



Minutes of the Public meeting of the Altona Police Board held on Thursday, June-19-14 at 4:30 p.m. in the Altona Council Chambers.

Present were: Co-Chair Leanne Braun, Melvin Klassen, Perry Batchelor, Archie Heinrichs and Delores Loewen.

Regrets: Chair Kevin Bell and Terry Wiebe

1. Call to order
Co-Chair Leanne Braun called the meeting to order at 4:40 p.m.
2. Approval of the minutes of April 10th, 2014

MOTION: Melvin Klassen – moved Archie Heinrichs – seconded that the minutes of April 10th, 2014 be approved as presented.

CARRIED.

3. Chair's Report – no report
Chair Kevin Bell was unable to attend.
4. Altona Police Service Monthly Report
 - 4.1 Altona's Reports
Chief Batchelor reviewed the Altona's activity report.

MOTION: Archie Heinrichs – moved Melvin Klassen – seconded that the Board approve Altona's activity report as presented.

CARRIED.

- 4.1.1 Altona Safety Days
Chief Batchelor reported that the Altona Police Service provided a drug awareness presentation at the Altona Safety Days. It use to be that these types of presentations were done in Miller now the presentation is given to Grade 5 students.
 - 4.2 Plum Coulee's Reports
Chief Batchelor reviewed the Plum Coulee's activity report.

MOTION: Archie Heinrichs – moved Melvin Klassen – seconded that the Board approve Plum Coulee’s activity report as presented.
CARRIED.

- 4.3 April 2014 Financial Statement
Chief Batchelor reviewed the 2014 Financial Statement

MOTION: Archie Heinrichs – moved Melvin Klassen – seconded that the Board approve the 2014 Financial Statement as presented.
CARRIED.

5. Chief of Police Report

5.1 Constable Funk

Chief Batchelor reported that Constable Funk has been accepted into the Saskatchewan Police College come August. Glen Lewis, Executive Director of Policing and Public Safety has approved the training and will monitor the results.

5.2 Property Forfeiture Fund

The Cities of Winkler, Morden and the Town of Altona Police Services joined together in a grant through the Property Forfeiture Fund. A copy of the letter of approval is attached to agenda. The \$122,294.25 will be allocated to purchase computers with all software included to be installed into all three communities’ police vehicles.

6. Review of the Procedures and Policies (continued)

- 6.1 Continuation of Altona Police Board Procedures & Policies – starting on page 26 – point 5.3

Board members agreed to the following changes:

REVIEW COMPLETE UP TO 5.3

5.3 Oath of office

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

I _____, solemnly swear/affirm that I will, to the best of my judgement, skill, knowledge, and ability, discharge my duties as a member of the Altona Police Board faithfully, diligently, impartially and confidentially, and according to the Manitoba Police Act, any other Act, and any agreement, regulation, rule or bylaw, and I will not, except in the discharge of my duties, disclose or make known any matter that comes to my knowledge by reason of my appointment to the Altona Police Board (so help me God).*

*(Delete in cases of affirmation).

The following individuals may administer the oath:

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

Once administered, an oath will be signed and filed by the Executive Secretary of the Board and will be recorded in the Board minutes.

Board members will adhere to the principals of these declarations for the duration of their tenure as a member of the Board and beyond.

5.4 Police record checks

Prior to being appointed as a member of a Board, candidates will be required to present to the appointing authority a criminal record reliability clearance check that can be obtained by making a request to a local Police Force. This clearance check is a requirement for eligibility as a member of a Board. The specific Board Chair or Mayor shall be consulted prior to any appointments. Those who have appointing authority under the *Police Act* shall be responsible to ensure a police record check has been conducted.

The general standardized approach adopted by Police Services in the conducting of police record check requires the person involved to have the records check conducted directly. Record checks will not be conducted on behalf of organizations. Should there be an indication that a record may exist for the individual requesting the check confirmation and specific information can only be obtained by the submission of fingerprints which the Police Service will process through the RCMP Fingerprint Center in Ottawa. If confirmation of a record is then received, the criminal record information will only be released to

the person requesting the check. The potential Board nominee will then decide whether to disclose the information received should he/she wish to continue to pursue the appointment process. If the nominee discloses any record information, the Chair/Mayor will then decide whether the record presented is sufficient cause to inform the appointee designate that they are not suitable for the appointment.

As a general guideline, a final consultation between the Chair/Mayor should occur with the Chief of Police before the Chair/Mayor recommends to the Board the acceptance of a Board nominee.

