms: The following standardized complaint terms will form the classification pick lists within the IAPRO Software Case Management Application and collectively form the basis for consistent complaint language across Alberta police agencies.

- Referred (Citizen Contact)

DR means "Dispute Resolution"

VI. ACTIONS TAKEN

Penalty on Contravention

- Reprimand (5 Year) – PSR s 17(1)
- Treatment or Rehabilitation Program specific to contravention of s 5(2)(b) – PSR s 17(1)
- Forfeiture of Hours OT (40 hrs max) – PSR s 17(1)
- Suspension from duty WITHOUT pay (80 hrs max) – PSR s 17(1)
- Reduction of seniority within rank – PSR s 17(1)
- Reduction in rank – PSR s 17(1)
- Dismissal from the Service – PSR s 17(1)
- Resignation permitted – PSR s 17(2)

Minor Contravention

- Dismissal of Matter– PSR s 19(1)
- Official Warning (1 Year)-PSR s 19(1)
- Official Warning (2 Year)-PSR s 19(1)
- Official Warning (3 Year)-PSR s 19(1)
- Other action deemed appropriate 19(1)
- Agreed Suspension from duty WITHOUT pay (80 hrs max) (1 Year) – PSR s 19(1)
- Agreed Suspension from duty WITHOUT pay (80 hrs max) (2 Year) – PSR s 19(1)
- Agreed Suspension from duty WITHOUT pay (80 hrs max) (3 Year) – PSR s 19(1)
- Agreed Reprimand (1 Year)-PSR s 19(1)
- Agreed Reprimand (2 Year)-PSR s 19(1)
- Agreed Reprimand (3 Year)-PSR s 19(1)
- Agreed Forfeiture of OT hours (1 Year) (40 max)-PSR s 19(1)
- Agreed Forfeiture of OT hours (2 Year) (40 max)-PSR s 19(1)
- Agreed Forfeiture of OT hours (3 Year) (40 max)-PSR s 19(1)

Provincial Standard Complaint Terms: The following standardized complaint terms will form the classification pick lists within the IAPro Software Case Management Application and collectively form the basis for consistent complaint language across Alberta police agencies.

Corrective Action (in lieu of or additional to above)

- Debriefing-PSR s 17(3)
- Directed Remedial Training s 17(3)
- Directed Professional Counseling s 17(3)
- Other Special Program s 17(3)

Process Related

- Disciplinary Hearing
- Mediation
- DR Other
- DR Facilitated Discussion
- Relief from Duty
- Supervisor Intervention
- Appeal-Commission Pending
- Appeal-Commission Allowed
- Appeal-Commission Dismissed
- Appeal-LERB Pending
- Appeal-LERB Allowed
- Appeal-LERB Allowed in Part
- Appeal-LERB Dismissed
- Appeal-LERB Withdrawn

Provide clarification

Collateral Issues Identified - deemed to be of significant importance for EI purposes and identifying systemic issues of non-performance

- Collateral Issue (Identify)
 Note Taking Powers of Arrest Customer Service

VIII. STATUS - Status represents the current state in which the complaint rests.

- Active
- Completed

Provincial Standard Complaint Terms: The following standardized complaint terms will form the classification pick lists within the IPro Software Case Management Application and collectively form the basis for consistent complaint language across Alberta police agencies.

- Forwarded-eg. Crown or Legal Review
- Suspended-eg. LERB or Other

IV. COMPLAINT TERMINOLOGY - RELATED DEFINITIONS:

- a. **Action Taken:** "Action Taken" shall mean the discipline or penalty imposed or corrective/remedial measures undertaken in the circumstances forming part of the complaint disposition. "Action Taken" shall also include a process related action such as "appealed" to the Commission or to the LERB as the case may be. For each finding there should be at minimum one corresponding Action Taken assigned in IAPro.
- b. **Allegation: -** "Allegation" shall mean an assertion or charge of a specified misconduct under the Police Service Regulation or a charge under the *Criminal Code* of Canada or other Federal or Provincial statute. The possible allegations for complaints are enumerated in the Allegation Section of this Provincial Standard and are based on the Police Service Regulation. Other Statutory or Criminal Allegations are contained in the Charge Section of this Provincial Standard. Each Allegation should have a corresponding Finding in IAPro.
- c. **Dispute Resolution:** "Dispute Resolution (DR)" shall mean a specific method or form of informal resolution of allegations comprising a Complaint. DR may take the following forms: dialogue among the parties to a complaint, supervisor intervention assisted by Professional Standards Section, conciliation assisted by Professional Standards Section or the Public Complaint Director, mediation or shuttle mediation conducted by an impartial third party independent of the police service or participation of the parties in restorative justice conference. For all allegations considered appropriate DR must be considered and offered prior to the complaint proceeding to the formal investigation and resolution process. Dispute Resolution processes require the consent of both the complainant(s) and subject officer(s).
- d. **Charge:** "Charge" refers to a criminal charge under either the *Criminal Code of Canada* or the *Controlled Drugs and Substances Act* and also to charges under Provincial Statute (eg. *Gaming Liquor Act* or *Traffic Safety Act*). Within IAPro the *Allegations* field captures allegations that are non-criminal in nature and distinct from the *Charges* field which captures charges which are criminal or regulatory in nature so as to demarcate the proper characteristics and severity of each.
- e. **Collateral Issue:** "Collateral Issue" shall mean a supplementary matter identified arising from a complaint that may require additional corrective action by the police service. For example "deficient or non-existent note taking" may form the basis of a more systemic problem often accompanying or sometimes giving rise to complaint allegations. Although it may not be a named allegation an issue identified during the course of the complaint may require a form of attention or action by the police service (Insubordination - note taking deficiency).
- f. **Complainant:** "Complainant" shall be an individual who files a complaint that is: an individual at whom the conduct was directed (or an agent of this person); an individual who saw or heard the conduct or its effects as a result of being physically present at the time and place that the conduct and/or its effects occurred; an individual who i) was in a personal relationship with an individual described previously at the time of the event and ii) suffered loss, damage, distress and danger or inconvenience as a result of the conduct; an individual retained by the complainant to act on their behalf.

- g. **Complaint:** “**Complaint**” under the *Police Act / Police Service Regulation* – a “Complaint” as defined in Section 42 and as per Part 5 of the *Police Act* is a complaint as to the conduct of a member that may contravene the regulations governing the discipline or performance of duty of police officers; a *Complaint* includes a complaint under s.44 of the Act related to the policies of and services provided by a police service. A Complaint may take the form of a written complaint, an e-mail complaint, an on-line complaint submitted on the website of a police service or police commission. A Complaint may be lodged by a member of the public, a police officer or the chief of police. A complaint will be considered registered on the date it is first received.

(Note: The sufficiency or quality of the alleged misconduct or alleged deficiency in service or policy need not be proven in whole or in part prior to a matter being classified as a Complaint.)


