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Manitoba Police Boards: Policy and Procedure



The Manitoba Police Commission
La Commission de police du Manitoba

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Chapter 1

Introduction

1.1 Introduction

Manitoba's *Police Services Act* (PSA) was enacted on October 8, 2009 replacing the *Provincial Police Act*. Section 26(1) of the PSA requires every municipality that operates a police service to establish and maintain a police board. Section 7 (d) mandates the Manitoba Police Commission (MPC) to arrange for the training of police board members.

This *Manitoba Police Boards: Policy and Procedure Manual* will assist boards and individual board members in their work on municipal police oversight. This manual provides policy and procedural direction on a police board's legislated obligations under The PSA, as well as policy direction on good governance best practices. This manual is divided into seven main sections:

Chapter 2.0: Roles and Responsibilities of Policing Officials and Agencies:

This chapter provides a synopsis of the roles of agencies and officials involved in policing oversight and administration in Manitoba according to the PSA.

Chapter 3.0: Police Board Governance: An Overview

This chapter covers policies and procedures concerning confidentiality, code of ethical conduct, for board members, and other requirements necessary to ensure effective operation of the police board.

Chapter 4.0: Board Meetings and Procedural Rules

This chapter covers the legal requirements for notice and frequency of meetings as well as an overview of the roles of the members of the police board.

Chapter 5.0: Administration/ Management of the Police Service

This chapter covers policies and procedure relating to strategic planning and the development of practices and procedures by the police board.

Chapter 6.0: Human Resources

This chapter highlights the important function of hiring a police chief and police officers and using the MPC created Police Chief Selection Application. The topics of creating of a job description and dealing with conduct complaints are also covered.

Chapter 7.0: Financial

This chapter provides policies and procedures for creating a budget for the police service, presenting it to council and keeping the police service accountable for its spending.

This manual is available online at www.mbpolicecom.ca.

The MPC is legally mandated to produce this manual. It is the intent of the commission to update the manual as required in consultation with Manitoba's police boards, municipal councils, municipal police services and other stakeholders.



Chapter 2

Roles and Responsibilities of Policing Officials and Agencies

Manitoba Police Board	
Subject:	Roles and Responsibilities

2.1 Role of the Minister of Justice

Under section 2 of *The Police Service Act* (PSA) the minister of justice is responsible for ensuring adequate and effective policing in the province. If the minister determines that a police service has failed to provide adequate and effective policing services or that the operation of the police service has failed to meet the requirements under the PSA or its regulations, the minister may intervene. The minister also has the ability to take any steps deemed necessary to create an adequate and effective policing service within the municipality. This includes the removal of board members, the police chief or of both.

2.2 Role of the Director of Policing

Under section 4 of the PSA, the director of policing, under the direction of the minister, is responsible for the oversight and supervision of police services in Manitoba, assessing policing requirements in Manitoba and co-ordinating policing in Manitoba. Specifically, the director has a duty to monitor and inspect the quality and standard of police services in Manitoba and to develop and promote programs to enhance professional practice and standards for police services and police boards. The director also has a role in consulting with and providing information to the minister, police chiefs, police boards and the Royal Canadian Mounted Police on matters relating to law enforcement and policing and establishing programs that promote cooperation between police services and the public.

2.3 Role of the Manitoba Police Commission

Section 7 of the PSA describes the duties of the Manitoba Police Commission (MPC). The MPC is an independent agency that provides advice to the minister on policing related regulations and standards. It is also responsible for developing a code of ethical conduct for police boards; developing a policy and procedures manual for use by all local police boards and for arranging training for local police boards.

2.4 Role of Police Board

Section 26 of the PSA states that every municipality that operates a police service must establish and maintain a police board. According to section 27 of the PSA, the purpose of the board is to provide civilian control over law enforcement, the maintenance of public peace and crime prevention in a municipality. Section 28 of the PSA describes further duties. It is the responsibility of a police board to provide administrative and strategic direction and the organization needed to provide an adequate and effective police service in a municipality. A police board will work with the police chief in the municipality to establish annual priorities and objectives for the police service, that reflect community needs and values; it will establish effective policies for the effective management of the police service. The police board is also responsible for hiring the police chief, providing

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direction and monitoring the chief's performance and ensuring she or he establishes programs and strategies that reflect the objectives established by the police board for the police service. The police board acts as a liaison between the community and the police service and has a duty to ensure that police services are delivered in a manner consistent with community needs, values and expectations.

2.5 Role of Municipal Council

A municipal council continues to have a role to play with policing and with police boards. With the exception of the member(s) of the police board, who must be appointed by the lieutenant-governor in council, under section 30(2) of the PSA, the municipal council is responsible for appointing all additional board members to the police board. Under section 37 of the PSA, council may provide reasonable remuneration to police board members who are not members of council. As per section 39(1) of the PSA, the municipality is considered the employer of the police chief and other police officers in the police service. While it is the responsibility of the police board to develop an annual budget for the police service, according to section 29(2) of the PSA it is the responsibility of council to approve the police service budget.

2.6 Role of Police Chief

Section 22(1) of the PSA states that the police chief of a municipal police service is responsible for the enforcement of law, the prevention of crime, and the preservation of the public peace in the municipality. She or he is also responsible for the management, administration and operation of the police service and the maintenance of discipline in the police service. The police chief must also ensure that the police service meets all requirements imposed by the PSA and that its police officers carry out their duties in accordance with the PSA. The police chief must also implement policies established by the police board respecting the police service.

2.7 Role of Police Officer

Section 25 of the PSA outlines the duties of police officers. Their role includes: preserving the public peace; preventing crime and offences against the laws in force in the municipality; assisting victims of crime; apprehending criminals and others who may lawfully taken into custody; executing warrants that are to be executed by peace officers, and performing related duties; laying charges and participating in prosecutions; enforcing municipal bylaws; and, performing other duties assigned by the police chief.

*** More detail can be found on the various roles and responsibilities in the various provisions of *The Police Services Act*, which has been attached as [Appendix 1](#).**

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Chapter 3

Police Board Governance: An Overview

Manitoba Police Board	
Subject:	Legislated Mandate and Main Oversight Function

3.1 Legislated Mandate and Main Oversight Function

Legislative Framework

The overarching legislated mandate for police boards is laid out in sections 21, 23(1), 26 to 29 of the PSA. Items covered under these sections include the responsibilities of a police board, specific duties of a police board, restrictions on police boards and responsibilities with regard to budgeting and allocating funds.

Policy

Duties

1. The police board must appoint a police chief for its municipal police service (See [policy 6.2 Recruiting and Hiring the Police Chief](#)).
2. Police boards may appoint police officers or delegate this responsibility to the police chief (See [policy 6.4 Hiring Police Officers](#)).
3. After consulting with the police chief, the police board must establish priorities and objectives for the police service. Community needs and values must be reflected in the policing priorities, objectives, programs and strategies (See [policy 5.1 on Strategic Planning](#)).
4. The police board must ensure police services that are delivered in a manner consistent with community needs, values and expectations and act as a liaison between the community and the police service (See [policy 3.4 on Communication](#)).
5. The police board must establish policies for the effective practice of the police service (See [policy 5.2 on Practice and Procedure](#)).
6. The police board must direct the police chief and monitor his or her performance. This includes but is not limited to ensuring the police chief establishes programs and strategies to implement the priorities and objectives established by the board for the police service (See [policy 6.3 on Conduct Complaints](#)).
7. The police board must provide the municipal council with an estimate of the costs required to operate the police service in the next fiscal year and any additional information the municipal council considers necessary to enable it to assess the financial requirements of the police service. The police board is responsible for allocating the funds that are provided to the police service under the municipal budget (See all [policies under Chapter 7.0 on Financial Management](#)). The municipal council is responsible for establishing the total budget of the police service.

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Manitoba Police Board	
Subject:	Legislated Mandate and Main Oversight Function

Restrictions

1. The police board is not entitled to any information about individual investigations or intelligence files.
2. The police board must not give orders or directions on specific operational decisions, individual investigations or the day-to-day operation of the police service.
3. The police board may not give orders to any police officer, other than the police chief and no individual board member may give an order or direction to any police officer.
4. With the exception of the police chief, the police board has no role with respect to the discipline or personal conduct of any police officer.

Procedure

1. It is the responsibility of board members to ensure they are familiar with the duties of and restrictions on police board members.
2. Police board members are also responsible for ensuring they are familiar with the policies and procedures found in other sections of this policy manual.

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Manitoba Police Board	
Subject:	The Code of Ethical Conduct for Police Board Members

3.2 The Code of Ethical Conduct for Police Board Members

Legislative Framework

Section 35(2) of the PSA requires a code of ethical conduct for police board members. An oath of office and conflict of interest policy form part of *The Code of Ethical Conduct for Police Board Members*.

Policy

Police board members must abide by *The Code of Ethical Conduct for Police Board Members* as found in [Appendix 2](#) and will sign a copy of *The Code of Ethical Conduct for Police Board Members* on a yearly basis to confirm they have read it and are familiar with its content.

Police board members must complete and sign *The Oath of Office for Police Board Members* found in [Appendix 3](#).

Police board members will abide by *The Conflict of Interest Policy for Police Board Members* found in [Appendix 4](#) and will sign a copy of *The Conflict of Interest Policy for Police Board Members* on a yearly basis to confirm they have read it and are familiar with its content.

Procedure

1. The chair of the police board must ensure that all new board members sign *The Code of Ethical Conduct for Police Board Members*, complete and sign *The Oath of Office for Police Board Members* and sign *The Conflict of Interest Policy for Police Board Members* prior to attending their first meeting.
2. The chair will ensure that all police board members re-read and sign *The Code of Ethical Conduct for Police Board Members* and *The Conflict of Interest Policy for Police Board Members* on an annual basis.
3. A signed copy of *The Code of Ethical Conduct for Police Board Members*, *The Conflict of Interest Policy for Police Board Members* and *The Oath of Office for Police Board Members* shall be kept in each police board member's personnel file.

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Manitoba Police Board	
Subject:	Confidentiality

3.3 Confidentiality

Legislative Framework

Pursuant to *The Code of Ethical Conduct for Police Board Members*, all board members shall keep confidential any information disclosed or discussed regarding the police service, its staff, operations or administration that has not been disclosed or discussed at a regular meeting of the police board.

Policy

Each police board must develop a practice for managing confidential information including information shared within private meetings.

Municipal police boards in Manitoba are subject to *The Freedom of Information and Protection of Privacy Act*. Police board members have a duty to understand key sections of this act and must avoid disclosing any verbal or written material that is meant to be confidential concerning the police service, its police officers, civilian staff or clients.

Procedure

1. Procedures for the practice are to be determined by the police board.

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Manitoba Police Board	
Subject:	Communication

3.4 Communication

Legislative Framework

Pursuant to *The Code of Ethical Conduct for Police Board Members*, no board member shall purport to speak on behalf of the board, unless she or he is authorized by the board to do so.

