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BC POLICE BOARD
Resource Document on Roles
and Responsibilities Under
the Police Act

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Ministry of Public Safety and Solicitor General
Policing and Community Safety Branch
Police Services Division

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TABLE OF CONTENTS

SECTION

1.0 Introduction

2.0 Roles and Structure of Policing in British Columbia

- 2.1 British Columbia Police Act
- 2.2 Overview of Policing and Law Enforcement Service Providers in BC
- 2.3 Role of the Solicitor General
- 2.4 Role of the Director of Police Services, Ministry of Public Safety & Solicitor General

3.0 Municipal Police Board Legislative Authority

- 3.1 Composition of the Municipal Police Board
- 3.2 Legislated Mandate and Main Oversight Functions
- 3.3 Board Accountability
- 3.4 Responsibilities of the Chair
- 3.5 Individual Responsibilities of Board Members
- 3.6 Board Member Liability
- 3.7 Board Orientation and Training
- 3.8 Board Understanding – Policy vs. Operational

4.0 Municipal Police Board Governance

- 4.1 Hiring, Evaluating and Supporting the Chief Constable
- 4.2 Strategic Planning
- 4.3 Governance and Policy Development
- 4.4 Annual Report
- 4.5 Collective Bargaining and Labour Management
- 4.6 Handling of Public Service Complaints
- 4.7 Police Department Reporting

5.0 Finance and Administration

- 5.1 Budget and Financial Management
- 5.2 Expenditure Control
- 5.3 Revenue Control
- 5.4 Tangible Capital Assets
- 5.5 Financial Reporting and Documentation

- 6.0 Human Resource Management**
 - 6.1 Succession Planning
 - 6.2 Support Services for Employees
 - 6.3 Career Pathing, Development and Education
 - 6.4 Performance Planning and Review
 - 6.5 Staff Recognition

- 7.0 Ensuring Police Board Effectiveness**
 - 7.1 Confidentiality
 - 7.2 Conflict of Interest
 - 7.3 Guidelines of Conduct
 - 7.4 Communications
 - 7.5 Board Evaluation
 - 7.6 Board Committees/Resources

- 8.0 Municipal Police Board Relations**
 - 8.1 With the Community
 - 8.2 With Municipal Council
 - 8.3 With Other Agencies
 - 8.4 With the Media

- 9.0 The Municipal Police Department**
 - 9.1 Legislated Duties
 - 9.2 Structure of the Department
 - 9.3 Role and Function of the Chief Constable
 - 9.4 Training of Municipal Police Officers
 - 9.5 Liability of Municipal Constables, Special Municipal Constables and Bylaw Enforcement Officers

- 10.0 Introduction to Municipal Policing**
 - 10.1 Historical Development
 - 10.2 Community Policing
 - 10.3 Delegation of Authorities under the Constitution
 - 10.4 Police Discretion

APPENDICES

British Columbia Police Act	Appendix A
Code of Professional Conduct Regulation	Appendix B
Acronyms and Short Forms Common to Policing	Appendix C
Police Academy (JIBC) Services and Training	Appendix D

Law Enforcement Agencies

Appendix E

- Role of the Royal Canadian Mounted Police (RCMP)
- Role of First Nations Police Services
- Role of Designated Policing Units
- Role of Designated Law Enforcement Units

Today's Policing - Selected Articles

Appendix F

- Police Board Library Collection (JIBC)

SECTION 1.0 Introduction

Police play a vital role in Canadian society. Police occupy positions of power and come into contact with people in all walks of life and in many different types of circumstances. These contacts can pose significant challenges for the police officer(s) and significant consequences for the citizen(s) involved in them.

A delicate balance needs to be struck in these contacts between the independence and discretion that police constables have under statute and common law and the need for constables to be accountable for the way in which they exercise their powers.

One accountability mechanism that Canada has established is using civilians (i.e., persons not in the police force) as part of a neutral body to oversee policing. Civilian boards work to ensure that there is a high standard of policing and that the interaction between police and the community is fair and responsive. It has been well documented that police who are well trained, understand the needs of the community and exercise fair internal discipline, greatly contribute to a free and democratic society.