- h. **Hearing:** “**Hearing**” shall mean an administrative disciplinary proceeding typically open to the public, presided over by a hearing officer. The hearing officer accepts all relevant evidence and submissions for and against the cited police officer, and then decides if the allegations are sustained and what penalty or corrective action if any will be sought against the cited police officer.
- i. **Disposition:** “**Disposition**” shall mean the decision on the collective allegations comprising the Complaint. The possible dispositions for complaints are enumerated in the Disposition Section of this Provincial Standard.
- j. **Finding:** “**Finding**” shall mean the *per allegation* pronouncement. Each allegation levied against a cited officer will have a corresponding “finding”. The possible findings for complaint allegations are enumerated in the Findings Section of this Provincial Standard.
- k. **Frivolous/Vexatious/Bad Faith:** “**Frivolous**” / “**Vexatious**” / “**Bad Faith**” shall mean a finding on a particular complaint allegation or an overall complaint disposition and shall generally consist of the following qualities:
- A complaint is clearly **Frivolous** if it exhibits one or more of the following qualities:
 - insufficient on its face;
 - lacks merit or substance;
 - lacks a factual basis;
 - is absent an air of reality;
 - lacking in proper seriousness; or
 - is without sufficient importance.
 - A complaint is clearly **Vexatious** if it exhibits one or more of the following qualities:
 - is repetitious of one or more previous complaints that share the same theme and have previously been determined;
 - abuses or misuses the complaint process even if legally justified to do so.
 - A complaint is clearly made in **Bad Faith** if it exhibits one or more of following qualities:
 - it is made dishonestly;
 - it is made for an improper purpose.

- l. **Formal Resolution:** “**Formal Resolution**” shall mean a form of resolution invoked where a complaint contains allegations of misconduct considered gravely serious and in contravention of Section 5 of the Police Service Regulation. Formal Resolution will be undertaken in the event a complaint contains allegations criminal or statutory in nature contrary to an Act of Parliament and the Legislature of Alberta and in cases considered not appropriate for DR. A formal resolution may require formal investigation, formal hearing and a formal disposition to the complainant citing the right to appeal the findings of the police service on the complaint to the Law Enforcement Review Board or the police commission as the case may be. In the event informal resolution/DR attempts fail to successfully resolve a complaint, the formal resolution process will follow automatically. Jurisdiction is to be maintained.
- m. **Informal Resolution:** “**Informal Resolution**” shall mean a form of dispute resolution whereby the complainant and subject officer agree to attempt such other forms of resolution as specified under “Dispute Resolution” (DR). Informal Resolution also includes such instances where a cited officer admits or accepts responsibility in a conference with the chief of police. No formal disciplinary proceedings result from a successful Informal Resolution. If a complaint is resolved successfully via Informal Resolution, the officer will not incur any disciplinary record. Informal Resolution or DR processes are confidential and any statements made in an informal / DR proceeding may not be used outside that proceeding in any criminal, civil or disciplinary proceedings, except a consented to by the parties. An Informal Resolution may be attempted at any time before or during a formal complaint investigation or at the LERB level.
- n. **Time Barred Complaint –** “Time Barred or Beyond the One Year Time Limitation” shall mean those complaints falling under the scope of the *Police Act*, Section 43(11) having a Received Date more than 1 year from the date of the incident or event upon which the complaint is based. New legislative requirements are such that Time Barred complaints involve the principle of discoverability which now means one year from the time the complainant knew or ought to have known about the conduct complained of. The chief of police will make the initial determination to extend time or not. There is no longer an absolute dismissal of complaints lodged more than one year from the events on which they are based.
- o. **Major Misconduct –** “Serious misconduct” shall **generally** mean a misconduct consisting of one or more of the following qualities:
(a) conduct which may constitute an offence under an Act of Parliament or Legislature of Alberta; or
(b) conduct which is likely to bring the reputation of the police service into disrepute or diminish public confidence;
(c) willful improper conduct or grossly negligent conduct causing measurable harm to a person or property;
(d) repeated conduct by an officer in an identifiable frequency or pattern the quality or substance of which would require the attention of a supervisory chain of command and remedial or corrective intervention and/or discipline.
- p. **Minor Misconduct –** “Less Serious Misconduct” shall **generally** mean misconduct consisting of unintentional acts of harm or conduct that may be attributed to errors in judgment; substandard performance; training deficiencies or lack of professionalism to be dealt with proportionally via remedial or corrective measures. Complaints of Minor Misconduct are typically suitable for Informal Resolution via a method of DR. Minor Misconduct matters are also commonly dealt with by the chief of police under Regulation Section 19(1) where the decision and proposed sanction ascribed by the chief of police is final.

V. DISPUTE RESOLUTION – SPECIFIC TERMINOLOGY for information only

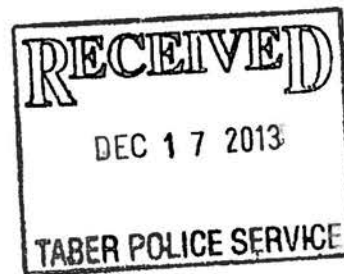
- a. **Adjudication** is a term that can include decision making by a judge in a court, by an administrative tribunal or quasi-judicial tribunal, a specially appointed commission, or by an arbitrator. An adjudicator determines the outcome of a dispute by making a decision for the parties that is final, binding and enforceable. The parties present their case to the adjudicator (or tribunal, commission or arbitrator) whose role is to weigh the evidence and make a decision that is final, binding and enforceable. Adjudication processes are determinative in nature. Disciplinary hearing and LERB proceedings are example of adjudication.
- b. **Arbitration (binding)** differs from courts and quasi-judicial tribunals in a number of respects. For example, many arbitrations are voluntary in that both parties agree to submit the dispute to arbitration, and the parties often agree on the selection of the arbitrator and the procedural rules. Generally, rules of evidence and procedure are more relaxed than the rules of court. Arbitration can also be ordered by a court or be compelled by a statute. In such cases, the arbitrator is usually appointed by a judge or government official. An arbitrator has limited jurisdiction that is strictly determined by the construction of the relevant arbitration agreement or statute.
- c. **Arbitration (non-binding)** the disputing parties put their case before an impartial third party who renders an opinion or recommendation, which the parties may choose to accept or not. Thus, the process is adjudicative, or determinative but not binding or enforceable.
- d. **Conciliation** is often used interchangeably with "mediation." The term "conciliation" generally refers to a process of dispute resolution in which "parties in dispute usually are not present in the same room. A conciliator communicates with each side separately using a term referred to as "shuttle mediation".
- e. **Facilitation** is a process by which a third party helps to coordinate the activities of a group, acts as a process facilitator during meetings, or helps a group prevent or manage tension and move productively toward decisions. The facilitation role can be placed on a continuum from simple group coordination and meeting management to intensive multi-party dispute mediation.
- f. **Negotiation** is a process in which two or more participants attempt to reach a joint decision on matters of common concern in situations where they are in actual or potential disagreement or conflict. Negotiation may occur amongst the parties themselves or through an agent or lawyer appointed by each party.
- g. **Mediation** (sometimes referred to as Assisted Negotiation) is a collaborative process in which typically an impartial third party helps disputants resolve a dispute or plan a transaction. The "mediator" does not have the power to impose a binding solution. Mediators use a variety of processes. Some mediators use "interest-based" problem-solving approaches (Fisher, Ury and Patton 1991), while others use "rights-based" legalistic approaches. There are many different models of mediation. A newer model of mediation referred to as Insight Model provides for a relational process focused on perceived threats to cares of the parties.