Having a communication plan in place, having an individual identified as the spokesperson for the board and creating practices around communication with various stakeholders are critical to good governance.

Policy

1. The police board must develop a communication plan.
2. The police board must ask the police any questions it consider necessary to ensure an adequate and effective police service is being provided.
3. The chair, or in his or her absence, the vice chair or designate shall be the official spokesperson for the municipal police board.

Procedure

Communication Plan

1. The chair of the police board shall ensure that a communication plan for the police board is developed, reviewed on an annual basis and revisited in its entirety every three years.
2. The communication plan shall give consideration to how the police board will communicate with various stakeholders who include but are not limited to the community, the media and the municipal council.

Communication about Major Issues

1. The police board shall ensure that the police chief shall takes all reasonable steps to fully inform the board about all major and critical issues that may be of concern to the community, as soon as practicable.
2. The police board will hold a private meeting to discuss critical issues affecting the Police Service. For the purpose of this policy, a critical issue is defined as a policing operation, event or organizationally significant issue for which advanced planning is required. The issue must fall outside the normal capacity of the

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Subject:	Communication

organization and requires arrangements for additional human, financial and physical resources and/or additional funding for the deficient resources.

3. All official media releases are to be provided to the police board as soon as is practicable.
4. Police board members acting in their capacity as police board members and in the performance of their official duties shall have timely access to information under the control of the police service and shall direct all requests for such information and advice related thereto to the office of the police chief.
5. The police board shall invite the police chief to attend regularly scheduled meetings of the police board.
6. The police board shall require internal mechanisms to be in place to ensure a common understanding of strategic issues and directions within the police service.

Spokesperson for the Police Board

1. The chair will be the spokesperson for the police board.
2. In the absence of the chair, the vice-chair will assume the roles and responsibilities of the chair.
3. The chair may designate another police board member to speak for the police board
4. All media inquiries and requests for interviews are to be referred to the chair or a designate.

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Manitoba Police Board	
Subject:	Liability and Indemnification

3.5 Liability and Indemnification

Legislative Framework

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

Policy

1. No action or proceeding may be brought against municipal police board members for anything done or omitted to be done, in good faith, in the exercise of their powers and duties under the PSA.
2. The municipality must protect police board members from harm or cost and agree to pay any debt, lawsuit or claim which may arise as a result of police board members exercising their powers and duties under the PSA by ensuring that police board members and the police board itself are adequately insured under the municipality's insurance policies.

Procedure

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

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Manitoba Police Board	
Subject:	Risk Management

3.6 Risk Management

Legislative Framework

Pursuant to Section 27(b) of the PSA police boards are responsible to provide the administrative direction and organization for an adequate and effective police service in the municipality.

Risk management forms part of good governance best practice. Risk management refers to the identification, assessment, and prioritization of risks followed by co-ordinated application of resources. Risk management can help minimize the effects of unfortunate events or maximize the realization of opportunities.

Policy

1. In conjunction with the police chief, each municipal police board shall undertake an annual systematic risk management audit that identifies, assesses, prioritizes and weighs the types of risks that the police service and police board may face in achieving their objectives. The police board will create a practice compelling the police chief to report any and all critical issues. For the purpose of this policy, a critical issue is defined as a policing operation, event or organizationally significant issue for which advanced planning is required. The issue must fall outside the normal capacity of the organization and requires arrangements for additional human, financial and physical resources and additional funding for the deficient resources.
2. The police board must ask the police chief any question it considers necessary to ensure that an adequate and effective police service is being provided.
3. Each police board will outline all identified risks in a risk management plan and produce a corresponding risk strategy plan. These plans will be incorporated into the strategic plan of the police service (see [policy 6.1 on Strategic Planning](#)).
4. Both the annual risk management and risk strategy plans will be kept on file by the chair of the police board.
5. The police board will conduct an ongoing review of outstanding high priority risk areas.

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Manitoba Police Board	
Subject:	Risk Management

Procedure

1. The police board will engage in an annual risk management audit, based on a scan of community issues that can involve:
 - a. advice from the police chief
 - b. public and/or stakeholder input through open meetings, focus groups or other means
 - c. input from municipal and regional officials
 - d. police board meetings
2. The police board will hold private meeting to discuss critical issues affecting the police service.
3. The police board will annually prepare a risk management plan on the risks faced by the police service and a risk strategy plan that will outline how the identified risks are to be addressed in planning, resourcing, auditing, performance tracking and policy. Both plans will be incorporated into the strategic plan of the police service.
4. The police board will annually review the police service's risk management and risk strategy plan to ensure that mitigation strategies are in place.
5. The police chief will provide the police board with regular performance reports of the identified risk mitigation strategies. These reports should verify that the assessments remain at the level identified, raising and lowering the inherent risks as deemed necessary.
6. The police board will require the police chief to provide an audit plan that assesses risks within the organization that merit an audit.
7. The police board will review any policies for which significant risks have been identified.

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Manitoba Police Board	
Subject:	Board Member Orientation and Training

3.7 Board Member Orientation and Training

Legislative Framework

Pursuant to section 4(2)(c) of the PSA, it is the duty of the director of policing to develop and promote programs to enhance professional practices and standards for police services and police boards. Pursuant to section 7(d) it is the duty of the Manitoba Police Commission to arrange for training to be provided to members of police boards and civilian monitors. Pursuant to section 36 of the PSA, every police board member must undergo training arranged by the commission.

Policy

1. Each municipal police board must ensure that all police board members have attended the orientation and training arranged by the Manitoba Police Commission.
2. Each municipal police board shall provide orientation and training on any policies and procedures specific to its own municipal police board.
3. Municipal police boards will arrange additional training for their members on an as needed basis on topics deemed of interest and importance to the municipality and that will assist police board members in fulfilling their responsibilities under the PSA.

Procedure

1. Upon appointment of a new board member, the chair of the police board shall contact the appointee and provide him or her with a copy of the PSA, the Police board member policy and procedure manual as well as a copy of any policies and procedures specific to that particular municipal police board.
2. The chair of the board shall ensure that all new board members receive an orientation and training session arranged by the Manitoba Police Commission.
3. The chair of the board shall indicate in the police board member's personnel file that he or she has received an orientation and training session arranged by the Manitoba Police Commission.
4. Police board members shall undertake any additional training provided by their municipal police board.

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Manitoba Police Board	
Subject:	Board Policy and Procedure Manual

3.8 Board Policy and Procedure Manual

Legislative Framework

Pursuant to section 35(1) of the PSA, the police board must operate in accordance with the policy and procedures manual developed by the commission for police boards.

Pursuant to section 7(c) of the PSA, the MPC is responsible for developing a policy and procedures manual for police boards.

Pursuant to *The Code of Ethical Conduct for Police Board Members*, all board members must adhere to *The Manitoba Police Board Policy and Procedures Manual*.

Policy

1. The police board must operate in accordance with *The Manitoba Police Board Policy and Procedures Manual* developed by the Manitoba Police Commission.

Procedure

1. The chair will ensure that every police board member, upon being appointed, is provided with a copy of *The Manitoba Police Board Policy and Procedure Manual*.
2. It is the responsibility of each board member to familiarize him/herself with the content of *The Manitoba Police Board Policy and Procedure Manual* and abide by the policies and procedures contained therein.

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Manitoba Police Board	
Subject:	Evaluating Police Board Effectiveness

3.9 Evaluating Police Board Effectiveness

Legislative Framework

Section 90 (not yet proclaimed) of the PSA will direct, the minister to undertake a comprehensive review of the act five years after it comes into force. This provision will include police boards.

Evaluating police board effectiveness has been identified as an important area where policy should exist and forms part of good governance practice.

Policy

1. A police board effectiveness evaluation shall be undertaken at least every three years.
2. An evaluation of board effectiveness shall include but not be limited to the following topics:
 - a. understanding of the police service's mission
 - b. governance structure
 - c. stewardship
 - d. understanding of roles and responsibilities
 - e. training
 - f. effective working relationships
 - g. leadership
 - h. meetings
 - i. relationship between the board and police chief
 - j. relationship between the board and other stakeholders (community, municipal council, Manitoba Police Commission, Manitoba Justice, media)
 - k. decision making tools
 - l. internal policy and procedure
 - m. other areas needing improvement
3. The police board will take action, as necessary and within its mandate, to address anything that is interfering with the police board being able to achieve its objectives.

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Manitoba Police Board	
Subject:	Evaluating Police Board Effectiveness

Procedure

1. The chair will initiate a comprehensive evaluation of the police board every three years or upon a major change occurring within the board structure.
2. The board may wish to have the evaluation of police board effectiveness coincide with the strategic planning cycle of the police service.
3. In years where a formal evaluation of effectiveness of the police board is not scheduled, informal evaluations should be conducted; this ongoing monitoring creates a more cohesive flow of progress throughout the course of a year, identifies issues earlier and builds confidence in the system.
4. The board will identify issues arising from these assessments and initiate an appropriate corrective action plan.

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Chapter 4

Board Meetings and Procedural Rules

Manitoba Police Board	
Subject:	Role of the Chair

4.1 Role of the Chair

Legislative Framework

Pursuant to section 32(1) of the PSA the municipal council must designate one member of the police board as chair and another as vice-chair.

Pursuant to section 32(2) of the PSA, the vice-chair has the authority of the chair when the chair is absent or unable to act, or when authorized by the chair.

Pursuant to section 33 of the PSA, a police board may determine its own practice and procedures.

Policy

1. The chair is responsible for ensuring the police board is meeting its legislative responsibilities and obligations.
2. The chair must ensure that the police board follows the PSA, policies set forward by the Manitoba Police Commission, and its own practices and procedures.
3. The chair must maintain communication with all police board members.
4. Any role bestowed upon the chair may be delegated by the chair to any member of the police board except the role of chairing a police board meeting, which must be delegated to the vice-chair.

Procedure

1. The chair of the police board is responsible for ensuring any practices or procedures established by the police board are written down in their own policy and procedure manual, if they have one, and keeping a copy of this manual available for the reference of the police board.
2. The chair may delegate his or her authority but remains accountable for its use.
3. Ongoing communication is important to ensure that the board operates as a cohesive unit, in which members are recognized and supported for their unique contributions.
4. Other key responsibilities of the chair may include creating a positive atmosphere at police board meetings, which encourages members to work harmoniously, decisively and efficiently together.

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Manitoba Police Board	
Subject:	Role of the Vice-Chair

4.2 Role of the Vice-Chair

Legislative Framework

Pursuant to section 32(1) of the PSA the municipal council must designate one member of the police board as chair and a second member as the vice-chair of the police board.

Policy

1. The vice-chair shall act on behalf of the chair when the chair is unable to assume his or her duties.
2. While presiding over a meeting of the police board, or acting during the absence of the chair, the vice-chair shall exercise all the same rights powers and authority as the chair.

