

MANITOBA WILL BE MAKING CHANGES TO *THE PROVINCIAL POLICE ACT* IN 2009.
THE PROVINCE INVITES MANITOBANS TO PROVIDE THEIR COMMENTS TO HELP
SHAPE THE NEW LAW. CONSULTATION PAPERS HAVE BEEN PREPARED TO HELP
OBTAIN THE VIEWS OF MANITOBANS ON THE MAJOR ELEMENTS OF THE NEW ACT.

Consultation Paper: Provincial Police Commission

Introduction

The Manitoba government believes civilian oversight of policing should be a cornerstone of the new legislation. This document focuses on the development of a provincial police commission made up of members of the public.

It would provide advice to the government on policing regulations, standards and emerging issues. A provincial police commission could also help train municipal police boards and maintain a list of civilians to monitor certain major police investigations.

Background

Manitoba

Manitoba had a provincial police commission until 1992. Its role was to provide civilian input and governance of policing in the province. The former commission's mandate was broad and included *Provincial Police Act* regulations, crime prevention and training. When it was abolished, most of its duties were divided amongst provincial court judges, the Law Enforcement Review Agency (LERA), and Manitoba Justice.

Other Provinces

Four provinces have police commissions to provide a form of civilian oversight of policing. Here's a summary of how they work:

	Saskatchewan	Ontario	New Brunswick	Nova Scotia
Composition	Not fewer than three commissioners appointed by the Lieutenant Governor (LG)	Members appointed by the LG, including a chair and vice-chair(s)	Members appointed by the LG, including a chair and vice-chair, appointed for terms not exceeding 10 years	Not fewer than three persons, including a chair and vice-chair, appointed by the LG for a term not exceeding 3 years with the potential for reappointment
Powers and Duties	<p>General functions:</p> <ul style="list-style-type: none"> • promote adequate and effective policing • promote the preservation of peace, crime prevention and police efficiency • promote the improvement of community-police relationships <p>Further duties and powers in the following areas:</p> <ul style="list-style-type: none"> • research studies • co-ordination of police services • Sask. Police College • audit and review police services to ensure compliance with the act • training programs • policy and procedure manual • information and statistics service • hear certain types of appeals 	<ul style="list-style-type: none"> • direct police boards to comply with standards • appoint replacement chief • conduct investigations re: municipal police matters • conduct inquiries into crime and law enforcement-related matters as directed by LG • conduct inquiries into complaints re policies or services of a police force or the conduct of a member • hear and dispose of disciplinary appeals • direct another police force to investigate an internal complaint under certain circumstances 	<ul style="list-style-type: none"> • assess the adequacy of each police force and the RCMP • assess adequacy of policing by province and municipalities • receive complaints and refer them to the appropriate body or person • characterize certain complaints • process conduct complaints or take over the processing of a conduct complaint • investigate any matter relating to any aspect of policing • establish and maintain a list of qualified investigators • conduct a hearing with respect to an investigation and report to the minister 	<ul style="list-style-type: none"> • conduct investigations and inquiries • at the direction of the minister, investigate, inquire into and report on matters related to crime, law enforcement, and the operation and administration of a police department • hold hearings related to the discharge of its functions • publish statistics respecting complaints and their resolution • hear complaints that the complaints commissioner is unable to resolve • review internal discipline complaints appealed to it by officers

Creating a Provincial Police Commission

The Manitoba government is considering establishing a provincial police commission as part of Manitoba's new police act to provide advice to the government on policing regulations, standards, and emerging issues. The commission would also provide training to local police boards and assign civilian monitors to observe investigations of police officers and major police incidents.

Tentative ideas about a new provincial police commission in Manitoba include having it:

- **consist of not less than five persons appointed by the Lieutenant Governor in Council on the advice of Cabinet**

The commission would be made up of community representatives and would include representation from First Nation and Aboriginal groups. Police chiefs and police officers could not be part of the commission.

- **provide advice on policing regulations**

Regulations are an important part of governing how police services operate. Regulations are used to address a wide range of issues, such as:

- qualifications to become a police officer
- training for police officers
- equipment used by police officers
- codes of conduct for police boards
- issues concerning the operation of the new independent investigation unit

- **provide training and support to local police boards**

It is proposed that local police boards be required under the new act to oversee their local police services. A separate background document has been prepared on police boards, available at: www.gov.mb.ca/justice/policeact/pdf/municipal_police_boards.pdf

A new provincial police commission could be responsible for approving and coordinating training for local police boards. The commission could also be responsible for developing codes of conduct for local police board members and could develop policy manuals and other support materials for local boards.

- **undertake special studies referred to it by the Minister**

The commission could undertake special studies on issues referred to it by the justice minister. This could include things like the use of new equipment that police services wish to start using.

- **oversee civilian monitors**

Revisions to *The Provincial Police Act* could include allowing civilians to monitor the investigation of certain major police incidents, such as a police shooting or the investigation of police officers for criminal conduct. Under the act, monitors could be requested to monitor a case by a civilian director of a new independent investigation unit. The commission could be responsible for maintaining a list of civilian monitors that could be used when needed. The commission could also find civilians to monitor an investigation when specific skills are needed that people on the list don't already have.

Questions

You can respond to these questions below by completing the online questionnaire at:

www.gov.mb.ca/justice/policeact/questionnaire.html

You can also download the questionnaire at:

www.gov.mb.ca/justice/policeact/pdf/questionnaire.pdf

and send it by mail, e-mail or fax.

What do you think of the role proposed for a new Manitoba Police Commission? Are the proposed responsibilities appropriate, or do you think they should be changed?

Do you have any comments on the membership of the proposed new Manitoba Police Commission?