

---

# **Edmonton Police Governance Audit**

April 20, 2005

---

Executive Summary .....	1
1. Introduction .....	10
2. Background .....	11
2.1. Governing Legislation .....	12
2.2. Commission Procedures .....	13
3. Objectives .....	14
4. Scope and Methodology .....	14
5. Observations and Analysis .....	15
5.1. Governance .....	15
5.1.1. Fifteen Attributes of Good Governance .....	15
5.1.2. Orientation and Training .....	16
5.1.3. Internal Audit .....	20
5.1.4. Right to Audit .....	21
5.2. Legislation .....	22
5.2.1. Compliance with Legislation .....	22
5.2.2. Complaint Process .....	24
5.3. City Bylaw .....	27
5.3.1. Appointment Process .....	27
5.4. City Directives and Procedures .....	32
5.4.1. Contracts .....	32
5.4.2. Honorariums .....	36
5.4.3. Civic Agency Reporting .....	39
5.5. Police Commission Policy and Procedure .....	42
5.5.1. Expense Reimbursement .....	42
5.5.2. Working Agreement .....	44
5.5.3. Commission Staff Security Clearances .....	45
5.5.4. Code of Conduct .....	46
6. Conclusion .....	49
APPENDIX A .....	51

## Executive Summary

In September 2004 the Edmonton Police Commission (Commission) requested that the Office of the City Auditor (OCA) conduct this audit in an effort to improve the governance structure of Edmonton's policing program. The City's policing program expenditures in 2004 totaled \$177.3 Million and a budget of \$188.9 Million has been approved for 2005.

The challenge of identifying what police governance means is not unique to Edmonton. In 2002 the Justice Institute of British Columbia conducted a research project to establish a framework to increase the governance capacity of police boards. Their research provided the following statement of expectations for municipal police boards in BC:

A municipal police board performs both a governance function and an oversight function. Governance involves controlling and directing the development of policy as the vehicle for directing and influencing the decisions of the organization. Oversight involves ensuring that the legislated functions of the police department are carried out by the organization, and conducting disciplinary action in matters...

The fieldwork for this audit was conducted throughout the fall of 2004 and included the review of the legislation, bylaws, policies and procedures in effect at that time. Completion of the audit included consultation with the individuals serving on the Commission in 2004 as well as the Police Service Executive in place at that time. Three new members were appointed to the Commission effective January 2005. These individuals, while not part of the Commission when the audit work was completed, have participated by providing input to the closing and reporting portions of the project.

The audit had the following general audit objectives:

**Objective #1** – To review the governance roles, responsibilities, and relationships of City Council, the Police Commission, and the Police Service as they relate to the policing program in Edmonton. This included an assessment of the degree to which each party can carry out the governance functions as established by applicable legislation and bylaws and can fulfill their responsibilities.

**Objective #2** – To assess the contract signing authority levels between City Council, the Commission, and Edmonton Police Service, including a determination of whether such levels are understood, consistent, and adequate to enable fulfillment of their respective responsibilities.

The Police Act (Act) is the governing legislation that outlines certain roles, responsibilities and expectations for the Province, City Council, the Commission and the Police Service. The Act assigns Council the responsibility to establish and maintain an adequate and effective Police Service, while requiring that it be separated from political

interference. The removal of political interference is achieved by requiring that a Commission be established with the responsibility to:

- Allocate the City's funds provided by Council;
- Establish policing policies;
- Issue instructions to the Chief of Police regarding those policies; and
- Ensure that sufficient persons are employed by the Police Service (including the appointment of the Chief of Police, subject to ratification by Council).

Council, while separated from policing policies and the distribution of funds, is enabled by the Act to fulfill its responsibilities by requiring Council to:

- Prescribe the rules governing the operations of the Commission;
- Appoint the members of the Commission; and
- Establish the total budget for the Police Service.

The importance of Council fulfilling each of these responsibilities to the fullest of their ability cannot be overstated due to the size of the organization as well as the fact that the Act assigns any legal liability incurred by the Commission to Council.

The Act does not prescribe a particular police governance model, rather it leaves the design of the governance framework to the parties involved. The framework's foundation and parameters are established by the Police Act, but much of the enabling guidance that facilitates effective governance must be created through carefully considered governing documents (bylaw, policy and procedure). In assessing the roles and responsibilities of the parties involved, the OCA observed that a number of assumptions exist among the parties as to who is responsible for what and under what authority the responsibility lies. The OCA observed a lack of clarity and understanding amongst Council, the Commission, and the Police Service regarding exactly where the lines of accountability and responsibility are drawn. These "grey areas" exist between Council and the Commission, as well as between the Commission and the Police Service.