Procedure

1. If the vice-chair is unable to act on behalf of the chair, a designate shall be identified.
2. See responsibilities of the chair outlined in [Policy 4.1: Role of the Chair](#).

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Manitoba Police Board	
Subject:	Role of the Board Member

4.3 Role of the Board Member

Legislative Framework

The Code of Ethical Conduct for Police Board Members provides guidelines for the conduct of board members during and outside of police board meetings.

Policy

1. Board members must assist the board to make effective and informed decisions during their term on the police board.
2. Board members must oversee and support the work of the police service.

Procedure

1. Board members shall ensure, they and their colleagues are following *The Ethical Code of Conduct for Police Board Members*.

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Manitoba Police Board	
Subject:	Practices and Procedures

4.4 Practices and Procedures

Legislative Framework

Pursuant to section 33 of the PSA a police board may determine its own practices and procedures.

Pursuant to section 35 (1) of the PSA, the police board must operate in accordance with the policy and procedures manual developed by the Manitoba Police Commission for police boards.

Policy

1. Where the PSA and the *Manitoba Police Board Policy and Procedure Manual* do not provide guidelines for a particular practice, the police board must create practices and procedures to guide its work.
2. Any practices or procedures determined by the police board must be voted upon and passed by a majority of board members.
3. Police boards must put their practices, procedures and rules in writing, and retain them for future reference by all police board members.

Procedure

1. Practice and procedures should be developed for all administrative functions undertaken by the police board; these may include but are not limited to: meetings of the police board; strategic planning; budgeting; human resource practices; communication; etc.
2. The chair of the police board is responsible for ensuring any practices or procedures established by the police board are written down in the board's policy and procedure manual and is responsible for keeping a copy of this manual available for the reference of the police board.

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Manitoba Police Board	
Subject:	Regular and Private Meetings

4.5 Regular and Private Meetings

Legislative Framework

Pursuant to sections 34(2) and 34(3) of the PSA, the meetings of the police board must be open to the public unless they are considering matters involving public security or sensitive financial or personal information. In such circumstances, they will hold a private meeting or earmark a portion of the agenda for sensitive items.

Policy

1. The police board must allow the public to attend all meetings of the municipal police board, unless the meeting or a portion thereof qualifies as needing to be held in private.
2. Private police board meetings are meetings where the following topics will be discussed:
 - a. matters involving public security
 - b. sensitive financial information
 - c. personal information

Procedure

1. The chair of the police board is responsible for ensuring each police board meeting is accessible to the public.
2. The chair is also responsible for ensuring that the public is excluded from meetings or the portion of meetings classified as private.
3. The police board should create and codify their own practices and procedures around meetings.

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Subject:	Notice of Meetings

4.6 Notice of Meetings

Legislative Framework

Pursuant to sections 34(1) and 34(2) of the PSA, police board meetings must be held at least once every three months and all regular meetings of the police board must be open to the public.

Pursuant to section 4 of the *Police Board Regulation*, public notice including the date, time, and location of the meeting, must be given for all regular meetings of the police board.

Policy

1. At the beginning of each fiscal year, the municipal police board shall post the meeting schedule for a minimum of four police board meetings, spaced three months apart.
2. All members of the public are entitled to be present and heard at a police board meeting, unless the meeting or a portion thereof is identified as being private (see [Policy 4.5: Regular and Private Meetings](#)).
3. At least 21 days before the day of a scheduled municipal police board meeting, as required by the *Police Board Regulation*, the board must give public notice of a board meeting by positing the notice in the office of the municipality as well as on the municipality's website.
4. The public notice must set out the time, date and location of the meeting.

Procedure

1. The chair or designate is responsible for ensuring the scheduling of meetings is included as an agenda item at the last scheduled meeting before the end of the fiscal year.
2. The chair or designate is responsible for issuing public notice of the meeting by posting the notice in the office of the municipality as well as on the municipality's website.
3. The board may also consider giving notice of meetings via newspaper, radio, television, additional websites (police service or police board) or by any other means the board considers necessary to ensure that notice of the meeting is widely communicated throughout the community.

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4. If the meeting or a portion thereof will be private this information should be included in the notice.

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Subject:	Remuneration

4.7 Remuneration

Legislative Framework

Pursuant to section 37 of the PSA, the municipal council may provide for reasonable remuneration to members of the police board who are not members of the council.

Policy

The police board must make itself aware of and adhere to the circumstances, if any, in which remuneration can be claimed from the municipality.

Procedure

1. The chair of the police board will ensure that the practices around remuneration are codified in the police board's policy and procedure manual.
2. The chair of the police board is responsible for ensuring the annual remuneration report is included in the police board's annual report (see [policy 5.2 Annual Report](#)) submitted to the Manitoba Police Commission.

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Manitoba Police Board	
Subject:	Staff for Police Board

4.8 Staff for Police Board

Legislative Framework

Police boards are responsible for ensuring they meet their legislated duties as outlined in the PSA and for ensuring they comply with the policies and procedures outlined in the *Manitoba Police Board Policy and Procedure Manual*. For this reason, the police board may hire staff to help them meet their obligations.

Policy

1. Any employees required to enable the police board to carry out its duties shall be appointed by the municipality.
2. Any staff appointed by the municipality for the purpose of serving the police board must undergo background checks, a criminal record check and a child abuse registry check.

Procedure

1. The police board will ensure that any funding requested for police board staff be made to the municipal council.
2. The police board must require any applicants for a position with the police board to provide their written consent to have background checks conducted, including but not limited to a criminal record check and a child abuse registry check and any other requirements set forth by the municipality.

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Chapter 5

Administration/Management for the Police Service

Manitoba Police Board	
Subject:	Strategic Planning

5.1 Strategic Planning

Legislative Framework

Pursuant to section 28(1) of the PSA, the police board, after consulting with the police chief, must establish priorities and objectives for the police service, establish policies for the effective management of the police service, direct the police chief and monitor his or her performance and perform any other prescribed duties.

Pursuant to section 28(2)(b) of the PSA, the police board must ensure that community needs and values are reflected in the policing priorities, objectives, programs and strategies.

Policy

1. The police board must establish a multi-year strategic plan for the police service.
2. The police board must work with the police chief to devise a strategic plan that establishes an organizational focus for the police service and delivery of policing services while reflecting the public interest and incorporating the community's needs and values within its objectives, goals and tactics.
3. The police board must ensure that the strategic plan contains performance indicators that measure success.
4. The police board must ensure that the strategic plan is available to the public.

Procedure

1. The police board shall produce its own practices and procedures for creating a strategic plan. Minimally the strategic plan should include vision and mission statements for the police service as well as measurable priorities and objectives of both a long-term and short-term nature.
2. The police board may wish to use the services of a third party to assist them in developing their strategic plan.
3. A successful execution of a strategic plan requires ongoing monitoring by the police service with police board oversight. The police board shall monitor the implementation of the strategic plan, and when necessary, shall direct corrective action to the police chief.
4. The police board will ensure that the strategic plan is made available to the public through the municipality's website or other means.

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5.2 Annual Report

Legislative Framework

As the MPC has a legislated role under Section 7 of the PSA to arrange training for police boards, and under section 27(a) boards are designed to enhance civilian governance and accountability, it was deemed important that police boards prepare annual reports on their work. As such, the MPC is requiring all police boards to provide them with a copy of their annual report.

Policy

1. The police board must have an annual report completed and submitted to the Manitoba Police Commission no later than three months after the end of the police board's fiscal year.
2. The annual report must include the following:
 - a. a progress report on the strategic objectives, goals and/or tactics identified by the police board in their strategic plan;
 - b. highlights of activities and achievements throughout the year;
 - c. a breakdown of police service spending for the year, including the total amount of honoraria paid to each police board member (see [policy 4.7 Remuneration](#));
 - d. a reporting of the number of police board meetings held in the fiscal year including private meetings; and,
 - e. the minutes of any regular meetings of the police board in the form of an appendix to the annual report.

Procedure

1. The chair or designate will ensure material for the annual report is collected and tabulated.
2. The completed annual report shall be included on the agenda and tabled for discussion and approval at a meeting of the police board that occurs after the end of a fiscal year but no more than three months after the end of the fiscal year.
3. The annual report shall receive the approval of the police board prior to public distribution.
4. Once approved, a copy of the annual report shall be placed on the website of the municipality and a copy sent to the Manitoba Police Commission.



Chapter 6

Human Resources

Manitoba Police Board	
Subject:	Job Description of the Police Chief

6.1 Job Description of the Police Chief

Legislative Framework

Pursuant to section 21 of the PSA, a municipality's police board must appoint a person with the minimum qualifications, outlined in the *Police Qualifications Regulation*, to serve as the police chief of the municipal police service.

Pursuant to section 22(1) of the PSA, the police chief of the municipal police service is responsible for the following:

- enforcement of law, crime prevention and preservation of the public peace;
- maintenance of discipline in the police service;
- ensuring that the police service meets all the requirements imposed by the PSA and that police officers carry out their duties in accordance with the PSA; and,
- implementing policies established by the police board respecting the police service.

Policy

1. When advertising for the position of police chief, police boards must ensure the job description includes the qualifications for police chief outlined in the *Police Qualifications Regulation*.
2. The job description for police chief must highlight required competencies at the level identified by the police board through the use of the Police Chief Selection Application prepared by the Manitoba Police Commission.

Procedure

1. Police boards are encouraged to use the job description for police chief attached in [Appendix 5](#), or a modified or adapted version of the job description with additional qualifications that further refine community needs and values.
2. The police board shall determine, using the competency definitions and tools provided by the Manitoba Police Commission, the competency level they feel is appropriate for a police chief in their community to possess for each of the 14 competencies and shall include examples from the selected competency level profile in the job description.
3. The police board shall seek the community's input through a public consultation regarding the experience, skills and traits that the municipality see as important for a police chief.

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4. Based on the analysis undertaken by the police board and the input received from the community, the police board shall adapt, if necessary, and finalize the job description for the police chief.

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Manitoba Police Board	
Subject:	Recruiting and Hiring a Police Chief

6.2 Recruiting and Hiring a Police Chief

Legislative Framework

Pursuant to section 21 of the PSA, a municipality's police board must appoint a person with the qualifications outlined in the *Police Qualifications Regulation* to serve as the police chief of the municipal police service.

Policy

1. The police board must create a recruitment strategy for the police chief.
2. The police board may employ a third party recruiter to recruit qualified candidates from either inside or outside the municipality.
3. The job posting for police chief must include the job description (see [Policy 6.1 Job Description of the Police Chief](#)). In addition, information about compensation and benefits must be included.
4. Police boards must ensure that all candidates for police chief clearly demonstrate how they meet the qualifications laid out in the *Police Qualifications Regulation* either in their Résumé/Curriculum Vitae and/or cover letter prior to granting an interview.
5. Background checks (as defined in the *Police Qualifications Regulation*) must be completed prior to presenting an offer of employment to the successful candidate, or the offer of employment shall be made contingent on the successful completion of the background check.
6. Job offers and terms of employment shall be presented in writing to the successful candidate.

