

Third Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Justice

Chairperson
Mr. Daryl Reid
Constituency of Transcona

Vol. LXI No. 1 - 6 p.m., Thursday, June 18, 2009

ISSN 1708-6671

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BLAIKIE, Bill, Hon.	Elmwood	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MARCELINO, Flor	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew, Hon.	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WHITEHEAD, Frank	The Pas	N.D.P.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON JUSTICE**

Thursday, June 18, 2009

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Daryl Reid (Transcona)

VICE-CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Chomiak, Hon. Ms. Oswald

Ms. Brick, Messrs. Dewar, Faurschou, Goertzen, Graydon, Ms. Korzeniowski, Mrs. Mitchelson, Messrs. Reid, Saran

APPEARING:

Mr. Kevin Lamoureux, MLA for Inkster

WITNESSES:

Mr. Mel Klassen, Association of Manitoba Municipalities

Mr. Maurice Butler, Town of Morden

Mr. Keith Atkinson, City of Brandon

Mr. Marc Robichaud, Ste. Anne Police Department

Mr. David M. Sanders, Private Citizen

Mr. Tom Simms, Community Education Development Association

Ms. Diane Roussin, Inner City Safety Coalition

Mr. Allan Wise, Inner City Safety Coalition

Mr. David Chartrand, Manitoba Métis Federation

Mr. Cyril Keeper, Private Citizen

MATTERS UNDER CONSIDERATION:

Bill 16–The Police Services Act

* * *

Mr. Chairperson: Order, please. Will the Standing Committee of Justice please come to order.

This meeting has been called to consider Bill 16, The Police Services Act.

We have a number of presenters registered to speak this evening, as noted on the list before committee members.

Before we proceed with the presentations, we do have a number of items and points of information for the committee members to consider. First of all, if there is anyone else in attendance in the audience here this evening who would like to make a presentation, please register with the staff at the back of the—this committee room and we'll add your name to the list. Also, for the information of all presenters with us here this evening, while written versions of presentations are not required, if you're going to accompany your presentation with a written—with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with one of our staff in this committee room and we'll assist you with the photocopying.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from the various committee members. Also in accordance with our rules, if a presenter is not in attendance when their name is called, their name will be dropped to the bottom of the list. If a presenter is not in attendance when their name is called a second time, they will be removed from the presenters list.

On the topic of determining the order of public presentations, I will note that we have a number of out-of-town presenters in attendance and they're marked, for the attention of committee members, by an asterisk on the list provided to you. With this consideration in mind, in what order does the committee wish to hear the presentations this evening?

Ms. Marilyn Brick (St. Norbert): I suggest that we hear out-of-town presenters first and then people from Winnipeg second.

Mr. Chairperson: It has been proposed that we hear the out-of-town presenters first as listed.

An Honourable Member: Agreed.

Mr. Chairperson: Is that agreed? Thank you, so ordered.

I would like to inform all in attendance some of the provisions regarding the hour of adjournment and the consideration of our business tonight. In

accordance with the sessional order adopted in the House, as we have—currently have less than 20 presenters registered, if this committee has not completed clause-by-clause consideration of these bills by midnight, a number of rules will apply, including sitting past midnight to hear presentations; (2) if they are not already finished, concluding presentations at 1 a.m.; and (3) interrupting proceedings to conclude clause by clause on this bill at 3 a.m.

Prior to proceeding with public presentations, I would like to advise committee members and members of the public regarding the process for speaking in committee. The proceedings of our meeting are recorded in order to provide a verbatim transcript, and you will see the *Hansard* folks located directly behind the Chair. Each time someone wishes to speak, whether it be an MLA or a presenter from the public, the Chair first has to recognize that individual and this is a signal for our *Hansard* folks to turn the microphones on and off.

Thank you for your patience, and we'll now proceed with public presentations.

Bill 16—The Police Services Act

Mr. Chairperson: The first out-of-town presenter I have is Mel Klassen, Association of Manitoba Municipalities. Is Mel Klassen with us here this evening? Good evening, sir. Please come forward. Do you have a written presentation, sir?

Mr. Mel Klassen (Association of Manitoba Municipalities): Yes, I do.

Mr. Chairperson: I'll get the page to assist you, and then I'll give you the signal in a few moments to proceed.

Please proceed when you're ready, Mr. Klassen.

Mr. Klassen: Honourable minister and members of the committee, the AMM is pleased to have this opportunity to make a formal presentation on the new police service act.

This is an important piece of legislation for all of Ma—all Manitobans, and particularly for municipalities as protective services are a key municipal responsibility. Safe communities are more than just an expectation. They are the cornerstone of a healthy and sustainable community, and because of the importance of policing, the Association of Manitoba Municipalities, as the umbrella group that re—represents all commu—municipalities in the

province, would like to provide some comments and suggestions on the proposed act.

Police boards: The move in this bill to force elected councils to appoint a board to oversee local police services is counterintuitive and takes direct responsibility for policing out of the hands of those elected to run the force. Municipalities certainly understand the need to be transparent in their decision-making process, and today's municipal council is more transparent and accountable to the people they serve than at any other time in history. If a local resident has a question about a municipal decision, they are well aware who their local representative is and often knows them on a first-name basis.

Nearly all municipalities in the province have a Web site or an electronic way to communicate with citizens. Manitoba Intergovernmental Affairs has worked with municipalities and our association to make municipal government in Manitoba an open process. Perhaps most important—importantly municipal councils face their electorate every four years. There are plenty of mechanisms already in place for citizens to stay informed on the decisions their council is taking, and there are opportunities to replace representatives if those decisions are not in tune with the desires of the local community.

Municipalities are concerned that moving the oversight of the local police force away from the elected council and into the purview of an appointed board will not deliver a more transparent and accountable system of police oversight. Should 16—should Bill 16 be passed as it is curr—currently written, these appointed boards will have control over the hiring of a police chief and can also hire officers. As currently suggested, police boards will set the direction of the municipal police force and will take on supervisory responsibilities as well. Police boards will be charged with the duties of establishing priorities and objectives for the police service and must monitor the police chief to ensure compliance of community needs and values.

Munic—municipalities are concerned that the proposed changes in police oversight will weaken the role of police in our smaller communities. In many communities, the police chief is an active participant in community initiatives, participating in various committees and helping to set the direction of key priorities. These are often outside the scope of traditional policing, however flexibility exists in the current system and allows the chief to participate, as

the chief is viewed as a part of the municipal administration whose goal is to support the community. It is possible that by taking the chief—by making the chief accountable to a non-elected board rather than the council, the chief will no longer play this important role in the community.

* (18:10)

While the bill leaves the final responsibility for the police budget with local councils, the police board will be advising council on what is required. Even if on paper the final authority lies with the council, it will be extremely difficult for the municipal council to refuse requests of the police board. This creates a potential of conflict within the community between the appointed board and elected council on a financial support—on, on the financial support for the police force. Municipal councils are expected to balance their budget taking in all factors, including limited revenues, increasing responsibilities and escalating infrastructure costs. Most of the communities outside Winnipeg that have their own police force are able to hold their police costs to under 20 percent of their total budget. This is done through a careful examination and balancing of the total needs of the community. The police board will have a single focus and is unlikely to provide a balanced review of community needs prior to submitting their financial request to council. This leaves municipal councils in the untenable position of having to either refuse a request of the local board or succumb to the request at the expense of other community priorities.

There is also reason to question the financial impact local police boards will have on municipalities. We understand municipalities will be expected to pay some of the costs for board members, and space will likely need to be provided for meetings. However, what is most concerning for municipalities is the ongoing administrative cost of these boards. Currently, in most small communities, the police chief and force get support from the municipal office. It is unlikely a board designed to be independent from council will want to maintain this relationship. The result may be a separate, duplicate administrative process with the cost of this duplicate process undoubtedly falling to the municipality. We are concerned that this will not only cost municipalities financially but will prove to be a wedge in the delivery of services to the community.

While the gold—goal of mandatory police boards is to provide greater citizen oversight into the

management of local police services, we believe this is unnecessary and will in fact only complicate the process further. The need for mandatory boards is also reduced due to the other positive changes in the new act. The AMM is supportive of the creation of the provincial police commission as we see the merit in having a province-wide, civilian-led commission that can advise government under directions. The AMM is also supportive of an independent investigative unit that will handle those cases involving police use of fatal force, serious injury and other incidents.

Policing is certainly a core municipal responsibility and one municipal councils do not take lightly. Community leaders know that to build and sustain a healthy community, public safety is paramount. While we can fully support the need to make communities safer and support the need to make the system more transparent, we do not believe turning over control of local police forces from elected municipal councils be appointed—or to appointed boards will meet this objective. Therefore, the AMM requests the province to amend Bill 13 to make police boards voluntary for municipalities.

We want to thank the committee for providing our association the opportunity to comment on the bill and would be pleased to respond to any questions of the committee. Thank you.

Mr. Chairperson: Thank you, Mr. Klassen, for your presentation this evening.

Questions of the presenter?

Mr. Kelvin Goertzen (Steinbach): Thank you, Mr. Klassen, for spending your summer evening with us here tonight on this issue. You've echoed many of the comments that I've heard from other municipal leaders as well regarding the mandatory police board provision within the act, and certainly there's a concern that it, maybe it's been brought in as a response to something that happened in a particular municipality, but, by and large, and I think we're all happy for this, the policing relationship between the municipalities and their citizens seem to be working quite well in most rural areas.

Question for you: one of the things I've heard is the concern that the police board in some of the smaller communities might slow down the ability for responses, not responses to individual crimes. For example, where a councillor had a concern about a rise in break and enters in one particular area. At this level, now the council then goes to the police and

says, you know, we're concerned about an overall increase in break and enters in our community, and it can be addressed fairly quickly. With another level in between the council and the police, that slows things down, but that's the concern that's been raised to me. Would you share those concerns?

Mr. Klassen: Yes, we would share those concerns, but we do realize that the bigger municipalities, they probably don't have the concern as we would. Like we're—like, in Altona, we're a small community and our police chief sits on our—at our council, and when we have our meetings every two weeks, he would respond to questions of council right there. So it's very transparent, but our concern is if we had another level of government in between the council and us and all the extra, extra costs to that, and that is something we're concerned about.

Hon. Dave Chomiak (Minister of Justice and Attorney General): Thank you, Mr. Klassen, for the presentation, and you and all of the members of the AMM and all the presenters for coming out and providing advice on this.

I—the—I just want to make a few comments and then ask you a question, 'cause I think there's going to be a, a—if I look at the pre—the presenters here, I think there's going to be a varied—as happened during our public presentation, there's going to be varied opinion as to how to go on this issue.

You talked about—my question will be—I'll come back to my question, but the—this—there's a—if there's a principle that if there's going to be a civilian type of board, it's either for, for all communities, if it make—if it's good for some communities, it ought to be good for all communities, and that strongly came out of our public hearings. Notwithstanding that, there has been some concern about smaller communities and their relationship. We, we've tried to balance off, in the act, the issue of civilian input and control and democracy with the issue of municipal involvement, by allowing for municipal appointments to the board that could be co—could be co-terminus with, with in fact being on a municipal council.

At, at least—we're going to at least bring forward one amendment tonight that's going to allow the municipal council to, to be chair and vice-chair of, of the police boards. But it's very hard, and we spent a lot of time, many hours, trying to figure out at what level do you say there's a police board and what level you say there isn't a police board. And you say small; small connotes geographic. I know there's some police services that have one or two members; I

know that some have 10 or 15. At what point do you say it's voluntary and not voluntary? Do you say it's only voluntary if it's a population of 700,000? Thirty thousand? Fifteen hundred? Five hundred? What's your comment on that?

Mr. Klassen: I'd like to make a comment regarding Plum Coulee. Presently, we—they have a contract with us. They're a little over 750 people. The reason they came with us is because they felt that the RCMP did not have time to work in their community. So they asked us for a contract. So we, we presently have a contract with them, and it works very well. It's efficient, and it works well for us. We feel the efficiency is in there, and we feel if there would be—would have been a local police board, it would not have happened. It would not have happened because this was the bad elected people that made this decision. And I think it's wor—it's working out very well because we did get a, in fact, a certificate. Both Plum Coulee and Altona got a certificate from AMM for being creative in how they handled this situation. And Manitoba Justice are the one that supported the, the way that we set up the contract.

Mr. Chomiak: Yeah, just two points. I don't want to imply—I don't think any of us are implying bad, bad governance or any ill intent on the part of any municipality. I, I—most of the people that do it aren't doing it for anything other than public service. I mean, that's—be a hundred percent.

So your point is that but for the elected members sort of getting together, there probably would not have been this coming together of the contract with Plum Coulee. We have put provisions in the act to allow for that kind of variation within boards, but I see your point.

Mr. Chairperson: Mr. Klassen, did you wish to comment?

Mr. Klassen: I appreciate your comment.

Mr. Cliff Graydon (Emerson): Thanks for your presentation tonight, Mr. Klassen. As I well know, the contract that you have with Plum Coulee has worked out very well and, and as of a couple days ago, talking with the people from Plum Coulee, they were ecstatic. If a contract like that had not been able to be worked out, what would have Plum Coulee been doing? They were unsatisfac—they were unsatisfied with the RCMP. They were having issues in their town, which have been resolved now. What would they do under this act if, if they had no contract with you, and with the Town of Altona?

Mr. Klassen: Okay, I want to be careful that I don't badmouth the RCMP because I—we, we've—we have been well-served in our area with the RCMP. It's just there are not enough RCMP officers to do the policing work that's needed to carry—do, do bylaws and that. They just can't do that. So that's what Plum Coulee was concerned about. They said we, we reached the 750 number so, therefore, now we can have a choice. Do we go with RCMP or do we go with the town police? They felt they wanted to go with town police because now they could get more for their buck, as you call it, right? They could get the, they could get—but what we do is we will go into the schools. We'll go to patrols. We will service their, their by-laws, make sure that they're enforced. So those are things they're getting now.

* (18:20)

Now your question is what would they have done had we not been able to make a, get a contract? I know they're also talking to some other jurisdiction in the area. Otherwise, they would probably, if they couldn't get a contract with us, they would have had to go back to the RCMP. I take it that's what would have had to happen.

Mr. Chairperson: Thank you very much for your presentation, Mr. Klassen.

Next presenter we have on our list from out of town is Maurice Butler, from the Town of Morden. Mr. Butler, are you here, sir? Welcome.

Thank you for your patience. Do you have a written presentation, sir?

Mr. Maurice Butler (Town of Morden): Yes, I do.

Mr. Chairperson: Just give us a moment and we'll distribute to committee members, and I'll give you the signal to proceed.

Please proceed, Mr. Butler.

Mr. Butler: Thank you. Honourable ministers, members of the committee, good evening, and thank you for allowing me to make this presentation this evening.

On March 5th, 2009, on behalf of the towns of Morden, Altona, Plum Coulee and the City of Winkler, a presentation was made to Mr. Ron Perozzo, concerning the proposed new Manitoba Police Services Act that would see the mandatory implementation of a civil-civilian police board comprised of members who would possess little or no expertise in the operation of a police service.

This board will be mandated to hire, fire, direct and monitor the chief. In addition, it will be allocating funds provided from the municipal budget. Overall, the municipal police service must operate under the general directions and supervision of the municipality's police board.

The three police departments currently operating in the Pembina Valley represent the largest contingent of municipal policing in the province. They have a total complement of 40 highly trained, highly skilled professional officers with a combined total of 344 years of service. These officers have an extensive background, knowledge and understanding of police procedures, and the expertise to implement same in providing safe and healthy communities to some 20,000 people in which to live, work and play.

The Morden, Winkler and Altona police services are viewed by other communities as examples of municipal policing that works. Various communities have been in discussion with the respective police chiefs about the operation of their departments, and the departments have received numerous positive comments as well as commendations from other law enforcement agencies and Crown attorneys. Our police services are beyond reproach, which brings one to question the validity of forming an outside civilian agency to perform the role of watchdogs.

The Province has now tabled the new Police Services Act as Bill 16. The Morden Town Council have reviewed the legislation and would like to provide the following comments. The old, existing act is in real need of replacement. For this reason, we are pleased to see Bill 16 moving forward. It will address a number of issues that are, that are in need of change.

Once the new act is in place, Morden Town Council will be providing well over \$1,000,000 without having a say as to how those dollars are spent. As well, the relationship between the police chief and officers with the town is effectively cut. Though still considered town employees, the chief will no longer report to or take direction from council through the chief administrative officer.

We have already stated our appreciation for the Province moving forward on replacing the outdated act. Many departments have been asking for a new act for years. We do not view all the proposals in the consultation papers as positive. It is important to ask that the new act becomes legislation and serves Manitoba well into the future, rather than be viewed

as a quick reaction to a single event. This is our one opportunity to get it right, and we are prepared to assist it to ensure that it is right.

Our council has made our concerns known to the Association of Manitoba Municipalities, with the expectation that they will lobby the provincial government for changes to the proposal to ask for mandatory civilian boards.

As a former law enforcement officer with 30 years' experience, I've witnessed departments that had civilian boards in place. It would be fair to say that this practice does not work effectively or efficiently. I personally foresee the possibility of morale breakdown within the police department as one of the biggest issues.

We are in opposition to mandatory municipal police boards. In communities our size, our view and experience with civilian involvement has not been productive. With the current set up of our municipal policing we can only view the recommendations of civilian boards being detrimental to the overall effectiveness of our police services. As well we see this as usurping the authority of local councils who are elected by and accountable to the community. To quote a rural phrase, if it ain't broke don't fix it.

Once again, honourable ministers and members of the committee, thank you for allowing us this opportunity to present these views to you this evening.

Mr. Chairperson: Thank you very much for your presentation, Mr. Butler.

Questions for the presenter?

Mr. Goertzen: Thank you, Mr. Butler, for your presentation. You brought up an interesting—well, you brought up a few interesting points.

First of all we agree, totally, that there needed to be a review and a new police act brought in. It'd been decades and I think everybody in this room would be in agreement that it was time for a new act and so in complete agreement on that point.

The point that you made that I want to just touch on is that of morale in, among police and that it might lower the morale by having a police board intercede in between the council and the police right now. That's an interesting point. You've got eight, I think about an average of eight years of experience based on the stats that you provided for us which is also pretty remarkable considering how difficult it is to recruit and keep officers these days.

Can you just expand a little bit more on how you think morale would be affected by putting in a police board as it compared to the current system that you have.

Mr. Butler: I think to answer that question I would go back to the proposal that we submitted to Mr. Perozzo where I indicated in that proposal and that presentation the fact that in a small community it's very, very difficult to be able to form a civilian board that is not completely objective and that don't come with any personal agendas. This is what breaks down the morale within the police department.