TABER MUNICIPAL POLICE COMMISSION
Commission Request For Decision

Subject: Alberta Law Enforcement Review Board (LERB)	Date of January 15, 2014 Agenda:
Prepared By: Kerry Van Ham, Council & CAO Assistant	
Attachments: Correspondence	
Budget:	If Over Budget, what is alternate funding source?
Expense:	
Topic: Consultation on Appeal Rules	
Background:	<p>Correspondence was received from Alberta LERB detailing a request to hear from those involved in matters before the Board in regards to their draft appeal rules.</p> <p>At the Commission's December meeting, it was determined to accept the invitation to attend the consultation for information, while also requesting determination of a written submission based on the review of this document.</p>
Options:	<ol style="list-style-type: none"> 1. That the Taber Police Commission, in consultation with the Chief of Police, provides a written submission to be forwarded to the Alberta Law Enforcement Review Board (LERB) for their consideration. 2. That the Taber Police Commission accepts the correspondence from the Alberta Law Enforcement Review Board regarding the Appeal Rules, Consultation Draft dated December 11, 2013, for information.
Recommendation:	
Option #2 - That the Taber Police Commission accepts the correspondence from the Alberta Law Enforcement Review Board regarding the Appeal Rules, Consultation Draft dated December 11, 2013, for information.	
Approval Date:	January 10, 2014
Per CAO:	



ALBERTA
LAW ENFORCEMENT REVIEW BOARD



To: Counsel who appear before the Law Enforcement Review Board

From: David Loukidelis, QC, Chair, Law Enforcement Review Board

Copies: Chiefs of all Police Services
Chairs of all Police Commissions
Presidents of all Police Associations
Tim Grant, Deputy Solicitor General
Bill Sweeney, Director of Law Enforcement & Assistant Deputy Minister

Subject: Consultation on Board Appeal Rules and Other Matters

Date: December 12, 2013

Further to my November 6, 2013 correspondence about next month's consultation on draft Board rules, I attach a consultation draft of those rules.

The goal of the rules is to promote certainty and efficiency in appeal proceedings while ensuring fairness in the process. Your comments are a vital part of our ensuring that these goals are met. Stakeholders can comment on the rules at one of the consultation sessions mentioned below or in writing.

When reviewing the draft, please consider the following:

1. We need to know whether any of the provisions in the draft are unnecessary and whether any are missing.
2. The timelines suggested for various processes, such as the dates for applications and appeals, are open for discussion.
3. A recurring comment on this draft has been that they may be difficult for self-represented parties to understand. Further work will therefore be needed to use more plain language in the rules. Comments that would help self-represented parties better understand the rules would be welcome.
4. On a related note, as mentioned in earlier communications, the Board intends to create guidance on the rules and appeal processes for self-represented parties. Please let us know whether you think explanations for the rules might usefully be inserted in the rules themselves, perhaps in italics.
5. Thoughts about the structure and flow of the rules could help make them more understandable.

The bottom line is that, although this draft has benefitted from comments from Board staff and from Board members, it should be treated as very much a work in progress. It has not yet had the benefit of comments by our counsel.

If you are not able to attend one of the January consultation sessions your written comments should be sent to us by January 17, 2014. If anyone who attends a session has follow-up comments, they should be

sent to us by that same date. Written comments should be directed to the Board's Secretary, Barb Newton, at barb.newton@gov.ab.ca.

Last, although the draft rules will be the main topic for the consultation sessions, other issues may be raised. Suggested discussion topics are welcome. Please provide those to Barb Newton no later than **January 3, 2014**. An agenda for the sessions will be circulated in advance of the first session.

For ease of reference, here are the dates and particulars for each session:

Date	Time	Location	Venue
January 8, 2014	9:30 a.m.-12:30 p.m.	Calgary	Kahanoff Centre (Jim Hume Room) 200, 105 – 12 Avenue SE Calgary
January 9, 2014	9:00 a.m.-12:00 p.m.	Edmonton	International, Intergovernmental and Aboriginal Relations Conference Room 4XL 4 th Floor, Commerce Place 10155 – 102 Street Edmonton

Again, please advise Barb Newton **before December 23, 2013** whether you plan to attend.



David Loukidelis

Enclosure (1): draft appeal rules (version: December 11, 2013)



**ALBERTA
LAW ENFORCEMENT REVIEW BOARD**

APPEAL RULES

Effective Date: _____, 2014

CONSULTATION DRAFT

December 11, 2013

TABLE OF CONTENTS

[To follow once rules are finalized]

Draft

PART 1 – GENERAL

Rule 1 - Purpose of These Rules, Practice Directions & Information Resources

1.1 The purpose of these rules is to facilitate the conduct of appeals to the board under the Act.

1.2 The board may publish information materials to assist participants in using these rules and to assist with completing documents required under these rules.

1.3 The chair may issue practice directions to provide information or set practice and procedure.

Rule 2 – Definitions & Interpretation

Definitions

2.1 In these rules, the following definitions apply:

- (a) “Act” means the *Police Act*;
- (b) “address for delivery” means a postal delivery address filed under rule 6, and may include an email address or a fax address;
- (c) “adjournment application” means an application for adjournment of an appeal hearing or of an application;
- (d) “appeal” means an appeal to the board under the Act or an appeal to the board under the *Peace Officer Act*;
- (e) “appeal file” means the file maintained by the board for an appeal and the contents of that file, but does not include any notes, draft decisions or communications of members;
- (f) “appeal notice” means a notice of appeal that complies with rule 9 and is in the form of a letter, email or other document;
- (g) “appellant” means the person who has appealed a decision made under the Act or the *Peace Officer Act*;
- (h) “application” includes an application for:
 - (i) the board to receive new evidence;
 - (ii) an appeal or part of it to be heard in the absence of the public;
 - (iii) disclosure of information redacted from the record;
 - (iv) costs against a participant or counsel for a participant;
 - (v) variation of or relief from any rule or practice directionbut does not include an adjournment application;
- (i) “board” means the Law Enforcement Review Board established under the Act and includes a member, the secretary, assistant secretary and associate secretary to the board;
- (j) “business day” means Monday through Friday, but does not include holidays;

- (k) “business hours” means between 8:30 a.m. and 4:30 p.m. Mountain Standard Time on business days;
- (l) “chair” means the chair of the board and any individual designated in accordance with the Act as the acting chair;
- (m) “complainant” means someone who made a complaint under Part 5 of the Act;
- (n) “communication” includes an appeal or other notice, application and submission provided for in these rules;
- (o) “initial review decision” means the decision that the board makes after its review of the appeal notice and the record;
- (p) “member” means:
 - (i) the chair;
 - (ii) a member of the board;
 - (iii) a panel of members;
- (q) “notice”, “notify” and similar terms refer to the delivery of a notice in writing as provided for in these rules;
- (r) “order” means an order, direction or other disposition of the board;
- (s) “participant” means:
 - (i) an appellant;
 - (ii) a police officer who was the subject of a complaint or disciplinary charges under the Act in the matter under appeal;
 - (iii) the chief of police or presiding officer whose decision under the Act is appealed;
 - (iv) a peace officer who was the subject of proceedings under the *Peace Officer Act* in the matter under appeal;
 - (v) the director of law enforcement under the *Peace Officer Act* where a decision under *Peace Officer Act* is appealed;
- (t) “prescribed” means provided for in a statute of Alberta or prescribed in a regulation of Alberta;
- (u) “promptly” means as close to immediately as is practicable in the circumstances;
- (v) “record” means the record of the proceedings before the chief of police, presiding officer, police commission or director of law enforcement, as the case may be, from which an appeal is filed;
- (w) “respondent” means a participant in an appeal other than the appellant.