Procedure

1. The recruitment strategy for police chief shall include where the police board intends to advertise the job posting, the term of the position, or any other criteria that speaks to the specific needs of the community.
2. As the municipality will be considered the employer of the police chief, the police board shall confirm compensation and benefits prior to making the job posting public.
3. The police board must verify through the interview process that candidates possess the minimum qualifications laid out in the *Police Qualifications Regulation*.
4. Thorough reference checks on applicants shall be conducted to ensure that all mandatory requirements have been met and to ensure a full understanding of the potential candidate's character, physical abilities and other required attributes.

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Prior to making a job offer, the police board should ensure the municipality's solicitor has reviewed the job offer and terms of employment and that the municipality is in agreement with the job offer and the terms of employment contained within it.

5. A job offer and terms of employment for a successful candidate for police chief shall clearly indicate that the police board directs the police chief and monitors performance.

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Manitoba Police Board	
Subject:	Performance Planning and Review

6.3 Performance Planning and Review

Legislative Framework

Pursuant to section 28(1)(c), of the PSA, the police board must direct the police chief and monitor his or her performance.

Policy

1. The police board in conjunction with the police chief, will create a performance plan for the police chief based on the responsibilities for the police chief outlined in the PSA, the leadership competencies found in the job description for police chief and based on the goals and objectives outlined in the Police Service's strategic plan.
2. The police board will undertake a review of the police chief based on the agreed upon performance plan.

Procedure

1. Using the evaluation tool developed by the Police Sector Council for evaluating performance of the police chief, the police board shall evaluate and ask the police chief to self-evaluate based on the identified competencies.
2. The police board will also ask the police chief to report on his or her performance in terms of the following categories:
 - enforcement of law, the prevention of crime and the preservation of the public peace
 - the management, administration and operation of the police service
 - the maintenance of discipline in the police service
 - ensuring that the police service meets all requirements imposed by the PSA and that the police officers in the Service are carrying out their duties in accordance with the PSA

The police chief will be asked to report on each of these tasks with measurable outputs that demonstrate that she or he is meeting responsibilities in these areas.

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3. The police board will also ask the police chief to report on the progress made towards implementing any of the objectives outlined as priorities in the strategic plan. This can be done in the form of a status report.

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Manitoba Police Board	
Subject:	Complaints against the Police Chief

6.4 Complaints against the Police Chief

Legislative Framework

Pursuant to section 11(1) of *The Law Enforcement Review Act*, any person wishing to make a complaint regarding a disciplinary default committed by the police chief, shall file the complaint with the commissioner of the Law Enforcement Review Agency.

Pursuant to section 20 of the PSA, when the minister considers it to be in the interests of the administration of justice, she or he may assign the conduct of an investigation into an alleged offence that would normally be conducted by a police service or the independent investigation unit, to members of the Royal Canadian Mounted Police or members of another police service in Manitoba or another Canadian province.

Pursuant to section 28(5) of the PSA, the Board has a role with respect to the discipline or personal conduct of the police chief.

Policy

1. All complaints to the police board about the police chief's conduct must be made in writing signed and dated. If the complainant is unable to put the complaint into writing, the person to whom the complaint is made shall: take down the complaint in writing; read the complaint back to the complainant; and, have the complainant sign and date the complaint. Any complaint must include a means for the police board to communicate with the complainant (ex: phone number, address, email address, etc).
2. The police board will deal with each complaint in accordance with the processes noted below. There are four distinct processes at the disposal of the police board to address complaints received against a police chief.

Process 1: Ministerial Assignment of Investigation: To be used if a complaint about a alleged criminal offence committed by the chief comes to the attention of the board.

Under section 20 of the PSA, if the minister believes it is the interest of the administration of justice, the minister may assign the investigation into an alleged offence, that would normally be conducted by a police service or independent investigation unit, to the RCMP or another police service in Manitoba or another Canadian province.

- i) If the complaint would normally be investigated by a police service or independent

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investigation unit, the police board must forward the complaint to the minister, or designate, to determine how an investigation of the alleged complaint should proceed.

- ii) The police board must not interfere with any investigation being undertaken by a policing agency. Board members must co-operate in the investigation and ensure the co-operation of the police chief to the fullest extent possible. If a complaint has been forwarded to the minister, the police board should make the municipality aware of this, unless otherwise instructed by the investigating authority.

Process 2: Law Enforcement Review Agency (LERA): To be used if the board becomes aware of a disciplinary default committed by the police chief.

LERA hears complaints related to specific disciplinary defaults listed in *The Law Enforcement Review Act*. A list of defaults can be found under section 29 of the LERA act. If found to have committed a disciplinary default, the police chief may face a penalty as laid out under section 30(1) of the LERA act. Penalties range from admonishment to dismissal.

- i) If the police board receives a complaint that may fall within LERA's purview, the police board must make the complainant aware of their ability to file a complaint with LERA under section 11(1) of *The Law Enforcement Review Act*. The Police Board as a third party may also bring this complaint forward to LERA.
- ii) The police board must not interfere with any investigation being undertaken by LERA. Board members must co-operate in the investigation and ensure the cooperation of the police chief to the fullest extent possible. If the police board becomes aware that a complaint has been filed with LERA, the police board must make the municipality aware of this.

Process 3: Police Chief Accounting to the police board for performance: To be used if the board receives a complaint about the police chief's performance ex: The police chief is not working on the priorities set forth in the strategic plan etc.

- i) The police board must create a practice to vet complaints whereby these complaints are forwarded to the police chief for him/her to account to the police board for the matter at issue.

Process 4: Administrative Review by the municipality: To be used if the board becomes aware the police chief has violated a municipal process.

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As the employing authority for the police chief, the municipality has a responsibility to ensure any internal complaint concerning administrative process or policy that comes forward regarding the police chief is addressed through the municipality's internal complaint review process. This process includes investigating the complaint and imposing any penalties, should the investigation deem a penalty is warranted.

- i) If the police board determines the chief has violated an administrative policy or process, the complaint must be forwarded to the municipality for administrative review.
- ii) The police board must create a practice whereby they are requesting updates from the municipality on the status of any complaint forwarded to the municipality for review.

Process 5: Police Chief Accounting to the police board for performance: To be used in relation to concerns about the police chief's performance. ex: The police chief is not working on the priorities set forth in the strategic plan etc.

- i) The police board must create a practice to vet complaints whereby these complaints are forwarded to the police chief for him/her to account to the police board for the matter at issue.
3. The police board must give notice of the substance of all complaints about the police chief's conduct to the police chief.
 4. The board must create a practice whereby the police chief must disclose to the police board any act or involvement in a contentious matter or a matter that may bring the police board, the police service or the administration of justice into disrepute. The police board will treat this disclosure as it would a complaint by a complainant and follow the processes outlined above.

Procedure

1. The police board is not compelled to initiate a conduct review of an unsigned complaint about the police chief. The board may review the complaint and make a decision on a case by case basis whether they feel it necessary or appropriate to proceed to a review or investigation of the complaint.
2. The chair of the police board is responsible for ensuring that all complaints regarding the police chief follow the appropriate review or investigative process.
3. The police board shall inform the police chief, in writing, of any complaint.
4. If the police board becomes aware that a complaint has been filed or forwarded to LERA or the minister for resolution, the police board will make the appropriate notification to the municipality. At that time or any future period, the police board

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- may suspend the police chief during the course of the investigation.
5. The police board will keep itself aware of the status of any complaint without prejudicing the review or investigation.
 6. The chair of the police board shall ensure that a written copy of all recommendations and decisions, including decisions of no misconduct, are kept on file and sent to both the complainant and the police chief.
 7. In the case of performance matters, the police board will record and consider the police chief's accounting of said matters during the police chief's annual performance review.
 8. All conduct complaints received by the police board about the police service or an individual police officer other than the police chief must be forwarded to the police chief or designate for appropriate action.

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6.5 Hiring Police Officers

Legislative Framework

Pursuant to the preamble in the PSA, it is desirable that policing services be provided in a manner that recognizes the pluralistic and multicultural nature of Manitoba society, and in particular, Aboriginal peoples. It is recognized that public safety is enhanced as police services become more representative of the communities they serve.

Pursuant to section 23(1) of the PSA, a municipality's police board may appoint eligible persons to serve as police officers in the police service, or it may delegate that power to the police chief.

The *Police Qualifications Regulation* sets out the qualifications an individual must possess in order to be considered for the job of police officer in the province.

Policy

1. The police board must determine whether it or the police chief will appoint police officers.
2. Regardless of who hires police officers, the hiring authority must verify in the interview that the candidate possesses the minimum qualifications as laid out in the *Police Qualifications Regulation*.

Procedure

1. The police board will ensure it is made clear who has ultimate responsibility for hiring police officers. If this responsibility is delegated to the police chief, a memo to this effect will be drafted, sent to the police chief and kept on file by the police board.
2. If the police board decides to maintain the responsibility for hiring police officers, it shall consider which of the board members will be involved in the selection process. It is recommended that board member(s) who possess human resources background or knowledge, be on the interview panel. As well, the board may wish to consider having the police chief or delegate sit on the selection committee as an advisor to be better able to evaluate the specific technical aspects of the position.
3. In addition to conducting interviews with qualified candidates, the selection committee shall conduct thorough reference checks to ensure they are fully satisfied that all mandatory requirements have been met and that they have a full

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understanding of the potential candidate's character, physical abilities and other required attributes.

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Chapter 7

Financial

Manitoba Police Board	
Subject:	Budget and Financial Management

7.1 Budget and Financial Management

Legislative Framework

Pursuant to section 29(1) of the PSA, the police board has the responsibility of providing the municipal council with an estimate of the costs required to operate the police service in the next fiscal year and any additional information the council considers necessary to enable it to assess the financial requirements of the police service.

Pursuant to section 29(2) of the PSA, the council is responsible for establishing the total budget of the police service.

Pursuant to section 29(3) of the PSA, the police board is responsible for allocating the funds that are provided to the police service under the municipal budget.

Policy

1. The police board must submit a reasonable budget in a timely manner to the municipality's budget system for its review, consideration and approval.
2. Once the budget is approved by the municipal council, the police board must allocate funds in such a way that adequate and effective policing services are being provided and to ensure the strategic goals and objectives will be met.
3. The police chief is responsible to the police board for the financial planning, control, administration and management of the police service's operational and capital budgets.
4. The police board must ensure that the police service expenditures do not exceed the allocated budget without the prior approval from the municipal council.
5. The police board must establish a contingency plan with the municipal council to address the impact of unforeseen critical issues or expenditures.
6. The police chief must be given authority to expend budgeted operating funds, unless the board suspends this general authority.

