

City Of Brandon

# **BRANDON POLICE BOARD**

**POLICY AND PROCEDURES**



# BRANDON POLICE BOARD

## Policy and Procedures Manual

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## INTRODUCTION

### **RATIONAL:**

Manitoba municipalities that run a police service are required to have a police board in place, in accordance with the Province of Manitoba's Police Services Act. The requirement for such boards was mandated by the Provincial Government to improve overall accountability and transparency within municipal police services across Manitoba.

### **AUTHORITY:**

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

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

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

### **LEGISLATION:**

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

- The Police Act of Manitoba
- The Manitoba Policing Regulations

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

- The Freedom of Information and Protection of Privacy Act (FIPPA)
- The Criminal Code of Canada
- The Canadian Charter of Rights and Freedoms
- The Municipal Act
- The Manitoba Human Rights Act
- The Brandon Police Association Working Agreement
- City of Brandon Municipal By-laws & Policies

## **PART 1: GENERAL PROVISIONS**

### **1.0 DEFINITIONS:**

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

**Act** means The Police Services Act, C.C.S.M.c. P94.5 and its regulations, as amended or replaced from time to time.

**Board** means the Brandon Police Board.

**Board Member** means a member of the Board appointed either by Council or by the Lieutenant Governor, and includes both the Chair and Vice Chair.

**Budget** means the annual capital and operating budget of the Police Service.

**By-law** means the City of Brandon Police Board By-law No. 7041, as amended or replaced from time to time.

**Chair** means the Chair of the Board as appointed by Council.

**Citizen** means a person who resides, or is employed in, or has a business interest in the City.

**City** means the City of Brandon.

**Council** means the duly elected Council of the City.

**Commission** means the Manitoba Police Commission established by the Act.

**Commission Manual** means the policy and procedure manual developed for police boards by the commission.

**In-Camera Meeting** means a Board Meeting or part of a meeting from which the public has been excluded.

**Meeting** means a duly constituted meeting of the Board to exercise decision-making power.

**Police Chief** means the Chief of the Police Service appointed by the Board.

**Police Service** means the Brandon Police Service established by the City.

**Secretary** means the secretary to the Police Board.

**Vice-Chair** means the Vice Chair of the Board as appointed by Council.

## **2.0 PURPOSE OF POLICE BOARD**

The purpose of the Brandon Police Board is to provide:

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

## **3.0 GENERAL DUTIES OF POLICE BOARD**

The general duties of the Police Board are to:

- a. after consulting with the Police Chief, establish priorities and objectives for the police service;
- b. direct the Police Chief and monitor his or her performance;
- c. review Police Service Strategic Plan and Annual Report prior to submission to the Manitoba Police Commission;
- d. approval of the Police Service budget submission, as per Part 4, Section 19; and
- e. perform any other prescribed duties.

## **4.0 SPECIFIC DUTIES OF POLICE BOARD**

The Board must:

- a. with the assistance of the City of Brandon, hire the Police Chief;
- b. ensure that the Police Chief establishes programs and strategies to implement the priorities and objectives establish for the police service;
- c. ensure that community needs and values are reflected in the policing priorities, objectives, programs and strategies;
- d. ensure that police services are delivered in a manner consistent with community needs, values and expectations; and
- e. act as a liaison between the community and the police service.

## **5.0 ELECTION OF CHAIR AND VICE-CHAIR**

The members of the Board prior to the end of each year must appoint a chair and a vice-chair. The Board's recommendation will be forwarded to City Council in December of each year for appointment of Chair and Vice-Chair for the Board to commence January 1<sup>st</sup> and expire on December 31<sup>st</sup> of the following year.

## **PART 2: BOARD MEETING PROCEDURES**

### **6.0 Meeting Schedule**

- a. The Board will be required to meet a minimum of four (4) times a year. Before December 31<sup>st</sup> of each year, the board will publish on the [www.brandon.ca/police](http://www.brandon.ca/police) website a schedule of the regular meeting that it plans to hold the following year, the times the meetings will commence and the location.
- b. At the call of the Chair, hold special meetings as required

Meetings of the Board shall be conducted following *Roberts' Rules of Order*.