Since the roles and responsibilities for each of the above parties have not been clearly defined, the OCA is unable to conclude whether any party has overstepped its actual limits of authority and responsibility. However the OCA has observed actions by the Commission that, in our view, are contrary to good governance. Specifically this would include directly hiring Deputy Chiefs and intervening in the photo radar contract tendering process.

Individual Commissioners have expressed to the OCA their belief that a Commissioner position requires much more than a volunteer should be expected to provide. This may be due, in part to the Commission deeming it necessary to involve itself in operational activities that are inconsistent with the principles of good governance and the expectations of the City of Edmonton.

With Council being responsible for an adequate and effective Police Service the OCA considers the current level of Commission accountability to Council to be inadequate so that Council could be reasonably assured of meeting this responsibility. As such, the OCA encourages Council to explore all remedies available within the requirements of the Act to ensure that the City's objectives for the policing program are met.

The report includes thirty-one recommendations; seventeen are directed to the Commission and fourteen to the City of Edmonton. This recognizes that while there are areas in which the OCA believes the Commission can improve Police Governance, there are also areas where the City needs to take action. It is important to note that in implementing the recommendations, the appropriate legislation (including the *Police Act*) must be referenced to ensure that the proposed action plans are consistent with the respective powers and responsibilities of the Commission and the City.

The Commission provided the OCA with a response to their recommendations and included the following comments regarding the recommendations made to the City:

The Commission recognizes that it is the responsibility of the City Clerk to respond to a number of the draft recommendations. While the Commission appreciates the specific value in some of the recommendations it is concerned that the general theme running through the recommendations is one that has the potential of significantly effecting the independence of the Commission and changing the "arms length" relationship that must exist between Council and the Commission to ensure that independence. As noted above the *raison d'être* for the Council establishing the Commission is to separate the political domain from the policing domain. No action should be taken which would reduce that separation.

The importance of the Commission's independence from Council is recognized in the Police Act and, indirectly, in Policy 9304. In expressing concern regarding the "theme" of the draft recommendations to the City Clerk the Commission remains fully cognizant of the fact it remains accountable to the people of Edmonton through Council. This accountability is most specifically manifested each year when the Commission appears before Council to define the Edmonton Policing Program and to request funding for that Program. It is also manifested each year when Council considers the appointment and reappointment of Commissioners. Recommendations #24 and #25 are two of the recommendations that reinforce the observation that the Audit is suggesting a reduction in the independence of the Commission.

The OCA agrees with the Commission's view that Council must operate at arms length, but believes that it is prudent and within its authority for Council to establish a more comprehensive framework that will allow it to ensure that its governing responsibilities over this City-established board are fulfilled.

The OCA strongly encourages the City to “get closer” to the Commission and make it mandatory, for administrative processes, that wherever practical the City’s policing organization leverage the City of Edmonton’s infrastructure and abide by the bylaws, policies and directives established to control those activities. This will ensure that the practices of the Commission and the Police Service are consistent with the citizen’s expectations regarding value, transparency, and accountability.

The specific results of the audit are described in the Observations and Analysis section of the report. The report is organized into the following five general categories, which together form the Governing Framework within which the Edmonton Police Program operates:

#### 1. Governance

Fifteen Attributes of Good Governance – The OCA gathered the Commissioners’ views on the effectiveness of the Commission when considering 15 attributes of good governance. The results indicated that the Commission overall felt that it was effective in only 3 of the 15 attributes discussed. The areas identified as requiring the most development are: orientation and training; managing risk; roles and responsibilities; and teamwork. The full results of the Commission’s assessment are attached as Appendix A.

Orientation and Training – The least effective governance attribute identified by the Commissioners related to the adequacy of orientation to prepare them to fulfill their governance responsibilities. The OCA, in researching the topic, developed a possible syllabus for a training program and recommends that the Commission develop and deliver a comprehensive orientation and training program to all Commissioners.

One key aspect of the orientation and training program would be to clarify the roles and responsibilities of Council, the Commission as a whole and as individual Commissioners (both Councillors and members of the public), as well as the Chief of Police and his/her staff. With the boundaries documented and understood, all parties will be better able to execute their responsibilities and hold the other parties accountable for fulfilling theirs.