When you're policing in a small community, be whatever small it is, whether it be Ste. Anne, whether it be East St. Paul, whether it be Morden, Winkler, Altona, the opportunity is there to wear many, many hats. One day you're sitting having coffee with your next door neighbour and then you go to work and you lock him up overnight and then you still go to see him and have coffee with him again the next morning. And this is gonna happen frequently.

We have what we, I, I think policing in small towns has become known as the coffee shop politics. There's a lot of things and a lot of decisions made at the local coffee shop tables. Those are brought to the committees and this is when I made reference in my presentation this evening. These are the differences that are brought to the table that make it difficult. Some of these things are inevitable in a small town.

Mr. Chomiak: Yes, thank you, thank you for your presentation and I, I, I think we all appreciate the fact that, that, that there's support for other aspects of the act and this is one, one aspect of the act where there's not complete agreement. Well, actually you can probably say that about the whole act. But in terms of ac—in terms of an act I think, generally, people have, have bought in to most of the changes.

What, where, where's the cutoff, where's the cutoff line between a police having a board and not having a board? Is it, is it population? Is it that, is it history? If, if it's good for the town of, of Mink Creek is it good for the town of—why, why, why not, particularly when it's weighed in terms of appointments towards the municipality.

* (18:30)

Your suggestion I, I—would be along the lines of the AMM which would be voluntary, but I don't know how you make voluntary boards, how you, how you'd—so perhaps you could help me with that.

Mr. Butler: I think—Honourable Minister, I, I heard you ask the question of Mayor Klassen in the same regard, and I think that the, the difficulty of population is one to consider. But in my presentation to Mr. Perozzo in March of this year, we identified in our presentation that we don't have a disagreement or a misunderstanding about the, the role of boards within the Manitoba provincial—like the old Manitoba police commission, or the Winnipeg city police that had an advisory board, Brandon city police. Those larger populant areas, I think, could quite well serve a board of that nature. But, in small towns, as I say, from previous experience, I've seen them become very detrimental to the, to the efficiency of the police department.

Mr. Graydon: Thank you for your presentation tonight. It was excellent.

I was just wondering, Mr. Klassen brought up that he, the Town of Altona tried to stay within 20 percent of their budget, their overall budget for policing. Is that number something that you look at in, at about the same in your jurisdiction?

Mr. Butler: Well, we certainly do, and that's one of the things that council has a responsibility to do is to try and keep that well within the keeping of our expenditures on our budgets in all departments, and, as he indicated in his presentation this evening, we're at the one million mark for our police department, and that's significant, and if we see a board taking a responsibility away from us to disperse that money.

Mr. Kevin Lamoureux (Inkster): Very quick question. I don't know if it's a trend or what makes a trend per se, but let's operate on an assumption that there's a trend to move towards civilian boards of this nature. Are you aware of any jurisdictions where civilian boards are on their way out, or where maybe there was a civilian board at one time but because of some of the frustrations that you've experience—that you're referring to, where the civilian board is no longer in existence?

Mr. Butler: Yes, I am. The village of Ste. Anne, and the town of Morden, both of which I was chief constable.

Mr. Lamoureux: Could, could you give an impression in terms of what happened in, in that situation?

Mr. Butler: Too much local political interference from the residents who were on the board.

Mr. Chomiak: I—we're, we're probably going to agree to disagree on this, but I, I don't accept the, the proposition that the town council will not have authority over the million dollars. The budget will be allocated by the council. The—I, I do recognize that the, the police board would make, would come to council and make a request, which wouldn't be fundamentally different than what the, than what the police or the CAO would do now, and all liabilities, et cetera, would remain with the, with the town council. But I think we're going to probably agree to disagree on that.

We tried to craft the legislation to the extent that, that the council would not—and I was well—we were well aware of the issue of how we've seen some areas of, of governance that independent bodies drive budgets. Gosh knows we do it. We see it all across a system, but we did, I do take—I do not accept the proposition that you won't have say where all that money is spent. I, I don't think it'll be any less well controlled by the council, or well monitored, or well expended by the council in the future with a, a board structure than it is now. I, I just don't see it.

Mr. Chairperson: Mr. Butler, did you wish to comment, sir?

Mr. Butler: I just wish to thank the honourable minister for that comment. If that's the way that he sees the act being interpreted, then that may be a possibility that we could, as a council, accept. But the way the act was reading, it was saying that they would have control over that money.

Mr. Chomiak: Yeah, I, I can say, unequivocally, no to that. They will not have control over that money. They will have the recommendation powers to make on the budget. The council will have control and, and say on—now, having said that, and having been in government and opposition for some time and knowing how Treasury Board and all those things work, I know, you know, looking at everyone's faces here, that that's easier said than done. But certainly it was not the intention of the government to have the control of the funding move from the council to the police board. It was worded specifically to, to not have that happen.

Mr. Butler: I thank the honourable minister for that comment.

Mr. Chairperson: Any further questions for presenter? Mr. Graydon, a short question please, sir. It's—time's almost up.

Mr. Graydon: Do you see any use for this board?

Floor Comment: None whatsoever.

Mr. Chairperson: Mr. Butler, sorry.

Mr. Butler: Sorry. None whatsoever.

Mr. Chairperson: Okay. Seeing no further questions, thank you very much for your presentation, Mr. Butler.

Mr. Butler: Thank you very much. May I ask the committee chair, are we in a position to be excused? I have another meeting in Altona this evening and I'd like to make it, if I possibly can.

Mr. Chairperson: Yes.

Mr. Butler: Thank you very much.

Mr. Chairperson: Thank you for your presentation, sir.

Next out-of-town presenter we have on our list is Keith Atkinson, Chief of Police, City of Brandon. Good evening, sir. Please come forward.

Do you have a written presentation, sir?

Mr. Keith Atkinson (City of Brandon): I have an oral presentation, but I have some written material for reference.

Mr. Chairperson: Give us a moment and then we'll distribute it to committee members, and then I'll give you the signal to proceed.

Please proceed, Mr. Atkinson.

Mr. Atkinson: Thank you. Honourable ministers, committee members, my name is Keith Atkinson. I'm the Chief of Police of Brandon, Manitoba. I'm here today to represent the City of Brandon, and I'd like to thank you for the opportunity to speak here this evening.

The City of Brandon praises the government for introducing Bill 16, The Police Services Act, as the current legislation is badly outdated and in need of review. For the most part, the City of Brandon supports the majority of the legislation. The City recognizes and supports the need for a provincial police commission. It is hoped that the provincial police commission will become a proactive body that continually monitors policing trends and sets policing standards to meet the needs of Manitobans. In particular, the City of Brandon welcomes the establishment of policing regulations in the area of offices, detention facilities, vehicles, technology, firearms and equipment, as the current regulations are badly out of date or do not address many of the

standards proposed. Other regulations discussed in section 48(2) of the proposed act are also acceptable.

As the new act will provide all municipal police officers authority throughout the province, it would also be important to consider a provincial discipline code, a discipline procedure and discipline procedures, rather, so all police officers are treated in the same manner throughout the province. Section 76 somewhat addresses this which is also supported and welcomed.

The City of Brandon is also supportive of the establishment of an independent investigation unit. There is a need to provide transparency when investigating serious incidents involving police officers. Investigations of this nature demand a certain amount of transparency while not compromising the integrity of the investigation. The system should also respect the rights of all concerned including the subject police officer. The appointment of a civilian director to oversee the operations of—of the independent investigation unit should strike the proper balance between investigational independence and the public's need to know.

Alberta currently has a model similar to that proposed within this act that appears to be working well. Civilian oversight bodies can increase the public's level of trust and can prevent perceptions of conflicts of interest when police services investigate their own members. Likewise, it is recognized that due to the vastness of the province, it would be difficult and cost prohibitive to have a unit devoted to invest—to the investigation of all police-related incidents. The proposed model still provides the proper oversight to investigations of less serious incidents by individual police off—or police services while the director still oversees the investigation.

* (18:40)

The City of Brandon, however, is strongly opposed to the establishment of mandatory local police boards. In response to the police act consultations held earlier this year, the council of the City of Brandon unanimously passed, in part, the following recommendation: that the decision to establish a local police board be left to the discretion of each Manitoba municipality who has or sets up its own police service. The proposed legislation outlines the purpose of the police board, the general duties of the police board, and specific duties of a local police board in sections 27 through 29. The City of Brandon submits that these functions currently take place in our current structure with

myself reporting directly to the city manager, who is responsible to City Council. The proposed roles of the local boards is also a bit confusing, in that it appoints the police, police chief yet the municipality is deemed to be the employer and sets the pay and other benefits for the chief. Likewise, the police board may appoint police officers but, then again, is not considered the employer. The local board would also have no involvement with collective bargaining. The police board develops the police budget but council is responsible for the total budget of the police service and there is no dispute resolution proposed.

The City of Brandon feels that the current system works well and community policing concerns are properly addressed in a timely manner. The creation of a local board will only create confusion and establish another layer of bureaucracy for citizens. It will also complicate council's role in establishing citywide priorities and budgets.

The City of Brandon would suggest that police boards become voluntary and not imposed through the act, and as a result I'd like to thank you for providing me the time this evening for the comments I have just made.

Mr. Chairperson: Thank you very much for your presentation, Mr. Atkinson.

Question for the presenter?

Mr. Goertzen: Thank you, Chief Atkinson. A pleasure to see you again tonight; thank you for coming out on relatively short notice.

Not to pre-empt the minister's question about looking for a demarcation line on the, the population for a, a police board, one of the things I was wondering about to try to maybe overcome that obstacle, there's gonna be under the act a—the establishment of a police commission that'll have certain authority and then been given certain tasks. I wonder if it would be something to consider, to have the police commission being given the mandate to determine where the, the board should be applied, recognizing that, that every community seems to have a different history with police boards, seems to have a different culture, seems to have a different experience with, with their own local policing, whether the police commission in consultation with the, the police, the community and the local governing body might play that role in helping to decide whether or not a police board is appropriate for an individual community, to try overcome the,

the barrier of, of a population-based criteria for a police board. Do you have any comment on that?

Mr. Atkinson: Yeah, I think the police commission could play a role. If, if you look back into the history of policing and, and it's still prudent today as it was back then, Sir Robert Peel, who invented made—modern day policing, had a comment that the police are the public and the public are the police.

I think that comment holds true today. Without the public support, the police are ineffectual. Therefore, I, I would suggest that the best place to determine whether or not—I don't think a population limit should be imposed. I think it's best to be decided by the public at, in the community that they're in, whether through debate at City Council or through a plebiscite. I think that type of thing would send a strong signal to the elected officials as to whether or not they want a police board or not.

Mr. Chomiak: Yes, thanks, Chief Atkinson, and I, I appreciate the, the, the Brandon-style of acknowledging what they see as good and then making suggestions for where they see is a problem. That's—I, I, I'm happy to see that tonight and, 'cause that's not always the case when we deal with legislation so I appreciate that.

The, I was struck by, I was struck by your comment that all municipalities should make boards voluntary. From my discussions that would mean there'd be no police boards, which then means the principle of having some civilian direct input and responsibility while still leaving the financial and the labour matters with council which would—which is what we've done to make a compromise would not be provided—and that's interesting and that's not being critical but Brandon, if, if, if the position of Brandon and all the communities, Brandon and smaller, are taken into consideration, that means only Winnipeg would have a police board.

And I think if I asked the City of Winnipeg today would you rather have what you have or a police board I think they'd say they'd like to stand—stay with the status quo. And we think, and for a whole bunch of reasons, that, that I could go, go, get into that it, that it's, if there's validity in a dem—in, in, in a, process of having civilians on a board then it should apply across the board and does get back to the demarcation point but I do think in, if it's voluntary we will have none, and that says either things are working 100 percent or we are hoping, actually, that this can actually improve the situation.

Mr. Chairperson: Mr. Atkinson, did you wish to comment, sir?

Mr. Atkinson: Well, I've worked under both systems. I was in Saskatchewan prior to arriving in Manitoba two and a half years ago, as, as we've talked before, and I, I do prefer this system. I think it's much more efficient, especially in regards to council inquiries.

My—I've been in this business 30 years now and I've found that when people have a problem with policing, they go to their elected officials, they go to their city councillors and the city councillors ask the questions. I respond quickly. We have a good system in Brandon, where if a council inquiry comes in, it's immediately shipped to me.

I—I'm afraid that if we had a local police board—and I don't think there's enough business in the local police board, or would be for Brandon, to meet every month—I would suggest they would meet the minimum, which is required, which is every three months. If an inquiry came in from the City Council from a member of the public in January, after the local police board had met, that would then be brought to the board's attention in the next meeting which would be March or April. It would be sent to me for a response, if you're following protocol properly, and then it would be responded back to council, perhaps in June or July, which, in my view, isn't a, a quick reaction to a problem.

I think it's, it's important that the police have an open line of communication, and, in my experience, what happens with police boards is citizens will, will come to the board to speak with them, and they use it as a platform or a soapbox, and I—and I've seen that many times. If they deal with council, they know there's a little bit more decorum required and they act accordingly.

Mr. Lamoureux: I understand that there is a chief of police association that goes across Canada, from what I understand, and they do deal with a wide variety of different issues and take positions. Is this an issue that you're aware of? Has, has that local association or that association dealt with this issue and, if so, if you can just provide comment on that?

Mr. Atkinson: One of my other hats, I'm the president of the Manitoba Association of Chiefs of Police, so I can answer that question. Our position, from that association, was we would not make any recommendation in regards to it because it might be

perceived that we are picking our own boss. So we have deliberately stayed out of that debate.

I'm also a member on the board of directors of the Canadian Association of Chiefs of Police, and we've never really discussed that because each jurisdiction has its own rules.

Mr. Chairperson: Mr. Graydon. Short question, sir. We're almost out of time.

Mr. Graydon: Thank you, Chief Atkinson. It's—this new provincial police commission that we're talking about, if there was an issue in any jurisdiction, and from what we've heard tonight, there's three jurisdictions, fairly large jurisdictions that are satisfied with the status quo, but if there is an issue someplace, would this new police commission, could that actually act as, as an ombudsman sort of a situation or a go-between in, in, in a jurisdiction that does a—have an issue? Could you see that being used?

Mr. Atkinson: I believe it could. I know in other jurisdictions they allow for provincial commissions to do audits, to go out and do studies of police services to make sure that everything is, is up to standard. They, they have gone in other jurisdictions to the community, speaking with community representatives to see what the issues might be, so that—it could take place in that provincial board, yes.

Mr. Chairperson: Seeing no further questions, thank you very much for your presentation, Mr. Atkinson.

Next out-of-town presenter we have on the list is Marc Robichaud, Ste. Anne Police Department.

Good evening, sir. Please come forward. Do you have a written presentation, sir?

Mr. Marc Robichaud (Ste. Anne Police Department): No, I don't. I'll just be presenting verbally.

Mr. Chairperson: Okay. Please proceed when you're ready.

Mr. Robichaud: Thank you. I will keep this quick because I'm, I'm simply going to be reiterating what's already been said by my predecessors here tonight. And I am pleased to have the opportunity to meet with the legislative committee on Bill 16, The Police Services Act. This committee is addressing a topic of longstanding interest to municipal police in the province.

Firstly, firstly, I would like to thank the government for introducing this bill. It is the culmination of significant work by the Department of Justice, and, certainly, a move in a positive direction. The commitment of this government to address these issues is certainly appreciated and long overdue.

* (18:50)

As a representative of the Ste. Anne Police Department and the town of Ste. Anne, I feel compelled to bring forward a few of our views in regards to amendments that should be made to the proposed bill. Our, our sole concern with this bill is directly related to provisions set out in division 2 and 3 of the act, specifically sections 26(1) and 42(1). Again, those sections are around the mandatory formation of, of police commissions. This section attempts to force elected councils to appoint a board to oversee local police services. I agree with Mr. Klassen's comment that this is counterintuitive. Not only that, we feel that it's intrusive into municipal affairs. It takes direct responsibility for policing out of the hands of those elected by the community to ensure the safety of its citizens.

A common complaint regarding policing, in general, in rural Manitoba surrounds a lack of input with regards to policing by municipalities. There is no doubt to the need for transparency and accountability in communities' decision-making process with respect to police oversight. That being said, policing is certainly a central focus of municipal governments' responsibility and one of municipal councils take very seriously.

Community leaders know that to develop and sustain vibrant communities, public safety is paramount. While we committedly support the need to make communities safer and support the need to make the system more transparent, we do not endorse turning over control of local police forces from elected municipal councils to appointed boards. Countless examples can be cited in which good intentioned—which the good intentioned formation of a local police commission has resulted in an overall negative impact to the policing of the community, the recent disbanding of our own police commission included.

Should Bill 16 be passed in its current state, boards will have control over the hiring of police chief, a key municipal employee. It will also have control over the overall direction of the department. This is unacceptable and does not take into consideration the needs of the community or, I

believe, the wishes of Manitobans. I fully appreciate the objective of the mandatory police boards to provide greater citizen oversight into the management of local police services. We believe that in rural Manitoba that function is best served by the elected municipal government. Therefore, the town of Ste. Anne, the Ste. Anne Police Department and I request the Province to amend Bill 16 to make police boards a voluntary option to communities. Thank you.

Mr. Chairperson: Thank you very much for your presentation, Mr. Robichaud.

Questions for the presenter?

Mr. Goertzen: Mr. Robichaud, thank you very much for coming out tonight for your presentation.

First of all, let me just make a comment about exceptions. I know that the minister has made a couple of points that the police board is—they believe to be a, a point of principle and that the principle should apply, you know, formally. Let me tell you that having been around here not as long as some of my colleagues, but for some time, that every piece of legislation has exceptions, and we were debating The Medical Amendment Act not long ago and there was significant exception for pharms in there—pharmacists in that act that, that applied for, for the—that applied for no other profession. And I think that there was a, a probably good reason why that exception existed, and every piece of legislation we debate has exceptions. I just want you to know that in the front.

When we talk about this act, there's certainly the feeling rightly or wrongly that some of the, some of the changes were a result of what happened in East St. Paul and that this local board issue might be in response to that. Whether that's true or not, that certainly is the feeling. And I know that the Ste. Anne Police Department has been in the news over the last number of years, not always in a positive way, but I think that there's some good things that are happening and, and more solid footing today than it was in times past.

But can you speak from a perspective of a small municipal police force, why challenges sometimes arise in, in these communities, and whether or not police boards would make that difference, or is there something else that, that's causing the problems and something else that's a solution for the problems that sometimes happen with small municipal police forces?