## **7.0 ROLE OF CHAIR**

- 7.1 The Chair will preside at each meeting of the Board by:
- a. call the meeting to order, as soon as quorum is present;
  - b. announce the business before the Board in the order as outlined in the Agenda;
  - c. receive all motions presented by Board members;
  - d. set priority and order of speaking at the meeting;
  - e. maintain order and decorum during the meeting;
  - f. put to a vote all motions which are moved or arise during the course of the proceedings, and announce the results; and
  - g. adjourn the meeting when the business is completed or upon a motion to adjourn.
- 7.2 The Chair is responsible for ensuring the Board is meeting its legislative responsibilities and obligations.
- 7.3 The Chair will ensure the Board follows the Police Services Act, policies set forward by the Manitoba Police Commission, and its own practices and procedures.
- 7.4 The Chair maintains communication with all Board Members.
- 7.5 Any role bestowed upon the Chair may be delegated by the Chair to the Secretary or to any member of the Board except the role of chairing a Board Meeting, which must be delegated to the Vice-Chair.

## **8.0 ROLE OF VICE-CHAIR**

- 8.1 The Vice-Chair shall act on behalf of the Chair when the Chair is absent or unable to assume their duties.
- 8.2 While presiding over a meeting of the Board, or acting during the absence of the Chair, the Vice-Chair shall exercise all the same powers and duties of the Chair.

## **9.0 ROLE OF BOARD MEMBER**

- 9.1 At each meeting the Board Member will:
- a. review the agenda and all accompanying materials prior to the meeting;
  - b. be prepared to discuss items on the agenda;
  - c. Identify to the Chair if there is a conflict of interest to any item on the agenda;
  - d. identify to the Chair their intentions to speak on the subject;
  - e. move and second motions;
  - f. vote on motions;
  - g. conduct themselves in a respectful manner; and
  - h. not interrupt any speaker, or engage in private conversations or act in such a manner as to interrupt the meeting.

9.2 A Board member is responsible for attending all scheduled Board meetings, and provide notification to the Secretary in a reasonable time frame if they are unable to attend the meeting.

9.3 Assist the Board in making effective and informed decisions during their term of office.

9.4 Oversee and support the work of the Brandon Police Service.

#### **10.0 ABSENCE OF BOTH CHAIR AND VICE-CHAIR**

In the absence of the Board Chair and Vice-Chair, the Board may elect a Board Member who may exercise the powers and duties of the Chair at the meeting.

#### **11.0 AGENDA**

The Secretary must prepare an agenda for each regular meeting of the Board, in consultation with the Police Chief, the Chair, and the Vice-Chair.

The general order of business for Board meetings will be as follows:

- Call the meeting to order
- Approval of the Agenda
- Adoption of previous Minutes
- Citizen or Police Service Presentations
- Chief of Police Report
- Financial Reports
- Other Business
- Next Regular Meeting
- Adjournment

#### **12.0 QUORUM**

12.1 A quorum is required for and during each meeting of the Board and shall consist of the majority of members comprising the Board, or if a position is vacant, a majority of the remaining members of the Board.

12.2 If quorum is not present within thirty minutes after the time appointed to commence the Board meeting, the secretary must record the names of the Board members present and the meeting shall stand adjourned until the date of the next regular meeting.



### **13.0 VOTING ON MOTIONS**

- 13.1 Every Board member present at a Board meeting, when a question is put forward must vote on the question.
- 13.2 A Board member must not vote on a question if the member is prohibited from voting by law or a conflict of interest.
- 13.3 A motion is deemed to have been carried when a majority of the Board members present and voting have expressed their agreement with the question.
- 13.4 A question on which there are an equal number of votes is deemed to be decided in the negative or lost.