The types of offences that would warrant the determination of unsuitability for appointment to a Board are generally any offences the Board deems to be unacceptable, which may include: convictions for offences related to crimes of violence, sexual offences, public trust offences, drug offences, or serious driving offences.

5.5 Code of Conduct

The proper conduct of policing and its oversight must exemplify impartiality and professionalism which being fully cognizant of the need to understand, apply, and support community safety needs.

Accordingly, it is the responsibility of members of the Board to abide by a code of conduct that underscores these ideals while maintaining a high degree of public trust in the stewardship of a community-oriented police service.

“Effective governance by the Board is achieved by Board members fulfilling their roles and responsibilities with the highest standards of conduct. Members will perform their duties in a manner that will instill public confidence in the abilities and integrity of the Board. Board members are committed to the following *Board Members’ Code of Conduct*.”

Board members will:

- 1.) Sign, upon appointment to the Board and on an annual basis thereafter ~~(is this needed?)~~, **review** a copy of the Code of Conduct acknowledging that they received and understood it. Board

members will return the signed ~~Code~~ of Conduct to the Executive Secretary of the Board for safekeeping.

- 2.) Attend all Board meetings, unless they have a reasonable excuse not to attend, and contribute expertise and experience to the best of their ability so that the quality of governance is enhanced.
- 3.) Not interfere with the Police Service's operational decisions and responsibilities or with the day-to-day operations of the police service, including the selection and promotion of officers.
- 4.) Keep informed of the policies, general business and affairs of the police service and enhances their capabilities as Board members by participating in Board training events and, where possible, other outside training opportunities such as any training that may be provided.
- 5.) Keep confidential any information, documents and matters disclosed or discussed at a meeting of the Board, or part of a meeting of the Board, that was closed to the public, as required by the oath of office.
- 6.) Adhere to all policies adopted by the Board.
- 7.) Not claim to speak on behalf of the Board unless authorized by the Chair of the Board to do so. The Chair will be the spokesperson for the Board.
- 8.) Make it clear that he or she is expressing a personal opinion when publicly disagreeing with a decision of the Board that was made during a public meeting.
- 9.) Discharge their duties loyally, faithfully, impartially, and in accordance with the requirements, obligations, and responsibilities set out in the *Police Act*, and any other applicable Act, regulation, rule or bylaw.
- 10.) Uphold the letter and spirit of the Code of Conduct and discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the Board and the Police Service.

- 11.) Discharge their duties in a manner that respects the dignity and rights of individuals and in accordance with the *Manitoba Human Rights Act and the Canadian Charter of Rights and Freedoms*.
- 12.) Not use their position inappropriately to advance their interests or the interests of any person or organization with whom or with which they are associated.
- 13.) Avoid any conflict of interest which may bring the governance of policing or the impartiality of the Board into disrepute. Declare any potential or perceived conflict of interest, which will then be recorded in the minutes of the Board.
- 14.) Immediately resign from the Board if applying for any type of employment with the police service governed by the Board, including employment on contract or fee for service.
- 15.) Demonstrate commitment to the principles of good governance and accountability to the community.
- 16.) After the cessation of membership with the Board, respect the Code of Conduct and abide by ethical standards of a Board member. The confidentiality of Board information must remain confidential in perpetuity.
- 17.) Notify the Board as a whole if they learn of a possible breach of the Code of Conduct by another Board member.
- 18.) If the Board is of the opinion that a complaint about a Board member's conduct should be investigated, it will:
 - i.) Conduct an informal investigation into the member's conduct
- 19.) Following the completion of an investigation, if the Board determines that a Board member has breached the Code of Conduct, the Board must record that determination and outcome in its minutes. On determining that a Board member has breached the Code of Conduct, the Board may take one of the following actions:

- i.) Counsel and/or reprimand the member in writing;
 - ii.) Request their resignation; or
 - iii.) Recommend to the **Minister of Public Safety Manitoba Police Commission** or the council that the Board member be dismissed under section **7(9)**-5(2) of the *Police Act*.
- 20.) If their conduct or performance is the subject of investigation, temporarily withdraw from all Board activities and duties as a member of the Board until the completion of the investigation.

5.6 Conflict of Interest

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 apprehension of bias, based on what a reasonable person might perceive.

