



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Community Safety Committee **DATE:** September 25, 2001
FROM: Chuck Gale, P. Eng. **FILE:** -
General Manager, Community Safety
RE: Community Safety Advisory Committee - Terms of Reference

STAFF RECOMMENDATION

That the Citizen's Advisory Committee on Policing be disbanded, and that letters of appreciation be sent out by the Mayor for each former member of the committee.

That an eleven member Community Safety Advisory Committee be created and that the Terms of Reference attached to the report dated September 25, 2001 from the General Manager, Community Safety Division be approved.

That staff proceed to advertise to fill vacancies on the Community Safety Advisory Committee as part of the year end advisory committee appointment process.

A handwritten signature in cursive script, appearing to read "Chuck Gale".

Chuck Gale, P. Eng.
General Manager, Community Safety

Att.

STAFF REPORTORIGIN

At the closed Community Safety Committee meeting August 23rd a report on the role and mandate of the CACP (Citizens' Advisory Committee on Policing) was brought forward. The following resolution was approved:

- (1) Option 1 (as presented in the report, dated July 25, 2001, from the Manager of Divisional Programs) be endorsed "in principle", as the preferred option for an Advisory Committee model for Community Safety;**
- (2) this report be referred to the Citizens' Advisory Committee on Policing for their input and comment; and**
- (3) staff report to Committee with final recommendations, and Terms of Reference for the committee, once the comments of the Citizens' Advisory Committee on Policing are available.**

ANALYSIS

At the August 28th, 2001 CACP meeting the General Manager, Community Safety reviewed the report on the role and mandate of the CACP with the committee. The CACP elected to hold a special meeting on Tuesday, September 11th with the report as the sole item on the agenda. It was decided at this meeting that in response a report would be prepared with the Committee's input and would be brought forward to the next Community Safety Committee meeting (October 10th). That report will be presented by the Chair of the CACP.

In response to Council approving Option 1, which is one advisory committee to advise on a wide range of community safety issues, staff have drafted a Terms of Reference. The new committee will be called the Community Safety Advisory Committee (CSAC). The Terms of Reference reflect Council's priority on community safety and the desire for a more integrated approach to the delivery of community safety initiatives.

Council Policy 1014 – Advisory Body Appointments was used to develop the following timeline, which reflects key dates in the process for implementing the new Advisory Committee.

Schedule

Action	Completion Date
CSAC Terms of Reference Report approved by Council	October 22, 2001
Letter of thanks to members of the outgoing Citizens' Advisory Committee on Policing	October 29, 2001
Advertise for candidates as part of the year end advisory committee appointment process	November, 2001
Letters to Committees identified in Terms of Reference - inviting them to submit a list of interested members	November, 2001
Shortlisting of Candidates by General Manager, Community Safety	December, 2001

Action	Completion Date
Report to Closed Community Safety Committee recommending appointments to CSAC (Community Safety Advisory Committee)	January, 2002
Successful and unsuccessful Candidates informed of Council decision	January, 2002
First meeting of CSAC	February, 2002

FINANCIAL IMPACT

There will be no financial impact as a result of creating this new Advisory Committee.

CONCLUSION

The creation of a Community Safety Advisory Committee supports Council's vision for community safety, and is intended to augment the Community Safety Division by providing community input into new strategies and initiatives.



Shawn Issel
Manager, Divisional Programs

SI:si

TERMS OF REFERENCE

COMMUNITY SAFETY ADVISORY COMMITTEE

BACKGROUND

The Community Safety Division was created by Council to provide a more integrated and community-based approach to the delivery of public safety services. These services include policing, fire rescue, emergency preparedness, environmental programs and community bylaws. The formation of a Community Safety Advisory Committee is intended to augment Council's vision for public safety, by providing for direct community input into this new initiative.