Interpretation

2.2 For the purposes of these rules:

- (a) a term that is not defined in rule 2.1 but is defined in the *Interpretation Act* is defined as set out in that Act;
- (b) the rules for computation of time in section 22 of the *Interpretation Act* apply;
- (c) the rules for presumption of the giving or delivery of a document in section 23 of the *Interpretation Act* apply;
- (d) if a specified rule is said to apply for the purposes of another rule, the specified rule applies to the other rule with any changes in expression necessary for it to apply.

Rule 3 - Application of Rules and Exercise of Board's Powers

Application of these Rules

3.1 All participants must comply with these rules and any practice directions issued under rule 1(3), unless the board orders or directs otherwise.

Exercise of board powers

3.2 The board may exercise any power under these rules on its own initiative or on the application of a participant.

Variation or waiver of rules

3.3 The board may waive or vary these rules, including to reduce or to increase time limits, as the board considers appropriate in the circumstances.

Rule 4 - Non-compliance with Rules

Costs for non-compliance with rules

4.1 If a participant or a participant's representative fails to comply with these rules or with a decision, order or direction that is made under these rules, or with a practice direction issued by the chair, the board may, among other things, award costs against that participant or representative.

Direction to pursue appeal

4.2 If an appellant fails, without reasonable grounds, to respond to communications from the board or another participant, or to pursue the appeal in accordance with these rules, the board may, by notice delivered to the appellant's address for delivery, require the appellant to diligently pursue the appeal in accordance with any directions of the board in the notice, including as to time. If an appellant does not comply with the direction within the time the board specifies, the board may consider the appeal as having been abandoned and may dismiss it without further notice.

Failure to appear at appeal hearing

4.3 If an appellant fails to attend the appeal hearing or an application hearing and the board is satisfied that the appellant knew of the date and location of the hearing but failed to attend without giving a reason satisfactory to the board, the board may proceed in the absence of the appellant or may dismiss the appeal or application.

Technical defects

4.4 A mere irregularity in form does not invalidate the board's proceedings and does not constitute non-compliance with these rules.

Rule 5 – Participant Representatives

Participants may be represented

5.1 A participant may be represented by an agent or a lawyer or may be self-represented. All acts done or omitted by a representative in the appeal are the acts or omissions of the participant in the appeal.

Withdrawal or change of representative

5.2 If a participant's representative withdraws or changes, the participant must promptly notify the board and the other participants. A notice of change in representative must include the new representative's contact information described in rule 6.2.

PART 2 – COMMUNICATIONS

Rule 6 – Contact Information of Participants

Contact information for participant

6.1 A participant who does not have a representative must promptly give the board and each other participant notice of the contact information described in rule 6.2 and of any change in that information.

Contact information for participant representative

6.2 If a participant has a representative, the participant or representative must, promptly after the representative is appointed, notify the board and the other participants:

- (a) of the representative's address for delivery, whether it is a postal address or a street address sufficient for courier or personal delivery; and
- (b) any fax number and any email address of the representative.

A representative's address is considered to be the participant's address for delivery.

Rule 7 – Delivering Communications to the Board

How to deliver communications to the board

7.1 A participant may deliver a communication to the board by email, mail, fax, courier, process server or personally. The board's address and other contact information are as set out in the notice posted on the board's web page.

Delivery to board outside business hours

7.2 A communication delivered to the board after the end of business hours on a business day is considered to have been delivered to the board on the next business day.

Delivery where due date is not a business day

7.3 If the date by which a participant must deliver a communication to the board falls on a day that is not a business day, the communication must be delivered no later than the first business day after that date.

Delivery to other participants

7.4 A participant who delivers a communication to the board must on the same day deliver a copy of it to the other participants by a method of delivery set out in rule 7.1 and rules 7.2 and 7.3 apply for the purpose of determining when the delivery is considered to have taken place. This rule does not apply to the filing of a notice of appeal.

Rule 8 - Delivering Communications to Participants

Communications to participants

8.1 The board or a participant may deliver a communication to a participant by delivering the communication to the participant's address for delivery by regular mail, registered mail, courier, process server, in person, by email, or by fax. If the participant has a representative, delivery of a communication to the participant's representative is delivery to the participant unless the participant establishes otherwise to the board's satisfaction.

Proof of delivery

8.2 If the board requires proof of delivery of a communication, the participant who delivered it may prove delivery by providing proof of delivery satisfactory to the board such as:

- (a) an affidavit from the courier, process server or another person who delivered the communication setting out the time, date and method of delivery;
- (b) a copy of a Canada Post certificate of confirmation of delivery of registered mail;
- (c) proof that the communication was successfully delivered by email; or
- (d) a fax transmittal sheet confirming delivery.

Date of delivery

8.3 Subject to these rules, if a communication is;

- (a) mailed by regular mail, it is considered to have been delivered to the intended recipient on the date that is seven days after the date on which it was posted with Canada Post, with the participant who mailed the communication being responsible for establishing to the board's satisfaction the date on which it was posted with Canada Post; or
- (b) mailed by registered mail, it is considered to have been delivered to the intended recipient on the date shown on the Canada Post documentation for proof of delivery.

Delivery outside business hours or days

8.4 Rules 7.2 and 7.3 apply to delivery of communications to participants.

Where a communication was not delivered

8.5 The board may provide relief against any rule if a participant establishes to the board's satisfaction that a communication was either actually delivered to that participant after the date on which it is considered to have been delivered under this rule or was not delivered at all.

Alternative methods of delivery

8.6 If the methods of delivery described in rule 8.1 have proved ineffective, or in the board's opinion they are not likely to be effective, the board may permit or require an alternative method of delivery.

PART 3 – HOW TO APPEAL AND HOW TO RESPOND TO AN APPEAL

Rule 9 – How to Appeal

How to appeal

9.1 To appeal a decision made under the Act, a person must deliver to the board, to the attention of the board's secretary, an appeal notice setting out, to the board's satisfaction, the:

- (a) full name of the person who is appealing;
- (b) an address for delivery and telephone number for the person appealing;
- (c) if that person has a representative, the representative's address for delivery and telephone number;
- (d) name of the police service involved;
- (e) name of all the officers named in the complaint;
- (f) date of the decision being appealed; and
- (g) grounds on which the appeal is based.

