

RURAL MUNICIPALITY OF CORNWALLIS POLICE BOARD

Minutes of a Cornwallis Police Board Meeting held in the Council Meeting Room of the Municipality on Monday, February 3, 2014.

PRESENT: Chair – Kurt Wasserberg
Vice Chair – Charles Elliot

Chief Constable Darwin Drader
Donna Anderson, CAO

CALL TO ORDER – Chair Wasserberg

The meeting was called to Order at 6:05 P.M.

APPROVAL OF MINUTES – The minutes of the January 6, 2014 meeting of the board were approved as presented.

APPROVAL OF AGENDA – The agenda was adopted as amended.

NEW BUSINESS –

- **Morden Torch Run**

That board recommend to Council that a ticket and accommodations be paid for Chief Constable Drader to attend the 2014 Morden Police Officer's Community Ball in support of the Law Enforcement Torch Run.

- **Complaint Process** – The board adopted the following procedure:

Be it resolved that the board shall adopt the following complaint process:

Policy

1. All complaints to the police board about the police chief's conduct must be made in writing signed and dated. If the complainant is unable to put the complaint into writing, the person to whom the complaint is made shall: take down the complaint in writing; read the complaint back to the complainant; and, have the complainant sign and date the complaint. Any complaint must include a means for the police board to communicate with the complainant (ex: phone number, address, email address, etc).

2. The police board will deal with each complaint in accordance with the processes noted below. There are five distinct processes at the disposal of the police board to address complaints received against a police chief.

Process 1: Ministerial Assignment of Investigation: To be used if a complaint about a alleged criminal offence committed by the chief comes to the attention of the board.

Under section 20 of the PSA, if the minister believes it is the interest of the administration of justice, the minister may assign the investigation into an alleged offence, that would normally be conducted by a police service or independent investigation unit, to the RCMP or another police service in Manitoba or another Canadian province.

- i) If the complaint would normally be investigated by a police service or independent investigation unit, the police board must forward the complaint to the minister, or designate, to determine how an investigation of the alleged complaint should proceed.
- ii) The police board must not interfere with any investigation being undertaken by a policing agency. Board members must co-operate in the investigation and ensure the co-operation of the police chief to the fullest extent possible.

If a complaint has been forwarded to the minister, the police board should make the municipality aware of this, unless otherwise instructed by the investigating authority.

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

LERA hears complaints related to specific disciplinary defaults listed in *The Law Enforcement Review Act*. A list of defaults can be found under section 29 of the LERA act. If found to have committed a disciplinary default, the police chief may face a penalty as laid out under section 30(1) of the LERA act. Penalties range from admonishment to dismissal.

- i) If the police board receives a complaint that may fall within LERA's purview, the police board must make the complainant aware of their ability to file a complaint with LERA under section 11(1) of *The Law Enforcement Review Act*. The Police Board as a third party may also bring this complaint forward to LERA.
- ii) The police board must not interfere with any investigation being undertaken by LERA. Board members must co-operate in the investigation and ensure the cooperation of the police chief to the fullest extent possible. If the police board becomes aware that a complaint has been filed with LERA, the police board must make the municipality aware of this.

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

- i) The police board must create a practice to vet complaints whereby these complaints are forwarded to the police chief for him/her to account to the police board for the matter at issue.

Process 4: Administrative Review by the municipality: To be used if the board becomes aware the police chief has violated a municipal process.

As the employing authority for the police chief, the municipality has a responsibility to ensure any internal complaint concerning administrative process or policy that comes forward regarding the police chief is addressed through the municipality's internal complaint review process. This process includes investigating the complaint and imposing any penalties, should the investigation deem a penalty is warranted.

- i) If the police board determines the chief has violated an administrative policy or process, the complaint must be forwarded to the municipality for administrative review.
- ii) The police board must create a practice whereby they are requesting updates from the municipality on the status of any complaint forwarded to the municipality for review.

Process 5: Police Chief Accounting to the police board for performance: To be used in relation to concerns about the police chief's performance. ex: The police chief is not working on the priorities set forth in the strategic plan etc.

- i) The police board must create a practice to vet complaints whereby these complaints are forwarded to the police chief for him/her to account to the police board for the matter at issue.
3. The police board must give notice of the substance of all complaints about the police chief's conduct to the police chief.
4. The board must create a practice whereby the police chief must disclose to the police board any act or involvement in a contentious matter or a matter that may bring the police board, the police service or the administration of justice into disrepute. The police board will treat this disclosure as it would a complaint by a complainant and follow the processes outlined above.

Procedure

1. The police board is not compelled to initiate a conduct review of an unsigned complaint about the police chief. The board may review the complaint and make a decision on a case by case basis whether they feel it necessary or appropriate to proceed to a review or investigation of the complaint.
2. The chair of the police board is responsible for ensuring that all complaints regarding the police chief follow the appropriate review or investigative process.
3. The police board shall inform the police chief, in writing, of any complaint.
4. If the police board becomes aware that a complaint has been filed or forwarded to LERA or the minister for resolution, the police board will make the appropriate notification to the municipality. At that time or any future period, the police board may suspend the police chief during the course of the investigation.
5. The police board will keep itself aware of the status of any complaint without prejudicing the review or investigation.

6. The chair of the police board shall ensure that a written copy of all recommendations and decisions, including decisions of no misconduct, are kept on file and sent to both the complainant and the police chief.

7. In the case of performance matters, the police board will record and consider the police chief's accounting of said matters during the police chief's annual performance review.

8. All conduct complaints received by the police board about the police service or an individual police officer other than the police chief must be forwarded to the police chief or designate for appropriate action.

- **Strategic Plan**

The board members were presented with a strategic plan template. Members will make their recommendations and return to the Chair by February 18, 2014. All information will be compiled and brought forward at the April meeting.

- **Annual Report**

The Chair will work with Municipal Administration to compile the required information for the 2013 Annual Report. The annual report will be brought forward for approval at the April meeting.

- **Budget 2014**

The board approved a motion to support the 2014 budget as presented.

- **March 26, 2014 Training Session**

Notice was received that the Manitoba Police Commission is doing a training session at ACC on March 26, 2014. This session is for all board members and police chiefs to attend.

ADJOURN -

The meeting was adjourned at 6:50 pm.

Chair

