

Esquimalt Policing and Law Enforcement Advisory Board

Terms of Reference

Background

The 2002 Victoria and Esquimalt Police Force Amalgamation Planning Order established a joint police board for the amalgamation of the City of Victoria and Township of Esquimalt's police departments.

In March 2010, Police Services Division, Ministry of Public Safety and Solicitor General, conducted an audit of the policing in Victoria and Esquimalt. The audit recommended that the current governance structure be revisited to ensure that:

- a) The Township of Esquimalt has the capacity to form its own police governance structure to address policing issues within its jurisdiction;
- b) The Esquimalt police governance structure is established as per current police board appointment processes;
- c) The role of the Esquimalt police governance is to (1) manage the contractual relationship with its contracting partner; and (2) oversee policing service in its jurisdiction.

For further information, please visit www.pssg.gov.bc.ca/policeservices to review the Victoria Audit Report completed in February 2010.

Governing Legislation

BC *Police Act*, RSBC 1996, c367, Minister's prerogative to meet the requirements of section 15 as it relates to the Township of Esquimalt.

Statutory Considerations

Effective June 3, 2010, OIC 303 approved the 2010 Esquimalt Policing and Law Enforcement Advisory Order. This order approved the establishment of the Esquimalt Policing and Law Enforcement Advisory Board.

Board Meeting Process

Mayor Barbara Desjardins is the Chair of the board and serves as spokesperson for the board.

Meeting agendas will be jointly established between Chair and members.

Adopted by the Esquimalt Policing and Law Enforcement Advisory Panel/Board
- September 8, 2010

Members will meet bi-weekly and on other mutually agreed upon dates, meetings may be in person or via telephone. Email will be used to notify members of meetings.

Mayor will be responsible for the swearing in ceremony of new board members. Draft "Affirmation of Appointment" attached.

The board will develop policy and procedures with respect to meetings and hearings open to the public as outlined in the *Police Act sec. 69 (1) (2) (3)*.

All closed and in camera meetings will be filed pursuant to the *Police Act sec. 71*.

Board members are encouraged to develop a strong relationship with municipal council. This relationship is critical as the board depends on municipal council to provide the police service with an annual budget to carry out its responsibilities.

Esquimalt will be responsible for providing secretarial support for the Board and all other costs associated with the completion of the report including training costs and the use of a consultant.

Board Appointment

Appointment of three provincial members and one municipal council member for a term to expire June 30, 2011. The renewal process for appointments will start in February, 2011 as outlined by Board Resource and Development Office policy/procedures.

Board members will be encouraged to attend municipal police board training sessions and conferences as well as participating on police ride alongs and visiting with the various police and law enforcement agencies/boards within the region.

Any changes with respect to Candidate Declaration and Profile completed by the board members should be immediately updated to reflect any changes to the information provided.

Board members must adhere to the conduct General Conduct Principles for Public Appointees.

Board members are protected under the Police Act, Part 4, sec. 21(2) from being personally liable for actions they take, or fail to take, in the performance of their duties as board members. The exceptions are if the board member has been guilty of dishonesty, gross negligence or malicious or willful misconduct.

Board members should be aware that the board is subject to the Freedom of Information and Privacy Protection Act.

Responsibilities of the Board

The role and responsibilities of the Esquimalt Policing and Law Enforcement Advisory Board members are as follows:

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- a) The policing and law enforcement services required by the Township of Esquimalt including the level of police services required.
- b) Make recommendations to Council regarding actions that Esquimalt may consider in implementing the proposed model.
- c) Development of Scope Document/Request for Information that will be provided to municipal police departments interested in delivering a dedicated police service to Esquimalt.

The terms of the request for service should include, among others, requirements for:

- o minimum level of service required;
 - o a mandatory dedicated patrol for the Township;
 - o opting-in/out provisions for specific services;
 - o a fixed schedule for contract review; and
 - o any Esquimalt budget limitations, a process for review of budget and dispute resolution expectations.
- d) Submit a report to the Solicitor General and Director of Police Services Division recommending a policing and law enforcement model, which includes governance, to serve the municipality and meet the requirements of *Section 15 of the Police Act*. This report will include forecast cost estimates.

It should be noted that the report submitted to the Solicitor General and Police Services Division by the Board must be approved by municipal council.