Mr. Robichaud: Yeah, I think that, again, one of the, one of the key points is that within smaller communities there is a direct contact between the citizens of, of those communities and the elected council. There, there's generally an ease of, of dealing between councils and police chiefs because it's a quick—very, very much what the other presenters have said here, it's a very quick approach to dealing with, with problems.

These elected officials are elected by the community, and one of the key points that, that, that many of these elected officials come to, to office on are issues around public safety and the safety of the community. I, I don't know if that answers your question. But I think it's simply for ease. And I think, again, we get into situations where we have boards that are, that are put in place often with people that don't, don't understand the concept of, of governance versus management. We run into, you know, problems at, at almost every level with that or for what I've seen anyway.

Mr. Goertzen: Just for clarity then, some of the challenges that were happening in Ste. Anne—it's not my riding but I'm, I live close by, and so I certainly follow with interest—were result of the, of the local police board in some ways, and so it's not that the board proves to be a solution but it might be part of the problem.

Mr. Robichaud: One hundred percent. For sure.

Mr. Chomiak: Thanks for the presentation and I appreciate the comments, both the critical comments and the positive comments, I appreciate that.

I—one thing I haven't pointed out—actually, two things I just wanted to point out. I know this is supposed to be a question but, just for the edification of the—I think the idea of the Manitoba Police Commission, which would be the first body that would be launched under this legislation, is going to have one of its roles of qualifying, instructing and providing education to board members along with a number of activities, so it is true that the Manitoba Police Commission is going to have a fair amount of ability and can be used and we're, we're deliberately structuring in such a way so that it can be a, a, a failsafe solution to some problems that may come about.

But the, the second point is that we, we've tried to craft the legislation so that a lot of the issues that have occurred in our experience in, in the past with the police boards, will not occur. The clarity of their

role—and actually, I see that, actually, it hasn't been that well communicated, because we had this earlier discussion about the financing issue. I, I thought it was very clear that—we thought it was clear that the, the council is going to be responsible for the financing, and did receive recommendations from the board, so I admit to, I'll admit to even confusion on things that I thought were clarified, but the board members have to be qualified by regulation.

We do have a flexibility in terms of the size of the board. Council will have appointments—in most cases, majority appointments to the board—and they'll be training board conduct. So we are conscious of the nature of smaller communities and their need. But we think we've got a good enough balance, although I—you know, we're going to hear from a lot of presenters, so we'll keep an open mind.

But I did want to point out that, that we have canvassed a lot of jurisdictions and a lot of experiences to what has gone wrong with boards and civilian-type boards, and we've tried to, in the act, deal with those, those issues, particularly in weighing—and we're going to hear from other people who are not going to be happy—with weighing some of the appointments of the boards towards the councils. So—because there are variations, right? You could have all the members of a board appointed by the minister, all the members appointed by the council, a variation on that theme. So I—I guess I'm just going on, aren't I?

Mr. Chairperson: Mr. Robichaud, did you wish to comment, sir?

Mr. Robichaud: Yes, since, since you made a statement and not a question, I'll return with a question.

You, you've said here today that, that if given the choice to the municipalities that, whether or not, you know, they were voluntary, we wouldn't have any police commissions. I guess my question is, is that if we've had such a strong voice from the municipalities that have their own police services in response to the issue around the voluntary nature of having police commissions, why we wouldn't be strongly listening to that statement from the small municipal police departments and the municipalities that currently have their own, because, really, that's what we're talking about here. We're talking about the municipalities that have their own police services—which are few and far between in this province; for the most part, it's the mounted police—

so why would we not listen very strongly to those statements by those municipalities?

* (19:00)

Mr. Chomiak: Yes, thank you, and I—that's a, that's a valid question and I, I guess I'd, I'd counter we have 12–12 police entities in the province, and you're right. But both the RCMP, nationally and provincially, in all jurisdictions are grappling with the issue of governance of police, and the issue of confidence in the police. Unfortunately, I think it's an issue and all governments, all entities, all police services, all communities, are trying to grapple with the issue of—we all want to support the police, but there, there are, there is a gap and there are concerns, and I suppose the governance issue is one way of trying to ameliorate those concerns.

Mr. Chairperson: Any further comments, sir? Thank you very much for your presentation this evening, Mr. Robichaud.

Floor Comment: Thank you very much.

Mr. Chairperson: Are there any additional out-of-town presenters that would like to make a, a presentation here this evening? Then we'll return back to the top of the list, and we have, we'll call David M. Sanders, private citizen.

Good evening, sir. Please come forward. Do you have a written presentation for committee members, sir? Just give us a moment and we'll distribute to committee members and I'll give you the signal to proceed.

Please proceed, Mr. Sanders.

Mr. David M. Sanders (Private Citizen): Thank you, Mr. Chair, honourable minister and members of the committee. I'm appearing this evening as a private citizen and a lawyer in private practice, solely for the purpose of providing occasional pro bono work in the community.

I wish to speak in support of Bill 16, as far as it goes, and particularly the following provisions: first and foremost, the creation of an independent investigation unit to deal with police use of fatal force, with incidents involving serious injuries and with any other alleged criminal incidents that the unit chooses to investigate. This has been a serious shortcoming in our system, where such incidents have been investigated by the Professional Standards Unit of the police force itself which, course, chooses to investigate some and not others, and the only appeal from that, I think, in the past has been to the

honourable minister, who presumably would prefer to have someone else deal with these matters first. And I think this is a very important matter, and particularly the requirement that the unit monitor any alleged criminal incidents, even the less serious ones, and have the ability to intervene if they think necessary.

Secondly, and I think it's very important, the requirement that the City of Winnipeg, at least, establish a police board which will appoint the chief of the municipal police service, will hold the chief accountable for carrying out his or her responsibilities, will establish priorities and objectives for the police service, ensuring that community needs and values are reflected in the policing priorities, objectives, programs and strategies, and recommend the annual budget for the police service and then allocate the funds that City Council decides to provide when it establishes the total annual budget of the police service.

Perhaps the minister may wish to comment further but certainly my reading of the bill is that council is, of course, responsible for raising taxes and must have control over the total budget of the police service and should set it, having received advice from the board and others, but having allocated a total budget and agreeing to raise certain funds for the police service, the intent is that the police board, at least in the case of the City of Winnipeg, will have some clout and will have the ability to allocate those funds which are provided to the police service under the municipal budget. And I believe that's the intent because, I seem to recall, when we discussed this at one of the consultation sessions I suggested that compromise, one which, I think, works well in cases where you have delegation of authority. And that's what this is: this is delegation of this minister's authority with regard to police matters, and I think it work—could work well and does work well in many situations, and all that the members of the committee need to do is to look to Crown corporations or other bodies with some degree of independence for which the elected government is responsible for the total budget but certainly they are delegated authority to work within that budget.

And, thirdly, and I think it's very important, the establishment of a Manitoba police commission, whose duties will include advising the minister on regulations dealing with the conduct of police officers and standards for police services and officers. This, I think, will involve a great deal of

work and it's very important, and, lest I forget, not the least of which will be policies with regard to the use of force. There is an ongoing debate within this country and, I presume, around the world as to what the policy should be. From what I've seen, the policy followed by the City of Winnipeg most recently is not the same as those of others, and I think this is something the police commission should look at very closely and very soon.

The only other comment that I have with regard to the bill itself is that I believe that the new Winnipeg police board should include members who are representative of our very diverse community and, of course, the objective is that the board is to ensure the community needs and values are reflected in the priorities of the department. And, given that, I would suggest that section 30(1), sub c be amended to change the minimum number of members for the City of Winnipeg board from the seven that appears now to at least, at least 13 persons, because it is most important that there by a broad range of representation from the larger community, both to make the board and the police service more effective, and also to restore confidence in the community that the, the voices of the various segments of our society are heard and are considered in police matters.

There's reference earlier to section 76, in which regulations can be made by the minister dealing with police conduct, and that will be important.

However, the main point that I wanted to make tonight, starting on page 3, is what the bill doesn't do. And I am most concerned that while Bill 16 deals with the matter of alleged police criminal offences, it simply doesn't address the totally unacceptable manner in which alleged non-criminal offences, or misconduct, or service defaults, and other breaches of discipline are largely dismissed, or disregarded, or ignored. And I will hasten to say I'm speaking solely from my experience with the City of Winnipeg and I'm not commenting on any other police force when I make these remarks.

And you'll note in the consultation's paper that non-criminal complaints are to be dealt with, as they are now, by police services. That is, investigate themselves, or, the Law Enforcement Review Agency, LERA. And you'll see in bill—section 28(5) of this bill that the proposed new Winnipeg police board—not commission, please correct that—that the pro-proposed new Winnipeg police board would have no role with respect to the discipline or personal conduct of any police officer.

So section 76 of Bill 16, as I mentioned, does allow for the making of regulations, but that certainly doesn't deal with the actual investigation or the actual decision in dealing with actual incidents.

So apart from any such future regulations that may have some beneficial effect, alleged non-criminal misconduct by police officers are to be handled as they are now, by either the police service itself, or by LERA.

Based on my limited but, I think, instructive experience in representing many of the Critical Mass cyclists, who had very serious complaints about their treatment by members of the Winnipeg Police Service on a number of occasions in 2006—that's three years ago now—the present arrangements simply do not work. Many complaints were dutifully filed with LERA, but the commissioner, in all this time, will not deal with them until, as he says, after certain criminal charges which have been laid against some of the cyclists are disposed of. So more than three years after the event we are still awaiting the court's decision on the charges which are against the cyclists, but there has been no action by LERA on the complaints against the police.

Now the act does say that, of course, that if there's a criminal charge against the police, then the courts will deal with it and LERA should hold off. That's not the case here. We're talking about charges against the complainants. The cyclists could have filed complaints with either the police service's Professional Standards Unit or LERA, but not both. The LERA statute and the City of Winnipeg Police Service Regulation By-law No. 7610/2000 both state that a complainant must choose only one investigator and, having done so, that's it.

Choosing the Professional Standards Unit, the City of Winnipeg was not promising. In fact, one cyclist did complain that an officer be charged with assault and had all the video evidence to demonstrate it, and it was summarily dismissed by the Professional Standards Unit and, other than coming to the minister, there was no place to go. However, because the police chose to charge some of the cyclists with criminal offences, the police have, in fact, rendered themselves immune to investigation by LERA all this time. The cyclists have had the benefit of a great deal of photographic and video evidence and the courage to pursue these matters—despite harassment by those that they filed complaints against—and it is no surprise to me that most other

would-be complainants in the city of Winnipeg simply give up over time.

*(19:10)

Within the community I find many seem to accept that the Winnipeg police are accountable to no one, and in support of that, I'm attaching a number of things, one of which is the presentation I made three years ago to executive policy committee at Winnipeg City Council in which I argued for the re-establishment of a police commission able to provide effective civilian oversight of law enforcement in our city because none of City Council, it's committees, LERA or the police service were willing to deal with the many complaints lodged with regard to the behaviour of the police at the Critical Mass events. I even had city councillor-legal counsel censoring my presentations for fear I might talk about the event in a public meeting at City Hall.

I'll skip over some of the matters I've attached here but, with respect to LERA, there is an excerpt from the LERA commissioner's 2007 annual report, who, I'm sad to say, he displays his personal bias regarding this particular issue where he referred to the Critical Mass cyclists as being engaged in an illegal demonstration. That was not the charge, that was not the case, and here he's refusing to investigate further, and yet he says that in his report.

I provide the excerpts from The Law Enforcement Review Act, including the sections which deal with whether or not the commissioner may proceed where a criminal charge is involved and some correspondence with the LERA commissioner and with the Minister of Justice regarding the failure of LERA to deal with these matters, and concluding with a March 18th letter from the LERA commissioner, which really reveals his complete misunderstanding of the matter, in which he states he has no authority over complaints against police of a criminal nature, which is not the case here. We have complaints against police of a matter which is within the LERA complaints list which are in the legislation for non-criminal offences or misconduct, a long list of matters which are of great concern to citizens in our community and which no one will investigate.

Finally, I have included some e-mails with the deputy chief of police in which I was asking someone at City Hall to take responsibility for intervening with the manner in which the police were dealing with what was essentially an expression of a political opinion. This was essentially taking the

pos—the colour of political oppression, the behaviour of the police department in dealing with the cyclists, and response to the deputy chief was to suggest that I should, of course, await the workings of the legal process and not jump to any conclusions as to what the police were doing, and I should know better.

And I've included with a letter three years later regarding two of the police officers who were involved who were witnesses to this particular case with the cyclist and who in fact are facing criminal charges as we speak with regard to the falsification of evidence and indeed attempted murder. Perhaps, if the deputy chief of police could be bothered to investigate complaints back in 2006, those police officers might not have run afoul of the law as they appear to or have alleged to have done more recently.

I do think it's very important that this bill be passed, but I would urge the minister and the members of the, the committee and House to deal with the second part and deal with it soon, perhaps through the vehicle of the Manitoba Police Commission initially because it is a whole area which is of great concern to the community and which is not being dealt with within the city of Winnipeg in satisfactory manner.

And that is why I believe when City Council considered the matter of the appointment of a new police advisory board some, I think, 30 community organizations appeared, all of which asked the City Council to adopt an organization with some teeth and City Council ignored them entirely. There is a demand on the part of the community for better action than we've seen so far. Thank you.

Mr. Chairperson: Thank you very much for your presentation, Mr. Sanders.

Questions for the presenter?

Mr. Goertzen: Well, thank you, Mr. Sanders, for your presentation.

A couple of things. Obviously, we deal with the situation in other, in other areas as well when we have an inquiry that's, that's slated criminal charges and, and the operations to the court happen before the inquiry is slated to go for, for a lot of different reasons.

And that might speak to the slowness of our court process, and that's probably a whole different discussion and everybody would have their ideas on how to address that. But, in this case, you're either

talking about changing the police act or changing how LERA operates, and I'm guessing that you're looking to change the police act and have some of the issues come under the new police act in terms of non-criminal matters. But have you looked at other jurisdictions to see how they would deal with a similar case that you're involved with, whether or not there'd be that same delay, or if they have a different process that they go through that would move things more quickly.

Mr. Sanders: Mr. Chair, I haven't myself examined the various arrangements across the country, although one of the presenters following me, I believe his organization has done that and can help you with it. The—my point really is that the police act, as far as it goes, is fine, but it actually doesn't deal with the question of non-criminal offences and it's, it's a long list of them if you look through them, behaviour which is—the police service themselves will certainly say is unacceptable, and yet if somebody wishes to complain about them there's no place to go. And I believe it's necessary that an arrangement's been made to have it happen.

The Winnipeg Police Service—there is a bylaw of City Council which sets up considerable detail how minor or major service defaults, they refer to them, are to be investigated by the police department and dealt with. It is not known to the public. None of my clients were aware of that process and, had they gone there, they would've been rejected at LERA and, having gone to LERA, they were certainly told they couldn't come to the city. It's been a catch-22 which leaves the citizens with their needs not met, so.

Mr. Chomiak: Thanks for the comments. I can't speak to most of the specifics you've raised for obvious reasons. I think the act that we've put together is a, is a good balance and, and a very good model for dealing with criminal matters, and I think it's probably the most extensive. I also think we've made improvements to LERA in terms of staffing that have dealt with the, with some of the concerns.

Thanks for the presentation.

Mr. Graydon: Thank you for your presentation. There's—I just need a bit of clarification. If, if I understood right, you, you are in favour of the City of Winnipeg establishing a police board, and that board would then recommend an annual budget for the police service, and that allocate the funds that the City Council decides to provide, and when it establishes a total annual budget, then the police

service will decide where it's spent. Is that, is that what you've said in your presentation?

Mr. Sanders: Except for the last point that, once City Council determines that the—once the City of Winnipeg council determines that the police budget should be \$200 million, or whatever it is for the year, then the allocation of that \$200 million among many services and requirements of the police department would then be finalized by the police board. So the board, for example, might have recommended \$250 million worth of things which they think they'd like to do. City Council, in its wisdom, may have said, well, but all we can afford—or taxpayers can afford—this year is 200 million, and we've heard you and we understand your reasoning, but that's it. Well, then the final decision as to the priorities of the community for the use of those 200 million would be determined by the board.

So there would be significant power and authority on the part of the board, which was—have, I think, half—could be potentially half councillors and other members of the public, but which would have the final decision on the allocation, as between community policing or new vehicles or new technology or more training or whatever the priorities would be within the community. So with the—that last point though, the final decision would be the board not the service.

Mr. Graydon: Do you see that there, there could be some disconnect between the council and the board, as the council is responsible—directly responsible—to the community, and the board doesn't have that same connect? Can you see some friction developing when the budget is not—or, or the, the direction of the council is not being exerted by the board?

* (19:20)

Mr. Sanders: Well, we are talking a situation where there would be a division of authority and responsibility between the council for the overall budget and the, the police board for the allocation within it. That kind of—you refer to it as a disconnect—the kind of sharing of power among boards or senior executives or committees is not unusual. It requires communication. It requires some diplomatic skills and deft and requires the ability to resolve conflicts, but in the absence of doing that, then the role of the board in making recommendation which then, being ignored entirely, would seriously diminish the power and authority of the board to fulfill its duties to ensure that the priorities of the community are, are represented.

Now I appreciate that council was elected to represent the community, and it's proposed that this board would include representatives appointed by the Province as well as representatives appointed by City Council. So you already have a variety of interests there, and, in any case, all parties are responsible to ensure that the objectives of the legislation which governs them is followed too. There are competing interests, competing objectives and priorities, and, and, people are accustomed to having to work through that. And there is, I think, perhaps, some wisdom in the police commission having a particular role in the education, training and establishing of rules of procedure and ethical conduct for the police boards in order to provide for some—to be of assistance to the boards as they're developed across the province—or those that are developed at any rate—in order that they operate effectively. I think it can work. It certainly works for our delegated boards and commissions in the province and federally and within the municipality. The municipalities have all sorts of parks and recreation commissions and library boards, and, and it works.

Mr. Chairperson: Thank you very much for your presentation, Mr. Sanders.

We're out of time, Mr. Lam—well, well past now. *[interjection]* Do we have leave of the committee, then, to allow a further question?

An Honourable Member: Yes.

Mr. Chairperson: Okay, Mr. Lamoureux.

Mr. Lamoureux: Very quickly, in the ideal world, you mentioned 13 is the size of the board you would like to see. How would you see the makeup of it and who would actually make the appointments, in the ideal world, from your opinion?