PURPOSE

The Community Safety Advisory Committee's purpose is:

- to act as an advisory body to the Community Safety Committee of Council and to management staff of the Community Safety Division.
- To provide and promote forums for community discussions on community safety issues

MEMBERSHIP

The eleven members of the Community Safety Advisory Committee, CSAC, are appointed by City Council, in accordance with Council Policy 1014 - "Advisory Body Appointments". Members are selected as follows:

From the general public:

- One representative for youth
- One representative for seniors
- Four at-large representatives who are residents of Richmond

From specific areas of the community:

- One representative from the business community
- One representative from the Council of Community Associations
- One representative from the Richmond Committee on Disability
- One representative from each RCMP Community Consultative Group

City Council may, at any time, appoint a member of Council to act as liaison to the committee, or to act as a full committee member.

The term of the Committee appointments will be for two years, with a maximum of two consecutive terms.

Committee members are selected "at large", and are to represent the interests of the entire City. They are not selected to act as advocates for the group they are selected from.

Sub-committees may be formed as deemed necessary by CSAC. Membership on sub-committees is not limited to appointed members of CSAC.

MEETINGS

Meetings will be at the call of the Chair. It is expected that meeting days and times will be established on a regular date each month and set out a year in advance, after consultation with Committee members.

If a member is absent for two consecutive meetings, without the consent of the Chair, the member will be deemed to have resigned, and a confirmation letter will be sent to that member.

OBJECTIVES

1. To provide advice regarding community safety issues to the Community Safety Committee to Council, and to the management team of the Community Safety Division.
2. To provide the community with a public forum, within which to discuss community safety issues and to invite public input to the Community Safety Division on public safety priorities and initiatives.
3. To increase awareness of community safety issues within the community, and to act as an advocate for community safety issues and programs.
4. To evaluate the community's level of satisfaction with community safety programs, and to evaluate the effectiveness of the Community Safety Division in delivering programs.
5. To develop programs to increase community involvement in issues of community safety, and to evaluate the level of community involvement in community safety issues.

PROCEDURES

A staff representative from the Community Safety Division will be appointed to be a liaison between the CSAC and the Community Safety Division's management team..

The committee will receive administrative staff support services from the Community Safety Division, for the preparation of agendas and minutes.

CSAC meetings will be advertised in the City Notice Board and on the City Website, with an invitation to the public to attend.

The minutes of CSAC meetings will be sent to the Community Safety Committee for information. The Chair of CSAC will represent the Committee's interests to the Community Safety Committee, and make presentations on CSAC reports to the Community Safety Committee as appropriate.

CSAC will develop an annual Work Plan, based on the committees stated objectives and any referrals from the Community Safety Committee. The Work Plan will include any budget requests identified by CSAC.

CSAC will provide an annual report, to be submitted to the Community Safety Committee.

The annual report and the Work Plan for the coming year, along with any budget considerations, shall be submitted by the end of September.

QUORUM

A quorum shall exist if the majority of the membership is present (more than fifty percent).

September 30, 2001

To: Community Safety Committee, City of Richmond

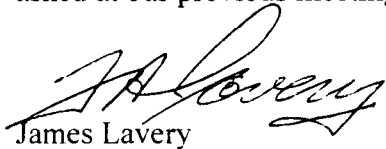
From: Citizen's Advisory Committee on Policing, City of Richmond