Board may require more information

9.2 If the board considers that an appeal notice is not complete:

- (a) the board may give notice to the person who delivered it, identifying the nature of the information required to complete it;
- (b) that person must deliver a complete appeal notice to the board within the time the board specifies in the notice;
- (c) if a complete appeal notice is not delivered in time, the board may refuse to accept the appeal notice; and
- (d) if a completed appeal notice is delivered in time, the appeal notice is considered to have been delivered on the day that the completed appeal notice is delivered.

Representative may file appeal notice

9.3 If a person has a representative, the representative may deliver an appeal notice on behalf of that person. The appeal notice must confirm that the representative is authorized to act for the person appealing.

Time limit for appealing

9.4 Where the person who wishes to appeal:

- (a) is a complainant, the appeal notice must be delivered to the board within 30 days from the day on which the chief of police or commission advised that person of the determination of the complaint;
- (b) is a chief of police or a police officer, the appeal notice must be delivered to the board within 30 days from the day on which the chief of police or police officer was advised of the findings of the hearing and any action taken or to be taken.

Board may extend time limit for appealing

9.5 Before or after the time to appeal has expired, the board may extend that time for up to 30 days if the board considers that:

- (a) the person who wishes to appeal could not reasonably have delivered an appeal notice in time; and
- (b) any delay will not cause substantial prejudice to any person who would be a participant in the appeal.

The board may give those affected an opportunity to make submissions before it decides whether to extend the time for appeal.

Amending an appeal

9.6 An appellant may amend the appellant's appeal notice, but may do so only within 60 days after delivery of the original appeal notice to the board. To amend the appeal notice, the appellant must deliver the amended notice to the board and to the other participants.

Notice of appeal withdrawal

9.7 An appellant may withdraw an appeal at any time during the appeal process by notifying the board. Upon delivery of the notice, the appeal is terminated and the board must notify the other participants.

<i>Rule 10 – Streaming & Management of Appeals</i>

Board will screen for jurisdiction

10.1 The board will review the appeal notice to consider whether the appeal is within the board's jurisdiction. If the board considers that it does not have jurisdiction to hear the

appeal or part of it, it will refuse to accept the appeal or part of it. Acceptance of an appeal notice after this review is not a final decision that the board has jurisdiction over any or all of the grounds of appeal.

Delivering the record to the board

10.2 If the board accepts an appeal notice:

- (a) the board will deliver a copy of it to the police service involved;
- (b) the police service must deliver four copies of the record to the board, unless the board otherwise directs on application by the police service, not later than 14 days after delivery of the appeal notice to the police service;
- (c) the police service must deliver a copy of the record to the appellant concurrently with its delivery to the board;
- (d) if the police service seeks to remove information from the record to protect privilege or on other grounds, it must give the board reasons and, where required by the board, supporting evidence, for the redactions.

Initial review of appeals

10.3 As required by the Act, the board will review the appeal notice and the record and may:

- (a) dismiss the appeal if the board is of the opinion that it is frivolous, vexatious or made in bad faith;
- (b) having considered any factors set out in regulations under the *Police Act*, make a decision respecting the appeal; or
- (c) if the board does not dismiss the appeal under rule 10.3(a), schedule a hearing of the appeal in person or in writing.

Board's decision after initial review

10.4 The board will issue its initial review decision after it has completed its review of the appeal notice and the record.

Case management

10.5 The board may, on a participant's written request or its own motion, notify the participants of the date, time and location of a case management meeting respecting:

- (a) the issues to be decided and the positions of the parties;
- (b) the content of the record and production of any documents;
- (c) the length of the appeal hearing;
- (d) the scheduling of hearing dates;
- (e) whether the public interest requires that the public be excluded from all or part of a hearing or record;
- (f) whether alternative dispute resolution or settlement may be appropriate;
- (g) other matters that may contribute to the fair and effective conduct of the appeal; and

- (h) other matters that a participant reasonably requests be the subject of a case management meeting.

PART 4 – APPLICATIONS & ADJOURNMENTS

Rule 11 – Preliminary Applications & Adjournments

Communicating with other participants before applying

11.1 Before a participant makes an application or an adjournment application, the participant must ask the other participants whether they consent to it, oppose it or take no position on the matter.

How to make an application

11.2 An application must be made in writing and the applicant must deliver it to the board and to all other participants. The application must describe the nature of the order that is sought and the grounds on which it is sought, including any evidence on which the participant relies.

Timing of applications

11.3 Notice of intention to make an application must be delivered to the board within 30 days after the date of the board's initial review decision. A participant may not make an application unless notice of intention to do so has been delivered within this time.

Hearing of applications

11.4 The board will conduct each application in writing unless the board considers that it should be conducted in person.

Applications conducted in writing

11.5 If the board will conduct an application in writing:

- (a) the board will notify the participants of the date by which the applicant's submissions must be delivered, with that date being not more than 21 days after the date of the notice;
- (b) the board will give the other participants notice of the date by which any submissions in response must be delivered, with that date being not more than 21 days after the date of the notice; and
- (c) the applicant may reply to the other participants' submissions, but must deliver any submission in reply within 7 days after the date for delivery of their submissions as notified under rule 11.5(b).

Applications conducted in person

11.6 If the board will conduct an application in person, the board will notify the participants of the date on which the application hearing will begin and the location of the hearing. The date on which the application hearing will begin will be not less than 21 days after the date of the board's notice. The board may, by notice to the participants, require them to deliver to the board a written outline of argument by the date the board specifies in the notice.

How to apply for an adjournment

11.7 To apply for an adjournment of an appeal hearing, a participant must apply to the board within 15 days after the date on which the board has given notice of the date on which the appeal hearing is to begin. The applicant must explain why the adjournment is necessary. The board may require the applicant to provide information to support the requested adjournment and may require the parties to attend before the board to speak to the application. A participant also may apply for an adjournment of an appeal hearing after the 15 days mentioned in this rule where circumstances outside the participant's reasonable control make it necessary to apply for an adjournment.

Factors the board will consider in an adjournment application

11.8 The board will grant an adjournment where it is fair and reasonable to do so, including in light of the following:

- (a) whether other participants have consented;
- (b) the number of previous adjournments requested and by whom;
- (c) any prejudice or cost the adjournment may cause to another participant;
- (d) the extent of any delay to which the adjournment may contribute;
- (e) medical circumstances affecting a participant or lawyer, in which case the board may require a medical certificate before it considers the application;
- (f) whether the applicant made reasonable efforts to avoid the need for an adjournment.

Opportunity to be heard

11.9 The board may give any participant who has not consented to the adjournment an opportunity to make submissions on the application.

Adjournments by the board

11.10 The Board may, on its own motion, fix or adjourn the dates for, or the location of, the hearing of an application or adjournment application.

Date on which application hearing is complete

11.11 The hearing of an application that is conducted in writing is complete on the date by which the board has received all written submissions, with that date being as determined by the board.

Decisions on applications

11.12 The board will issue its decision on an application or adjournment application after the hearing is complete. The decision may be issued in writing or may be delivered orally.

Costs awarded on adjournment

11.14 Subject to the *Police Act*, the board may, where it considers it warranted, order a participant who has been granted an adjournment to pay costs.