Mr. Sanders: I didn't suggest a particular makeup. The act is suggesting that a minimum number appointed by the Province of two or three—two, I guess. Perhaps there could be more. This is a delegated responsibility from the provincial government and the, and the balance required by council. There is—and it wasn't in my presentation, but I'll underline it for the benefit of those to follow—that there is specific recognition of the importance of having First Nations representation on the police commission. If it applies there, it certainly applies in the city of Winnipeg. I wouldn't suggest coming out with a particular mix, but the principle of diversity being recognized, whether it's ethnically or by age or by geography, there are, you know, a variety of

reasons why I think that we would want to have the ability to appoint a larger number of people, both the Province and the City Council. Whether it's the size of the Board of Governors of the University of Manitoba or the Hydro board or something, a, a larger group to ensure that important interests have a voice and are seen to have a voice by the community, because that's particularly important in this case, that the community have confidence in this.

Mr. Chairperson: Thank you very much, Mr. Sanders.

Next presenter we have on our list is Tom Simms, Community Education Development Association.

Good evening, sir. Please come forward. Do you have a written presentation, sir?

Mr. Tom Simms (Community Education Development Association): Well, it's a prop, not really a presentation, but here we go.

Mr. Chairperson: Give us a moment and then we'll distribute it to committee members.

Mr. Simms: Yes.

Mr. Chairperson: Please proceed, Mr. Simms.

Mr. Simms: Good evening. Thank you for providing us with the opportunity to speak before you this evening. I'd like to do three things tonight. I'd like to—the first thing I'd like to do, I'd like to talk about the principle of independence and accountability. The second thing I'd like to do is talk about the principle of minority rights, and the third thing I'd like to do is make some recommendations regarding Bill 16.

In terms of the principle of independence and accountability, Manitoba is one of the only provinces in Canada that does not have legislation around civilian oversight of, of police. Definitely, in terms of the big cities, Winnipeg is one of the only cities that doesn't have that kind of provision. We're out of step with the rest of the country so I really commend the Province for bringing Manitoba in step with the rest of the country. This isn't something that's coming from the lunatic fringe. This is something that the rest of Canada has done for a long time and that Manitoba's been behind the times. So I really appreciate the provincial government taking leadership to getting us back in line and in step with the rest of Canada.

One of the things we did last June is we brought in people from the rest of Canada to talk about civilian government, the governance, best practices, and one of the people we brought in was Andrew Graham, who is with the School of Policy Studies at Queen's University, and he's done a lot of research for the national association of Canadian police boards around what is the best practices around civilian governance, police governance, and I'll talk about some of the things that he said there.

The other person we brought in was Ian Wilms who is the president of the Canadian Association of Police Boards. At the time, he was the president of the Calgary police board. Ian Wilms was vice-president of IBM and vice-president of the Calgary Chamber of Commerce, and Ian was a very strong advocate around the whole, the importance of civilian oversight of the police, and in Alberta they actually have nine people in Calgary, would have nine people on their police board: seven are citizens and two are elected politicians. They really believe that there needs to be a strong voice of citizens around the governance of police.

Just my little props here, these were some of the presentations that were done. We also had people from the Saskatoon police board, the Aboriginal representative from the Saskatoon police board. We also had out at the event, we had, locally here, Rick Linden, who's with the University of Manitoba, who's done a lot of work on the issue of police governance and things like that.

So we're looking at what are best practices. And the biggest thing we learned, I talk about this principle of independence and accountability. The police are not like any other bureaucratic mechanism that's around. They can take away our civil rights and so it's really important that they have independence, that they are not interfered with politically, that they're able to operate independently, and it's really important that they be held accountable. So that's why the principle of independence and accountability is critical when we're looking at the governance of the police services and that's why all across Canada, they have civilian police boards or commissions to play that role of ensuring independence, that there's not undue political interference, and ensuring accountability. So it isn't just something that's pulled out of a hat. It's been a practice across the country for many years, and I'm very pleased to see that Manitoba will be getting back into line with the rest of Canada.

The second thing I wanted to talk about is the issue of minority rights, and I appreciated the minister's comments that if it were left up to the local councils on a voluntary basis, there would be no police boards, and I can speak from experience. We've been part, and there'll be a presentation after me, the Inner City Safety Coalition, a coalition of 30 inner city, Aboriginal, newcomer, community organizations, worked to try and get a civilian police board set up with the City of Winnipeg.

The City of Winnipeg wanted to set up an advisory board, not a decision-making board. They held a public meeting in July of 2007. They said all the citizens of Winnipeg, come out to this public meeting and tell us what you think about our advisory board. Well, there were over 30 delegations that came out from the inner city, from Aboriginals' organizations, from newcomer organizations, from organizations like the Manitoba association of rights, human rights and liberties, association of rights and liberties, and they unanimously, unanimously said, we reject this advisory committee. We want a governance mechanism that has decision-making authority.

* (19:30)

In September, City Council held a vote on whether they'd set up a police advisory committee or a governance mechanism. And, and the mayor likes to talk about how—well, he's never got many faxes or e-mails about issues. Well, they held a public meeting. They asked anyone in Winnipeg to come out. All the groups unanimously said that they wanted to have a governance, not advisory, role. The vote at City Hall was 9-7 to oppose the establishment of a governance decision-making role, rather an advisory role. And I, I go through this story to reinforce the minister's point, is that if it was left up to the councils, they don't want to do it.

And when I talk about the issue minority rights, you had—one of the concerns we have is that, particularly Aboriginal people are overrepresented in their interaction with the police and justice system and underrepresented in decision-making roles within the police and justice system. And we think that, potentially, things like a police board that looks at governance can begin to redress some of those power relations. And those power relations were replicated in that vote, in terms of you had white, male, suburban city councillors saying, father knows best, and that we're going to give you an advisory board, not a governance board.

And that's why I appeal to the provincial government to act on the principle of protecting minority rights because this City Council does not. They hold a public meeting, unanimous consent amongst people from the inner city, amongst Aboriginal people that came out to make presentations that evening, that it needed to be decision making, not advisory, and because of the structure of City Council, which is a majority council is suburban council-seats, that there's a structural problem there to protect minority rights. There is no one from Linden Woods coming out in July to talk about policing, 'cause the issues around policing are most affected in the inner city. Most people in the inner city have more interaction with the police.

So, I appeal to the Province, I appeal to you to look at the principle of protecting minority rights in this situation. And so I guess that's why I get to the recommendations around the police services—The Police Services Act, and the one is section 9, which talks about the membership of the, the police board for Winnipeg. And I guess the other thing I would argue, just before I get into that, is that I appreciate that this is a mandatory piece of legislation that you're talking about for police boards, 'cause I just demonstrated to you, we took all the efforts in the community to get voluntary compliance and we couldn't get it. And if you say to the City of Winnipeg, you know, why don't you have some voluntary discretion how you wanna go on this police board, we know what they're gonna to do, and it's not acceptable.

So I'm getting, in terms of the, the police board, the size of the police board, section 9—or pardon me, section 30, clause 3, it's saying in the case of the City of Winnipeg, two members of the police board will be appointed by the Province and the other members to be appointed by City Council. So that means five members of the commission will be appointed by City Council. We implore the Province to look at the principle of protecting minority rights. We would propose that the make-up of the appointing body—'cause there needs to be checks and balances. And it isn't just looking at this City Council or this provincial government; this is legislation for the long term. This is good public policy that we wanna talk about.

We would—I—CEDA would recommend that there be three appointments by City Council. There would be three appointments by the provincial government and that one appointment would be jointly made by the, the City Council and the

Province. And we think that in the long term, that we're gonna be able to have better checks and balances in terms of the appointment process. If it goes the way it is going right now with the City appointing five and the Province appointing two, we got—we have real concerns around the checks and balances that we need to be in place there.

The other concern around the whole issue of section 30 is section 30, clause 4, number of council members and employees: No more than half the members of the police board will be made up of council members or employees of the municipality.

What concerns me about that clause is the loose wording of it. The potential there means that the mayor could be a part of the police board. And part of the best practice research is—in the conference that we held, had major concerns about legislation that includes the mayor on the police board. Because the principle of independence from political interference and accountability is not maintained when we have that kind of ability there. And I want to bring it to my prop. This is Ian Wilms. This guy is vice-president of the Calgary Chamber of Commerce, vice-president of the, of the IBM, has major concerns about the role of the mayor playing a role in terms of being on the commission. So we would urge you to be more specific about that, that it's council members, in terms of councillors, other legislation has.

The last piece I wanted to talk about is, in your section for the provincial police commission, you outlined that there needs to be one First Nation representative and one other Aboriginal representative on the provincial police commission, and you say that the police commission needs to reflect the gender and racial diversity of the province. We think that's important that you've done that, and the inner city coalition has asked that that be more spelled out in the legislation. What we're concerned about, from CEDA's point of view is that same kind of direction needs to be provided in the City of Winnipeg police board.

And, once again, we want to look at the issue of minority rights, the principle of minority rights, that we are not looking at specific situations here. We're talking about good public policy. We don't want it that, oh, well, maybe, there'll be a council that thinks that it's important to have an Aboriginal First Nations voice on the police board. We want that embedded in legislation. We don't want it to be left up to, maybe, the good will or preference of a board. It needs to be in legislation.

So those would be the recommendations that we would make, and we urge the provincial government to look at that principle of protecting minority rights because, in our work, to date, in the community, in working with this City Council, that isn't a principle that is honoured and we are asking that the province play that role, and we think that it's an important role to play. Thank you.

Mr. Chairperson: Thank you very much for presentation, Mr. Simms.

Questions for the presenter?

Mr. Goertzen: Thank you, Mr. Simms, for your presentation. I recognize that the majority of your comments were directed to the scenario of Winnipeg and the experience that you've had with the City of Winnipeg, although, you did speak in more general terms about the need for mandatory police boards, and you've heard some of the presentations already tonight from smaller communities who, who feel differently. And I'll point out to, to the community of Ste. Anne, because I live near to the community of Ste. Anne, and there would be residents who would speak as passionately as you did tonight for the opposite, to not have police boards, because their experience has been completely different from what you're describing. They're exactly on the opposite side. They're saying that the police boards had—made it political and made it political interference, and so they've got a diametrically opposed position from what you did and with the same sort of passionate discussion.

I guess the question I have is your presentation, I would love to see the entire presentation that was given by Queen's University, but was there discussion or analysis in this presentation or in this report on various sizes of cities and their experiences with police boards, or was it simply looking at metropolis areas that would be equivalent to the city of Winnipeg?

Floor Comment: Well, I would encourage you to go on the Web site—

Mr. Chairperson: Mr. Simms.

Mr. Simms: —the Canadian Association of Police Boards. They're not just big city representatives there. There are police boards from all across Canada. They'll have more detailed information there. And this fellow, Andrew Graham, was hired by them to look at best practices of governance, and what they've come across from, and part of it was

listening all across Canada, so we thought that was important things to learn.

* (19:40)

Was this issue of depoliticizing the oversight of the police? And I'll give you an example in Winnipeg that really is something that we need to get a more arm's-length approach there. I mean, No. 1, it was, I think, in the fall of 2007, the mayor brought in Rudy Giuliani to talk about how we should do policing in our city and now that just isn't a value-free orientation that's coming forward from our—the ex-mayor of the New York. There's a—there's a certain value approach that was being promoted by the mayor in how policing should be done in the city.

And the specific example I'll give you is: We've been working very hard to get school resource officers in local schools, and the previous police chief, Jack Ewatski, chose to take a political route in dealing with that issue. He's in charge of 1,300 police officers. We were asking for five to set up school resource officers in the inner city, and the, and, and the, and, and the police chief said, no, you've got to go to City Council to see if you can get a resource like that. City Council decided they would support school resource officers if the local neighbourhoods put up some money, if the school division put some money, and the, the—basically, the, the, the police don't put up any money. So this rent-a-cop mentality—and which, I, you know, I understand for Blue Bomber games or rock concerts, you know, fee-for-service for cops makes sense, but in inner city—prevention-orientated police approach that's taken money out of inner city Neighbourhoods Alive! funds—as an organization, CEDA—I'm cuttin' a cheque to the police to put in prevention-orientated police services in the inner city. We find that unacceptable.

So we went to the new police chief when he came in, because when he was in the North End he was a big supporter of school resource officers. When he worked for the Province, big supporter of school resource officers. So, quietly, we went in with the superintendent of the Winnipeg School Division and members of development corporations, and we said: look, you have been a big supporter of school resource officers. You have 1,400 police officers. Winnipeg has the highest per capita number of police than any large city in Canada. Calgary, Edmonton, Regina, Saskatoon, Vancouver have been running these school resource officer programs for 25 years now. Why don't you take leadership and use five of

your 1,400 staff and have the police run the school resource officers, not taking them out of inner city funds for drop-in centres or schools that need to be paying for educational resources, and his comment was, he says: um, I've got political direction on how to handle that issue.

I think that that's unacceptable that we hire a police chief to be in charge of 1,400 officers and five police services are being micromanaged by the mayor and the majority of City Council. I don't think—why do you hire a police chief if he's got the expertise to do things?

So I think that we've seen a number of cases of political interference in running a large police service and that this issue of independence and accountability is best maintained through having a, a, a police board.

An Honourable Member: I've got a comment; it's not a question. It's short.

Mr. Chairperson: Mr. Goertzen, we're running out of time.

Mr. Goertzen: Very short. You made the point about a large urban centre, and I, I have looked at the Web sites and I've looked for studies that, that look between the difference of smaller municipal police forces and large municipal police forces and their experiences with boards, and there's, there's a scant amount of information out there. If you find something like that, I'd be happy, I'd, I, I would be grateful if you'd send it along to me. I'd like to see the, the difference of their experiences. Just a comment.

Mr. Chairperson: Mr. Simms?

Mr. Lamoureux.

Mr. Lamoureux: Just briefly, and I'm looking for your personal opinion, Mr. Simms, on this issue. You, you emphasize the importance of the minority—having Aboriginal represented—representation.

What do you think of the idea that, that there is a position that is designated for that spot, but the appointment would be subjected to getting approval from, let's say, MKO, or the Métis federation prior to that appointment being approved. What would your opinion be of that?

Mr. Simms: Yeah, no, I think there's a range of things that need to be thought through around that, but I, I think one of the things we've talked about in the inner city safety coalition is the principle that

Aboriginal people are overrepresented in their interaction with the police and justice system, and underrepresented in the decision making roles in the police and justice system. So they—that, that can't be just left at a voluntary basis, and I appreciate the provincial commission has designated two spots, at a minimum, for an Aboriginal and First Nations rep, Métis rep, on that, and what we're saying, in moving forward, we're building good public policy. If it's good enough for the province to put it in for the provincial police commission, it's a must that it be put in for the city of Winnipeg. We can't just depend on the goodwill of City Council to ensure that that voice is at that decision-making level. It has to be there, and we urge the province to put that in this legislation.

Mr. Chomiak: Thanks for the presentation and all the work that's gone into it. The only suggestion I have is—one thing that hasn't come up is the police cadet portion of the legislation. I actually, personally think that that's probably the most significant difference maker in this entire act because I think the potential of having a police force that reflects the diversity of the population can be greatly enhanced by virtue of the cadet program that would see, give opportunities and jobs and flexibility for people to become police officers because, frankly, the—when the reflection of the police and the population is more in ratio, I think that we'll see significant improvement. I just want to point that out because I—withstanding all of the issues of governance and all of the issues of principle and all of the issues at the end of the day, on the ground, I think people shouldn't underestimate the impact of the police cadet program.

Mr. Simms: I don't think there's—I agree with you. There isn't one silver bullet. There's many things that need to happen, and as you've talked in the past, Minister, that it's—to change things around in our community, it isn't about policing, it's about a whole bunch of other things that need to be done, but under—one of the key foundations of those other things is how we go about doing it, and one of those things is how we redistribute power relations in our community, and it's not enough to be an adviser or a service recipient. People need to be sitting at the decision-making table around a whole range of issues and definitely around the issue of policing.

We need to be asking our question, questions at the highest level of decision making, whether it be at the governance level or within the hierarchy of the Winnipeg Police Services who's included and why,

who's excluded and why, and what are the barriers. So I would argue that the issue of who's sitting at the highest level of decision making is critical if we're looking at issues that are systemic, that issues like the cadet program can be policies that are strengthened, but people need to be sitting at the highest level of decision making, and it can't be just by good will, and we recognise the province has put that in, in terms of provincial police commission.

We would urge the province to use those very principles that they acknowledge province-wide to be at a minimum, and I live in Winnipeg, I can't comment on what's going on in the rest of Manitoba, but to embed those principles and those designations in the City of Winnipeg, we just can't rely on the good will of politicians on Main Street to make sure that those, that committee is representative of all the voices, as a time to bring in legislation, which you are doing right now, is the opportune time to use the principles that you already have in part of the act for the province to say that those same principles are important for the City of Winnipeg.

So I agree with you about the cadet program. We also need to see that people are in at the decision-making level of how we make change in our community, and we can't leave that up to chance. It needs to be legislated.

Mr. Chairperson: Thank you very much for your presentation, Mr. Simms.

Mr. Simms: Thank you.

Mr. Chairperson: Next presenters we have on the list are Allan Wise and Diane Roussin. It's my understanding that they wish to make a joint presentation. Is it the will of the committee to allow a joint presentation?

Some Honourable Members: Agreed.

Mr. Chairperson: Agreed.

Good evening, do you have a written presentation?

Ms. Diane Roussin (Inner City Safety Coalition): We do.

* (19:50)

Mr. Chairperson: Give us a moment to distribute it to committee members, and then I'll give you the signal to proceed. I hope I pronounced your name correctly.

Ms. Roussin: Roussin.

Mr. Chairperson: Roussin. Thank you. Please proceed, Ms. Roussin.

Ms. Roussin: Good evening, and so my name is Diane Roussin and I'm speaking here today on behalf of the Inner City Safety Coalition and I'm going to talk a little bit about who the coalition is. I think you've heard a number of presentations tonight from the perspective of politicians, from the perspective of police members, and so the coalition is very much that of a community response to, to this legislation. And my colleague over here is going to talk about some specific recommendations that we have regarding the, the legislation but we're very happy to finally be here to look at this, to look at the act and to look at the proposed legislation.

The coalition itself has been around since 2006 but it's made up of many organizations that have had a long standing interest in looking at issues of safety in their respective communities and their neighbourhoods and I think that what this police commission board represents is a more structural response to that safety and to the relationship with the police.

You know we've, we've had a long go of, of trying to have an improved relationship with police services and that hasn't always gone very well and so we see this as being more proactive, 'cause as a community—as communities—we, we often can get together and organize and react to incidences and so on and so forth. And so we see this as being very much more proactive in that we can think not under stressful situations or environments and do our better thinking about what, what is better for the communities out there.