Re: The Role and Mandate of the Citizen's Advisory Committee on Policing

1. This report is being submitted as requested by the Community Safety Committee of Richmond City Council.
2. It is proposed by Staff of the Community Safety Division of the City of Richmond and endorsed in principle by the Community Safety Committee that the role of the Advisory Committee on Policing be changed to advise on all matters concerning all departments of the Community Safety Division. The physical makeup of the Committee is to be changed to more truly represent all citizens of the City.
3. The current Advisory Committee format was introduced some five years ago. Its terms of reference dealt mainly with policing issues and in particular Community Policing as delivered by the two Community Police stations then newly set up. There has been no increase in the number of Community Police stations in the City over this five-year period. These terms of reference also talk about community safety issues and concerns. The current Advisory Committee was to initiate and assist in the strategies that address community safety issues as expressed by the community, evaluate the community's level of satisfaction with community safety and police service and represent Richmond residents and businesses on matters of community policing, crime prevention and safety matters. The current Advisory Committee has not been asked nor had the opportunity to advise on safety issues. The Fire Department, Bylaw Enforcement and Emergency Preparedness people have not approached us nor have these departments seen fit to attend our meetings. As a result, the current Advisory Committee has not had the opportunity to see if under its current structure it has the ability to provide meaningful advice to more than one department.
4. Members of the current Advisory Committee are mixed in their feelings toward the proposed new Advisory Committee. None are opposed to change if they can see that the change is for the good of the community. Some feel the current Committee should remain as is and some support a change to a format as outlined by Staff. All feel that the Committee in whatever format it appears in be made up of people who want to be there and have some expertise. It should not be made up of people appointed from specific groups. The current committee is made up of business people, seniors, professional people, youth and retired people. It reflects the multi cultural makeup of the city and is gender sensitive. The current members have

worked hard in the past on various projects and submitted meaningful input to Council, which has been acted upon in a positive light. This past year we have been in limbo waiting for the new Community Safety Division to be established, a new General Manager to be appointed and a vision of Community Policing and Community Safety to be developed. Our reporting relationship to Council has been changed and we now report through the General Manager of the Community Safety Division. We have not had any input from the Fire Department, Bylaw Enforcement or Emergency Preparedness as to how they see a multi discipline advisory committee functioning in their individual area of responsibility. We know that the police see the proposed new committee as the way to go.

5. A very detailed analysis to the role of an advisory committee on policing was prepared by Insp. A.R. Speevak the Acting OIC of Richmond Detachment in May of this year. The finding of this analysis was that the current Advisory Committee remains as is, subject to change in the future. He suggests that there is sufficient work to occupy the committee's time advising on policing issues and we agree. The RCMP policy requires a formal consultative committee. It is suggested by the Staff report that the Community Consultative Groups being resurrected at the two Community Police Stations will fulfil this role. Their catchment area extends from Blundell Road south to the dike and from the west dike to Six Road. This leaves a very large area of the City not having access to a consultative group.
6. The current Advisory Committee is of the mind that no change in our role and mandate is necessary.
7. In the event the draft report is implemented, we recommend that, in the interest of continuity, the members of the current Advisory Committee, if they wish to do so, be invited to serve out their terms as members of the newly constituted committee.
8. This response was substantially composed in advance of the monthly meeting of the current Advisory Committee on September 25. Some of our members were disappointed to be presented, at that meeting, with a draft report of the General Manager, Community Safety, of the same date, which seems to anticipate that the present Advisory Committee will be disbanded, without regard to the views we were asked at our previous meeting to provide.



James Lavery

Chair, Richmond Citizen's Advisory Committee on Policing

THE ROLE AND MANDATE OF THE CITIZENS' ADVISORY COMMITTEE ON POLICING

I. ORIGIN:

- A. On Tuesday April 24th, 2001 at a meeting of the Community Safety Committee the Terms of Reference for the Citizens' Advisory Committee on Policing were received from the General Manager, Community Safety Division.
- B. In view of the new Community Safety Division, the question was posed as to whether the role of the Advisory Committee could be broadened to encompass all "community safety", or should remain narrow in its focus on policing.
- C. Specifically it was moved and seconded:
 - 1. **"That Staff examine the mandate of the Citizens' Advisory Committee on Policing and report to the Community Safety Committee with recommendations."**

