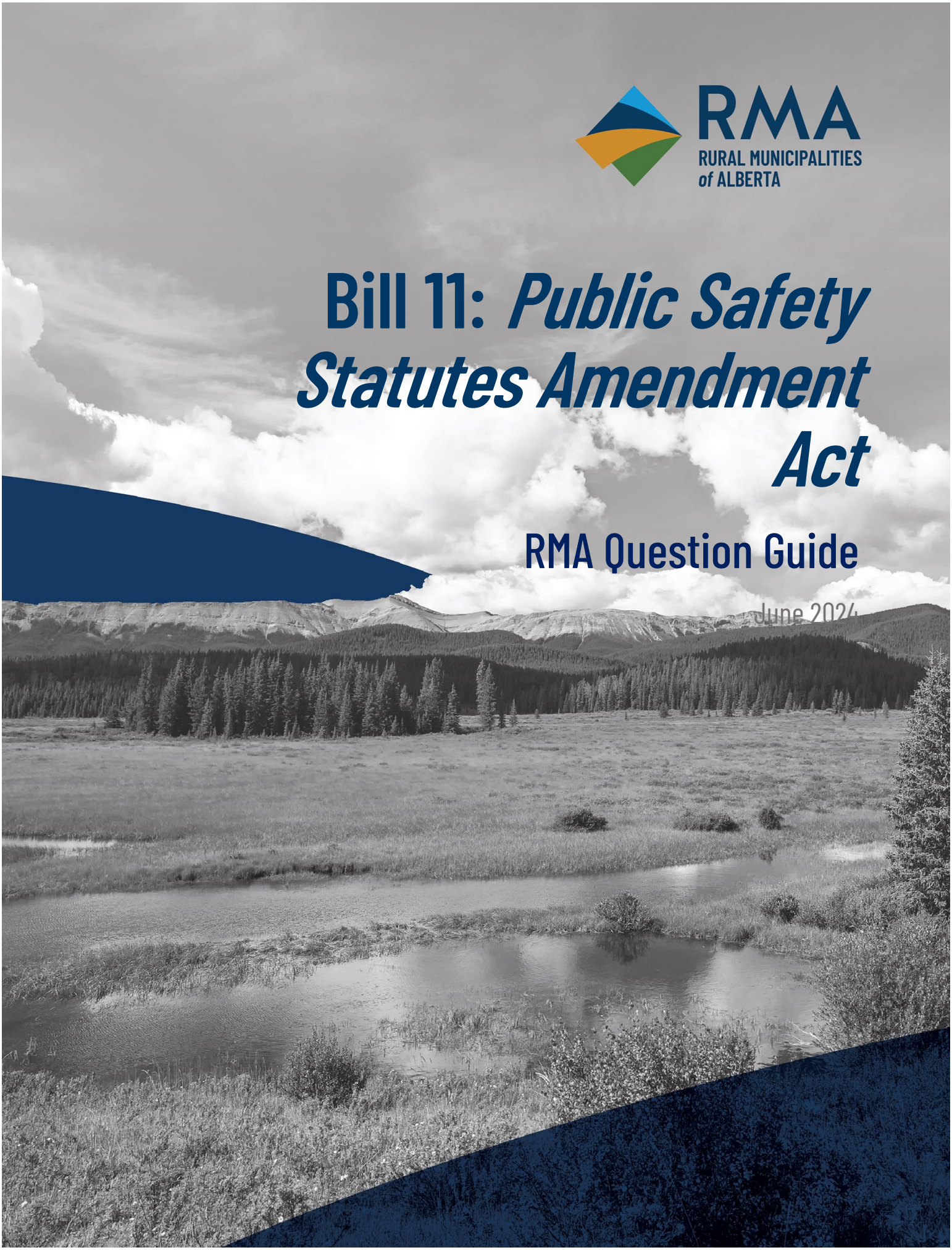

RMA
RURAL MUNICIPALITIES *of* ALBERTA

Bill 11: *Public Safety Statutes Amendment Act*

RMA Question Guide

June 2024

What is the issue?

In March 2024, the Government of Alberta introduced Bill 11: the *Public Safety Statutes Amendment Act, 2024*, which would amend the *Police Act* to establish a new policing organization. The *Police Act* mandates the Government of Alberta to ensure that adequate and effective policing is maintained in Alberta. Bill 11 received royal assent and came into force on May 16, 2024 (with exception of section 1, which comes into force on proclamation).