And so there are many representat—organizations that are represented on the coalition, so we were able to get 27 organizations, including a number of other coalitions to sign, or to support the, the position that we're taking here tonight and there's 14 additional organizations that are a part of the coalition that just didn't have the time to fully review. It is AGM season, and as you can imagine, everyone's racing towards June 30th here so we didn't get all the signatures, but certainly you would know many of the organizations in Winnipeg that do, that represent, you know, large groups of citizens out there. And that what's central to a lot of our organizations is that there is community voice in many systems that we work in and so the Justice or the police is just one of those systems that, that we think that there has to be that voice there.

So, following with what we've handed out, the Inner City Safety Coalition is a coalition of inner-city resident associations of Aboriginal and newcomer-serving organizations, of community service agencies and civil liberty groups, and we're very concerned about issues related to the governance, oversight and accountability of the municipal police services. And we're particularly concerned about the need for, for this legislation regarding the police act and that it clearly outline the mandate of a civilian police commission in our province.

Winnipeg is, is one of the only major cities in Canada that doesn't have a civilian police commission to provide oversight of its police services. The mandate of a civilian police commission is related to governance and decision-making and not simply an advisory function, such as the recently established police advisory board that was put in place by Winnipeg City Council.

So a fundamental principle of best practice—best public policy practice regarding the governance of the police services to ensure police independence from political interference while at the same time holding the police accountable through an arm's-length civilian police commission.

The recently established advisory board—advisory board doesn't address this important principle and—regarding public policy governance of the police service. So, and what you've heard already tonight, Aboriginal and racialized groups are over-represented in their interaction with police and the justice system and are underrepresented in decision-making roles in these systems.

So the coalition believes that a civilian police commission has the potential to provide a structure where we can begin to address this oppressive relationship and maybe, in addition—so, again, we were part of the process where City Council was looking at the whole notion of police commissions, police boards, and, and you know, they had the public consultations and, and we, you know, everybody came out to that and unam—unanimously said, you know, very similar things and, you know, just like you sitting here today, you know, there was 30 of us lined up back there saying the same thing over and over and over again and, and it went nowhere, you know. And then we went down to, you know, from standing committees to Executive Policy Committee to City Council and, again, unanimous presentations on this issue and still it, it didn't go

anywhere. And so, many of the groups that we represent are very marginalized from the political process. So I'm very confused when I hear presentations that talk about that, you know, the politicians are somehow better representing citizens than, than a board could. I don't personally agree with that.

I think that there's been many issues where many of our groups feel that they, they haven't been heard or represented in that political process. I think that the represent—or lack of representation that political process doesn't equal the overrepresentation of our populations in the police system or the justice system. So we really do think that structural changes are needed. We can't just rely on the good faith of police members or individuals. You know, we've tried to establish those good working relationships with the police and on a good day, it can be good, and on a bad day, we lose. So we do think it needs to be structural. And, you know, with those structures I think that we're not looking at just one piece of the system. I think we can look at many pieces of the system. I think that we're not looking at just individual police officers and individual incidences, we're looking at more fundamental policies and more fundamental principles. So, I think that, you know, you talked about the whole cadet corps and to me, you know, yes, we want to have more of our people in, working in the police service, but until that system can look at how it recruits, how, you know, retention issues, how it would—how its philosophy either resonates or doesn't resonate with the populations, you know, that the recruitment side is just going to be lacking until we can make more fundamental changes.

So I'm going to turn it over to my colleague, who is going to make some very specific recommendations about the legislation.

Mr. Chairperson: Thank you, Ms. Roussin.

Mr. Allan Wise (Inner City Safety Coalition): Good evening, all the committee members and the honourable minister.

I would like to start by drawing your attention to the last piece of the presentation or the handouts that you've received. There are four points that we had raised with the minister through the letter of February 2nd, 2009, this year, and out of those four points, two of them have been met by the proposed legislation. And I just want to start by sort of commending the government on those, especially on the point one. We had recommended that civilian

police boards to be established through legislation, and we commend the government for actually allowing this to happen, and in their proposed legislation, they are making this a mandatory process.

Also, we would like to commend the government on sort of allowing the civilian police boards to be the decision makers or the authority on governance roles and including firing and hiring of the chief of police rather than simply an advisory function, and this goes to the core of the matter in terms of having institutionalized systems that would surpass and survive personalities.

My colleague Tom Simms was mentioning the former chief of police, and that was one of the examples. You had a chief of police who did not want community policing, who was not very community minded, and now we have a chief of police that does tend to hear the community more often and want to have those connections with the community, but who knows what's going to happen next, what the next chief of police is going to bring. So, having these forms of control or oversight institutionalized through legislation is something that we commend the government for.

There are two comments on that page that you have in front of you, No. 2 and No. 3, that we had some recommendations or one recommendation on each point that we wanted to bring to your attention. The current proposed legislation talks about a model of 5-2. You have five city point–appointments on the board and two from the province. The Inner City Safety Coalition suggests that a, the model of 3-3-1 would better serve this purpose, that you have that balanced approach. You have three members appointed by the city, three members appointed by the province and one jointly sort of appointed by both bodies to give that representation and balanced approach to whatever decision the body would be making.

* (20:00)

The other one has to do with the—it's point No. 3, and it has to do with the, representation of Aboriginal groups and minority groups or racialized groups in that board. Of course, the current model for the Province or provincial side, the commission, is asking for an Aboriginal representative plus another sort of First Nations and a member that would represent either based on sort of a gender issues or racialized groups, to have that represent–representation at the provincial level. But the city—at

the city level, at the board level or at the municipal levels, that is not really clarified or according, you know, to what we have—or our understanding.

So the Inner City Safety Coalition recommends that these same provisions should be in legislation for the City of Winnipeg: at least one member of First Nations, one other Aboriginal person should be specified in the legislation for the Winnipeg police board as well as a specific provisions in the legislation should be stated to appoint members of either representing gender, gender issues or cultural diversity groups that are currently not represented in the model.

And just to make a quick comment about some of the things that we've heard in the past presentations from some of our colleagues from smaller cities, I wanna go back to our first point and, again, commend the Province for really serving democracy by, by allowing a—sort of a uniform practice to be established through this legislation that would not make a difference just based on size, based on, you know, sort of community relationships in the smaller municipalities versus bigger municipalities. Role of the governments as I understand them—and they do have a great role—is to be utilitarian: greater number of goods for the greater number of people. And another role for the government is to create that absolute minimum in law that applies to all, that uniformity, and I applaud you for that. Thank you.

Mr. Chairperson: Thank you much for your presentations.

Questions for the presenters?

Mr. Goertzen: Thank you for your presentation. Both of you, thank you for your presentation and for the work you do at the Inner City Safety Coalition. I've had some opportunity to interact with your organization, and you do very good work on a lot of different fronts.

Particular to the last point or one of the last points you made, sir, regarding the uniformity of the, of the mandatory boards. Do you have any analysis or studies on the success of, of boards in smaller municipalities where there might 1,500 or 2,000 people—just because my own experience in living in, in some of these smaller communities is that it doesn't work the way it appears to—we'd like it to work on paper. So is there any analysis you can point me to to sort of reconsider that thought?

Mr. Wise: Yes, any particular analysis I cannot point you or direct you to. However, I wanna mention that we have looked at a lot of models across Canada, and what we are looking for is a made-in-Manitoba model. So a made-in-Manitoba model should not necessarily be looking at the smaller municipalities elsewhere in Canada or even in North America to apply that model to Manitoba. We are saying this is a good start. Let's work together to come up with those models and create those models. We don't necessarily have to rely on other models. We want a made-in-Manitoba model.

Mr. Goertzen: So could a made-in-Manitoba model not take in the real experiences that people have in these smaller communities, recognizing that, that your, your, your principal focus is on, on inner city and you do a, a good job with that and I appreciate that, but the real-life experiences has been quite different, and, and a very concerned about—I think you're right. I think we do need a made-in-Manitoba model, and I don't know that uniformity makes sense because it hasn't worked. The local police boards in some of these communities that I've lived in or that I live nearby—and there hasn't been anybody yet, and there may be yet—from Winnipeg who's come and said there shouldn't be a police board in Winnipeg. But there certainly has been people from outside of Winnipeg who have very—testified to very different experiences. And I just wonder if a made-in-Manitoba model wouldn't be more flexible?

Mr. Wise: I, I would have to give you a qualified agreement on that one. Yes, a made-in-Manitoba model would look at other examples and—but it has to be specifically studied and to see if that model applies. The examples that we have heard from other colleagues from the smaller communities, mainly, or as I heard them—I don't wanna put words in their mouth—refers to the fact that, you know, you have the smaller communities, you have people who are sitting on the boards, you know, then, you know, having coffees with the—coffee with the police officers or people you arrest; you have to run into them. I mean that's a, that's a small-community mentality that exists.

One fallacy that—not fallacy, one sort of shortcoming of that argument what I heard was the fact that, you know, just because you're elected, and my colleague alluded to this, just because you're elected it doesn't mean that you're representative.

Now, in other municipalities in Manitoba, I mean, I don't know the record there, but if you look

at the city of Winnipeg, the last city election, the voter turnout was only 37 percent. A lot of these councillors were elected without even being contested, having their, sort of, wards contested. So you have the majority of them from suburban areas making judgment or rendering judgment or making decisions on policing issues in Winnipeg.

Now if you want to apply that to smaller communities, the same thing would apply. I mean, not necessarily everybody who is sitting on that board is representative of the community; that might be one option, and not necessarily everybody who is sitting on the council was elected by the majority vote. So, I—as I said, I have to give you a qualified yes or a qualified agreement. Looking into examples elsewhere definitely has its points, but, then again, with that in mind, that it has to be a made-in-Manitoba model and through experience.

Mr. Lamoureux: I was just gonna—first of all, I'm really impressed with the effort that you—organization that put forward in terms of getting all these other organizations behind the, the presentation. The question I have is something I posed a little bit earlier is that, say it's a, it's a given that there should be an Aboriginal presence on, on the boards, do you feel that there's any, any role in which some of those organizations could play in terms of the appointment of that particular individual?

Mr. Wise: I'm going to pass the mike over to my colleague on that.

Ms. Roussin: I think that definitely there's a very diverse and vibrant indigenous population here in Winnipeg, here in Manitoba, and so I think that certainly there is roles for our political Abori—you know, indigenous political groups to, to be considered with the appointment. I also think that there's a lot of service-based kinds of expertise out there that, you know, deals very much in the day-to-day lives of people, and what, you know, people's experiences or interactions with police, so I think that there's just—there's so much leadership capacity to draw upon that it's, it's, it's crazy that, that we don't. So I'm really happy to see that there's a little bit in this legislation, but we can do a lot more for sure.

Mr. Graydon: Thank you, Mr. Chairman, and I thank both of the presenters, Mr. Wise and Ms. Roussin.

I, I guess my question is you've done a considerable amount of work and there's no question when you, when you represent 27 or 30 different organizations and you've brought those—that representation here, and you've done an excellent job of it—I'm, I'm wondering when you're supporting this mandatory board—and, and I'm sure that these organizations have all supported you in that—has there been or have you had any discussions about a mandatory board outside the city of Winnipeg?

Ms. Roussin: No, not outside of Winnipeg. The Inner City Safety Coalition is primarily involved in issues that are in Winnipeg. But, as you probably all know and can appreciate, there are even small communities within the inner city, and so, you know, I think that when we're looking at, you know, what could happen outside of Winnipeg, you can sort of see, you know, clusters of that happening even inside of Winnipeg, and so there's definitely some principled things in the legislation that we, you know, think that would run through other jurisdictions outside of Winnipeg.

I know that I've—have a long history in rural Manitoba and the same runs true out there. Like, I don't see our people represented in city councils or in, in, in townships, you know, with aldermans or whatever, and I don't see us represented in the police forces out there either. You know, my, my people are particularly from a First Nations community and I, I think that the issues can be very much the same as far as that marginalization, as far as that underrepresentation, you know, in this political systems, yet overrepresentation in, in the justice system. So there's some definite situations where it's, it, it's the same principles that are operating, so.

* (20:10)

Mr. Chomiak: Yes, thank you for the comment. I, I, through all the comments I've had to relive agonies of hours of discussion in the office and outside of the office about, about these issues. But I, I would point out, I think we have an example in the act of a representative body outside of Winnipeg in the Dakota Ojibway Tribal Police that are, that are, that are representatives from a number of tribal councils who are the, essentially, the police board for that police service, and that seems to work pretty well.

Mr. Chairperson: Ms. Roussin, did you wish to comment?

Ms. Roussin: No.

Mr. Chairperson: Any further questions? Seeing none, thank you very much, Ms. Roussin and Mr. Wise, for your presentation this evening.

Ms. Roussin: Meegwetch.

Mr. Chairperson: For information of the committee members, I've been informed that the next presenter, Mr. Cyril Keeper, private citizen, wishes to switch places with Mr. David Chartrand from the Manitoba Métis Federation.

Is there leave of the committee to allow this switch to occur?

Some Honourable Members: Agreed.

Mr. Chairperson: Agreed.

Good evening, Mr. Chartrand. Welcome. Do you have a written presentation, sir?

Mr. David Chartrand (Manitoba Métis Federation): Yes, thank you very much, Mr. Chair. I do.

Mr. Chairperson: Just give us a moment to distribute it and then I'll give you the signal to proceed.

Please proceed, Mr. Chartrand.

Mr. Chartrand: Thank you, Mr. Chair. I want to thank the committee for allowing us to be here this evening. I was a little worried there when I was seeing my name going further down the list, and I heard a 3 o'clock issue, and I was wondering, oh, no, don't tell me that's going to happen.

Mr. Chairperson: Sorry.

Mr. Chartrand: But clearly, I think it's very fitting, in fact, for me, looking across here and seeing Riel standing there, it gives me some great pride, as a Métis, to be speaking before this committee.

I want to start off by, of course, commending the minister for your, of course, being the authority to make the decision to move forward on this, of course, along with your Cabinet and your party. I think it's truly something that's long overdue.

The bill itself, I think, will create a great change. But I'm here tonight not just to speak about the bill. I'm here to speak about some segments of the bill that, you know, I hope I don't have to ever come back to these types of things to talk about who I am and who we are as a nation, as a government.

But, firstly, this, as I said, this bill is long overdue. You know, there's been a lot of grief, a lot

of deaths, a lot of questions of anger, resentment, blame, and it still exists out there. It ain't going to go away with this bill tomorrow, but it's the start of something that's going to change. There's also a lot of hope out there, a lot of desperation, in fact, of hope that there will be a place one day that will give them justice and fairness, and I think this bill is actually going to do that, definitely to the Métis nation.

We have two outstanding issues still sitting with the police, going back to '05, the Fleury incident and, of course, the Dumas incident. We've not concluded the Fleury incident. We haven't even heard anything about the Fleury incident since '05. We have lawyers costing us money, trying to establish what took place there. And we do know, and what we've heard, is one of them is going to blow up. We don't know which one. That something definitely was wrong or something was not properly briefed.

But this evening I'm here to start off talking about the Métis government. I heard presenters and municipalities, special-interest groups, and individuals that are here today, and I do thank Cyril for his kindness to allow me to speak before him. But the Métis government has been long-standing here. As I said, I look to my right and see Riel. But it's unfortunate I have to keep on coming back to the provincial government and federal governments to keep on echoing, there is a Métis government.

We have a case going before the courts, federal court, pertaining to the Métis—the taxes, as they pertain in this country. In fact, you look at the CRT, and I think page 154, you'll see that there is such a thing called First Nation government, Métis government, right in the CRT. So it's interesting that when you look at the venue, we're—what role do we play in this process and how—and what impact will we have.

The Métis are a democratically elected province, much like you. In fact, I have a harder challenge than some of you, I got to campaign province-wide, and I got to go right across this province to get elected, not just in a riding, I got to go province-wide, right to Churchill. And it's quite a challenge, it's quite a feat, and a very costly feat.

But one of the things that we find sometimes troublesome is that when, somehow, we're not given that same respect, and what it's going to take to cause that, more court cases, I don't know. More political rallying and fighting, I don't know. I hope not.

But I turn, firstly, to the segment of your bill, and Part 2, Administration, Manitoba Police Commission. With regards to membership in the Manitoba Police Commission, subsection 9(2) make up of the commission in the proposed act states, the commission must include at least one member of the First Nation and one Aboriginal person.

Now I worked in justice for 10 years but I'm not a lawyer, but I know something about the Constitution. I know something about law, and I think any bill that comes before any legislation in this country has to reflect the very essence of what guides this country is the Constitution and the law that established from Supreme Court of Canada.

Now we look at the word Aboriginal, and the definition in the Constitution, section 35, Aboriginal means First Nation, Indian, Métis and Inuit. So when you say they're gonna put a First Nation in another Aboriginal person, in Manitoba there's three people, three of them, First Nation, Métis and Inuit. And if we abide by the law—if this is basically law that we're creating a bill, I think one of the references that we should respect the Constitution of Canada, respect the laws of this country, the courts of this country, sorry, who have made it very clear, there is a Métis nation. It does exist. There's a Métis government, does exist. But for you as a body to, in my view, discriminate against me on the premise you can recognize a First Nation but you can't recognize a Métis nation member is clear discrimination on my, on my behalf and clearly one that discriminates my entire nation.

I believe it's very clear there should be a First Nation and a Métis nation numbers that should be automatically assigned to these entities, 'cause you heard previous speakers before me, who is the most affected? Which is the one that causes the greatest impact of direct relationship with the police and the most controversial issues that relate to the police? It's the Aboriginal people and the other minority groups, but clearly the Aboriginal people by far. And the Métis people aren't treated differently than the First Nations when we come to sometimes injustices of actions.

But I think it's a simple resolution, Minister, that this change can happen very quickly and hopefully very peacefully. I think it's also important to recognize that, as we move forward from a government to government relationship, I sit with your Premier (Mr. Doer) at the constitutional discussions of this country, the First Ministers'

meetings, as a Métis government. Yet, when I come here I'm an Aboriginal person, yet First Nations are being recognized and I agree that they should be recognized. They will have the greatest impact along with us side by side.

But the cases that have been hitting the news lately have not been First Nation. They've been Métis, and they're the ones that, in fact, still have outstanding issues that have to be resolved. I heard of municipal boards. I don't think they should be escaping the aspect of the, of the policy. I think it should be reflective maybe of the population. For example, I don't have too many people in Steinbach, nor do I have them in Morden. When we start moving into the central part of my province, then you'll find Métis community after Métis community after Métis community where we have a direct impact and relationship with the municipalities. But I think clearly, at that point in time, I would like to see a Métis nominated to those civilian boards that would actually have an impact and a statement. Which better way to include our government than to give it that same respect.

