

Alternate Enforcement Working Group Meeting

27 February 2013

Attendance: Dale Larsen (MJPS/SACP), Shelley Kilbride (SARM), Dale Harvey (SARM), Doug Steele (SARM), Sean McEachern (SUMA), Bill Blanshard (Justice - CP), Hugh McLaughlan (RCMP), Bernie Eiswirth (SFPO), Louis Lauzière (Justice – CP), Bob Mills (RCMP), Ken Sabo (Justice – CP), Constance Hourie (Justice – CP).

General discussion items

The provincial government (Justice – CP) is looking for a consistent way to respond to requests for special constable appointments while giving consideration and thought to issues such as risks (real and potential), training requirements, certification and performance oversight. The purpose of this initial meeting was to review options for a provincial alternate enforcement model that would guide current and future requests for appointments while allowing for local variations.

Requests for appointments are mainly to fill service gaps between functions that bylaw officers can currently carry out and services that police officers have time to deliver. There is a grey zone between the two that could be addressed by an alternative enforcement model.

This need is being recognized at a time when the private security sector is aggressively seeking to expand the services it can provide, and this is happening within a “relative” regulatory vacuum. Saskatchewan is garnering attention from the private security sector. There are concerns that organized crime could take advantage of this situation. There is no code of conduct or strong regulatory ability therefore this would not be a good option.

The Saskatchewan Federation of Police Officers has been invited to participate in this working group but does not currently have a position on the matter as it is just now being made aware of it. Bernie Eiswirth will be their representative.

The RCMP is supportive of the process. Any suggestion, including from members, that they don't enforce by-laws is incorrect as if that is the best tool to advance public safety, they will be used. RCMP enforcement priorities are "public safety" and the best tools to do the job will be used from whichever legal framework (Prov., Federal, or Municipal). They recognize that there is a gap in service delivery at the bylaw end of the continuum. While they have been approached by RMs to enter into bylaw enforcement agreements and are open to the idea (i.e. Britannia, Whitecap), they advise that the RCMP is an expensive option and that there remains a capacity concern.

Q. Can we obtain a copy of the Britannia and Whitecap agreements? North Battleford agreement?

In cases such as the Britannia agreement, the agreement is actually done via the Provincial Police Service Agreement the RCMP has with the province. The province cost shares with the RCMP (70/30%) and then recoups the amount from the RM. It must be understood that the RCMP may occasionally use the bylaw position for other purposes, in recognition of the 30% RCMP contribution. In the event of leave used by the bylaw officer (i.e. maternity leave), it is the responsibility of the RM/municipality to back fill the position if they so wish. The FTE is funded, not the position.

The Moose Jaw Police Service doesn't currently require special constable appointments to deal with bylaw enforcement functions which are shared between police officers (i.e. traffic control, dog issues, noise complaints) and two Bylaw Enforcement Officers (other regulatory enforcement files). They have no special constables but do use Commissionaires. They feel they are adequately resourced at this time.

SARM has been working on the alternate enforcement file since March 2012. They advised that speeding and weights are two definite concerns, but that needs will vary from one community to another. They are working [with the Saskatchewan Association of Licensing Inspectors and Bylaw Officers \(SALIBO\)](#) on three training modules and looking at continuing education as potential vehicles to support certification in the future. They have approached the Saskatchewan Police College for assistance in providing training and have also been in touch with Alberta for the provision of training. The provincial government (Justice – CP) has reviewed pilot projects in Rosetown and the Lakeland district. Community feedback has been positive. The risk of mandate creep is however noted.

Q. Should Lakeland present their experience and next steps to this group?

While there is recognition that there are solutions available to municipalities and no need to reinvent the wheel, it is also acknowledged that risks and liabilities will need to be recognized and considered in any special constable model that is chosen. As an example, any traffic stop has the potential to evolve into a dangerous situation. Every effort needs to be made to mitigate risks.

The BC Community Safety Officer model was presented by the RCMP and discussed. It is based on an Alaska project built around remoteness of communities and the need to address issues in the event police are not readily available. It is not without risks and requires clear guidelines so that CSOs do not take on more than they can handle and put themselves in dangerous situations that could have been avoided. The model has been evaluated and the RCMP has decided not to expand beyond the original pilot because of some issues with the level of risk being assumed by the CSOs.

Q. Can parts of the model be salvaged? Can we have access to the evaluation report?

An alternative RCMP program that was presented and discussed is the Aboriginal Community Constable Program. The Aboriginal Community Constables are armed and paired up with a regular member. This program can serve as a recruitment venue where good candidates can eventually progress to become regular members.