PART 5 – APPEAL HEARINGS

Rule 12 – Appeal Hearings

Dates for appeals conducted in writing

12.1 If the board will conduct an appeal in writing:

- (a) the board will, after it issues its initial review decision, notify the participants of the date by which the appellant’s submissions must be delivered, and the date specified will be not more than 45 days after the date of the notice;
- (b) the board will give the other participants notice of the date by which any submissions in response must be delivered, and the date specified will be not more than 45 days after the date the notice specifies for delivery of the appellant’s submissions; and
- (c) the appellant may reply to the other participants’ submissions, but must deliver any submission in reply within 15 days after the date specified by the board under rule 12.1(b).

Dates for appeals conducted in person

12.2 If the board will conduct an appeal in person, the board will notify the participants of the date and time, and location, of the appeal hearing. The date the board specifies will be not more than 150 days after the date of board’s initial review decision. The board may, by notice to the participants, require them to deliver to the board a written outline of argument by the date the board specifies in the notice.

Adjournments by the board

12.3 The Board may on its own motion fix or adjourn the dates and times for a hearing or change its location.

Date on which appeal hearing is complete

12.4 The hearing of an appeal:

- (a) that is conducted in writing is considered to have been completed on the date by which the board has received all written submissions, with that date being as determined by the board; and
- (b) that is conducted in person is considered to have been completed on the later of the date on which the board adjourns the hearing in order to deliberate on the appeal and the date on which it has received any post-hearing written submissions it may request, with the date being as determined by the board.

Decisions on appeal merits

12.5 The board will issue its decision on an appeal after the hearing is complete. The decision may be issued in writing or may be delivered orally.

PART 6 – GENERAL

Rule 13 - Electronic Hearings

How in-person matters may be heard

13.1 The board may, if it considers it fair and efficient to do so in the circumstances, direct that an in-person application or appeal be heard using telecommunications methods, including methods such as conference calling or webcasting, that permit all of those participating to hear and be heard by each other simultaneously.

Rule 14 - Public Nature of Appeal Proceedings

Hearings are public unless otherwise ordered


14.1 Unless the board or a court orders otherwise, the board's hearings and other proceedings are open to the public and the information in an appeal file, including personal information, is susceptible to disclosure:

- (a) at a hearing;
- (b) in a board decision;
- (c) in court proceedings, including judicial review proceedings and appeal proceedings; or
- (d) in response to a request for access to records under the *Freedom of Information and Protection of Privacy Act*.

Publication of board decisions

14.2 Board decisions will be published on the board's website and may be published in law reports or on law-related websites.

TABER MUNICIPAL POLICE COMMISSION
Commission Request For Decision

Subject: Police Service Regulation	Date of January 15, 2014 Agenda:
Prepared By: Kerry Van Ham, Council & CAO Assistant	
Attachments: Correspondence and Discussion Guide	
Budget:	If Over Budget, what is alternate funding source?
Expense:	
Topic: Discussion Guide	
Background:	Correspondence was received from the Justice and Solicitor General requesting input specific to non-substantive changes. The Discussion Guide is attached for the Commission's review and feedback.
Options:	<ol style="list-style-type: none"> 1. That the Taber Police Commission accepts the correspondence from the Justice and Solicitor General regarding the Police Service Regulation Discussion Guide, for information. 2. That the Taber Police Commission, in consultation with the Chief of Police, submit feedback specific to the Police Service Regulation Discussion Guide.
Recommendation:	
Option #1 - That the Taber Police Commission accepts the correspondence from the Justice and Solicitor General regarding the Police Service Regulation Discussion Guide, for information.	
Approval Date:	January 10, 2014
Per CAO:	

AR 6126

December 23, 2013

Mr. Henk De Vlieger
Chairperson
Taber Police Commission
A - 4900 - 50 Street
Taber, AB T1G 1T1



Dear Mr. De Vlieger:

The *Police Service Regulation* (PSR) is scheduled to expire on March 31, 2014. Our department has been engaged in a two-phase process to both evaluate previous amendments and to identify any required changes to the regulation before it expires. This will ensure legislation is keeping up with policing and law enforcement realities in Alberta.

The legislation that we are asking for your input on is specific to the Police Service Regulation and is on non-substantive changes. The Government of Alberta is not opening up the *Police Act* at this time, however, when that occasion does arise, we will certainly be in contact to seek your views on more substantive amendments.


The first phase of the process was to evaluate changes that were made to the police service regulations in 2011 and the impacts that these changes have had on our stakeholders from 2011 to present. In October 2013, I sent a letter along with a survey and a data request to assist with the evaluation process. We have appreciated your feedback, and are currently in the process of compiling the evaluation results.

The second phase of the process is to identify any further required changes to the regulation before the expiry date. A working group comprised of representatives from the Law Enforcement Oversight Branch, the Alberta Serious Incident Response Team (ASIRT), and the Policy and Program Development Branch was established to review and assess the current regulation for improvements.

To ensure that we are on the right track with the proposed changes, and that we have considered all of the implications, we have prepared a discussion guide for your review and feedback (attached).

To allow time to discuss, assess and compile your input, and proceed through the required legislative process, I would ask that you return your feedback on the PSR changes by e-mail or by fax to Policy Analyst Jennifer Anderson no later than **January 15, 2013**. Jennifer can be contacted at jennifer.anderson@gov.ab.ca or by fax at 780-427-5916.

Sincerely,


W.M. (Bill) Sweeney, OOM
Assistant Deputy Minister
Director of Law Enforcement

Attachment



Police Service Regulation Discussion Guide

December 2013

Alberta  Justice and
Solicitor General

Police Service Regulation

Discussion Paper

December 2013

The Police Service Regulation (PSR) is made pursuant to the *Police Act* and governs the performance, complaints and discipline of police officers. The PSR will expire in March 2014.

There are currently two key activities that are underway to prepare the Police Service Regulation for the upcoming expiry date.

Evaluation

The first activity was an evaluation of the changes that were made to the Police Service Regulation in 2011, and the impact of these changes between 2011 to present. The evaluation included a survey and data request sent to stakeholders in October of 2013 including: Police Services, Police Commissions, Police Associations, the Law Enforcement Review Board (LERB) and the Criminal Trial Lawyers Association (CTLA).

The focus of the evaluation was to determine whether the changes successfully modernized the police complaint and discipline process to effectively meet the expectations of Albertans, and the needs of law enforcement.

Proposed Regulation Changes

The second activity that is underway is a review of the current regulation to identify any required changes before the regulation expires in March 2014.

The Public Security Division has established a working group to assess and identify any required changes. The working group reviewed correspondence received by the Ministry, relayed conversations held with police stakeholders, as well as relevant media stories to inform the proposal of what changes are required to the Police Service Regulation.

The working group identified the following changes:

- Condensing Section 3 (competency)
- Updating language in Sections 10.1 and 10.5 (interviews)
- Clarifying Section 10.6(1) (statements)
- Clarifying Section 19 (minor contraventions)

In addition to these changes, a new section will be added to the Police Service Regulation that will permit the revocation of a commission granted to a senior police officer (this will support the *Police Act* amendments under the *Statutes Amendment Act*, which received Royal Assent on December 11, 2013). A new expiry date will also be identified for the Police Service Regulation.

Consultation Process

We are conducting a review of the Regulation as it is scheduled to expire on March 31, 2014. The focus of the review is to ensure ongoing relevancy and necessity.