### **14.0 CITIZEN PRESENTATIONS**

- 14.1 Citizens wishing to present information to the Board on a matter that is within the jurisdiction of the Board, must submit to the Secretary, in writing, received at least 14 days before the meeting, of their request to appear as a delegation including:
  - a. the date of the meeting at which they wish to appear;
  - b. the subject to be discussed and any material that is to be distributed to the Board;
  - c. the name and current mailing address of the person who will be addressing the Board; and
  - d. the telephone number where the representative of the delegation can be reached during normal business hours.
- 14.2 Presentations are limited to 10 minutes, following which members of the Board will be provided with an opportunity to ask question.

### **15.0 PUBLIC AT BOARD MEETINGS**

Members of the public in attendance at meetings of the Board, must maintain order and decorum and are not permitted to engage in conversation or other behavior which may disrupt any proceedings of the Board. Attendees displaying poor conduct may be asked by the Chair to leave.

### **16.0 IN-CAMERA MEETINGS**

- 16.1 In-Camera Board meetings will be schedule immediately following the regular Board meeting.
- 16.2 In-camera Board meetings will be closed to the public.
- 16.3 An Agenda will be prepared for all In-Camera meetings of the Board.

- 16.4 In accordance with subsection 34(3) of the Act, the following matters are deemed to involve public security or sensitive financial or personal information and, when considered by the Board, must be considered at an In-Camera meeting:
- a. a critical event;
  - b. the review of a draft budget and related detailed submissions;
  - c. any matter that would involve the disclosure of information in contravention of FIPPA or *The Personal Health Information Act*; or
  - d. a personnel or discipline matter.
- 16.5 The Chair may ask the Secretary and/or the Police Chief to leave the meeting when discussing matters that fall within 16.4d.

## **17.0 MINUTES**

- 17.1 The Secretary will prepare minutes of all board meetings, and at each board meeting, submit the minutes of the preceding meeting for approval.
- 17.2 The secretary must ensure that minutes of in-camera meetings are retained in confidence.
- 17.3 All records of the Board are stored and archived as per the policies and procedures of the City, in conjunction with the retention and disposition of municipal records as regulated by *The Municipal Act* of Manitoba.

## **PART 3: COMMUNICATIONS**

### **18.0 BOARD SPOKESPERSON**

- 18.1 The Chair must be the sole spokesperson for the Board.
- 18.2 In the absence or inability of the Chair, the Vice-Chair must be the sole spokesperson for the Board.
- 18.3 Unauthorized communications prohibited.  
A Board Member must not purport to speak on behalf of the Board.
- 18.4 A Board Member who publicly expresses disagreement with a decision of the Board must make it clear that the Board Member is expressing a personal opinion and not the opinion of the Board.
- 18.5 Media Inquiries.  
All media inquiries and requests for interviews received must be forwarded through the Secretary to the Chair. If the Board has formally adopted a position or made a decision in respect of a matter at a public meeting, the Chair as the sole spokesperson for the Board will publicly communicate and explain the position or decision to the media.

## **PART 4: BUDGET AND FINANCIAL MANAGEMENT**

### **19.0 BUDGET PROCESS**

- 19.1 The Board will adhere to the City of Brandon’s budget development timeline.
- 19.2 The Police Chief must prepare and submit to the Board for their consideration and approval a proposed budget comprised of the estimated cost and revenues of the Police Service.
- 19.3 The Police Chief and the Chair must submit the Police Services Budget for review, consideration and approval of the City of Brandon Council, and in accordance with the City’s annual budget procedures.
- 19.4 The Police Chief must prepare and submit a quarterly budget update report that sets out budgeted and actual expenditures of the previous months and year-to-date, with projected expenditures to the end of the year, for each line of the budget.
- 19.5 The Police Chief will identify any significant changes in revenues and expenditures from the approved budget for approval. Board approval can be either at a special meeting or during the quarterly update.

### **20.0 HONORARIA AND EXPENSES**

- 20.1 Remuneration will be provided to those members of the Board who are not members of City Council or City Administration, for time spent in attendance at Board meetings.
- 20.2 Board members approved to attend the Annual Canadian Association of Police Governance, must complete the expense claim form with attached receipts in accordance with the City of Brandon Policy, to the secretary for reimbursement.
- 20.3 The secretary will complete claims for remuneration and reimbursement for Board members in accordance with the Police Board By-law.