Other comments/considerations/concerns

1. The public doesn't easily differentiate between a police officer and a special constable. Is this an issue of uniforms and/or car markings?
2. Some special constables may want to portray themselves as police officers and abuse their authority.
3. We need to consider communication needs. Can we accommodate the need by tapping into the PPSTN (provincial public safety telecommunications network)?
4. If we want to properly enforce the bylaws, we have to be prepared to prosecute if and when required. Otherwise, the bylaw loses its value.
5. We need to use technology to its fullest to reduce risk and liabilities, such as bylaw officers trained to use radar devices then just take plate number rather than forcing cars to pull over or using photo radar.
6. Special constables are subject to Part IV of *The Police Act (1990)*.
7. The service level agreements between the RCMP and RMs provide the governance model required for oversight and accountability.
8. Peacekeepers will be kept out of the discussion at this time.
9. Let's plan for the worst case scenario when we do the risk mitigation exercise.
10. The model document needs to be a living document.
11. While the RCMP is an expensive option, it does come with liability protection for the RM/municipality. Liability would be assumed by the federal government. **Q. Bob/Hugh**, Can you confirm this or will we require a legal opinion?
12. Is it would be simpler to implement regional agreements within the RCMP option? There would not be a requirement for multiple uniform insignia and car markings.

Documents

SALIBO Duties and Responsibilities document (an electronic copy will be e-mailed to us)

Training Module Outlines (an electronic copy will be e-mailed to us)

To Do List

1. Have discussion and/or visit with Lakeland (Ken/Constance).
2. Provide risk matrix (Bob/Hugh)
3. Provide Britannia and North Battleford agreements (Bob/Hugh)
4. Provide Whitecap agreement (Bob/Hugh)
5. In the Britannia/Whitecap models who holds liability RCMP or RMs? (Bob/Hugh)

6. Research training/certification curriculum (Shelley)
7. Provide BC CSO evaluation (Bob/Hugh)
8. Contact Mr. Hickie Traffic Safety Initiative (Constance)
9. Provide information on police technologies that could be considered (Ken)
10. Provide working group contact list (Constance)
11. Provide Aboriginal Police Management Board information (Ken)
12. Confirm next meeting at RCMP Depot (Hugh)

Next Meeting

April 11/2013
13:15 to 16:30
RCMP Depot.

Section 2 – Interpretation, the *Criminal Code of Canada*

“peace officer” includes

(a) a mayor, warden, reeve, sheriff, deputy sheriff, sheriff’s officer and justice of the peace,

(b) a member of the Correctional Service of Canada who is designated as a peace officer pursuant to Part I of the [Corrections and Conditional Release Act](#), and a warden, deputy warden, instructor, keeper, jailer, guard and any other officer or permanent employee of a prison other than a penitentiary as defined in Part I of the [Corrections and Conditional Release Act](#),

(c) a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process,

(c.1) a designated officer as defined in section 2 of the [Integrated Cross-border Law Enforcement Operations Act](#), when

- (i) participating in an integrated cross-border operation, as defined in section 2 of that Act, or
- (ii) engaging in an activity incidental to such an operation, including travel for the purpose of participating in the operation and appearances in court arising from the operation,

(d) an officer within the meaning of the [Customs Act](#), the [Excise Act](#) or the [Excise Act, 2001](#), or a person having the powers of such an officer, when performing any duty in the administration of any of those Acts,

(d.1) an officer authorized under subsection 138(1) of the [Immigration and Refugee Protection Act](#),

(e) a person designated as a fishery guardian under the [Fisheries Act](#) when performing any duties or functions under that Act and a person designated as a fishery officer under the [Fisheries Act](#) when performing any duties or functions under that Act or the [Coastal Fisheries Protection Act](#),

(f) the pilot in command of an aircraft

- (i) registered in Canada under regulations made under the [Aeronautics Act](#), or
- (ii) leased without crew and operated by a person who is qualified under regulations made under the [Aeronautics Act](#) to be registered as owner of an aircraft registered in Canada under those regulations,

while the aircraft is in flight, and

(g) officers and non-commissioned members of the Canadian Forces who are

- (i) appointed for the purposes of section 156 of the [National Defence Act](#), or
- (ii) employed on duties that the Governor in Council, in regulations made under the [National Defence Act](#) for the purposes of this paragraph, has prescribed to be of such a kind as to necessitate that the officers and non-commissioned members performing them have the powers of peace officers;