Procedure

1. With due consideration being given to the timing of the municipal budgeting process, the police board shall direct the police chief to prepare an annual estimate of the cost to deliver adequate and effective policing services in the next fiscal year.
2. The police board shall work with the police chief to ensure that the proposed budget aligns with the police service's strategic plan, priorities, objectives and

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goals and captures the cost implications of all resources, including the impact of collective bargaining.

3. The budget shall include all operating account costs and revenues based on current operations, shall identify and include known requests and changes to operations that are forecast for the following year and shall include estimated year-end positions for all accounts.
4. The police board shall review the draft budget, including detailed submissions, at a special in private board meeting for the purpose of budget review. In the review, the board members shall satisfy themselves that the budget is sufficient to maintain an adequate and effective police service.
5. Once approved by the police board, the budget will be forwarded to the municipal council in a manner determined by the municipal council for review and comment. The chair or a designate shall be available to present the proposed budget to council and to answer any additional questions the council may need answered in order to pass the budget.
6. It is the responsibility of the municipal council to provide final approval for the budget amount. Council reserves the right to approve the budget as submitted or amend the budget prior to approval. The police board shall allocate the funds that are provided and stay within the approved budget set by council.
7. Should surplus funds be projected and realized, the police board should establish a practice with the municipal council on how to disburse remaining funds.
8. Should an unanticipated expenditure cause an operating budget deficit, a report will be submitted by the police chief to the board. Where alternative financing within the operating or capital budget is not possible, the police board will submit a contingency budget allocation request to council.

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Subject:	Financial Reporting and Documentation

7.2 Financial Reporting and Documentation

Legislative Framework

Pursuant to section 29(2) of the PSA, the council is responsible for establishing the total budget of the police service.

Pursuant to section 29(3) of the PSA, the police board is responsible for allocating the funds that are provided to the police service under the municipal budget.

Policy

1. The police board will require the police chief to produce regular financial reports to be submitted to the board, which will include an analysis of revenues and expenditures.
2. The reports to the board shall include a written analysis that must also incorporate a risk assessment and a disclosure of any activity that is likely to significantly alter the organization's deficit/surplus position.
3. The police chief will ensure that his/her actions and those of the police service do not diminish the independence of the police board. Accordingly, the police chief must ensure that:
 - (i) All information tabled with the municipal council or any of its committees with respect to the budgetary requirements or financial matters of the police service will be first vetted by the board.
 - (ii) If the police chief appears before council or any of its committees, the chief will be accompanied by the board chair or designate, unless otherwise authorized by the board, or the police chief is there for an administrative matter, or is in attendance to monitor council or a committee's discussions on police related matters.
4. The police service must make available all required documents for the purpose of complying with the annual municipal financial audit.

Procedure

1. At any regular meeting of the police board, unless otherwise instructed, the police chief will make a detailed presentation on the financial status of the

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organization, including an explanation of any variances and any anticipated surplus or deficits.

2. The risk assessment process undertaken by the police chief and the board will help in determining the impact of risk on the operating budget. Surplus or deficit items will assist in identifying critical areas for review and possible action.

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Appendices

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Subject:	Appendix 1

Appendix 1: *The Police Services Act* (Assented to October 8, 2009)

WHEREAS police services play a critical role in protecting the safety and security of Manitobans;

AND WHEREAS co-operation between police services and the communities they serve will result in improved safety and security and better relations between police and citizens;

AND WHEREAS civilian governance and oversight of police services will improve transparency and accountability in the delivery of policing services;

AND WHEREAS it is desirable that policing services be provided in a manner that recognizes the pluralistic and multicultural character of Manitoba society, and in particular, First Nation, Metis and other aboriginal peoples;

AND WHEREAS it is recognized that public safety is enhanced as police services become more representative of the communities they serve;

AND WHEREAS it is important to recognize the rights of victims of crime and their needs in the delivery of policing services;

AND WHEREAS the importance of safeguarding the fundamental rights protected by the *Canadian Charter of Rights and Freedoms* and *The Human Rights Code* is recognized by all;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

PART 1 INTERPRETATION

Definitions

1(1) The following definitions apply in this act.

"civilian director" means the person appointed as the civilian director of the independent investigation unit. (« directeur civil »)

"civilian monitor" means a person appointed under Part 7 to monitor investigations. (« observateur civil »)

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"commission" means the Manitoba Police Commission established under section 6. (« Commission »)

"council" means the council of a municipality. (« conseil municipal »)

"department" means the department of government over which the minister presides and through which this act is administered. (« ministère »)

"director" means the person appointed as the Director of Policing under section 3. (« directeur »)

"First Nation" means a band as defined in the *Indian Act* (Canada). (« Première nation »)

"First Nation police service" means a police service established under Part 5. (« service de police de Premières nations »)

"independent investigation unit" means the unit established under Part 7. (« unité d'enquête indépendante »)

"investigator" means a person selected to serve as an investigator with the independent investigation unit. (« enquêteur »)

"minister" means the minister appointed by the Lieutenant-Governor in Council to administer this act. (« ministre »)

"municipal police service" means a police service operated by a municipality under Part 4. (« service de police municipal »)

"police board" means the police board for a police service. (« conseil de police »)

"police chief" means the person appointed as the chief of a police service, and includes an acting chief of a police service. (« chef de police »)

"police officer" means a person appointed to serve as a police officer in a police service, and includes a police chief. (« agent de police »)

"police service" means a police service established or continued under this act, but does not include the Royal Canadian Mounted Police. (« service de police »)

"prescribed" means prescribed by regulation.

"regional police service" means a police service established under Division 4 of Part 4. (« service de police régional »)

"special constable" means a special constable appointed under Part 8. (« agent de police spécial »)

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"urban municipality" means a city, town, village or other urban municipality formed or continued under *The Municipal Act*, and includes the City of Winnipeg. (« municipalité urbaine »)

Reference to "Act" includes regulations

1(2) In this act, a reference to "this act" includes the regulations made under this act.

PART 2 ADMINISTRATION

Minister's role

2 The minister is responsible for ensuring that adequate and effective policing is provided throughout Manitoba.

Director of policing

3 A Director of Policing is to be appointed as provided in *The Civil Service Act*.

Director's responsibilities

4(1) The director, under the general direction of the minister, is responsible for the following:

- (a) the oversight and supervision of police services in Manitoba;
- (b) the assessment of policing requirements in Manitoba;
- (c) the co-ordination of policing in Manitoba.

Specific duties of director

4(2) The duties of the director include

- (a) monitoring, inspecting and reporting to the minister on the quality and standard of police services in Manitoba;
- (b) co-ordinating the delivery of policing in Manitoba;
- (c) developing and promoting programs to enhance professional practices and standards for police services and police boards;

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- (d) consulting with and providing information to the minister, police chiefs, police boards and the Royal Canadian Mounted Police on matters relating to law enforcement and policing;
- (e) developing programs and statistical records respecting law enforcement and policing;
- (f) establishing programs to promote cooperation between police services and the public; and
- (g) performing any other duties assigned by the minister.

Delegation

5 The director may delegate any power conferred or duty imposed on the director by this Act to an employee of the department.

Commission established

6 The Manitoba Police Commission is hereby established.

Duties of commission

7 The duties of the commission include

- (a) providing advice to the minister on regulations dealing with the operation of police services and the conduct of police officers, including regulations prescribing standards for police services and police officers;
- (b) consulting with the public on matters relating to law enforcement and policing, and providing the results of those consultations to the minister;
- (c) developing a policy and procedures manual for police boards and a code of ethical conduct for members of police boards;
- (d) arranging for training to be provided to members of police boards and civilian monitors; and
- (e) performing any other duties assigned by the minister.

Studies by commission

8(1) The minister may direct the commission to conduct a study on a specific issue relating to law enforcement or policing.

Report to minister

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8(2) When the commission conducts a study at the request of the minister, it must provide the minister with a report setting out its findings and any recommendations it may have on the issue.

Membership

9(1) The commission is to consist of at least five but no more than nine persons appointed by the Lieutenant Governor in Council.

Makeup of commission

9(2) The commission must include at least one member of a First Nation and one Metis person.

Appointment considerations

9(3) In appointing persons to the commission, the Lieutenant-Governor in Council must take into account the cultural and gender diversity of Manitoba.

Term of office

10(1) Members of the commission are to be appointed for the term fixed in the order appointing them, which must not exceed four years, and no member may serve more than two successive terms.

Appointment continues

10(2) A member of the commission whose term expires continues to hold office until he or she is reappointed, a successor is appointed or the appointment is revoked.

Chair and vice-chair

11(1) The Lieutenant-Governor in Council must appoint one of the members of the commission as the chair of the commission and another as the vice-chair.

Authority of vice-chair

11(2) The vice-chair has the authority of the chair if the chair is absent or unable to act, or if authorized by the chair.

Staff

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12 Any employees required to enable the commission to carry out its duties may be appointed in accordance with *The Civil Service Act*.

PART 3

RESPONSIBILITY FOR PROVIDING POLICING IN MANITOBA

Policing in large urban municipalities

13(1) An urban municipality with a population over 5,000 must ensure that policing services are provided in the municipality by

- (a) establishing its own police service;
- (b) entering into an agreement with the Government of Canada to have the Royal Canadian Mounted Police provide policing services in the municipality;
- (c) entering into an agreement with one or more municipalities to jointly operate a regional police service that will provide policing services in those municipalities;
or
- (d) entering into an agreement with another municipality to have that other municipality's police service provide policing services in the municipality.

Policing in mid-sized urban municipalities

13(2) An urban municipality with a population between 750 and 5,000 must ensure that policing services are provided in the municipality by

- (a) establishing its own police service;
- (b) entering into an agreement with the Government of Manitoba to have the Royal Canadian Mounted Police provide policing services in the municipality under an agreement entered into under section 18;
- (c) entering into an agreement with one or more municipalities to jointly operate a regional police service that will provide policing services in those municipalities;
or
- (d) entering into an agreement with another municipality to have the police service for that other municipality provide policing services in the municipality.

Policing in other areas of Manitoba

14(1) Unless policing services are being provided in accordance with subsection (2), the minister must ensure that policing services are provided in

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- (a) an urban municipality with a population under 750;
- (b) a rural municipality; and
- (c) any part of Manitoba that is not in a municipality.

Policing options for rural and small urban municipalities

14(2) A municipality referred to in clause (1)(a) or (b) may arrange for policing services to be provided in the municipality by

- (a) establishing its own police service;
- (b) entering into an agreement with one or more municipalities to jointly operate a regional police service that will provide policing services in those municipalities; or
- (c) entering into an agreement with another municipality to have that other municipality's police service provide policing services in the municipality.

Notice of intention to establish police service

15(1) A municipality that intends to establish its own police service or jointly establish a regional police service must advise the minister of its intention before establishing the service.

Approval to stop operating police service

15(2) A municipality that operates its own police service or jointly operates a regional police service must not discontinue the operation of the service unless the minister has approved the discontinuance.