## **PART 5: BOARD MEMBER REQUIREMENTS AND CONDUCT**

### **21.0 RESTRICTIONS OF BOARD**

- 21.1 The Board may give oversight and direction to the Police Chief, but not to other police officers. No individual member of the Board may give direction to any police officer.
- 21.2 The Board must not give oversight or direction on specific operational decisions, individual investigations or the day-to-day operation of the police service.

21.3 With the exception of the Police Chief, the Board has no role with respect to the discipline or personal conduct of any police officer.

21.4 The Board is not entitled to any information about individual investigations or intelligence files.

## **22.0 MEMBERSHIP**

The Board shall be comprised of the following ten (10) members:

- The Mayor of the City;
- One (1) member appointed by the Lieutenant Governor in Council;
- Two (2) members of Brandon City Council;
- Five (5) persons who reside or are employed in or have a business interest in the City as appointed by City Council; and
- The City Manager who shall be considered an ex-officio, non-voting member of the Board.

## **23.0 TERMS OF OFFICE**

23.1 Citizen appointments to the Board may be for a term not exceeding four years with possible renewals up to a maximum of eight consecutive years.

23.2 If a person appointed to the Board ceases to maintain their residence, or employment or business interest within the City, the Board shall declare the position vacant and a new appointment will be made.

## **24.0 ELIGIBILITY**

To be eligible to serve, a prospective board member must be:

- at least 18 years of age;
- be a Canadian citizen or a permanent resident of Canada; and
- reside in, be employed in, or have a business interest in the City.

The skills and competencies of the board members are crucial to the Board's ability to govern effectively.

## **25.0 APPOINTMENT PROCESS**

25.1 Vacancies to the Board will be advertised, and applications must be submitted to City Council within the allotted timeline.

25.2 Those appointed to the Board by City Council, will be required to complete Child Abuse Registry Application and Criminal Records Checks. Should the check indicate that a criminal record may exist, confirmation and specific information can only be obtained by the applicant's submission of fingerprints, which the Brandon Police Services will process through the RCMP Fingerprint Center in Ottawa.

- 25.3 If the Police Service received confirmation of a criminal record, it will release that information only to the person requesting the check.
- 25.4 The newly appointed Board member must provide the Secretary with a copy of the results of the Child Abuse Registry and the Criminal Records Check.
- 25.5 The results will be relayed to the Police Chief and City Council to decide whether that record is sufficient cause to render the person unsuitable for appointment to the Board.
- 25.6 The types of offenses that would be deemed unacceptable for appointment to the Board include convictions related to crimes of violence, sexual offenses, public-trust offenses, drug-offenses, or serious driving offenses.

## **26.0 OATH OF OFFICE**

Upon appointment, all Board members will sign an oath of office. See Schedule A.

## **27.0 CODE OF ETHICAL CONDUCT**

- 27.1 Upon appointment, all Board members will sign and adhere to the Brandon Police Board Code of Ethical Conduct. See Schedule B.
- 27.2 If the Board deems it necessary, it will initiate an informal investigation of a Board member's conduct. The Board member whose conduct or performance is the subject of investigation will withdraw temporarily from all Board duties and activities until the investigation is complete.
- 27.3 If the Board determines, following an investigation, that a member has breached the Code of Ethical Conduct, it must record that determination and outcome in its minutes. The Board then must take one of the following actions:
  - a. Counsel and/or reprimand the member in writing;
  - b. Request the member's resignation; or
  - c. Recommend to the City or Manitoba Police Commission that the Board member be dismissed under Section 5(2) of the Police Act.