In British Columbia, police boards are mandated by the *BC Police Act, 1996* to provide civilian oversight. This Act was amended in 1998 by the *Police Amendment Act, 1997*, and has since been consolidated.

Police boards in British Columbia perform four main governance functions:

1. Employers of the sworn and civilian staff;
2. Policy and direction setters;
3. Financial overseers; and
4. Discipline authorities for policy and service complaints, with the Chair being responsible for discipline matters related to the Chief Constable and Deputy.

Understanding how the British Columbia policing system functions can be a fairly daunting task for new police board members. There are numerous agencies that provide policing and law enforcement services in the province and who uphold laws that are federal, provincial and municipal in origin.

Under the *Police Act*, police in British Columbia perform three functions:

1. Maintain law and order;
2. Enforce the law; and
3. Prevent crime.

The intent of this handbook is to assist new and existing police board members to better understand their roles and responsibilities under the *Police Act* and to be used as a reference document for board members related to specific municipal police board issues that may arise.

SECTION 2.0 Roles and Structure of Policing in British Columbia

2.1 British Columbia Police Act

The British Columbia *Police Act* provides the Solicitor General specific authority of importance to municipal police boards which includes the creation of independent police boards. Municipal police boards are required under the *Act* to determine the priorities, goals, and objectives of the department each year, in consultation with the Chief Constable.

To review specific information and sections of the *Police Act*, please refer to Appendix A.

SECTION 2.0 Roles and Structure of Policing in British Columbia

2.2 Overview of Policing and Law Enforcement Service Providers in BC

As the table illustrates, there are multiple agencies that deliver policing and law enforcement services in British Columbia. All of these service providers act under the general supervision of the Solicitor General of British Columbia.

Type of Entity/Area	Service Provider	Type(s) of officers	Type of Civilian Board
Unincorporated area	RCMP (as the Provincial Police Force)	<ul style="list-style-type: none"> • Constable • Auxiliary Constable 	<i>Police Act</i> , Part 6 provides for advisory committees
Municipality <5 000	RCMP (as the Provincial Police Force)	<ul style="list-style-type: none"> • Constable • Auxiliary Constable 	<i>Police Act</i> , Part 6 provides for advisory committees
Municipality >5 000	RCMP municipal detachment OR	<ul style="list-style-type: none"> • Constable 	<i>Police Act</i> , Part 6 provides for advisory committees
	Own independent municipal police force OR	<ul style="list-style-type: none"> • Municipal Constable • Special Municipal Constable • Bylaw Enforcement Officer 	Municipal Police Board
	Contract with an existing Municipal Police Force	<ul style="list-style-type: none"> • Municipal Constable • Special Municipal Constable • Bylaw Enforcement Officer 	Municipal Police Board
Entity*	Designated Policing Unit OR	<ul style="list-style-type: none"> • Designated Constable 	Designated Police Board
	Designated Law Enforcement Unit	<ul style="list-style-type: none"> • Enforcement Officer ** 	Designated Board
First Nations Community	RCMP OR	<ul style="list-style-type: none"> • Aboriginal Constable 	
	First Nations Self Administered Police Service	<ul style="list-style-type: none"> • Constable 	First Nations Police Board

* an entity is defined as municipalities <5 000, regional districts, government corporations or any other prescribed entity

** note: an enforcement officer is not a police officer

SECTION 2.0 Roles and Structure of Policing in British Columbia

2.3 Role of the Solicitor General

In British Columbia, the Ministry of Public Safety and Solicitor General has overall responsibility for public safety and the protection of all citizens and their individual rights. The Solicitor General has responsibility over the following areas: policing, corrections, the provincial emergency program, crime prevention and victim assistance, liquor control and licensing, film classification, gaming policy and enforcement, landlord-tenant dispute resolution and consumer services.