Copies of agreements

16 A municipality that enters into an agreement

- (a) under clause 13(1)(b) to have the Royal Canadian Mounted Police provide policing services in the municipality;
- (b) to operate a regional police service; or
- (c) to have the police service of another municipality provide policing services in the municipality;

must provide the director with a copy of the agreement.

Cost of municipal police service

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17(1) A municipality that establishes its own police service must pay all costs of the service.

Costs of regional police service

17(2) A municipality that jointly operates a regional police service is responsible for the costs of the service in accordance with the terms of the agreement establishing the regional police service.

Costs when policing provided by agreement

17(3) A municipality that enters into an agreement

- (a) under clause 13(1)(b) or 13(2)(b) to have the Royal Canadian Mounted Police provide policing services in the municipality; or
- (b) to have the police service of another municipality provide policing services in the municipality;

is responsible for the costs of those policing services in accordance with the terms of the agreement.

Agreement for RCMP to provide policing

18(1) The Government of Manitoba may enter into one or more agreements with the Government of Canada to have the Royal Canadian Mounted Police act as a provincial police service and provide

- (a) policing services in all or any portions of Manitoba that may be designated by the minister; and
- (b) additional services set out in the agreements.

Status, duties and powers of RCMP members

18(2) When providing policing services under an agreement entered into under subsection (1), members of the Royal Canadian Mounted Police

- (a) have all the powers, duties, privileges and protections of a peace officer and constable at common law or under any enactment or applicable bylaw;
- (b) have, with respect to the areas where policing services are being provided, the duties set out in clauses 25(a) to (g) (duties of municipal police officers), subject to any necessary changes; and
- (c) have authority to act throughout Manitoba in order to carry out their duties.

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RCMP accountable to minister

18(3) The commanding officer of the Royal Canadian Mounted Police in Manitoba is accountable to the minister for policing services provided by the Royal Canadian Mounted Police under an agreement entered into under subsection (1).

Emergency policing

19(1) If the minister determines that an emergency situation exists in an area of Manitoba, he or she may, by written notice, direct the Royal Canadian Mounted Police to provide policing in the area for a specified period.

Provision of policing in emergencies

19(2) On receiving notice from the minister, the Royal Canadian Mounted Police must provide the requested policing services for the period directed by the minister.

Ministerial assignment of investigation

20 Despite any other provision in this Act, if the minister considers it to be in the interests of the administration of justice, he or she may assign the conduct of an investigation into an alleged offence that would normally be conducted by a police service or the independent investigation unit to members of the Royal Canadian Mounted Police or members of another police service in Manitoba or another Canadian province.

PART 4

MUNICIPAL POLICE SERVICES

DIVISION 1

POLICE CHIEF AND OFFICERS

POLICE CHIEF

Appointing police chief

21 A municipality's police board must appoint a person with prescribed qualifications to serve as the chief of the municipal police service.

Responsibilities of police chief

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22(1) The chief of a municipal police service is responsible for the following:

- (a) the enforcement of law, the prevention of crime and the preservation of the public peace in the municipality;
- (b) the management, administration and operation of the police service;
- (c) the maintenance of discipline in the police service;
- (d) ensuring that the police service meets all requirements imposed by this act and that its police officers carry out their duties in accordance with this act;
- (e) implementing policies established by the police board respecting the police service.

Police chief accountable to police board

22(2) The police chief is accountable to the police board for

- (a) carrying out the responsibilities set out in subsection (1); and
- (b) managing, administering and operating the police service in accordance with the priorities, objectives and policies established by the police board under subsection 28(1).

POLICE OFFICERS

Appointing police officers

23(1) The police board may appoint eligible persons to serve as police officers in the police service, or it may delegate that power to the police chief.

Qualifications

23(2) To be eligible for appointment as a police officer, a person must have the prescribed qualifications.

Status of police officers

24(1) A police officer has all the powers, duties, privileges and protections of a peace officer and constable at common law or under any enactment.

Jurisdiction of police officers

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24(2) A police officer has authority to act throughout Manitoba in order to carry out his or her duties, subject to any restrictions or conditions established by regulation or set out in his or her appointment.

Duties of police officers

25 The duties of a police officer include

- (a) preserving the public peace;
- (b) preventing crime and offences against the laws in force in the municipality;
- (c) assisting victims of crime;
- (d) apprehending criminals and others who may lawfully be taken into custody;
- (e) executing warrants that are to be executed by peace officers, and performing related duties;
- (f) laying charges and participating in prosecutions;
- (g) enforcing municipal bylaws; and
- (h) performing other duties assigned by the police chief.

DIVISION 2 POLICE BOARDS

Police board required

26(1) Every municipality that operates a police service must establish and maintain a police board in accordance with this Division.

Police board responsible for police service

26(2) A municipal police service must operate under the general direction and supervision of the municipality's police board in accordance with this Part.

Purpose of police board

27 The purpose of a police board is to provide

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

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General duties of police board

28(1) The police board must

- (a) after consulting with the police chief, establish priorities and objectives for the police service;
- (b) establish policies for the effective management of the police service;
- (c) direct the police chief and monitor his or her performance; and
- (d) perform any other prescribed duties.

Specific duties of police board

28(2) Without limiting the generality of subsection (1), the police board must

- (a) ensure that the police chief establishes programs and strategies to implement the priorities and objectives established by the board for the police service;
- (b) ensure that community needs and values are reflected in the policing priorities, objectives, programs and strategies;
- (c) ensure that police services are delivered in a manner consistent with community needs, values and expectations; and
- (d) act as a liaison between the community and the police service.

Restriction on police board activities

28(3) The police board may give orders and directions to the police chief, but not to other police officers. No individual member of the board may give an order or direction to any police officer.

No role on specific matters

28(4) The police board must not give orders or directions on specific operational decisions, individual investigations or the day-to-day operation of the police service.

No role in personnel matters

28(5) With the exception of the police chief, the police board has no role with respect to the discipline or personal conduct of any police officer.

No right to sensitive information

28(6) The police board is not entitled to any information about individual investigations or intelligence files.

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Information from board to develop budget

29(1) To assist the council in developing the municipal budget, the police board must provide the council with

- (a) an estimate of the costs required to operate the police service in the next fiscal year; and
- (b) any additional information that the council considers necessary to enable it to assess the financial requirements of the police service.

Council has final responsibility for budget

29(2) The council is responsible for establishing the total budget of the police service.

Police board to allocate funds

29(3) The police board is responsible for allocating the funds that are provided to the police service under the municipal budget.

Size of police board

30(1) The council of a municipality must establish the size of its police board by bylaw. The police board must

- (a) consist of at least three members, in the case of a municipality with a population of 5,000 or less;
- (b) consist of at least five members, in the case of a municipality with a population over 5,000; or
- (c) consist of at least seven members, in the case of the City of Winnipeg.

Appointing members to police board

30(2) Subject to subsection (3), one member of a police board is to be appointed by the Lieutenant-Governor in Council, and the other members are to be appointed by the council.

Police board for City of Winnipeg

30(3) In the case of the City of Winnipeg, two members of the police board are to be appointed by the Lieutenant-Governor in Council, and the other members are to be appointed by the council.

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Number of council members and employees

30(4) No more than half the members of the police board may be council members or employees of the municipality.

Term of council member

31(1) The term of a council member on the police board ends when the person is no longer a member of the council.

Term of member appointed by council

31(2) The term of a person appointed to the police board by council who is not a council member must be fixed in his or her appointment, but must not extend past the term of office of the council that made the appointment.

Term of member appointed by Lieutenant-Governor in Council

31(3) The term of a person appointed to the police board by the Lieutenant-Governor in Council must be fixed in the order appointing the person, but must not exceed four years.

Extension and reappointment

31(4) A person appointed to the police board who is not a council member

- (a) may continue to serve on the board after the expiry of his or her term until the appointment of his or her successor; and
- (b) is eligible for reappointment, as long as the reappointment does not result in more than eight consecutive years of service on the board.

Council to designate chair and vice-chair

32(1) The council must designate one member of the police board as chair and another member as vice-chair.

Authority of vice-chair

32(2) The vice-chair has the authority of the chair when the chair is absent or unable to act, or when authorized by the chair.

Procedure

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33 Subject to the requirements of this act, a police board may determine its own practice and procedures.

Meetings

34(1) The police board must hold a meeting at least once every three months.

Public meetings

34(2) Subject to subsection (3), meetings of the police board must be open to the public and the board must give public notice of its meetings in the prescribed manner.

Exception

34(3) The police board may exclude the public from all or part of a meeting in order to consider matters involving public security or sensitive financial or personal information.

Policy and procedures manual

35(1) The police board must operate in accordance with the policy and procedures manual developed by the commission for police boards.

Code of ethical conduct

35(2) Every member of the police board must comply with the code of ethical conduct developed by the commission for police board members.

Training

36 Every member of the police board must undergo training arranged by the commission.

Remuneration

37 The council may provide for reasonable remuneration to members of the police board who are not members of the council.

Delegation

38 The police board may delegate to two or more of its members any duty imposed or power conferred on it by this act.

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DIVISION 3

MISCELLANEOUS PROVISIONS RE MUNICIPAL POLICE SERVICES

Employer

39(1) A municipality that operates a police service is deemed to be the employer of the police chief and other police officers in the service.

Pay and other benefits set by council

39(2) A council is responsible for setting the pay and other benefits of the police chief and other police officers in the service.

Municipality liable for torts of officers

40(1) A municipality that operates a police service is jointly and severally liable for a tort committed by a police officer in the performance of his or her duties.

Municipality to indemnify officer

40(2) A municipality that operates a police service must pay the following:

- (a) any damages or costs awarded in an action or proceeding against one of its police officers as the result of a tort committed by the officer in the performance of his or her duties;
- (b) any costs incurred and not recovered by the officer in the action or proceeding;
- (c) any sum required to settle the action or proceeding against the officer.

Municipality may defend officer

40(3) A municipality that may be liable under this section has the right to defend — in the name and on behalf of the police officer — an action or proceeding that may be brought against the officer.

Duty to co-operate

40(4) A police officer whose conduct is the subject of an action or proceeding must co-operate with the municipality in the settlement or defence of the action or proceeding.

DIVISION 4

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REGIONAL POLICE SERVICES

Agreement re regional police service

41(1) The councils of two or more municipalities may enter into an agreement to jointly establish and operate a regional police service to provide policing services in those municipalities.

Agreement requirements

41(2) An agreement to establish and operate a regional police service must

- (a) set out the manner in which the costs of operating the police service are to be divided between the municipalities that operate the service;
- (b) in the case of an amalgamation of existing municipal police services, set out the process by which the police services are to be amalgamated; and
- (c) address any other matter that the minister considers necessary.

Police board required

42(1) The municipalities that operate a regional police service must establish and maintain a police board for the police service.