## **28.0 CONFLICT OF INTEREST**

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

28.4 Conflict of Interest may take one of three forms: Real, Potential, and Perceived.

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

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



## Schedule "A"

### OATH OF OFFICE FOR BRANDON POLICE BOARD MEMBERS

I, \_\_\_\_\_  
(Printed Name in Full)

do solemnly and sincerely swear/affirm that I will faithfully, diligently, and impartially perform the duties required of me as a member of the Brandon Police Board, and while I continue to hold office, I will, to the best of my judgement, skill, knowledge and ability, carry out, discharge and perform all of the duties bestowed on the police board and police board members in *The Police Services Act* (Manitoba), the Code of Ethical Conduct and the Manitoba Police Board Policy and Procedure Manual developed for police board members by the Manitoba Police Commission, and any other act and regulation, rule or by-law; and, will not, except in the discharge of my duties, disclose to or discuss with any person any matter of information brought before the Brandon Police Board during a meeting, or part of a meeting, that was closed to the public, so help me God/I so affirm.

*Signature:* \_\_\_\_\_

TAKEN, subscribed and sworn/affirmed before

me at *Brandon, Manitoba*

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

*Legislative Services Clerk*

\_\_\_\_\_  
A Commissioner for Oaths

My commission expires on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_



## Schedule "B"

### BRANDON POLICE BOARD CODE OF ETHICAL CONDUCT

This Code of Ethical Conduct is intended to guide police board members in conducting themselves in a way that respects the moral principles, values, needs and expectations of the community they serve. These values include but are not limited to, honesty, integrity, trust, transparency and accountability. The basic principle of community ethics is to act in the best interest in the community and in such a way that a reasonable person would perceive those actions to be ethical. Brandon Police Board members must abide by the code of ethical conduct outlined herein.

1. Board members are expected to attend and actively participate in all board meetings and shall notify the Chair of any anticipated absences.
2. Board members shall not interfere with the Brandon Police Service's operational decisions and responsibilities or with the day-to-day operation of the police service, including but not limited to specific investigations or prosecutions and the promotion process for police officers within the service.
3. Board members shall undergo any training that may be provided or required for them by the Manitoba Police Commission and shall enhance their capabilities as board members by participating, where possible, in outside training opportunities.
4. Board members shall keep confidential any information disclosed or regarding the police service, its staff, operations or administration that has not been disclosed or discussed at a regular meeting of the police board.
5. No board member shall purport to speak on behalf of the board unless authorized by the board to do so.
6. Board members shall discharge their duties loyally, faithfully, impartially, with commitment and accountability to the community and according to *The Police Services Act* (Manitoba), any other act and any regulation, rule or bylaw, as provided in their oath of office.
7. Board members shall uphold the letter and spirit of the Code of Ethical Conduct and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.
8. Board members shall refrain from acting unlawfully and/or from engaging in conduct that would discredit or compromise the integrity of the board or the Brandon Police Service.
9. Board members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with *The Human Rights Code* (Manitoba) and the *Canadian Charter of Rights and Freedoms*.



10. Board members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated.
11. (1) Board members shall not use their office to obtain employment with the board or the police service for themselves or family members.  
  
(2) For the purposes of subsection (1),  
“family member” means the common law partner, dependent or family, as those terms are defined in Section 1 of *The Municipal Council Conflict of Interest Act* (Manitoba).
12. A board member who applies for employment with the Brandon Police Service including employment on a contract or fee for service basis, shall immediately resign from the Brandon Police Board.
13. Board members must adhere to the Conflict of Interest Policy.
14. Board members must adhere to the *Manitoba Police Board Policy and Procedure Manual* developed for police boards by the Manitoba Police Commission.
15. A board member whose conduct or performance is being investigated or inquired into by the board, a policing agency, or the minister shall not exercise his or her duties as a member of the board for the duration of the investigation or inquiry.
16. If the board determined that a board member has breached the Code of Ethical Conduct, the board shall record that determination in its minutes and may,
  - (a) require the member to appear before the board and be reprimanded;
  - (b) ask the member to resign from the board;
  - (c) request that the municipal council revoke the appointment of the member;
  - (d) request that the Lieutenant-Governor in Council revoke the appointment of the member.
17. Board members shall sign, on an annual basis that they have read the Code of Ethical Conduct and are unaware of any matters that contravene it.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_