The Ministry's goal is to seek innovative ways to increase public safety, enhance individual and community capacity, and continue to ensure British Columbians have a fair and efficient system of justice. When dealing with policing matters, the Ministry ensures that all decisions and policy direction are legally based, impartial, and free of partisan political considerations.

The Minister's fundamental responsibilities with regard to policing and law enforcement in British Columbia are outlined in the *Police Act*, Part 2, s.2

"The minister must ensure that an adequate and effective level of policing and law enforcement is maintained throughout British Columbia."

Specifically, the Minister ensures that the provincial government fulfills its obligations under Part 2, s. 3(1) of the *Police Act* to provide policing and law enforcement services for the following:

- Unincorporated areas of British Columbia;
- Municipalities with a population of up to 5 000 persons; and
- Municipalities with population over 5 000 persons who contract with the Minister to provide policing and law enforcement services.

Under the *Police Act* the Minister has specific authority and responsibilities of importance to municipal police board members, designated police board members and designated board members. They are as follows:

SECTION 2.0 Roles and Structure of Policing in British Columbia

MINISTERIAL AUTHORITY OF IMPORTANCE TO *MUNICIPAL POLICE BOARDS*

AUTHORITY OF THE MINISTER	SOURCE OF AUTHORITY
To provide or reorganize policing and law enforcement in a municipality greater than 5 000 persons, on terms approved by the Lieutenant Governor in Council	<i>Police Act</i> , Part 2, s.4(1)
To take what steps the minister considers necessary in the event that a municipality and municipal police board fail to take action, as outlined by the Director of Police Services, in the event that they are not in compliance with the <i>Police Act</i>	<i>Police Act</i> , Part 4, s.17(2)
To approve or disapprove any proposals by two or more municipalities to enter into an agreement to amalgamate their municipal police boards and municipal police forces	<i>Police Act</i> , Part 4, s.18
To constitute police boards and approve or disapprove any proposals by two or more municipalities to enter into an agreement to establish a joint municipal police board	<i>Police Act</i> , Part 5, s.23 (1 & 2)
To direct a municipal constable or special municipal constable to the part of British Columbia where an emergency exists	<i>Police Act</i> , Part 7, s.38(2)

SECTION 2.0 Roles and Structure of Policing in British Columbia

MINISTERIAL AUTHORITY OF IMPORTANCE TO *DESIGNATED* POLICE BOARDS

AUTHORITY OF THE MINISTER	SOURCE OF AUTHORITY
To establish, on behalf of an entity and on application by an entity, a designated policing unit to provide designated policing	<i>Police Act</i> , Part 2, s.4.1(2)
To make regulations respecting a designated policing unit and its board, including such things as the geographic area in which the unit and its constables must operate; the practices, procedures and quorum of the board; and the powers, duties and functions of the board	<i>Police Act</i> , Part 2, s.4.2(2)
To waive, at the minister's discretion, one or more of the application requirements under subsections 3(a) to (e) and to approve an entity's application on any terms the minister may require	<i>Police Act</i> , Part 2, s.4.1(4&5)
If the minister and the entity agree on the application terms, the minister must forward the application to the Lieutenant Governor in Council for approval	<i>Police Act</i> , Part 2, s.4.1(6)
After consulting with the entity, the minister may appoint those persons the minister considers suitable as members of the board, and the minister must appoint one of the members as chair	<i>Police Act</i> , Part 2, s.4.1(9)
To approve the appointment of designated constables by designated boards	<i>Police Act</i> , Part 2, s.4.1(11)
To prescribe the standards for training or retraining for classes of officers	<i>Police Act</i> , Part 2, s.10.1