When you start looking at other segments of this which I find is potential concerns 'cause I can't have the time to go through all of it, but I want to give you examples. You're asking for statistical information, and I applaud you. That's exactly what you need to do, but you haven't defined how that's gonna work. I wanna see that any statistical information that's captured defines who it is you're dealing with. Is it First Nation? Is it Métis or is it Inuit? That's the only way we'll know is that matters need to be resolved, matters how we can relate and discuss with each other how we can resolve those. But if you use the word Aboriginal, it's a blanket statement, not knowing who it is, what it is, where it is. So, clearly, I think, it's an easy fix situation.

And, also, when you look at the segment of special constables, one of the things that I want—I appreciated Glen Lewis' presentation to our government, my Minister of Justice is here, Julyda Lagimodiere and, in fact, you know her, you meet with her on a regular basis.

* (20:20)

When Glen gave us his presentation, one of the things I raised with Glen is that when you look at the special constables we, we did raise that and I see there's some segment of dealing with it. I don't know if natural resource officers are special constables or not in this category, but we do know that the

government of Manitoba have issued the right for natural resource officers to carry a sidearm, and they also have the right to carry arm in their vehicles. So when the hap—an incident happens there, what happens to that situation? Is it separate, complete, independent of this state of rules, or do they fall under some special category because I think there should be some clearances and understanding of that because, again, that's where we interact right now the most is with natural resource officers, and I hope one day that never happens, but if it does I want to make sure there's provisions that guide the rules and procedures that follow suit with that.

So, overall, I think, Minister, from our perspective, and you could read my brief here, I think the aspect of this bill is going to change our very lives and trust of our nation from the Métis nation I speak of, and I think we full-heartedly support it. You heard my position when I met with you. I believe we will support it if it has these changes. If not, then the Métis are going to be left behind again. We'll be sitting in the dark wondering what's happening inside or what's going to happen is you're going invite me to dinner, but you're not going to feed me. So I think it's hopeful. I'm hopeful that these small recommendations that we're making will be incumbent upon common sense, will prevail and, more importantly, respect in the Métis government will also prevail, and there's no doubt in my mind that the Métis nation that does exactly represent itself in this province, and there's no doubt in my mind we're going to be here for a long, long time to come.

So if this bill is here to stay, and I think it's long overdue, let's do it right. Let's set up the process of how we can be sure it's right, but let's make sure that Métis are not going to be prejudicially treated when we can fix it now and try not to fix it later. When it comes into play, legislation's passed. It's going to be like pulling out teeth to change that legislation later. So I encourage you to do it now before it gets final reading, final approval. So that's my comments.

I keep it to 10 minutes I understand I had, so I don't have my glasses on, but I'm close to it I believe. So I want to thank you for the time, and I'll close off with this: when I do meet with the Premier (Mr. Doer), I'm going to tell him, when I invite you to my home, I have coffee, I have other stuff that's available to you. I'm going to sit you for four hours, so I hope that in the future will take place, but anyways, thank you for your patience and your time. Obviously, we see there's a good—and I'll tell my people when I go out what MLAs do that are

sometimes criticized for not getting a big pay cheque and not doing nothing, well, I guess they don't see what you're actually doing late at night away from your families, trying to make change in this beautiful province. So, again, thank you very much, Mr. Chair, for the time you've given me.

Mr. Chairperson: Thank you very much, Mr. Chartrand, for your presentation.

Questions for the presenter?

Mr. Graydon: Thank you, Mr. Chartrand. Thank you for your presentation, and I certainly respect the amount of miles that you put on to be elected. I put on a number of miles in my constituency as well, and my constituency incumbents a lot of Métis people as you well know and a lot of Aboriginal people and there's, the Aboriginal people have a police force in Roseau, as you know.

Floor Comment: The First Nations, yes.

Mr. Graydon: Right. The First Nations have a, do have a police force there, and I can well attest to their, to their ability to stop people because yesterday I was questioned very thoroughly by an individual [*interjection*] but he was just looking for directions. However, as an elected individual, personally, and yourself, you heard our, the municipalities, and the municipalities that I represent, a number of them represent a lot of Métis people, and they were opposed to the board. The question that I have for you is, do you feel that a person that is appointed to a board would be more responsive than a person that's elected?

Mr. Chartrand: Yeah, on this particular issue I do because I do believe the elected body that is put in place is there to represent all the people that they're there to speak on their behalf and make decisions on, and that's the prerogative of the elections and democracy in Canada and in Manitoba, but I think what we're asking for is we're trying to separate the politics from the independence of a review so that we can actually ensure that matters that are pertaining, as there's interaction between individuals or the force, police force, whatever it's municipal or RCMP that's taking place, that there'll be a mechanism where there can be a feeling of the individuals, the families, or the peoples that there's, this is a straightforward situation. It's not based on a political meeting between the mayor or the reeve of that municipality and the chief of police in a coffee shop somewhere, that there actually is independent pretention-potential here that does exist so in what

decision comes out of it is going to be fair and equitable to all parties.

I think that's the difference on this particular venue because it's not one that actually, as you heard Minister Chomiak state, it's not one that's going to decide the fate of budgets, take away money from the municipalities. I would be opposed to that, too, if I was a municipality. But, clearly, if it gives you the, the flexibility and the freedom to know there's independence, then I don't know why we should fear it. I don't fear it. I'm a Métis government. I believe, however, the municipality states there should be some interaction of, of reporting back to each party, and I expect, hopefully, as you heard earlier speakers, hopefully somebody would report back to my Métis government what's happening and include my Métis government.

Mr. Graydon: I, I thank you for that answer, and I think one of the presenters before said that we don't see any of our people elected, and I'd like to bring to your attention that, that I am of Métis heritage. I don't go around promoting it very often, but I—

Floor comment: You should; you'd get more votes.

Mr. Graydon: I haven't had any problems by not doing it. However, and, and I do understand what you're saying, but at the same time, the board that would be appointed, as I've understood your presentation and some from the inner city, that there would be one Aboriginal or one Métis, one of each. But, still, the other ones would be, would be appointed by either the City and/or the government, and so the difference would be what?

Floor Comment: Well, I think—

Mr. Chairperson: Mr. Chartrand.

Mr. Chartrand: Yes, thank you, Mr. Chair. I keep on forgetting I have to wait for your acceptance of my presentation. So I apologize.

Mr. Chairperson: Okay.

Mr. Chartrand: I think the difference, from our perspective, is that the Métis government would like to have the opportunity to voice who that individual would be so we know, and, the trust—again, I think the—let's, let's ask ourselves the real question. What, what—where's the interaction actually taking place? The most majority of interaction of concern that arises is between Aboriginal people and the police, simple as that. There's no ifs or buts about it and the facts are there.

So what we need to do, it may take us—it took us how long to get here? It may take us a quarter century to get back to finding trust again. It may even take us longer than that. But I think the provision from our side is what we're saying is that the Métis government should be consulted. In short, as a Métis citizen there, recognizing some Métis citizen, and we can maybe submit some names for rat—ratification. I have no problem working in that kind of degree, but I want to make sure it's a Métis citizen representing my people sitting at that table so I can assure my people that we have clarity of honesty and precision on the actions and decision that's taking place.

As I reference you, Fleury's 2'05. Nothing's come down yet—2005 and, and we're now close to 2010. We're halfway there already. So there's something wrong with that, and I, I—one of the concerns that I raised at the presentation is the time. I asked Mr. Lewis, well, how long is there—is, is there going to be a set time here that this commission will have the rights to review cases? How long can they have before they come down with a decision on where the case is? Yes, there'll be annual reports, I understand, to the Legislative Assembly, but I still, I hope there was going to be provisions that would actually give them a time frame. At least they got to come down with something in the year, two years or three years, but five years?

So that's why the Métis government needs to have input. So we believe we need to build a lot of trust yet; there's a lot of trust yet to be rebuilt and there's a lot of people that still feel that the system is not fair and won't be fair until they see a balanced approach to it.

Mr. Lamoureux: Yeah, two quick questions for you, Mr. Chartrand. The first one is in regards to that clause, 9 point 2. I, for one, agree. I don't have a problem in terms of saying the First Nation and Métis and Inuit, and, hopefully, we'll, we'll see that amendment. But I want to be very clear in terms of what options you would provide for the minister. If I hear you correctly, it would be at least two members of the Aboriginal community to be appointed to the commission, or, a member from the Métis, and the First Nation. Would that—is that a fair assessment in terms of how you'd like to see that amended?

Mr. Chartrand: Again, thank you, Kevin, for the question. It's, It's—if you don't mind me calling you Kevin, Mr. Lamoureux.

* (20:30)

I think, from my perspective, there is two Aboriginal governments in this province: the Métis government and the First Nation government. No disrespect to Inuit. There's about, they say about 280 Inuit in Manitoba, actually, only. But, overall, you—I know you have two standing governments that play a pivotal role when all discussions, meetings with ministers and governments, negotiation discussions of self-government, whether it's based on treaty rights, or whether it's based on harvesting rights, you'll, you'll have these two governments that are sitting there. If we're not recognized as governments, you wouldn't be meeting with us in the first place. You wouldn't be wasting your energy or time to even give us the credence or respect to sit us at the table. So I think there's two governments. It's an easy solution: First Nation and Métis nation representatives should be at that table, 'cause we have two big governments.

Our population in Winnipeg, in fact, is the majority of Aboriginal people in, in Winnipeg. The Métis make up the majority of Aboriginal people that reside in Winnipeg. And if you start moving yourself throughout, we're definitely equal in numbers, pretty damn close to First Nation or even greater than First Nation.

Mr. Lamoureux: And finally, in regards to those designated—let's say positions, whether it's on the commission or the—or on the board. And I hope I'm saying—gonna say this right: is it fair to say that you would be very comfortable if you can't actually appoint them direct to the board, at the very least, that prior to them taking that position that they would have to be approved by an organization such as yours in the case of the Métis appointment and possibly the MKO as—in regards to the First Nations appointment?

Floor comment: Sure, I think—

Mr. Lamoureux: Do your support that?

Mr. Chairperson: Mr. Chartrand.

Mr. Chartrand: Thank you again, Mr. Chair. I have a tendency being a president myself and stepping in without waiting for the pro—proper process.

I'll give you a good example—and Minister Oswald's here—and Winnipeg health authority just recently appointed three individuals to, to the table. Minister Oswald's office contacted our office to select individuals and Métis names that we sent forward that we can confirm these are Métis citizens, part of the Métis nation and that the names were sent

forward and the name was selected. So from our perspective, I think, clearly, there's, there's means and ways of doing it. It's easy. It's very simple.

And—but, at the end of the day, clearly, we need to have a say on who that individual is, because in our view, our citizens'll be looking towards this individual for assuring that there is independence and guidance that's happening there, and we want to make sure it's a Métis citizen, not somebody coming to claim later that they're Métis ancestry and we know they're not and they're obviously not part of our community whatsoever. So, I think it's, it's very vital to understand that

And from our people, as I said, there's a lot of mistrust that out—it's out there, and it shouldn't exist. Like, the police are there to protect us and, you know, in my view, I have great respect for police officers. There's Métis police officers that, that are out there, and—but my view is that there are some in that group that just don't follow the rules. There's some that distract themselves and cause great harm to the entire outfits that are worn by—whether it's the red or the blue. No different in my community. There's people out there that cause trouble and get in trouble with the law and, and they'll always be there and so will the police and interaction of those individuals.

So what we need to do is find that balance. We gotta rid—re—remove this mistrust 'cause we need to start working with the police to combat all the drugs and crimes that are occurring in our small communities and our communities, in fact, in our city of Winnipeg. But in order to do that, that trust must be built. It does not exist right now. It does not exist because of what has happened, the hidden agendas, and the, and, and the Taman inquiry proved again, you know, what can happen when people decide to mis—misspell the truth to individuals or escape themselves from responsibility. You look at the—going back, the Fleury file for us is, is again, a very strong questionable one.

And so we're starting to find ways, try to tell our people we must trust the system. We must work with the government; we must work with the police. But we gotta work together to fight drugs and crime and all the stuff that are clearly hurting our people. But in order to do that, we need to know that we're part of it. And we're part of it, you'll get a undue hundred percent from us and we'll work very hard to make it work. But if you leave us out, you're not going to trust.

And you heard—I'll give a—I'll close off with this comment on this, on this statement. When the Winnipeg city was creating this advisory board, I had no participation in it, didn't want to partake in it, and I knew what it was already. I was not going to be a token of any institution of any body. In fact, in 2005, after the Fleury incident, we were congregating individuals from across this country to review different institutions of delivery of civil, civil participation in, in policing across Canada.

In 2005, I had two national meetings that took place in my office with different institutions that went from—even the Winnipeg police were there and they were opposed to this civil institution of, of, of parti—participation. And Brandon police were there. They seemed to be more open at the time. I, I, I heard this individual speak today, which somewhat is different than—he must have been not the chief of police that was there at the time. I can't remember who in '05 who was there. But I had individuals from Ontario government; I had 'em right, right across Canada come and did two workshops on it from, from individual across Canada.

So we saw the mistrust out there, but we also saw, and what we reported to, is that there was a growing development of trust occurring in the Aboriginal community in different parts of Canada because of that action.

So we believe it will happen here, but in order for it to happen, we got to be at the table, and if we're not at the table, then, I'm sorry to say, Mr. Minister, I cannot support your bill. I believe it will be injustice and, and, and discriminatory against my people.

Mr. Chairperson: Mr. Goertzen, please, very brief questions and responses, if you will, because we're well over our time here.

Mr. Goertzen: Right, and I don't want to be presumptuous of the committee, but I suspect there might be willingness for leave for other questions, if, if there are other questions, and so I wouldn't want to cut Mr. Cha—Chartrand short on his answers either.

First of all, I think that your point on the composition of the police commission is well taken, and I would join my friend from Inkster in suggesting that our party would support that and, not again to be presumptuous, but I suspect there might be all-party support for that. Although, you know, it might take more than tonight to, to get it right, and this bill won't pass until September at least. And so that time is there if it needs to be taken, but, but,

certainly you have support from, from two parties on that issue.

More specifically, on, on the question you have about police standards and, and data information, you suggested that it would be helpful to have information specifically on Métis, First Nation and Inuit categories. What sort of information on, on crime or policing do you not have right now that you would find to be helpful?

Mr. Chairperson: Mr. Chartrand.

Mr. Chartrand: Okay. Thank you for your question, and firstly, I want to start off by thanking you for your support and echo that to, to your leader, Mr. McFadyen. I appreciate knowing that your, your, your party will support, of course, the recognizing of the Métis nation as part of the, hopefully, part-participation of equal opportunity here.

The matter, I think, from our perspective is that in order to know who you're dealing with and how you're dealing with it, you've got to understand who you're dealing with first. And when you have this blanket or this ball of, which is Aboriginal, you really don't know, pinpointing where, where's this happening, how's this happening? What are the views and what are the key incidents of cause of effect?

When I was a probation officer years ago, one of the things we did actually do was we actually collected data. We collected data separating First Nation and Métis, and as I said, there's hardly any Inuit in this province, but we collected that data and we, we began to establish a trend that was happening. We saw that the Métis were going to, in fact, increase the amount of usage of the Manitoba Youth Centre and probably moving on to Headingley and Stony. We saw these numbers already showing us this is coming, and because we gathered statistics that tell us what was happening. But we also had ability to focus on what were the major crimes that were occurring and where.

We did a few studies in some of our communities, and, for example, I used Duck Bay. It was one of the communities selected with the study we did, and we worked in partnership with the police and we were capturing all the types of, of charges that were being laid. But when you categorize all those charges, it would mean that every man, woman and child had a, probably had a charge versus every dog, cat and bird that lived there because it was so great in numbers. But, but we all know police will

lay 10 charges, maybe, with one individual, so—but we began, again, to see the trend of what the type the crimes are and what's causing that, that, that crime.

We saw, for example, right now we know, and I—I meet quarterly with the RCMP, the director—and one of the things we're, we're trying to combat is a strategic move on how do we take on the crack and other types of drugs that are hitting our community, but we see it happening. We can see, see it coming in this constant dialogue, but what, but what he'll tell me is there's no statistical data that shows how many Métis are being charged with this offence or that offence.

Another aspect I raise with, with the Province—and, and I, I have a very good relationship with Mr. Mackintosh—is that I manage all the rural housing, for example, of, of, of the Manitoba government. It used to be federal housing, but I manage it all, right now, province wide. One of the things I'm asking for, a change to take place, for example—and, again, I'd need these statistics to back me up—is that any individual that lives in the homes that I manage, are, are charged and found guilty of a drug offence or any offence of that nature, could be evicted immediately from these homes.

I say we need to find a way to combat this and stop it in our communities, because it's getting in, it's trickling in and it's, it's causing great harm and disaster. But statistics will be the way that'll guide everybody. You'll know if it's Métis communities. You'll know where, but if it's just Aboriginal, you're going to be guessing strategically how you should invest, how you should guide the government on budgets, how you should guide the government on action plans or programs. But if you don't have that, I'm sorry to say, Mr. Goertzen, you're not going to know who you're dealing with, why or where. You are going to be guessing, but at least statistically, you'll know what you're tackling.

* (20:40)

Mr. David Faurshou (Portage la Prairie): Thank you very much, Mr. Chartrand, for your presentation this evening. Very enlightening and shows incredible in-depth knowledge of, of your community to which you're to be congratulated. The terminology that you used, Métis nation, is that terminology used in any other jurisdiction within legislation that you can enlighten the committee to so that we could make reference to, to that term?

Mr. Chartrand: Yeah, in fact we just signed—oops, sorry—we just signed a national protocol with the federal government, the Métis nation, with Mr. Strahl, and it's, it's blanket across the Métis homeland from Ontario to British Columbia. A lot of our, our self-government—government relationships are based on the principle of Métis nation and that they're all similar in our, in our jurisdiction from Ontario to British Columbia. So the aspect of Métis nation is, is not new, it's, it's standing. In fact it, it was even spoken during Mulroney's era and then it followed more suit, it kind of drifted off, and was re-bought by Paul Martin again to recognize the words: Métis nation.

Justice is opposed—not Minister Chomiak, I hope not, but justice I know in Canada has been totally opposed to the word nation, because it means you're gonna have to recognize us and deal with us from a nation to nation, which again might perceive other rights or benefits that they don't want to give us. So, but overall, Canada's ministers have openly admitted nation to nation. The premier of these provinces came to our, our assembly and said, the Métis nation.

So it's, it's said in different parts of my travels—I travel across this country a lot. I've been in politics for over 25 years, fighting for my people—so I, I make it very clear from the get-go this, this word nation, in the revenue tax act it says Métis governments, it's—so it's very clear there's a, a growing understanding finding its place. It's taken us a while to get there, let's be honest, the Métis have always been left out, and it, it's—and I gotta keep on reminding, whether it's Minister Chomiak or the Premier (Mr. Doer), that we're here and we exist. And, as I said, I was very pleased when Minister Oswald contacted my office to, to show that respect to our government to ensure that a Métis nation member was sitting on the Winnipeg Health Authority not just—it was a push for First Nation, of course, but she ensured that the Métis nation and so did Brian Postl.