The *Public Safety Statutes Amendment Act* enables the creation of a new organization that would work alongside police services across the province. Officers would take on the responsibility of "police-like functions" that are currently carried out by the Alberta Sheriffs.

According to the Government of Alberta, this independent police agency will have the authority and jurisdiction to support the Royal Canadian Mounted Police (RCMP), municipal police services, and First Nations police services in Alberta, with the goal of allowing other police services across the province to spend more of their time on core operations and frontline duties.

Rural policing in Alberta is already complex and issues exist related to governance, funding, and service delivery. RMA is seeking answers on how the formation of a new organization under Bill 11 will impact these existing challenges.

How do I use this guide?

This guide has been created to provide members with quick access to an overview of Bill 11 and relevant questions that RMA recommends bringing forward to MLAs and the Minister of Public Safety and Emergency Services. This information is grouped into themes of concern regarding the proposed policing organization.

Have questions?

Contact RMA Policy Advisor Kallie Wischoff at kallie@RMAlberta.com.

Theme: Governance and Oversight

Overview

Bill 11 adds several new sections to the *Police Act* (ss. 33.8 – 33.92) allowing for the establishment of an oversight board for the new policing organization, as well as detailing the powers and composition of the board. The bill names the oversight board the "Independent Agency Police Service Oversight Board."

The oversight board will consist of the Deputy Minister of Public Safety and Emergency Services as well as eight other members appointed by the Minister. There is no criteria or requirements in the bill relating to what groups be represented on the oversight board, although s. 33.8(1) does reference the possibility of regulations being developed. The bill does clarify that MLAs and members of "an independent agency police service" cannot be members, and that all members must reside in Alberta.

As identified in s. 33.9, the oversight board will oversee the policing services provided by the independent police agency. The oversight board will work in consultation with the chiefs of the independent police agency to ensure that the required duties and responsibilities of the independent police agency are complied with. The oversight board will be responsible for the remuneration of officers, ensuring that employment levels are maintained, and developing a diversity and inclusion plan.

Bill 11 (s. 33.4(1)) authorizes the Minister to establish "one or more independent agency police services." RMA is currently unclear on any further details of whether multiple services may be developed on a regional basis.

This new independent police agency and the corresponding oversight board creates confusion in relation to the current governance changes being made under the *Police Amendment Act*. Through amendments made in 2022's Bill 6 (which have not yet been proclaimed), s.28.01 of the *Police Act* already mandates the creation of a Provincial Police Advisory Board (PPAB) that will provide police governance for communities policed by the RCMP under Provincial Police Service Agreements (PPSA). The PPAB is a centralized body that will speak on behalf of over 300 PPSA communities. However, these PPSA communities will simultaneously be policed by the independent policing agency as well as the RCMP. With the establishment of both the PPAB and the oversight board in the *Police Act*, there is increasing confusion about how these boards will work together to provide police governance to communities across the province. In Bill 11, s. 33.91 states that police officers of the independent police agency will be directly accountable to the oversight board regardless of where in the province they're deployed. Whether an officer is in a large urban municipality, or small rural municipality, it appears that the new police agency has no obligation to engage with the PPAB or police commissions. Based on RMA's interpretation of Bill 11, this oversight board seems to undermine the intent of other police governance changes currently being made.

Without clear direction of how the PPAB and oversight board will operate alongside each other, there is no way to ensure that these oversight mechanisms will operate efficiently and effectively. It is disappointing that within months of engagements on the composition and scope of the PPAB concluding, Bill 11 has added a significant new dynamic to police governance that impacts how the PPAB should be developed.

Recommended Questions

- How will the RCMP and the new police agency work together to support proper governance and local input within the communities that they serve?
- How will civilian oversight board members be selected? Will this be a political process or a competency-based process? Who would be responsible for recruitment and selection? How will the civilian oversight board be funded and administratively supported?

- What are the risks of two separate provincial oversight boards legislated through the *Police Act*? What impacts will this have on transparency, accountability, and public understanding of police oversight?
- How will the civilian oversight board work alongside the Police Review Commission for complaints against officers?
- How will the powers, duties, and functions of the civilian oversight board work alongside those of the PPAB?

Theme: Municipal Engagement

Overview

Policing impacts municipalities in many ways related to public safety, cost, engagement, and others. As with any changes that will affect municipalities, it is essential that meaningful engagement is conducted to ensure that their needs are accounted for. Unfortunately, there was no engagement or consultation with municipalities on this issue. The lack of engagement is concerning for municipalities due to the impacts a new policing agency will have on communities. RMA is supportive of any measures that enhance safety in communities, but changes should only be made after careful consultation and engagement with municipalities.