SECTION 2.0 Roles and Structure of Policing in British Columbia

MINISTERIAL AUTHORITY OF IMPORTANCE TO DESIGNATED BOARDS*

AUTHORITY OF THE MINISTER	SOURCE OF AUTHORITY
On behalf of an entity and on application by an entity, the minister may establish a designated law enforcement unit to provide designated law enforcement	<i>Police Act, Part 4, s.18.1(2)</i>
To approve an entity's application on any terms the minister may require	<i>Police Act, Part 4, s.18.1(5)</i>
If the minister and the entity agree on the terms of the application, the minister must forward the application to the Lieutenant Governor in Council for approval	<i>Police Act, Part 4, s.18.1(6)</i>
After consulting with the entity, the minister may appoint those persons the minister considers suitable as designated board members and the minister must appoint one of the members as chair	<i>Police Act, Part 4, s.18.1(9)</i>
To approve the appointment of enforcement officers by designated boards to enforce those enactments, or parts of enactments, of British Columbia or Canada that the Minister prescribes	<i>Police Act, Part 4, s.18.1(11)</i>
To set standards for training and retraining of designated law enforcement officers	<i>Police Act, Part 2, s.10.1</i>

* NOTE: Under the *Police Act*, Part 4, s.18.1, these boards oversee designated law enforcement units with specific defined authority to enforce all or part of one or more enactments of British Columbia or Canada. These units and their personnel provide valuable law enforcement services, but are not police, as defined in Part 1, s.1.1 of the *Police Act*.

SECTION 2.0 Roles and Structure of Policing in British Columbia

2.4 Role of the Director of Police Services, Ministry of Public Safety & Solicitor General

Under the *Police Act*, the Director of the Police Services Division, Ministry of Public Safety and Solicitor General, is assigned broad powers, including all former functions of the BC Police Commission (with the exception of public complaints). These functions include: audits, inspections and reviews, recommendations about appointments to police boards, policing policy, research and statistics, and advice to the Minister, police boards and Chief Constables.

The fundamental legislated authority of the Director is contained in Part 8, s.39(1) of the *Police Act*:

“On behalf of the minister and subject to the direction of the minister, the director is responsible for superintending policing and law enforcement functions in British Columbia.”

There are a number of ways in which the work of Police Services Division, under the direction of the Director of Police Services Division, interconnects with police boards.

First, a Police Services Division Program Manager is assigned to provide ongoing support for police boards. The Program Manager is responsible for activities such as assisting in the selection and appointment process of municipal board members and organizing training opportunities.

Second, the development of provincial government policy around various aspects of policing may impact activities of police boards. For example, integration projects, such as the implementation of a new records management system for all police agencies in the province (i.e., PRIME), may influence policing budgets thereby impacting on financial planning conducted by police boards.

The third way in which the work of Police Services Division interconnects with that of police boards is through the dissemination of statistical information. Each year, Police Services Division produces annual police and crime statistical reports which can inform police boards of trends in crime and police workloads. Electronic versions of these reports are available on Police Services Division website at: www.pssg.gov.bc.ca/police_services/publications/index.htm

Finally, as the employers of both sworn and civilian members, police boards are impacted by the audit process of municipal police departments performed by the Police Services Division. At the provincial government level, operational accountability for the municipal police forces is measured through the audit process. The audit process encompasses inspections, evaluations and reviews of municipal police departments.

The main objectives of the police audit process are to improve the quality and standard of services provided by the police and to support the implementation of professional police practices.

Section 40 of the *Police Act* mandates the audit of the municipal police departments by Police Services Division. In addition, sections 42 to 44 of the *Act* authorize Police Services Division to conduct studies, inquiries and special investigations into matters concerning policing, law enforcement and crime in British Columbia.

In practice, Police Services Division currently conducts three types of “audits” under the *Police Act*. These include:

SECTION 2.0 Roles and Structure of Policing in British Columbia

- Inspections – All aspects of a particular police department are inspected for compliance to provincial policing standards. A report is produced that deals exclusively with that department.
- Evaluations – One aspect (e.g., operation of emergency response teams) of all police departments is evaluated during the same time period. Individual jurisdictional reports and a summary provincial report are produced.
- Reviews – A particular issue or aspect of one police department is reviewed (e.g., management relations). A report is produced that deals exclusively with that department.

The Director of Police Services Division will provide written notice to the Chair of the municipal police board prior to undertaking an inspection, evaluation or review of a department.