II. BACKGROUND:

- A. The need for and importance of an *Advisory Committee on Policing* must be placed in context for both Advisory Committee members and Council members who sit on the Community Safety Committee. This will require some digression to historical practices and law concerning the *governance of the police*, (see **Analysis** below).
- B. First, the Municipal Police Unit Agreement by which the City of Richmond contracts to services provided by the R.C.M.P. specifies:
 - 1. That the level of policing service shall be determined by the Attorney General and Mayor in consultation with the Commissioner of the RCMP.
 - 2. That pursuant to the Provincial Policing Agreement, the Commanding Officer shall implement the objectives, priorities and goals as determined by the Attorney General for policing in the Province.
 - a. *Comment:* This obliges the Detachment to follow to some degree the policing priorities set Provincially, in addition to any local priorities.
 - 3. That the *member-in-charge* of the municipal policing unit shall report to the Mayor or the designate of the Mayor on the matter of law enforcement in the municipality and on the implementation of objectives, priorities and goals of the unit.

- a. *Comment:* Heretofore the OIC of the Detachment has reported to the Mayor of Richmond on issues of law enforcement and policing. The creation of the Community Safety Division headed by a new Principal Policing Contact effectively changes the reporting of the OIC from the Mayor to “his designate”, the General Manager, Community Safety.

- C. The Interim Report of the Consultative Forum Steering Committee of the BC Policing Study clarified why the City changed to having the OIC report to a designate of the Mayor.
 - 1. First, a primary objective was “... to place sufficient control over the development of policy, financial controls, and police services work programs, to ensure local interests and priorities are adequately served.”
 - 2. Second, it was “preferable to expand the reporting relationship to provide a more practical working arrangement that functions within the day-to-day municipal administrative, financial and budget processes.”
 - a. *Comment:* This removes any “special status” the municipal police unit had through its direct reporting relationship to the Mayor and attempts to rectify discrepancies (particularly at budget time) between the municipal police unit and other municipal departments.

- D. The following section will present the legal and historical background of Police Committees as comparison to the terms of reference and changes mentioned above, so that a fuller understanding of the role of the Advisory Committee can be appreciated. This Origin and Background information raises two current issues for examination in this report:
 - 1. the need to consistently review the mandate and role of the Committee,
 - 2. whether the mandate of the Citizen’s Advisory Committee on Policing should be expanded to include all of community safety issues.

III. ANALYSIS

- A. In England, the Watch Committees in every County preside over the policing function. Selected representatives from City Councils and community members sit side by side on Watch Committees, to whom Chief Constables report and discuss the establishment of policing levels, budgets and policing priorities. Inspectorate of the Police audit municipal police departments to ensure standards are attained, and the allocation of certain portions of the budget are dependant on

these reviews of efficiency and effectiveness.

- B. The *B.C. Police Act* provides a framework which is based on the British legal and historical precedents in policing. The *Act* created Police Boards, similar to the British Watch Committees, *to ensure that a municipal council will not have direct political control over its police*. While Council may debate whether or not a specific police program (e.g. community policing) is required to maintain a necessary adequate level of policing, it cannot encroach into the area of police policy or actual deployment of resources. The same rules apply to the City Manager.
- C. The following paragraphs are borrowed liberally from a review of the *Police Act* conducted in 1991 by then Vancouver Police Sgt. Ian MacKenzie, L.L.B., (now Chief of Abbotsford Police Department).
- D. Section 23 states that "... a municipal police force (is) governed by a police board." (Governance by a Police Board is not applicable to an RCMP jurisdiction. The *RCMP Act* governs the RCMP and makes the Commissioner responsible for its good management. This Federal *RCMP Act* takes precedence over a Provincial Statute, the *Police Act*.)
- E. Section 26 states: "The board shall, in consultation with the chief constable, determine the priorities, goals and objectives of the municipal police force, and the chief constable shall report to the board each year on the implementation of programs and strategies to achieve the priorities, goals and objectives."
- F. Finally under Section 29, the Board may investigate and prepare a report on issues of law enforcement, crime prevention, police, and policing in the municipality.
- G. Interestingly, *municipal police boards in BC consist of provincial and municipal appointees to ensure that police remain independent from overt municipal political control*.
- H. Hence the *BC Police Act* significantly limits the role of a municipal council in controlling the police. Nothing in the *Police Act* or common law authorizes a municipal council to direct a chief constable as to how to adequately enforce the law and maintain order. A primary role of council is to fund the police department. *Politicians may quite rightly feel they are being required to fund an institution that is not directly accountable to them*. It is however the law as imposed by the senior level of government, (and based on important tenets of policing).
- I. The city manager as the city's top bureaucrat is governed by the same statutory prohibition that apply to City Council. The city manager's role is to ensure the municipal government complies with the legal requirements of the *Police Act*,