Role of police board

42(2) A regional police service must operate under the general direction and supervision of the police board in accordance with this Part.

Makeup of regional police board

42(3) The police board for a regional police service is to consist of

- (a) two members appointed by the council of every municipality that operates the police service, unless an agreement has been reached under subsection (4) to alter the number of board members from each municipality; and
- (b) one member appointed by the Lieutenant-Governor in Council.

Agreement on number of board members

42(4) The councils of the municipalities that operate a regional police service may enter into an agreement to alter the number of police board members appointed by the council of each municipality. However, each municipality must appoint at least one member of the police board.

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Application

43(1) The provisions of Divisions 1, 2 and 3 of this Part apply, with necessary changes, to a regional police service and its police chief, police officers and police board.

Employer

43(2) Unless the agreement under section 41 provides otherwise, the municipalities that operate a regional police service are deemed to jointly employ the police officers in the service.

Actions against regional police officers

44 Section 40 (municipality liable for torts of officers) applies, with necessary changes, to an action or proceeding involving a police officer in a regional police service. Each municipality that operates a regional police service is

- (a) jointly and severally liable for the torts of a police officer in the regional police service that are committed in the performance of the officer's duties; and
- (b) jointly and severally liable for the payments set out in subsection 40(2).

PART 5

FIRST NATION POLICE SERVICES

First Nation police service

45(1) The Government of Manitoba, the Government of Canada and one or more First Nations, or an entity representing a group of First Nations, may enter into an agreement to establish a police service to provide policing services to a First Nation community or group of First Nation communities.

Police board

45(2) An agreement referred to in subsection (1) must provide for the establishment of a police board for the First Nation police service.

Jurisdiction of First Nation police service

46 A First Nation police service may act as the police service only in the areas specified in the agreement referred to in subsection 45(1), or any additional areas

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specified in amendments to that agreement made by the parties set out in that subsection.

Application

47 All of the provisions of this act apply, with necessary changes, to a First Nation police service and its police chief, police officers and police board. If there is a conflict between this act and the agreement establishing a First Nation police service, the provision in the agreement prevails.

PART 6 POLICING STANDARDS

Regulations re policing standards

48(1) To ensure that police services provide adequate and effective policing, the minister may make regulations respecting the operation of police services, including the conduct of police officers.

Specific regulations

48(2) Without limiting the generality of subsection (1), the minister may make regulations

- (a) prescribing the minimum number of police officers in a police service, based on the population of the area policed, the size of the area policed, or a combination of those factors;
- (b) prescribing training for new police officers, and ongoing training requirements for current police officers or any category of police officers;
- (c) establishing standards for the following facilities, items and equipment used by a police service:
 - (i) offices,
 - (ii) detention facilities,
 - (iii) motor vehicles,
 - (iv) computers and communications equipment,
 - (v) firearms, and
 - (vi) other prescribed items and equipment;

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- (d) governing the use of firearms and other prescribed equipment by police officers;
- (e) prohibiting or governing the use of physical force by police officers, including prescribing training in the use of physical force in emergency response situations, pursuits and forcible entries, and as a means of restraining an individual;
- (f) respecting joint operations conducted by two or more police services or by one or more police services and the Royal Canadian Mounted Police;
- (g) requiring the sharing of certain information between police services and between police services and the Royal Canadian Mounted Police;
- (h) establishing standards of dress for police officers on duty, and prescribing requirements for police uniforms;
- (i) prescribing the records, returns, books and accounts to be made and kept by police officers and police services;
- (j) prescribing the method of accounting for fees, costs, money and other property received by police officers and police services.

Directives, guidelines and standard operating procedures

49(1) The director may

- (a) issue a directive, guideline or standard operating procedure to one or more police services on a specific matter relating to law enforcement and policing; or
- (b) by written notice, require a police service to develop and issue a directive, guideline or standard operating procedure on a specific matter relating to law enforcement and policing.

Chief to ensure compliance

49(2) The chief of a police service must ensure that police officers comply with a directive, guideline or procedure issued under subsection (1).

Model code of conduct

50 The director, in consultation with the commission, may prepare a model code of conduct for police officers for adoption by police services.

Providing information to director

51 On request from the director, the chief of a police service must provide the director with the following:

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- (a) forms used and records maintained by the police service;
- (b) information about the police service, its police officers and its operations;
- (c) statistical information about crime or policing in the area where the police service has jurisdiction.

Inspections

52(1) The director may conduct inspections of police services.

Chief to ensure co-operation

52(2) The chief of a police service must ensure that all police officers co-operate with the director during an inspection.

Notice of policing failures

53(1) If the minister determines that a police service has failed to provide adequate and effective policing services or that the operation of the police service has failed to meet the requirements of this act, the minister may notify the police board responsible for the police service and the chief of the police service of that determination.

Form of notice

53(2) The notice under subsection (1) must be in writing and must

- (a) identify the failures;
- (b) specify how the failures are to be corrected or the steps that are to be taken to prevent future failures; and
- (c) specify the deadline for taking the action required under clause (b).

Notice to other parties

53(3) The notice under subsection (1) must also be sent

- (a) in the case of a municipal police service, to the council of the municipality;
- (b) in the case of a regional police service, to the council of each municipality that receives policing services from the police service; and
- (c) in the case of a First Nation police service, to the council for each First Nation that receives policing services from the police service.

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Intervention by minister

53(4) If the minister determines that the required corrections or preventative steps have not been made or taken by the deadline specified in the notice, the minister may do one or more of the following:

- (a) suspend, in whole or in part, the operation of the police service;
- (b) arrange for the Royal Canadian Mounted Police or another police service to provide policing services in the area in question;
- (c) appoint an administrator to perform specified functions respecting the police service for a specified period;
- (d) remove the police chief from office, and appoint a replacement;
- (e) remove one or more members of the police board from office and appoint interim members to the board;
- (f) take any other steps that the minister considers necessary to provide adequate and effective policing services in the area in question.

Immediate intervention by minister

54 The minister may take one or more of the actions set out in subsection 53(4) without giving notice under section 53 if the minister determines that

- (a) the police service has failed to provide adequate and effective policing services;
and
- (b) it is in the public interest for the minister to immediately take those actions.

Liability for costs

55 The minister must certify the costs of actions taken under subsection 53(4) or section 54. Unless the minister directs otherwise, the costs

- (a) in the case of a municipal police service, must be paid by the municipality;
- (b) in the case of a regional police service, are the joint and several responsibility of every municipality that operates the regional police service; or
- (c) in the case of a First Nation police service, must be paid by the operator of the police service specified in the agreement establishing the police service.

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PART 7

INVESTIGATIONS INTO POLICE OFFICER CONDUCT

56 to 77 Not yet proclaimed.

PART 8

SPECIAL CONSTABLES

Appointing special constables

78(1) The director may appoint an individual or class of individuals as special constables, subject to any terms or conditions that the director considers appropriate.

Qualifications

78(2) An individual may be appointed as a special constable only if he or she has the prescribed qualifications.

Applications

78(3) Except in exigent circumstances, an application for the appointment of a special constable must be made in writing to the director on a form approved by the director.

Appointment requirements

78(4) The appointment of a special constable must be made in writing and must set out

- (a) the duties and responsibilities of the special constable;
- (b) the territorial jurisdiction of the special constable;
- (c) the term of the appointment; and
- (d) any terms or conditions imposed on the appointment.

Revoking appointment

79 The director may revoke the appointment of a special constable.

80 Not yet proclaimed.

Responsibility for special constables

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81(1) The employer of a special constable is responsible for ensuring that a special constable carries out the duties and responsibilities set out in his or her appointment in a proper manner.

Liability for special constable

81(2) The employer of a special constable is liable for the actions of the special constable while he or she is carrying out the duties or responsibilities set out in his or her appointment.

Regulations

82 The minister may make regulations respecting special constables, including regulations respecting

- (a) the training of special constables;
- (b) the performance of duties and responsibilities by special constables; and
- (c) information and documents to be provided to the director by the employer of a special constable.

PART 9

MISCELLANEOUS PROVISIONS

Community safety cadet program

83(1) The minister or a police service may establish a program to hire members of the community and provide them with training on crime prevention, public safety and other related matters.

Members may assist police officers

83(2) Members of the community safety cadet program may work with police officers to prevent crime and enhance public safety in the community.

Support to become police recruits

83(3) The minister or a police service may make arrangements to provide members of the community safety cadet program with additional training and any educational upgrades necessary to enable them to meet the eligibility requirements to become police officers.

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Advisory committee

84(1) When the Royal Canadian Mounted Police provides policing services in a municipality under an agreement entered into under section 18 or clause 13(1)(b), the council for the municipality may establish an advisory committee consisting of at least three but no more than seven persons appointed by the council.

Role of advisory committee

84(2) The advisory committee is responsible for

- (a) working with the officer in charge of the detachment that provides policing services in the municipality
 - (i) to establish priorities and objectives for policing in the municipality, and
 - (ii) to ensure that policing services are delivered in a manner consistent with community values, needs and expectations; and
- (b) serving as a liaison between the community and the Royal Canadian Mounted Police.

Oaths

85 Before assuming his or her duties, a police officer or special constable must take an oath or affirmation approved by the minister.

Calculating population

86 For the purposes of this act, the population of a municipality or other area is to be determined using the latest census for which Statistics Canada has issued its final report under *the Statistics Act* (Canada).

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.

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"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 »)

Protection from liability

88 No action or proceeding may be brought against the minister, the director, a member of the commission, a member of a police board, the civilian director, an investigator, a civilian monitor or any other person acting under authority of this Act for anything done or omitted to be done, in good faith, in the exercise or intended exercise of a power or duty under this act.

Delegating minister's duties and powers

89 The minister may delegate to the director or any other employee of the department any duty or power conferred or imposed on the minister under this act, other than the power to make regulations.

90 Not yet proclaimed.

Regulations

91(1) The minister may make regulations

- (a) respecting police boards, including the qualifications of board members and the dismissal of board members;
- (b) establishing restrictions or conditions on the ability of police officers to act throughout Manitoba;
- (c) respecting regional police services or First Nation police services;
- (d) respecting the inspection of police services;
- (e) not yet proclaimed;
- (f) not yet proclaimed;
- (g) respecting appeals of internal discipline by police officers who are not subject to a collective agreement that addresses such appeals, including prescribing the person or body that is to hear an appeal, and appeal procedure;

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- (h) defining any word or expression used but not defined in this act;
- (i) prescribing any matter required or authorized by this act to be prescribed by regulation;
- (j) respecting any matter necessary or advisable to carry out the purposes of this act.

Application of regulations

91(2) A regulation made under this act may be general or specific in its application and may apply to one or more police services.

PART 10

CONSEQUENTIAL AMENDMENTS, TRANSITIONAL PROVISIONS, REPEAL, CITATION AND COMING INTO FORCE

92 to 103

NOTE: These sections contained consequential amendments to other acts which are now included in those acts.