So, again, clearly it's there, it's—and I can give you factual documentation if, if you want that shows that, and, and I can get it from any of our provinces across the country, but it is a recognized process. It's also said openly in the courts. The judges have made it very clear and use that language also.

Mr. Chomiak: Thank you, President Chartrand, for the, the comments. I, I can concur with—we'll, we'll find a way of, of, of recognizing Métis nation within the context. I, I don't—we'll have to design, as

the Member for Steinbach (Mr. Goertzen) said, we'll have to find a way to do it in the wording, but we'll be able to do that.

With respect to your other issues, particularly your definition and your question about peace officers and conservation officers, and I'm going to let Glen Lewis sit down with you and spend about six hours explaining it to you because we started this afternoon and we ran out of time on that issue, so it, it's, it is a little complex because of the definition of peace officer and what peace officer applies to, et cetera. So if, if you don't mind we'll get back to you on the specifics because it is a little complex to get through in terms of that. And I just want everyone to know that we're all missing tonight the departure party for our Chief Justice Ray Wyant, who is going to be replaced by an individual who is of Métis background as the chief judge of the province of Manitoba.

Floor Comment: Well, I'll tell you something interesting—

Mr. Chairperson: Mr. Chartrand.

Mr. Chartrand: I'm sorry, Mr. Chair—I'll tell you something that caught us off guard—I, I saw that in the paper and I, I hope to meet the chief judge. I've always had good relationships with chief judges in this province—but we—our land claims case was going before the courts. Justice Oliphant, of course, was listening to the case and we were about to set trial, and we've been waiting, you know, since 1985 to finally get a court date and we finally got one, and after millions of dollars of waiting, the case was about to start and the case stopped in its tracks right there and Justice Oliphant called everybody to the back, all the lawyers and, of course, I can't go, I gotta sit in, in the benches and wait, and everybody is in panic city because we thought they found a different red herring to prevent the case from going forward and drag us through another fiasco and cost us more money. He came back and he had to resign. He stepped down, not resigned as a judge, but stepped down from this case, and the reason was, is 'cause his wife and his children became new members of Manitoba Métis Federation. If I knew that, they would never have been allowed to become members last year. No, I'm just joking.

But that's, that's the part of justice. You don't—you know, people are coming late in life and declaring themselves, and we welcome with open arms because the history, it's sad to say in this coun— in this beautiful province of Manitoba which I'm so

proud of, people had to hide their identity. People had to literally hide they were Métis because if they said who they were, they were punished. And the facts and the land claims, one day we'll write a book on it and I hope everybody reads it in this room. But you will see the evidence, not made up, our archival materials that'll show you injustice, the disgrace and the inhumane action that was taken against our people because we stood up against Canada, and families had to hide. They say they could—they could say they were French; they were French. They could say they were English or, or Scottish; they went that way. But now many of them are coming forward and in—probably this judge, I'm sure, is Métis, but I'd love to do a genealogy on him to prove it. So I'll ask him that when I do see him.

Mr. Chairperson: No more questions?

Thank you, Mr. Chartrand, for your presentation.

Mr. Chartrand: Thank you very much for your time. I'm going to go eat while you guys starve. So take it easy.

Mr. Chairperson: Next presenter we have on the list is Mr. Cyril Keeper, private citizen. Good evening, Mr. Keeper. Do you have a written presentation, sir?

Mr. Cyril Keeper (Private Citizen): No, but I need some water.

Mr. Chairperson: That's fine. Please proceed.

Mr. Keeper: I don't know, you may not realize it—

Mr. Chairperson: Please proceed when you're ready, Mr. Keeper.

Mr. Keeper: You may not realize it, but it's, it's intimidating to be here, not for what you may think, but all the eyes of these former premiers looking down upon me. You know, I begin to tremble, particularly since they—each portrait seems to get bigger with each passing government. It's a good thing there isn't going to be a change of government for some time to come.

When I came in here this evening, I felt despair because I saw how few delegations there were here this evening. But when I heard the minister indicate a willingness to consider amendments, then I thought, well, maybe there is some hope here. And when I hear the references across the floor, should we say, to how things can be done, perhaps a, a bill that is worth something could be crafted.

So I have three items I'd like to mention: I'd like to mention the independent investigative unit; I'd like to mention the LERA, which is not here in legislation; and I'd like to mention the police board.

I want to start off with the in-independent investigation unit because that, to me, seems to be—to me it seems to be the critical element. Some couple years ago, two or three years ago, I started interviewing people about how they experienced their treatment by police. Now, many people, of course, have experienced this in a very positive fashion, and I do—when I phone and they come right away. That helps, as I live in the west end and sometimes we do need the police there.

But I also ran across people who feel that they are treated unfairly by the police, and some of the stories were really disturbing, and it really changed my perception. So there is a significant, perhaps, small number of people in the society who have these kinds of concerns and experiences, and they're not just Aboriginal people. They cut across the board. So that is why I am interested in the question of the independent investigation of, of police.

When I start thinking about this, and when the idea of legislation came forward and it began—began to be discussed publicly, it's—the kind of reactions I got from people were such that that I thought that the independent investigation of accusations against police is an idea whose time has come in the public mind. Now, we may end up with a situation in which the public is ahead of the, the political leaders. That isn't evident yet, but I hope that it—that, in fact, it's not true in the end.

As I read the sections of the legislation to do with independent investigation of police, I had a sinking feeling. I had a sinking feeling because as I read a couple of the clauses it seemed to suggest to me that investigators who'd be borrowed from police services, and then could go back at some point to those police services.

* (20:50)

Now I know, as I talk to people in their living rooms, that that causes them concern, that they really kind of write-off the independent investigation when they see that or see it that way. So I thought, well, how could this be improved so that people have confidence in this investigation. And I thought one of the ways that it could be improved, maybe not made perfect but at least improved, would be if there were a clause in that section of the legislation dealing with

the independent investigation unit that said that this independent investigation unit would have a permanent contingent of investigators. In other words, there would be a number of investigators, whether it's one, two, three or four, whatever is required, who would, who, who would make a career of being there and would not go back to their police forces, and therefore, would not be subject to the kind of pressures that you could well imagine could happen if you left the Winnipeg police force, came and served with the unit for a while and then went back.

Now I know this exists in Alberta, at least that's what I understand, but one of the things that an Albertan pointed out to me was the fact that, well, Alberta has more and a greater variety of major police forces than Manitoba has. So there may be some differences. But I'd suggest that, that while I certainly could live with, with former police officers, let's say, you know, being investigators, and, clearly, I'd like, as in the legislation, that civilians be able to be investigators as well, non-police officers, that is, I would feel very uncomfortable if these police officers were to be seconded, let's say, in quotation marks, that they were to come from a police force, stay there for, you know, a few months or a few years or whatever and then go back. I think that really undercuts the confidence in the concept of independent investigation.

I do think for the public it's a—it's an idea whose time has come, and one way you could amend this legislation and make it stronger and, I think, restore confidence in the public—and people who read about this and hear about this in the media—is by having some clause in there that would indicate that there would be a contingent of investigators for this agency that would be there on a permanent basis, and they wouldn't be going back to a police force. So that's, that's the independent investigation unit.

Now I want to comment, if I could, about police boards. I know the question has been raised about, about what size of community, if any, right, should have police boards, particularly since we're talking about compulsory police boards. And I'd like to suggest that what we're dealing with here is a democratic exercise. Once this question became public and people start talking about it, members of the public have reacted, and also elected officials at the municipal level as well as here.

And if you look at what has been said and what has been adopted, I mean, in the city of Winnipeg,

there has been a lobby of citizens calling for a police board in Winnipeg, and the council, the elected members, have responded to that lobby. Now not as far as the citizens wanted them to go, but have responded and created a board, an advisory board not a governing board, but they, themselves, have said we want a board in Winnipeg. So both the citizens and the elected officials in Winnipeg have said, we want a board. There's some differences in, in content, let's say. So I would suggest that making a board necessary or compulsory as opposed to optional is a good idea for Winnipeg, or could I say for any other community in Manitoba that's over 500,000.

Now, I'd suggest to you that if you looked at the other communities, you don't get the same kind of pattern of opinion or action by elected people and by citizens. So I don't want to lose the possibility of having a police commission in Winnipeg because we insist that it apply to all communities in Manitoba. We do live in a democracy, and legislation is crafted as a result of, of public reaction and public opinion and consideration by yourselves as elected officials.

So I'd ask you to consider what has happened while this question has been debated, and while—was it Churchill that said that democracy is an awful form of government except for all the other alternatives? So I'd ask you to consider that, and I want to mention briefly LERA. You don't have the legislation here, and I can understand why you don't because, what is it, 32 years since the police services act was amended. So it takes some initiative and some courage to come forward and do what you've done thus far, but there is concern in the community about LERA so I want to suggest to you a possible non-legislative improvement to LERA.

If you are on unemployment insurance and you as a citizen don't like the decision of the commission and you go there and appeal, the odds are you're gonna lose your appeal, but if you go to the community unemployed help centre, where they have staff who work on these questions of appeals on a full-time basis day in and day out, the odds are you're gonna win your appeal. So I would suggest to you that we have a community advocacy group that would work on these questions and would help citizens bring their appeals to LERA on these matters that don't fall under the independent investigation unit as a way to strengthen, since you haven't got the legislation here, and I doubt that you'll bring it forward, at least in this session, and I don't wanna bury the—what, the efforts that you've made so far I'd suggest a non-legislative solution to that matter.

Now the minister mentioned the cadets, so otherwise I wouldn't have mentioned it, but now we've, what, 1,300 police in Winnipeg? And I'm not sure exactly of how many Aboriginal police—

An Honourable Member: They say 10 percent.

Mr. Keeper: —hundred.

An Honourable Member: 10 percent.

Mr. Keeper: Ten?

An Honourable Member: Percent.

Mr. Keeper: Well, we, we need to have some sort of representation in the police force of the Aboriginal population in Winnipeg which is what, 14 percent, 20 percent, who knows. Or maybe it needs to be, if I would be too bold, you know, to say that it should represent the Aboriginal clientele of the Winnipeg police force.

Anyway, I just think that it's a good idea that you go forward and you try to find a way to increase the amount of Aboriginal people on the police force in Winnipeg; I think that's good. Personally, I think I would of done it a different way, but I think that's a matter of detail and I really wish you well and success in that effort.

So those are my comments and I'd be glad to answer any questions that you'd ask me.

Mr. Chairperson: Thank you, Mr. Keeper for your presentation.

Questions of committee members for the presenter?

Mr. Chomiak: Yes, thank you, Mr. Keeper, Cyril. I appreciate all of the points raised.

I, I don't think we envision in the independent investigation unit from both the type and the style of people we've talked to that it would be a, a unit where people would come, be seconded and then go back. That, that's not likely the—what we anticipate the, the—most of the conversation that, that I've had—*[interjection]* okay I'll be—most of the conversation I've had has indicated it would be people who are experienced and perhaps towards the latter part of their careers who wanted to go into a different form of investigation, have a lot of experience. But we'll look at that, the board representation. The LERA option, we look at that as well.

And how would you do cadets different?

Mr. Keeper: Well, first of all with regard to the independent investigative unit, I would say that I think the public—and I think I would feel more secure if you were to put that clause in the legislation indicating that they would have a permanent unit of investigators so—rather than leaving it to the whim of any particular administration.

Now how would I do cadets differently? Well, I think I would take—well, I'm just—this is dreaming, right. So I don't wanna take away at all from what you're doing because you're making an effort to increase the presence of Aboriginal people on the police force, I take it.

Well, I would simply, if I were to do it, I would simply, I would be much more direct. I would examine the qualifications that are required to get into the police force. And I would examine those—how do they relate to the job of being a police person and actually doing the job. And then I would examine the skills and qualification that the Aboriginal population has and I'd build a bridge into the police force and, you know, so—but, you know, I mean I'm not in your shoes. You know I don't have to deal with the pressures that you have to deal with, but I'd prefer a more direct approach and that's how I'd deal with that.

* (21:00)

Mr. Chomiak: Yes, thank you and actually that is the intention of the cadet program. There's actually two sections in the act: one that deals with special constables and one that deals specifically with cadets. And that and any variation on a theme I think we'll be looking at, not just for Aboriginal First Nations but also for—we've had a lot of input or a lot of suggestion from minority communities—many minority communities who come from places where the sight of a uniform is actually a very negative experience. And so, and the idea of a cadet program would specifically be bridging and, and providing—

Floor Comment: Make it a short bridge.

Mr. Chomiak: Yeah. A short bridge fast.

Floor Comment: And not just Aboriginal people but black people as well.

An Honourable Member: Yeah.

Mr. Chairperson: Mr. Goertzen?

Mr. Goertzen: Just to say thank you, Mr. Keeper, for your presentation tonight. All your comments were very helpful and thought out. I appreciate the

comments on the police boards. You said it more succinctly and eloquently than I have been trying to say it all night, and you did it in a, in a better fashion than I did. Thank you for that.

And on the investigative unit, though, that's a good point, and I appreciate the minister's assurance that the intention is to not have officers simply go back into a unit, and, and that, that gives me some comfort. I—I'm not sure of our ability to, to legislate a way of a person not to go back into a certain occupation. There might be sort of cooling-off periods that could be discussed, but, regardless, I—there is some comfort I take from, from knowing the intention and having that on the record. So thank you for those comments, and they've been appreciated.

Mr. Keeper: I wouldn't recommend saying that a person couldn't go back to something, but I would recommend offering them a career, like, putting it in the positive rather than in the negative.

Mr. Chairperson: Seeing no more questions, thank you very much, Mr. Keeper, for your presentation this evening.

Mr. Keeper: You're welcome. Oh, one final comment. I want to emphasize that I'm here as an individual, as a citizen, rather than a member of a coalition or whatever. So, thank you.

Mr. Chairperson: Thank you, Mr. Keeper.

Are there any other members of the public that are with us here this evening that have not made a presentation and wish to do so?

Seeing no further presentations, that concludes the list of presenters I have before me, and that will conclude public presentations on this bill.

We'll move to clause-by-clause consideration of the bill. During the consideration of a bill, the table of contents, the preamble, the enacting clauses and the titles are postponed until all other clauses have been considered in their proper order. Also, if there's agreement from this committee, I will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed?

Some Honourable Members: Agreed.

Mr. Chairperson: Agreed. Thank you.

We'll know proceed to clause by clause.

Does the minister responsible for Bill 16 have an opening statement?

Mr. Chomiak: No. No, Mr. Chair. I think a wide range of views have been expressed tonight that cover most of the spectrum.

Mr. Chairperson: We thank the honourable minister.

Does the critic for the official opposition have an opening statement?

Mr. Goertzen: Much to, perhaps, the minister's and my colleagues' chagrin, I would just like to say a few words. One is I think it's important to emphasize that we support the review and the new police act coming forward. It's something that, that our party as a suggestion called for for a number of years, more years than I can remember, and I'm glad that it happened.

I know it wasn't an easy task to do and so there's unanimity on that, that the act needed to be revised and so that's, that's positive. I'm pleasantly surprised that there wasn't as much comment about the composition of the investigation unit tonight as, as I might have thought there would have been some time ago. My hope is that that's a reflection in the community that, that there's a belief that having police officers or former police officers do investigations with appropriate civilian oversight through the, through the appointment of a director of the investigative unit and then having those who observed the investigative unit, that that gives confidence to that.

I know there's been some public discussion about the use of officers, current and retired officers, in investigations where there are other officers under investigation, and that that's been an issue of concern for some. The lack of comment on that tonight, again, I'm hopeful that that's an indication that people recognize that there's a special skill set that officers bring to the investigation and that the vast, vast majority of officers, I believe, approach any investigation with professionalism in the same degree of standard that they do regardless of the individual who is being investigated. So my, my hope is that that's a general consensus within the community from the lack of presenters here tonight.

My experience with, with those who are in, in the police force has been that, again, the vast majority operate at a level of professionalism that we can all take pride in and where there are shortcomings and where there are shortfalls, that

those need to be addressed, obviously, and they need to have action taken against them, and I think that generally that is the case.

The issue of the police boards we'll discuss maybe more specifically when we get to the section dealing with it when we go page by page, Mr. Chairperson, but I would like to just note that this bill won't pass until September and while the issue of police boards is imbedded in the act, so it's not one simple amendment that can root out mandatory police boards. It would take some degree of cleaning of the act to do that.

I would hope that the minister, and I think he will—I've listened carefully and with an open mind to the issues that were brought forward by municipalities outside the city of Winnipeg. There clearly are unique circumstances, and there's a unique situation in the city of Winnipeg because of its size and maybe because of the history that had brought it to the point of a police, a civilian police board at this point. But I can tell you, having lived in rural Manitoba and spoken now to many of the municipalities, not all of them, dealing with local police boards, there's tremendous concern that a situation that's operating well and a police service that's operating well and a community that appreciates and respects its police service is going to have something less than that if there's a mandatory board put into place. And it's not my job—it's not really my job to try to protect the minister from difficult situations, but I do think he's doing himself a disservice by, and taking a chance, I would say, rolling the dice in some ways, by putting in police boards into communities that are operating quite well with their police services.

And I'm concerned about—there's issues about morale that were discussed, about keeping police officers, about the functioning of the board, about the respect of the community, and that Ste. Anne is an example that I'm close to both in geography and through some connections there, and I worry that we're going to have a situation in a couple of years where there's going to be problems around these boards, and the minister might have to relook at the act at that point, and I just think that there's a better way to do it outside of the city of Winnipeg.

And I know that there's time to have those discussions. And I hope that the minister was moved by the comments here today that there can be a made-in-Manitoba solution I think that isn't a one-size-fits-all solution, recognizing the special

relationships, histories, and cultures around police boards in other smaller communities because I would hope that a situation we're trying to address in East St. Paul doesn't result in creating a situation that if not, may not be as equally as bad but simply is harmful to the community and to the policing in the long term.

So we'll go through the clause by clause, or the page by page, and my hope is that over the summer months the minister will have some thought about bettering the act. I'm glad that it's come forward, but making it stronger and more durable for the future and not imposing problems where no problems exist. So with those comments, we can go page by page, Mr. Chairperson.

Mr. Chairperson: I thank the critic for the official opposition for the opening statement.

We'll now proceed to clause by clause.

Shall clause 1 pass?

An Honourable Member: Pass.