which is to provide sufficient manpower and resources to ensure that an adequate level of policing and law and order is maintained within the City. *There is nothing in the Police Act or common law authorizing the City Manager to become directly involved in police policy.*

J. While the legal precedent and theory are clear, a problem lies with the definition of what is or is not an adequate level of law enforcement or policing. The City Manager has a very real interest in trying to determine what an adequate level of policing is, and whether or not a specific police activity or program is necessary to maintain such a level. While the determination of questions such as these are a legitimate exercise for City Council and the City Manager, *direct attempts to influence or control actual deployment or other specific police policy are beyond the powers of either the City Manager or Council.*

K. In contrast, the Interim Report of the Consultative Forum Steering Committee of the BC Policing Study also refers to a “consultative approval process”, “to establish policing priorities, the development of detachment work plans, and the establishment of service focus areas, to ensure the municipality has direct input into the setting of service levels”.

1. Further, “there will be a consultative process ... which will allow for input into decisions which will result in the reassignment of municipally funded police resources”.

2. Further, “there will be a co-operative efficiency review process conducted under the supervision of municipal staff” and covering “all areas of police operations and support services”, to ensure resources are used in the most effective and efficient way possible.

a. *Comment:* In the writer’s view, although this “consultative approval process” and “efficiency review”, are based on the objective of good civic management, as written they constitute a *potential* for infringement on the important common law independence of the Chief Constable. The proposed *municipal approval* for the “development of work plans, and the establishment of service focus areas”, and “an efficiency review conducted by municipal staff into *all* aspects of police operations” are significant changes to the policing model.

b. These changes raise the importance of an effective citizen Advisory Committee on Policing and on the policing advisory process to be followed in Richmond.

L. There is somewhat of a dichotomy between the *BC Police Act* and the Interim Report of the Consultative Forum Steering Committee. The importance of Police

Boards and Committees, has been to establish civilian control of policing while protecting it from political interference. Municipal managers remain frustrated that despite the relatively clear language of the *Police Act*, police departments effectively set the agenda for policing.

- M. Municipalities in the Region are reviewing the Interim Report and some may implement changes to the reporting relationship of the Detachment OIC. Maple Ridge and Pitt Meadows for example, and in contrast to the Richmond model, have struck a joint advisory committee on policing. This committee is made up of both mayors, one councillor from each city, the principal policing contact for each city, both city's finance managers (one of whom is the PPC), the CAO of Maple Ridge, and detachment management representatives. Recommendations from this committee go to both City Councils for decisions.
- N. The Terms of Reference of the Advisory Committee on Policing have heretofore been restricted to advising the City Council on directions and strategies for the delivery of police services and the identification and prioritization of safety issues as well as the promotion of the philosophy and benefits of community policing and crime prevention strategies.
- O. In terms of *governance of the police* then, the police are accountable to their employer (the City) and they are accountable to the Province under its *Police Act* responsibility for ensuring the quality of police services, and third of course the police are accountable to the Courts. In Richmond, currently there is no formal accountability to the Advisory Committee on Policing, except as it represents the interests of Council.
- P. The Commission of Inquiry into Policing in British Columbia headed by the Honourable Mr. Justice Wallace T. Oppal in 1994 produced a report on policing. At page B-75, Justice Oppal drew the analogy that the role of the Police Board is analogous to that of the Board of Directors of a Corporation, and the role of the chief constable is similar to that of the chief executive officer. The expectation is that the Board will set general goals and objectives and leave it to the CEO to implement the strategies and tactic as to best attain those objectives.
- Q. There should be a good working relationship between the board/committee and the chief constable. The board/committee should act as a watchdog, but in doing so, may also play an advocacy role for the police, at least insofar as they are very informed citizens.
- R. Section 27 of the *Police Act* imposes a statutory obligation on the police board to prepare a budget and submit it to Council. In practice, in BC, the Boards play a very limited role in the budgetary process.