104 Not yet proclaimed.

105

NOTE: This section contained a consequential amendment that is now included in S.M. 2008, c. 7.

TRANSITIONAL PROVISIONS

Continuation of municipal police services

106(1) The following municipal police services are continued under this act:

- (a) the Winnipeg Police Service established under **The City of Winnipeg Charter**;
- (b) a police service that was established by a municipality under **The Municipal Act** and was operating immediately before the coming into force of this section.

Establishing police board

106(2) A municipality that operated a police service immediately before the coming into force of this section must establish a police board within six months after this section comes into force.

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Interim operation

106(3) Until its police board is established, the municipality may continue to operate its police service in accordance with the procedures it had in place immediately before the coming into force of this section.

Continuation of Dakota Ojibway Police Service

107(1) The Dakota Ojibway Police Service, established under an agreement between the Manitoba government, the Government of Canada and the Dakota Ojibway Tribal Council Inc., is continued under this act as a First Nation Police Service.

Police board

107(2) The Dakota Ojibway Tribal Council Police Commission established under the agreement referred to in subsection (1) is continued and, for the purposes of this act, is deemed to be the police board for the Dakota Ojibway Police Service.

Continuation of appointment of police chief

108(1) The appointment of a police chief that was in force immediately before the coming into force of this section is continued. The appointment is deemed to be an appointment made under this act and may be dealt with as if it were made under this act.

Employment contracts unchanged

108(2) The terms of any employment contract for a police chief entered into before the coming into force of this section continue to apply.

Appointments continue

108(3) The appointment of a police officer or special constable that was in force immediately before the coming into force of this section is continued. The appointment is deemed to be an appointment made under this Act and may be dealt with as if it were made under this act.

Continuation of policing agreements

109(1) An agreement that was made under the former act or **The Municipal Act** respecting the provision of policing services by the Royal Canadian Mounted Police

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and that was in effect immediately before the coming into force of this section is continued.

Definition

109(2) In subsection (1), "**former act**" means **The Provincial Police Act**, R.S.M. 1987, c. P150, as it read immediately before the coming into force of this section.

REPEAL, CITATION AND COMING INTO FORCE

Repeal

110 *The Provincial Police Act*, R.S.M. 1987, c. P150, is repealed.

C.C.S.M. reference

111 This Act may be referred to as chapter P94.5 of the *Continuing Consolidation of the Statutes of Manitoba*.

Coming into force

112 This act comes into force on a day to be fixed by proclamation.

NOTE: Sections 6 to 12 and 111 of S.M. 2009, c. 32, were proclaimed in force November 15, 2010.

NOTE: Sections 1 to 5, 13 to 55, 78, 79 and 81 to 89, clauses 91(1)(a) to (d) and (g) to (j), subsection 91(2) and sections 92 to 103 and 105 to 110 of S.M. 2009, c. 32, were proclaimed in force on June 1, 2012.

Section 94 was never proclaimed into force and was repealed by S.M. 2010, c. 11, s. 11.

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Appendix 2: Members of Police Boards - Code of Ethical Conduct

Preamble

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

1. Board members are expected to attend and actively participate in all board meetings and shall notify the chair of any anticipated absences.
2. Board members shall not interfere with the police service's operational decisions and responsibilities or with the day-to-day operation of the police service, including but not limited to specific investigations or prosecutions and the promotion process for police officers within the service.
3. Board members shall undergo any training that may be provided or required for them by the police board the Manitoba Police Commission and shall enhance their capabilities as board members by participating, where possible, in outside training opportunities.
4. Board members shall keep confidential any information disclosed or regarding the police service, its staff, operations or administration that has not been disclosed or discussed at a regular meeting of the police board.
5. No board member shall purport to speak on behalf of the board unless authorized by the board to do so.
6. Board members shall discharge their duties loyally, faithfully, impartially, with commitment and accountability to the community and according to *The Police Services Act* (Manitoba), any other act and any regulation, rule or bylaw, as provided in their oath of office.

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7. Board members shall uphold the letter and spirit of the Code of Ethical Conduct and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.
8. Board members shall refrain from acting unlawfully and/or from engaging in conduct that would discredit or compromise the integrity of the board or the Police Service.
9. Board members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with *The Human Rights Code* (Manitoba) and the *Canadian Charter of Rights and Freedoms*.
10. Board members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated.
11. (1) Board members shall not use their office to obtain employment with the board or the police service for themselves or family members.

(2) For the purposes of subsection (1),
“family member” means the common law partner, dependent or family, as those terms are defined in Section 1 of *The Municipal Council Conflict of Interest Act* (Manitoba).
12. A board member who applies for employment with the police service including employment on a contract or fee for service basis, shall immediately resign from the board.
13. Board members must adhere to the Conflict of Interest Policy.
14. Board members must adhere to the *Manitoba Police Board Policy and Procedure Manual* developed for police boards by the Manitoba Police Commission.
15. A board member whose conduct or performance is being investigated or inquired into by the board, a policing agency, or the minister shall not exercise his or her duties as a member of the board for the duration of the investigation or inquiry.

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16. If the board determined that a board member has breached the Code of Ethical Conduct, the board shall record that determination in its minutes and may,

- (a) require the member to appear before the board and be reprimanded;
- (b) ask the member to resign from the board;
- (c) request that the municipal council revoke the appointment of the member;
- (d) request that the Lieutenant-Governor in Council revoke the appointment of the member.

17. Board members shall sign, on an annual basis that they have read the Code of Ethical Conduct and are unaware of any matters that contravene it.

Signed: _____ Date: _____

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Appendix 3: Oath of Office for Police Board Members

OATH OF OFFICE FOR POLICE BOARD MEMBER

I,

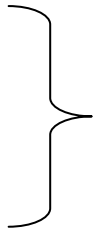
(Name in full)

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

TAKEN, subscribed and sworn before

me at _____,

this _____ day of _____, AD _____.



A Commissioner for Oaths

Or

A Notary Public in and for the Province of Manitoba

My Commission expires (Give Date)

On the _____ day of _____, AD _____.

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Appendix 4: Conflict Of Interest Policy For Police Board Members

1. Police board members are expected to perform duties conscientiously and in a manner that will not put their personal interests in conflict with the public interest or the interest of the municipal Police Service. A conflict of interest arises when a board member's private interests supersede or compete with the board member's dedication to the public interest and the Police Service. This could arise from real, potential, or apparent conflict of interest:
 - a. A "real" conflict of interest occurs when a board member exercises an official power or performs an official duty or function and, at the same time, knows that in the performance of that duty or function or in the exercise of power, there is the opportunity to further a private interest.
 - b. A "potential" conflict of interest occurs when there exists some private interest that could influence the performance of a board member's duty or function or in the exercise of power, provided that the member has not yet exercised that duty or function.
 - c. An "apparent" conflict of interest exists when there is a reasonable apprehension, that a reasonably well-informed person could properly believe, that a real conflict of interest exists on the part of a board member.
2. A board member has an obligation to declare a conflict of interest and make a full disclosure prior to discussion of an issue. This enables the police board to resolve unclear situations and gives an opportunity to dispose of conflicting interests before any difficulty can arise.
3. Upon declaration of a conflict, the person recording the events of the meeting should duly note the declaration. The board member who declared the conflict must absent themselves from the proceedings during discussion or voting on that particular matter, contract or arrangement.
4. Board members concerned that another board member may have a conflict of interest must bring the matter to the attention of the chair as soon as is practicable. In the case of a conflict of interest involving the chair, the matter is to be brought to the attention of the vice-chair. Conflicts brought to the attention of the chair or vice chair must be resolved in a manner that preserves and enhances public confidence and trust in the objectivity and impartiality of the board. This may mean asking the board member who is or who is perceived to be in a conflict of interest to abstain from a particular vote or discussion or in extreme cases, asking the board member to step down or be removed from his/her appointment.

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Appendix 5: Job Description for the Police Chief

CHIEF

Chiefs are appointed by and are accountable to municipal police boards. Chiefs lead the development of a vision and identify the strategic direction and objectives for the police service. They oversee all operational, policing and administrative functions of a police service and represent the police service at municipal, provincial, federal and international levels. In some communities chiefs will perform operational duties in addition to administrative duties.

MAIN RESPONSIBILITIES

- Oversee the development of a police service strategic plan with focus on prevention, intervention and enforcement.
- Evaluate the success in implementing the strategic plan.
- Hold accountability for police service operations.
- Hold accountability for management of financial resources.
- Hold accountability for human resource management.
- Hold accountability for information technology management.
- Hold accountability for the collection, collation, dissemination and security of police information and data.
- Champion the use of policing strategies, programs, and tactics in the police service such as: intelligence-led, evidence-based, and mission-based policing and problem-oriented policing to mitigate crime and disorder issues.
- Champion the use of varying communications strategies to achieve common goals, influence and gain stakeholder support.
- Set the direction for and evaluate the implementation of change.
- Hold accountability for community and media relations.
- Instill ethical conduct in others.
- Develop relationships with leaders, organizations, and oversight and governing bodies.
- Value diversity in a respectful policing environment.
- Promote the use of progressive information technology management in support of operational and administrative functions.

COMPETENCIES*

Must be proficient in the following competencies at a level deemed appropriate by the local municipal police board:

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- change management
 - community relations and media management
 - decision making
 - ethical accountability
 - financial management
 - interactive communication
 - organizational awareness
 - fostering relationships
 - information technology management
 - public accountability
 - public safety
 - strategic management
 - human resource management
 - valuing diversity
- * Municipalities are required to use the Police Chief Selection Application developed by the Manitoba Police Commission to assess and determine the appropriate competency levels.

ADDITIONAL DESIRED COMPETENCIES

- Political acumen is desired.
- Business acumen is desired.

EDUCATION

- A bachelors degree in police science, criminal justice, public administration, business administration or a related field is preferred; or, a combination of experience, education and training may substitute for formal education.
- A master's degree in a related field such as public or business administration is preferred for municipalities with police operations requiring high levels of proficiency in the required competencies.

EXPERIENCE

- Must have at least 10 years of progressively responsible law enforcement experience in patrol, investigations and emergency response programs.
- Must have at least eight years of progressively responsible policing leadership and management experience.
- Experience in dealing with the media and community relations is preferred.
- Experience in working within governance structures is preferred.

KNOWLEDGE

- Must have advanced knowledge of law enforcement, legislation and policy regarding public safety.
- Must have advanced knowledge of local, regional, national and international policing issues, philosophies, practices and trends.

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- Must have advanced knowledge of current law enforcement management theory and administrative standards.
- Advanced knowledge of governance structures is preferred.

OTHER REQUIREMENTS

- Must have valid Canadian driver's license
- Must have valid first aid certificate and CPR certificate
- Must be a Canadian citizen
- Must pass a security clearance investigation

The Police Chief Job Description is based on the Canadian Police Sector Council's Police Chief Job Description

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