Mr. Chomiak: Just a point of clarification on clause 1, because that's debatable, right?

I think one thing that the committee might appreciate is the act will have to be brought in by stages because the police commission is required to do a number of things in order to prepare, for example, police boards and other aspects of the act to come in. So I wanted to make that point to committee members when it defines the police commission because that attaches to two other points. Firstly, that the act has an automatic review process after five years and secondly, there is a provision in the act that says police boards shall not come into effect until six months after the implementation of the act. So, by virtue of the structure of the act and the way that it has to be brought into practice, there's a certain amount of flexibility that could be built in to the act as it proceeds and goes along.

* (21:10)

The first issue that'll have to be dealt with by the nature of the act will be the establishment of the commission, probably followed by the establishment of, quite quickly, the independent investigation unit, then followed by the implementation of the—of police boards, just by nature of the fact that police commissions will be tasked with the responsibility of providing training, qualifications, et cetera, for board members and for other aspects. So I—that might be

helpful in people's considerations as we go through the act.

Mr. Chairperson: Shall clause 1 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 1 is accordingly passed.

Shall clauses 2 through 4 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 2 through 4 are accordingly passed.

Shall clauses 5 through 9 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Mr. Lamoureux?

Mr. Lamoureux: Yeah, Mr. Chair, I just want to make sure on that—would that include then 9(2) on page 6?

An Honourable Member: Yes. Yes, it will.

Mr. Lamoureux: I would just ask the minister if it would be his intention that in third reading to bring in an amendment that would include the Métis nation?

Mr. Chomiak: Yes, I think I can agree with the Member for Inkster (Mr. Lamoureux) and, and the Member for Steinbach (Mr. Goertzen) that, that we want to have a chance to sit down and look at the appropriate wording and craft it and come back with that intention at third reading.

Mr. Goertzen: What I might ask, if the minister would indulge us, I think that there's all-party agreement on this if, if once the department and the legal staff had a chance to look at it—the proposed amendment—if he could forward to both myself and the Member for Inkster in advance of it coming to the House—I, I don't think any of us want to make this a political issue, and I think we can avoid that if there is a bit of advance notice on it.

Mr. Chomiak: Yes, and notwithstanding the rules, I think we're all agreeing that we will do that. So, yes, thank you.

Mr. Chairperson: Shall clauses 5 through 9 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 5 through 9 are accordingly passed.

Shall clauses 10 through 12 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 10 through 12 are accordingly passed.

Shall clause 13 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 13 is accordingly passed.

Shall clauses 14 through 16 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 14 through 16 are accordingly passed.

Shall clauses 17 and 18 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause—Honourable Minister?

Mr. Chomiak: Yes, again, for the edification of the, of the public, I didn't make it clear in my press conference, but the, the, the, the, the independent review committee will apply to RCMP criminal charges. So it'll apply across Manitoba.

The second point is that did we anticipate administrative agreement regardless with the, with the mounted police, with the Royal Canadian Mounted Police and all other aspects of that application. So, internal processes that might, that might deal with actions taken by internal review committees of the RCMP would apply to the civilian director of the independent review, independent review unit for clarification and notification of all criminal charges, et cetera.

I'm sure that's cleared everything up, eh?

Mr. Chairperson: Shall clauses 17 and 18 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 17 and 18 are accordingly passed.

Shall clauses 19 and 20 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 19 and 20 are accordingly passed.

Shall clauses 21 and 22 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 21 and 22 are accordingly passed.

Shall clauses 23 through 25 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 23 through 25 are accordingly passed.

Shall clauses 26 through 28 pass?

An Honourable Member: No.

Mr. Goertzen: Here is a, a place where I simply want to ins—repeat some of the comments that, that I made earlier on about our objection to the mandatory police boards in every municipality. And, while we will look to comprehensive amendments at, at report stage to address the issue, my hope is that, over the summer months, the, the minister will give some renewed thought to this in light of the presentations that he's heard tonight and other comments that he may have heard over the last few weeks or few months about this.

I understand what the minister is saying when he talks about the principle of police boards, but I also know that there's a practice that we have, we have to look to and there aren't—I haven't been presented with evidence about the need or the desire or the workability of police boards at every size of community and every level of policing. And in the absence of that and, and with some personal experience in—and, certainly, listening to the experience of other municipalities, I do think that this is, this is going to be a problem in the future and one that the minister or a future minister is going to have to address at some point. And so my hope is that—and to his credit, the minister in the past has, has made amendments on, on bills after presentations and I wouldn't expect him to make sweeping—and it would take some sweeping amendments—on, on the mandatory board provisions, but I do hope that over the course of the summer that he'll look at and, and rethink some of the comments that he's heard tonight.

Mr. Chomiak: I, I've—we have had considerable discussion on the, on the applicability and the merits of a, of a—the mandatory police boards and, and we have to be frank, looked at various legislative options of, of amendment to achieve different objectives.

At, at, at the end of the day, I think we're, we're generally guided by the, by the experience of police boards in the past and, and reasons for the failure of police boards, and we've tried to incorporate into the bills—into the bills specific, specific criteria in order to alleviate the concerns and the recognition that, that, that there's been failure in the past. The—so I, I, I, I think we remain firm but flexible on, on the notion and—but there—so it's, it's—it, it has been an

issue that's—that we've gone back and forth on and looked at different options on and, and tried to be persuaded on all sides of the issue and, in the end we—in the end we've still maintained the mandatory nature of boards, recognizing you're going from communities that have a police force of a, a, you know—I'll put it on the record—of, of 1,400 to a community that has a police force of one and a police force of two. But within that, within that spectrum there, there is some principles of governance that—and that, perhaps, can be adapted better than we have in the bill. Because we have made adaptations in the bill to recognize one size doesn't fit all. So that's a long way of a, of a recognizing that our firm but flexible position will continue into a, into a third reading.

Mr. Chairperson: Shall clauses 26 through 28 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 26 to twen—through 28 are accordingly passed.

Shall clause 29 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 29 is accordingly passed.

Shall clauses 30 and 31 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 30 and 31 are accordingly passed.

Shall clauses 32 through 34 pass?

Honourable Minister?

Mr. Chomiak: Never mind, Mr. Chair.

Mr. Chairperson: Shall clauses 32 through 34 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 32 through 34 are accordingly passed.

Shall clauses 35 through 40 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 35 through 40 are accordingly passed.

Shall clause 41 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 41 is accordingly passed.

Shall clauses 42 and 43 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 42 and 43 are accordingly passed.

Shall clause 44 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 44 is accordingly passed.

Shall clauses 45 through—and—through 47 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 45 through 47 are accordingly passed.

Shall clause 48 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 48 is accordingly passed.

Shall clauses 49 and 50 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 49 and 50 are accordingly passed.

Shall clauses 50 through 53 pass?

* (21:20)

Some Honourable Members: Pass.

Mr. Chairperson: Oh, pardon me. Shall clauses 51 through 53 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 51 through 53 are accordingly passed.

Shall clauses 54 and 55 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 54 and 55 are accordingly passed.

Shall clauses 56 through 59 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 56 through 59 are accordingly passed.

Shall clauses 60 through 64 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 60 through 64 are accordingly passed.

Shall clause 65 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 65 is accordingly passed.

Shall clauses 66 and 67 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 66 and 67 are accordingly passed.

Shall Clause 68 pass?

Mr. Chomiak: I move that clause 68 of the bill be amended by renumbering it as clause 68, sub 1 and adding the following as clause 68, sub 2: title, Independent prosecutor from outside Manitoba, 68, sub 2, the independent prosecutor appointed under subsection 1 must reside outside of Manitoba, (a) if the information laid against the police officer relates to the death of a person, or—I'm correcting myself—if the information laid against the police officer alleges that the officer caused the death of a person, or (b) in other prescribed circumstances.

Mr. Chairperson: It has been moved by the honourable minister that clause 68 of the bill be amended by renumbering it as clause 68(1) and adding the following as clause 68(2): Independent prosecutor from outside Manitoba, 68(2) The independent prosecutor appointed under subsection 1 must reside outside of Manitoba, (a) if the information laid against the police officer alleges that the officer caused the death of a person, or (b) in other prescribed circumstances.

The amendment is in order.

Mr. Chomiak: I think I've given notice to the opposition critic and others that I would be bringing forward this amendment for extra clarity and independence with respect to prosecutions that are of, of, of a serious nature relating to police officers in order to assure the public of an extra check and an extra balance on independence with respect to these matters. So it's a, it's a more expensive proposition from a cost ratio, but also it clarifies for those who, who are concerned about, about the independence issue, which has been under some discussion in this province for a while. It does put an extra measure of protection on independence while, at the same time, allowing for the efficient functioning of the IIU. So, on that basis, the amendment is proposed.

Mr. Goertzen: First of all, I thank the minister and his staff for providing the amendments in advance. That is appreciated, and I think it helps in this process.

Just a question in terms of the section (b) of the, of the amendment where it talks about other prescribed circumstances other than causing, or allegedly causing the death of a person. Can the minister indicate what he might have in mind for what other prescribed circumstances might be?

Mr. Chomiak: It's actually to provide us with a, with a fail-safe attempt to look at all circumstances should the need arise, so that it will have the authority to resort to that, if an unusual circumstance arises and there is some public need or desire for additional independence, we'll be able to proceed in a different fashion.

Mr. Goertzen: And it's not as though the power didn't exist already, but this lays out that it's mandated for other prescribed circumstances, but we're not entirely sure what those will be yet. That's, that's a bit of a mind twister in some ways, but, but I, I understand why, why it's there and, and I'm not opposing it. I, I, I've—it might be nice at some point to have a, a more clear idea of, of what those circumstances might be.

Mr. Chomiak: I appreciate the, the member's understanding in that regard. We—actually, we're going through scenarios in order to find those unusual circumstances, and, as usual the case, we actually found a case in law where that would fit, and, a very unusual case, but it, it's, it's, it's the old saying of, of good cases make bad laws. So we wanted to allow ourselves the flexibility to mandate something should the need arise, but we have the guarantee of those serious—of, of those death situations that it's mandated. And it is other factors. If, if you prescribe too many offences and they all go out of province then you've gone too far, and, and so it's an attempt to provide comfort and some flexibility.

Mr. Goertzen: So they'd be prescribing regulation, presumably?

Mr. Chomiak: Yes.

Mr. Chairperson: Any further questions?

Does the committee wish to have the amendment read back?

Some Honourable Members: No.

Mr. Chairperson: Dispense?

Some Honourable Members: Dispense.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Mr. Chairperson: The amendment is accordingly passed.

Shall clause 68 as amended pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 68 as amended is accordingly passed.

Shall clauses 69 through 72 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 69 through 72 are accordingly passed.

Shall clauses 73 through 75 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 73 through 75 are accordingly passed.

Shall clauses 76 and 77 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 76 and 77 are accordingly passed.

Shall clauses 78 through 81 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 78 through 81 are accordingly passed.

Shall clause 82 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 82 is accordingly passed.

Shall clauses 83 and 84 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 83 and 84 are accordingly passed.

Shall clauses 85 and 86 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 85 and 86 are accordingly passed.

Shall clause 87 pass?

Mr. Chomiak: I have an amendment that I'd like to propose.

Mr. Chairperson: Proceed.

Mr. Chomiak: That, that clause 87 of the bill be replaced with the following title: Seniors officers association, 87(1), despite the definition of employee, in brackets, in The Labour Relations Act, if at least 50 percent of the senior officers in a police force belong to an association composed only of senior officers, the senior officers in that police service may bargain separately with their employer through that association.

Definitions: 87, sub 2, the following definitions apply in this section: association, quotation marks, means an association that has as its objectives the improvement of conditions of service and remuneration of its members, bracket, association; senior officers in, in colons—in quotations, means (a) a police officer with the rank of inspector or higher, but does not include the police chief or a deputy police chief; and (b) a civilian employed with the police service in a supervisory or confidential capacity, bracket, cadre supérieur, end of bracket.

Mr. Chairperson: It has been moved by the honourable minister that clause 87 of the bill be replaced with the following—

Dispense?

Some Honourable Members: Dispense.

Floor Comment: As printed.

Mr. Chairperson: Is it the will of the committee to have the amendment as printed?

Some Honourable Members: Agreed.

Mr. Chairperson: Agreed. Thank you.

THAT Clause 87 of the Bill be replaced with the following:

Senior officers association

87(1) Despite the definition of "employee" in The Labour Relations Act, if at least 50% of the senior officers in a police service belong to an association composed only of senior officers, the senior officers in that police service may bargain separately with their employer through that association.

Definitions

87(2) The following definitions apply in this section.

"association" means an association that has as its objectives the improvement of conditions of service and remuneration of its members. (« association »)

"senior officer" means

(a) a police officer with the rank of inspector or higher, but does not include the police chief or a deputy police chief; and

(b) a civilian employed with the police service in a supervisory or confidential capacity. (« cadre supérieur »)

Mr. Chomiak: We, we made a drafting error with respect to involvement in an association when we drafted the bill. [*inaudible*] brought to our attention in order to remedy that and to, to have existing situations continue as they exist, and not to alter those arrangements, we—we're bringing in this arrangement. So it's—we had presumed and used language from a previous act that in the context of this act didn't apply, but the, the effect of this amendment is that status quo with respect to association representation will remain the same.

Mr. Chairperson: Shall clause 87 pass? As amended?

* (21:30)

An Honourable Member: Well, we have to pass the amendment.

Mr. Chairperson: Oh, pardon me, sorry, I forgot about the amendment.

Shall the amendment pass?

Some Honourable Members: Pass.

Mr. Chairperson: The amendment is accordingly passed.

Shall clause 87 as amended pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 87 as amended is accordingly passed.

Shall clause 88 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 88 is accordingly passed.

Shall clauses 89 through 91 pass?

An Honourable Member: No.

Some Honourable Members: Pass.

Mr. Goertzen: Just a comment on the section 90, the review portion. First of all I think that that's important, that there is a built-in review process for the act given the importance of it and the fact that it hasn't been reviewed for so long and, and reminded of a former boss of mine who always reminded me

that legislation often has unintended consequences and one never knows how legislation sort of rolls out and the impact of it.

So the review is important. It's in five years and so I'm not gonna presume that any of us will be here in five years. We'll leave that up to the will of the electorate but my hope, certainly, is that in whatever capacities or whatever—whoever is here in, in five years that, that the comprehensive review will obviously include all of those who are governing under a different structure with police boards, if that's how things go, and, and that there'll be an open mind to, to review at that process if things aren't going as, as compr—contemplated at this stage of our legislative lives. But I do think it's important that that review takes place. If the minister wanted to do the review sooner I wouldn't oppose that, but we'll see in terms of those discussions. But I do think that it's important that the act does have a statutory proclamation on the review.

Mr. Chomiak: Yes, thank you, Mr. Chairperson. I appreciate that comment.

We had actually discussed the, the timing of the review and specifically set it at five years on the basis that just thinking ahead in terms of the rollout of this legislation, if it's passed, if it's passed in the fall sitting one would assume that the, the police commissions would be up and running by the year-end followed by a, followed by a—some intensive work and the establishment of the IIU. And then there's a provision in the act that boards wouldn't come into place until six months after proclamation of that section of the act.

So the member could see that there's actually a built in process that in fact the police boards will not immediately take effect and there may be flexibility on third reading when we deal with this issue as to the, as to the, the impact and timing of when the implementation of the boards themselves may come into effect depending how people view, view the situation. So I, I'm only outlining that we're gonna have a process, police commission established, the independent investigation unit established six months after the proclamation of the police board provisions, the police board provision acts would come into effect.

So sitting at this point, it's, it's, it's conceivable that the police boards would not even be mandated to start for a year and a half to two years from this period right now, just projecting out. That may have some bearing on how we approach the act when we,

when we get to third reading and, and potential amendments may arise.

Mr. Chairperson: Further questions, comments? None.

Shall clauses 89 through 91 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 89 to 91 are accordingly passed.

Shall clauses 92 through 95 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 92 through 95 are accordingly passed.

Shall clauses 96 through 98 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 96 through 98 are accordingly passed.

Shall clause 99 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 99 is accordingly passed.

Shall clause 100 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 100 is accordingly passed.

Shall clauses 101 through 105 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 101 through 105 are accordingly passed.

Shall clause 106 pass?

Some Honourable Members: Pass.

Mr. Chomiak: I move that clause 106, sub 1(b) of the bill be amended by striking out this act and substituting this section.

Mr. Chairperson: It has been moved by the honourable minister that clause 106(1)(b) of the bill be amended by striking out, quotations, this act, end of quotations, and substituting in quotations: this section.

The amendment is in order.

Mr. Chomiak: That makes the point that I had mentioned earlier about the implementation of police boards contingent on the proclamation of this section of the act.

Mr. Chairperson: Any further comments?

Shall the amendment pass?

Some Honourable Members: Pass.

Mr. Chairperson: The amendment is accordingly passed.

Shall clause 106 as amended pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 106 as amended is accordingly passed.

Shall clauses 107 and 108 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 107 and 108 are accordingly passed.

Shall Clauses 109 through 112 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 109 through 112 are accordingly passed.

Shall the table of contents pass?

Some Honourable Members: Pass.

Mr. Chairperson: The table of contents is accordingly passed.

Shall the preamble pass?

Some Honourable Members: Pass.

Mr. Chairperson: The preamble is accordingly passed.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Mr. Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

Some Honourable Members: Pass.

Mr. Chairperson: The title is accordingly passed.

Shall the bill be reported—[interjection] as amended, thank you.

Agreed? The bill shall be reported as amended.

Some Honourable Members: Agreed.

Mr. Chomiak: I just want to thank the members of this committee and all of the people who did the work. Special recognition to members of the public and, in particular, the staff at Justice who don't get—who are a small but hard-working group who've done a monumental work in bringing at least to this point amendments to an 80-year-old act that at least puts us in the modern era of policing, and a lot of people spent—a few people spent a lot of time on doing this and I want to thank them publicly for that.

Mr. Goertzen: Just to echo some of the comments of the minister, I do want to also commend the staff who worked—I wouldn't guess how long you worked on this act. When I knew the legislation was coming forward, of course, because there was long lead-up and discussion about it, I've, I'm probably risking saying this, but I agree with more of it than I thought I might have. Of course, there's a couple of issues that I have, that I have an issue with, but I do want to commend the staff because I think they got it—I think they got it all right, and whatever they didn't get right, I'll blame on the minister. But they did a very good job, so congratulations.

Mr. Chairperson: Thank you. I'd like to thank all members of the committee for their work here this evening, and for the members of the department and for the staff that are supporting us here, and the hour being 9:38 p.m., committee rise.

COMMITTEE ROSE AT: 9:38 p.m.

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/index.html>