- S. Section 31 of the *Police Act* allows for the formation of *local police committees* appointed by the Lieutenant Governor in Council, to
1. Promote a good relationship among the residents of BC in which the committee has jurisdiction and any designated policing unit that may be operating in that area;
 2. To bring to the attention of the minister....the designated policing unit,....any matters concerning the adequacy of policing and law enforcement in the area in which the committee has jurisdiction, and to make recommendations on those matters.
- T. At page B-81, Justice Oppal recommended that communities policed by the RCMP should establish Community Police Committees in much the same manner as community police boards. It was felt the RCMP should receive meaningful input from the community. **In communities over 5,000 population, Justice Oppal recommended that these committees should possess all the rights and responsibilities of a police board except where limited by the Constitution and the *RCMP Act*.**
- U. A primary function of the community police committees would be to actively engage in public consultation in order to bring to the detachment commander's attention the needs and concerns of the community.
1. *Comment:* Both the Detachment OIC and G.M. of Community Safety need feedback on high level issues or broad directions on crime and safety issues affecting Richmond and its neighborhoods, from the Advisory Committee

IV. CONCLUSION:

- A. The following options are apparent:
1. Status Quo: Continue the Citizens' Advisory Committee on Policing with its current terms of reference.
 2. Enlarge: Increase the terms of reference to encompass a community safety mandate.
 3. Enhance: Create an enhanced *policing* mandate for the Advisory Committee in terms of community consultative responsibilities, and in terms of setting objectives and priorities with the detachment, and expecting reporting on the achievement of goals in line with community's priorities.

V. RECOMMENDATION

A. Option 1: Status Quo:

1. It is recommended that the Citizens' Advisory Committee on Policing's terms of reference not be changed *at this time*, pending the further development of the Community Safety Division and the development of a "vision" for community safety.

B. Reasons for remaining with the status quo include:

1. There is an important need for civilian control and input to policing due to the independent nature of and legal constitution of the police. This role is not required for the other community safety departments.
 - a. Once the new model of reporting by the Detachment Commander is in place, the Committee can monitor its effectiveness.
 - b. The G.M. can assess the utility of Option 3 as the new model of reporting and the proposed Letter of Agreement or Letter of Expectations between the G.M. and OIC is drafted.
2. There is sufficient work to be done in advising on policing to more than occupy the Committee.
3. When the vision for community safety is implemented, the Committee will have natural community safety expectations of the police, and anticipate police initiatives, planning and response in accordance with community safety principles and partnerships. Until that vision is known, it may be premature to move to option 3. However once the vision for community safety is defined, it may be appropriate to consider an *enhanced* mandate for the Advisory Committee, as envisioned under Option 3.
4. The RCMP has a policy requirement for a formal consultative committee, which is a dual function for the Advisory Committee.
5. The community policing initiative is being rejuvenated due to the long term RCMP staff vacancies. These have hampered many community policing programs, community police bicycle patrols, the dissolving of community consultative groups at Steveston and Southarm, and the supervision, training and deployment of volunteers. The investment and importance in the community policing program is a primary focus of the Advisory Committee and Council, and any changes to the role of this Committee should not hamper this important focus.

6. To a significant degree, Richmond already has the status of being a model for other communities, in terms of its community advisory functions on policing, due to its profile in the BC Policing Study and Consultative Forum.

Submitted.

(A. R. Speevak), Insp
Acting OIC Richmond Detachment