We are not opening the *Police Act* for review or changes at this time, but will notify all interested parties for their participation and feedback when this is scheduled to take place. Please refrain from sharing your views on *Police Act* changes at present; instead we are seeking your position exclusively on the Police Service Regulation.

Please note: this consultation process is separate and apart from the consultation sessions being held by the Law Enforcement Review Board (LERB) on their Board Appeal Rules and other matters.

This discussion paper outlines the proposed changes and includes questions for your consideration and input.

Please submit your feedback by e-mail or fax no later than **January 15, 2013** to:

Jennifer Anderson - Policy Analyst
Justice and Solicitor General
10th Floor, John E. Brownlee Building
10365 97 Street NW
Edmonton AB T5J 3W7

e-mail: jennifer.anderson@gov.ab.ca
fax: (780) 427-5916

If you have any additional questions Jennifer can also be contacted by phone at (780) 427-2790.

Discussion Items

Police Service Regulation

A. Section 3

Proposal:

Repeal sections 3(2) through 3(4).

Background:

Currently, the Alberta Provincial Policing Standard (PA 3.6) requires police services to have written policy that outlines their police induction training program—in that it must specify the length of time to complete the program and what evaluations will be conducted. In other words, each police service’s induction training program is required to be recognized by Justice and Solicitor General and no specific provincially-set timeframe is required.

Additionally, PA 2.5 of the Alberta Provincial Policing Standards states that in order to be considered permanent status, police officers in Alberta must have graduated from a police induction training program recognized by Justice and Solicitor General or if not recognized, successfully completed the Alberta police competency exam that is approved by the ministry.

Furthermore, the police officer must complete the applicable statutory requirements of the 18 months probationary period as outlined in section 4(1)(a) of the Police Service Regulation.

As all police services within Alberta shall comply with issued guidelines and directives, whether or not they are referenced in the Provincial Policing Standards, sections 3(2) to 3(4) of the Police Service Regulation are not in line with the Standards and could cause confusion amongst the police services in Alberta.

Question:

1. Do you agree with repealing sections 3(2) through 3(4)? If no please explain.

B. Sections 10.1(4) and 10.5(4)

Proposal:

Change wording in Sections 10.1(4) and 10.5(4) to modernize the language used in regards to interview equipment.

Background:

The Regulation was written at a time when technology was less advanced. The intent of the proposed change is to update the language to better reflect advancements in technology as they relate to contemporary investigative practices. This would include changing the words *audio tape* and *video tape* to other wording such as *digital record* or *video record*.

Questions:

1. Do you agree with removing audiotape and videotape and substituting these terms with modern terminology such as digital record or video record?
2. Do you feel that these terms would be sufficient in bringing this section of the Police Service Regulation up to date?
3. Do you have a preference in regards to which terminology is used, or do you have an alternate suggestion for terms that could be used for the interview recording process?

C. Section 10.6

Proposal:

Provide clarification in wording about when a person in charge of an investigation must advise the Chief of Police about an interview of a police officer involved in a serious or sensitive incident.

Background:

Section 10.6(1) of the Police Service Regulation (PSR) requires the person in charge of the investigation to determine whether a police officer involved in an incident is a Subject Officer or a Witness Officer prior to doing any interviews.

The intent of the PSR is that police officers involved in serious or sensitive incidents are interviewed as soon as practicable after the incident, as evidenced by the requirement in Section 10.3(1) of the PSR that officers be segregated from one another until after they are interviewed.

Section 10.6(1) is worded in such a way that it could be interpreted that interviews cannot proceed until **after** the person in charge of the investigation has advised the officer and the Chief of Police in writing as to whether the officer is considered a Subject Officer or a Witness Officer.

Practically speaking, incidents occur at all times of the day/night and on all days of the week. While it is easy to advise the officers in writing through the service of a Designation Form, the Chief of Police is not readily available and interviews generally proceed **before** the Chief of Police receives his copy of the Designation Form.

To ensure that ASIRT is not challenged in their authority to conduct these interviews prior to the Chief of Police being notified in writing, the section should be amended to clarify that the police officer should be notified in writing and that a copy of this notification would subsequently be provided to the Chief of Police (e.g. as soon as practicable).

Question:

1. Do you have any difficulties with the independent investigative unit notifying a police officer in writing (as to whether they are considered a Subject Officer or a Witness Officer) and subsequently providing a copy of that form/notice to the Chief of Police for his/her information?

D. Section 19 – Minor Contraventions

Proposal:

Provide provincial guidelines around what is defined as a minor contravention.

Background:

The Chiefs of Police (and others) seek additional guidance in determining what constitutes a minor contravention, better supplementing the criteria of the current section 19(1.1). The purpose of better defining Minor Contraventions or what qualifies as a minor contravention is to assist the Chief of Police in determining what matter will not be subject to a hearing and disposed of according to this section.

Provincial Guidelines on the topic of minor contraventions will allow the ministry to incorporate emergent case law, examples, and circumstances that arise in police practice more quickly than would be available if this guidance were legislated directly in the Police Service Regulation. A Provincial Guideline would allow for regular or targeted collaboration with subject matter experts from representative policing and oversight stakeholders. A Provincial Guideline however, will be more flexible in application than legislating/regulating what constitutes a minor contravention. As a consequence, differences may remain in how these guidelines are applied across police services. Consistency in application may therefore remain an issue.

Questions:

1. Do you agree that setting out additional guidance in the form of a Provincial Guideline (policy) will be sufficient to assist Chiefs of Police in determining what acts of (mis)conduct constitute a minor contravention?
2. Do you have any alternative suggestions as to how best to deliver/articulate this objective?

E. New Section – Revoking a Commission granted to a Senior Police Officer

Proposal:

The granting of a commission to a senior police officer will come into effect in 2014 once the *Statutes Amendment Act* has been proclaimed. One of the considerations that is being looked at is the revocation of a commission as a result of disciplinary and/or criminal behaviour as defined under Part 5 of the *Police Act*.

Background:

A commission is a title of honour that recognizes the achievement of officers who are currently, or who will be granted the rank of inspector, superintendent, deputy-chief, or chief. An officer would receive a commission only once and appointments would not be made posthumously or to retired officers.

In spring 2012, the Chiefs of Edmonton and Calgary Police Services and the then-President of the Alberta Association of Chiefs of Police (AACP) requested an amendment to the *Police Act* that would allow for the commissioning of senior police officers.

In response to this request, the Ministry examined the issue and proposed legislation in the form of an amendment that was included in Bill 38, *Statutes Amendment Act* which received Royal Assent on December 11, 2013, which will come into force on proclamation (date to be determined). The legislation gives the Lieutenant Governor in Council the authority to commission senior police officers.

The practice of commissioning would apply to Alberta's municipal and regional police services, including: Calgary, Camrose, Edmonton, Lacombe, Lethbridge Regional, Medicine Hat, Taber, as well as First Nation's police services including: Blood Tribe, Lakeshore Regional, Tsuu T'ina, and North Peace Tribal. The RCMP has a national commissioning practice and would not be included. Additionally, Alberta Peace Officers would not be included under this provision.