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

- Upon appointment and during the term of office, members must declare any potential or perceived conflicts of interests; the Board will then determine whether the member will be excluded from discussion and voting on any matter. The perception of a conflict of interest is a conclusion that may be drawn by a reasonably well-informed person that the member's ability to exercise the responsibility of a member of a Board has been, or may be, affected by the member's private interests.
- In the performance of their duties, members of the Board will not give preferential treatment or request the Police Service to give preferential treatment to friends, relatives, business associates, or any other person or organization.
- Members of the Board shall not accept any fees, gifts, gratuities or other benefit that could reasonably be seen to influence any decision made by him/her in the performance of his/her functions

as a member of a Board, or for his/her personal gain or for the personal gain of a family associate make use in any way of his/her position or of any privileged information to which he may have access or to which he is privy because of his position.

- Members of the Board will not hold outside employment, on paid or volunteer basis, that may, or may be perceived to, impair the member's ability to exercise their responsibilities as a member of a Board. This includes paid or volunteer employment within the Police Service.
- The Chair shall call for any declared conflict of interest with respect to meeting agenda items, at the commencement of the meeting. All declarations of conflict of interest are to be entered into the minutes of the meetings of the Board.
- Members having a concern that another member of the Board may have a conflict of interest must bring the concern to the attention of the Board as soon as practicable.
- Conflicts of interest that are brought to the attention of the Board must be resolved such that the public trust in the integrity, objectivity, and impartiality of the Board is sustained or enhanced.
- Board members who are determined to be in breach of the conflict of interest guidelines must abide by the policy of the Board and remove him/her from further discussion of the matter that created the breach. Failing to do so, may result in sanctions.
- The conflict of interest guidelines shall be reviewed annually for the information and guidance of Board members. Any new members of the Board shall be advised of the guidelines upon becoming a member of the Board.

5.7 Liability

OMIT THIS SECTION AS Strikened Regional Policing Authority (RPA)

~~According to the *Police Act*, a regional policing authority (RPA) may enter into contracts and may sue and be sued, and the parties to the agreement under~~

which the RPA is established are liable jointly and severally for the debts of the RPA arising out of any matter coming within the scope of the *Police Act*.

A member of a RPA will not be liable for acts performed in good faith in the performance of the member's duties.

A Regional Police Services Agreement may stipulate the limitations on liability for any malfeasance on the part of RCMP members.

The municipality may provide insurance which includes coverage of members of the RPA who are exercising their role in good faith. – This is not in the Police Act

Police Boards

According to section 7(11) of the *Police Act*, a board may sue and may be sued. The municipality for which the board is established is liable for the debts of the board arising out of any matter coming within the scope of the *Police Act*.

Similarly, a joint board can also sue and be sued. The parties to the agreement under which the joint board is established are liable jointly and severally for the debts of the joint board arising out of any matter coming within the scope of the *Police Act*. A joint board can also be held liable for torts committed by members of the police service in the performance of their responsibilities under the *Police Act*. A joint board may, in such cases and to such extent as it thinks fit, pay any damages or costs awarded against members of a police service in respect of a tort committed by them in the performance of their responsibilities, any costs incurred and not recovered by them in any such proceeding and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

The *Police Act* also provides statutory protection for individual board members from any personal liability for acts performed in good faith in the performance or intended performance of the members' duties. Not in the Manitoba Act the following is:

Liability and indemnification

Pursuant to section 88 of the PSA, no action or proceeding may be brought against a member of a police board for anything done or omitted to be done in good faith in the exercise or intended exercise of a power or duty under the PSA.

OMIT

1. ~~No action or proceeding may be brought against municipal police board members for anything done or omitted to be done, in good faith, in the exercise of their powers and duties under the PSA~~

2.

The municipality must protect police board members from harm or cost and agree to pay any debt, lawsuit or claim which may arise as a result of police board members exercising their powers and duties under the PSA by ensuring that police board members and the police board itself are adequately insured under the municipality's insurance policies

Procedure

1. If board members have specific questions or concerns about interpretation of the PSA, they should contact their municipal solicitor.
2. ~~The police board should ensure that adequate liability insurance is in place to indemnify and save harmless its members~~ through the Town of Altona adequate liability insurance coverage is in place for all Board members

Board members held discussion on dates for the Altona Police Board Strategic Planning session. Board members agreed that this be at the call of the Chair and/or Vice Chair.

Adjournment at 6:00 p.m.

***Next Public meeting will be held on Thursday, October 16th, 2014 at 4:30 p.m. in the Altona Civic Centre Council Chambers.