Unfortunately, Bill 11 also fails to mention any provisions around how the police agency and oversight board will seek input from municipalities or the public once it is fully operational. It is important to note that the *Police Act* includes multiple forms of boards, commissions and committees, none of which seem to apply to the independent police agency. It is unclear why the new independent police agency is exempt from these forms of local input and oversight that other policing agencies, like the RCMP, are accountable to.

Recommended Questions

- Why were municipalities not consulted on this issue prior to the introduction of the legislation?
- Considering the significant impact this legislation has on municipalities, how will municipalities be involved and engaged throughout this process moving forward?
- Without community input into policing, how will this new agency ensure that local policing needs are being met?
- Why is the independent police agency not subject to requirements to engage with municipal or regional policing committees, or the Provincial Police Advisory Board?

Theme: Recruitment and Retention

Overview

Recruitment and retention of police officers throughout the province continues to be a challenge. As of April 15, 2024, the RCMP vacancy rate in Alberta is at 17 percent. This includes both hard vacancies (meaning there is no officer to fill a position) and soft vacancies (meaning the position is technically filled, but the employee is away for factors such as medical leave).

Although s.33.9(2)(c) states that the oversight board is responsible for ensuring that sufficient numbers of officers are employed for the independent police agency services, there are concerns that Bill 11 may exacerbate the issues currently being faced regarding recruitment and retention. It is unclear how an entire new policing organization will fill these gaps, let alone how it will impact the current staffing levels of the RCMP, Alberta Sheriffs, and community peace officers.

Recommended Questions

- What is the plan to ensure that this new policing organization is adequately staffed, while still maintaining current RCMP staffing levels?
- How will staffing requirements in rural detachments be determined? What method will be used, and will it be different from the current RCMP approach?
- Many RCMP officers are currently on leaves of absence for mental and physical health reasons. How will the new policing agency ensure that officers are supported through adverse experiences they may face?

Theme: Costs

Overview

Budget 2024-25 included slight increases in funding for some aspects of policing, including funding for Alberta Sheriffs and law enforcement oversight. However, there is no mention of this independent police agency in the budget. Without the allocation of funds for the creation of this independent police agency, it is unclear if and how the costs of implementing Bill 11 will impact other public safety initiatives.

Through the Police Funding Model (PFM), municipalities are already contributing to RCMP costs in their community. It is concerning that there may be a further downloading of these policing costs onto municipalities without a guarantee that communities will have enhanced services. The PFM regulation expires in 2024 but may be extended into 2025. RMA is concerned that the creation of the independent police agency may be used as a justification to require municipalities to contribute a higher amount to policing through the PFM in future years.

Recommended Questions

- How will this agency be funded and sustained? Will municipalities be required to contribute to the cost of this agency?
- What up-front capital and long-term operational costs would be associated with creating and maintaining the new police agency?
- Will funding of a new agency under Bill 11 mean reduced funding for other public safety initiatives?

Theme: Deployment

Overview

Many aspects of this new independent police agency remain unknown, including where detachments will be located, capital and equipment costs, training requirements and costs, and many others.

Alberta Sheriffs perform a variety of law enforcement tasks including highway patrol, courthouse and legislature security, prisoner transport, investigating problem properties, and fish and wildlife enforcement. It remains unclear how this new policing agency might affect the role that Alberta Sheriffs play in the province. If this new police agency will take over “police-like functions” currently assigned to Alberta Sheriffs, there are concerns about what role Sheriffs will have moving forward and how the jobs currently assigned to Sheriffs will transfer into other roles. There is a risk that this change in policing operations could lead to a downloading of more duties and expectations to community peace officers.

Recommended Questions

- Where will officers of the new policing agency be based? How will need be determined? Will RCMP detachments serve as hubs for this new agency?
- Are all existing detachments physically capable of serving as hubs for multiple provincial policing services? If not, will the costs of upgrading existing infrastructure be used as a consideration in the selection of hubs?
- What training requirements will the officers of the new policing agency be required to obtain? Will this training be standardized across the province? What will be the cost of this training?
- What role will Alberta Sheriffs have moving forward? If they are playing a different role, who is filling their previous role around traffic enforcement?
- To what extent will this change in duties and responsibilities for officers have an effect on community peace officers?