Consideration was given in the event that a commission would need to be revoked due to the disciplinary/criminal behaviour of a senior police officer. Criteria to revoke a commission are proposed to include:

1. Criminal conviction.
2. Commission of an offence of a serious nature that is subject to a disciplinary hearing.
3. Conduct that would be subject to a disciplinary hearing but the officer retired, resigned or there is a loss of jurisdiction.
4. Upon request of a commissioned officer.

The Chief of Police would submit names and rationale for revocation approval to the Director of Law Enforcement, who would then submit approved names to the Lieutenant Governor in Council for revocation.

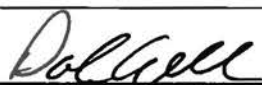
Questions:

1. Should a commission be revoked for disciplinary/criminal behaviour?
2. If yes, are the revocation criteria sufficient? If not, please list additional criteria that you think should be considered, and a rationale to supporting these criteria.

Thank you for your feedback.

Agenda Item #8. A)

TABER MUNICIPAL POLICE COMMISSION
Commission Request For Decision

Subject: Police Chief Rudd's Report		Date of January 15, 2014
		Agenda:
Prepared By: Kerry Van Ham, Council & CAO Assistant		
Attachments: Report		
Budget:	If Over Budget, what is alternate funding	
Expense:	source?	
Topic: Police Chief Rudd's Report		
Background:	Police Chief Rudd's Report to January 15, 2014 and Stats for December 2013.	
Options:	1. That the Taber Police Commission accepts Police Chief Rudd's Report and Stats for information.	
Recommendation:		
Option #1- That the Taber Police Commission accepts Police Chief Rudd's Report and Stats for information.		
Approval Date:	January 10, 2014	Per CAO: 



CHIEF OF POLICE REPORT TO COMMISSION

14JAN15

CASES OF INTEREST

Police charged 18 year old Colin Meissner with several criminal driving offences and assaulting a police officer. Over the Christmas period Meissner was observed operating a MV outside of court ordered curfew hours. He was stopped and during interactions with the officer decided to flee, the officer attempted to prevent this by reaching into the vehicle and was dragged for a half block. Backup officers located the vehicle that had collided with a parked vehicle. The officer sustained minor scrapes and bruises.

COMMUNITY RELATIONS

Attend to Safe Haven Board meeting, participate in Ladies Night Out event, attend TCAPS meeting, and attend Adult Learning Board meeting, community drug presentation, Lethbridge College community presentation, numerous Christmas celebration events.

FINANCES

The 2014 operating and capital budgets have been authorized. A final 2013 budget is to be calculated for presentation at a later meeting.

EQUIPMENT

The process to rotate out a five year old police vehicle will be commenced, this year the SUV will be replaced with a pick-up style truck. Also targeted this year is the acquisition of the LiveScan digital fingerprint equipment.

PERSONNEL

TPS Dispatchers hosted an active assailant training course. TPS staff was trained in protocols dealing with dynamic shooting or armed situations. Costs were reduced by hosting RCMP, Lethbridge and Medicine Hat staff.

COURT REPORT

Alberta Prosecution Services has proposed a pre-charge protocol and is seeking police agency participation. TPS has agreed with the proposal at the draft stage.

OPERATIONAL

The town received an external safety audit and was successful in receiving a passing grade. There were no issues at the police office and the staff members interviewed was well reported on as to their knowledge of our safety program. Our local probation officer is retiring at the end of the year; a replacement has been named for the community.

BUSINESS PLAN TRACKING

Philosophy – Investigation & Response/ Goal – improve current investigational capacity and general investigative quality/
Measure – all officers have now completed updated notebook and report writing skills training

COMMISSION REPORT

2013	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	DEC	TOTAL YTD 2013	Comp 2012
TRAFFIC														
- Impaired Operation/Related Offences	2	5	1	2	4	8	5	1	2	3	2	0	41	60
- Dangerous Operation of Motor Vehicle	0	1	0	1	0	0	1	0	0	0	0	0	3	9
- Traffic collisions	13	9	17	11	10	9	14	11	11	12	11	9	146	174
- Other criminal code	1	0	0	2	2	3	2	0	1	0	0	0	11	16
- Provincial Traffic Offences	124	205	206	158	212	165	253	244	211	219	170	87	2290	2298
LIQUOR ACT														
	9	10	7	9	9	7	8	21	9	8	3	6	120	160
OTHER CRIMINAL CODE														
- Other criminal code	27	16	20	17	29	34	34	29	16	16	21	7	292	337
- Offensive weapons	0	0	0	2	1	4	0	1	1	0	0	0	9	11
- Corruption (Public Mischief)	0	0	1	0	1	0	0	0	1	1	0	0	4	7
DRUG ENFORCEMENT														
- Trafficking	1	1	0	2	0	0	1	0	4	0	1	0	18	21
- Possession	5	2	8	3	1	4	2	9	4	4	3	2	58	55
- Other	1	1	0	0	1	2	1	4	1	2	0	0	15	31
CRIMES AGAINST A PERSON														
- Sexual offences	1	1	1	0	0	0	0	1	0	1	0	0	13	23
- Robbery/Extortion/Harassment/Threats	9	13	2	4	10	6	1	4	7	8	3	1	81	86
- Offences Related to Death (Murder/Attempt murder)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Kidnapping/Hostage/Abduction	0	0	0	0	1	0	0	1	0	0	0	0	2	3
- Assaults	4	2	7	5	10	10	5	6	9	5	6	2	88	93
CRIMES AGAINST PROPERTY														
- Theft under \$5000	7	12	9	10	14	22	14	20	12	6	7	5	162	159
- Theft over \$5000	1	0	0	3	3	1	2	4	1	2	1	1	22	32
- Possession of Stolen Goods	1	0	1	1	4	0	0	2	1	2	0	1	16	11
- Fraud	0	3	3	4	0	0	3	1	0	2	0	0	23	39
- Break and Enter	4	2	3	2	1	2	3	1	2	1	0	0	24	35
- Arson	0	0	0	0	0	0	2	1	0	0	0	0	3	4
- Mischief	5	21	10	20	13	24	15	12	10	6	10	4	175	197
BYLAW														
- Traffic	2	1	2	3	6	3	2	12	1	5	1	1	44	40
- Other (non-traffic calls)	24	23	25	25	56	44	55	51	18	25	16	3	417	435

CPIC ACTIVITY		
December		
FUNCTION	2013	2012 (Total annual)
Entries	5844	2530
Modifications	1352	1246
Removals	1906	1481
Queries	30246	32405

December 2013 Dispatch	
Type of Call	Answered within Standard (Under 15 Seconds)
1 st Line 9-1-1 (199)	99.5%
2 nd Line 9-1-1 (4)	100%

POLICE OVER TIME REPORT 2013	
Month	Hours
JAN	55
FEB	57
MAR	28
1 st Quarter Total	140 (2012-255)
APR	100
MAY	62
JUN	54
2 nd Quarter Total	226 (2012 - 177)
JUL	48
AUG	65
SEP	64
3 rd Quarter Total	177 (2012 - 185)
OCT	50
NOV	54
DEC	
Annual Total	