Internal Audit – Being an organization with a budget nearing \$200 Million the OCA believes that the organization is of sufficient size to consider establishing an internal audit function. The OCA recommends that the Commission consider establishing an independent and objective internal audit function that would support the objectives of both the Commission and the Police Service.

#### Right to Audit

The OCA also considered the City’s needs and discussed the rationale for including the City’s right to audit clause in City Bylaw 9304, *Edmonton Police Commission Bylaw*. This would provide Council the right to direct an audit if

they had concerns about the use of City funds for the policing program. The OCA recommends the bylaw be revised, subject to any restrictions within the Police Act.

## 2. Legislation

Compliance with Legislation – The OCA assessed Council's, the Commission's, and the Police Service's compliance with the mandatory requirements of the Police Act. Two exceptions were observed, one that applied to the Police Service that has already been resolved, and another that applies to the Commission relating to the responsibility to appoint police officers. The OCA recommends that the Commission formalize current practice and delegate this responsibility to the Police Service.

The OCA also discussed the Commission's practice of hiring Deputy Chiefs and recommends that, rather than being directly involved, the Commission develop a "Police Service Executive Appointment" policy to guide the Chief in developing his/her executive team.

Complaint Process – The OCA observed the Commission's sincere desire to improve the complaint process and increase its transparency. To support their efforts to fulfill their complaint related responsibilities the Commission appointed a Public Complaints Monitor but remain uncertain how to fully utilize this position. The OCA recommends the Commission develop a set of principles to guide them to fulfill their oversight role of public complaints. The OCA also recommends that once the guiding principles have been established, that a policy/procedure be developed documenting how the principles are to be implemented, and how the Public Complaints Monitor is to be utilized.

The Commission may grant extensions for investigations that continue past 3 months. There is no policy/procedure to guide the Commission in this process. The OCA observed that the question of an extension request is not really a decision, as a denial would result in the complaint being closed without it being fully investigated. As such, although required by the legislation, the Commission could streamline the process or utilize the Public Complaints Monitor as a resource to turn the individual extension requests into trend information that may also serve the complaint oversight role. The OCA recommends that a policy/procedure be developed to guide the extension request process.

## 3. City Bylaw

Appointment Process – Commissioners are appointed by Council. The City established one Policy to be followed to appoint/re-appoint Councillors to the Commission and another policy to appoint/re-appoint members of the public to the Commission. The OCA confirmed that the appointment process followed to establish the 2005 Commission complied with both City policies.

The OCA observed that parts of the policy were outdated and recommends that the City Clerk review and update the Policy.

The OCA also reviewed the policy to assess whether the steps outlined are sufficient to ensure Council has the best information available when appointing/re-appointing Commissioners. The OCA recommends the policy be enhanced in the following areas:

- That information about the elected Chair be provided to Council when it is considering whether that individual should be re-appointed as a Commissioner.
- That Council have the ability to determine whether or not to validate references of the applicants.
- That enhanced security clearances be conducted for both members of the public as well as Councillors before they are appointed to the Commission.
- That enhanced security clearances be updated at a minimum of every 3 years.

#### 4. City Directives and Procedures

Contracts – Confusion exists around who has the authority to contract for policing matters as well as the process to be followed. The OCA sought the advice of the City's Law Branch to clarify the authority to contract for policing. At the time of this report the Law Branch continues to research the issue. The OCA recommends the Law Branch bring forward amendments to the appropriate bylaw(s) once their research is completed.

The OCA also observed the procurement practices of the Commission and recommends that the City amend the Edmonton Police Commission Bylaw to require that the Commission adopt the City's procurement directive and procedures.

Honorariums – The payment of honorariums was tested and administrative errors were observed. The OCA recommends that the errors be corrected.

The three criteria for payment of honorariums are: a) that a meeting be duly constituted, b) that it contain a quorum, and c) that minutes be taken. The OCA observed payments made outside of these requirements and recommends that they be adhered to in the future.

The OCA also assessed the Honorarium Policy and recommends that the Commission review the policy and bring a revised payment structure forward for Council approval.

Civic Agency Reporting – The OCA assessed whether the Commission complies with the City's reporting requirements and observed that an Activity report



had not been submitted for the years ended 2003 or 2004. The OCA recommends that the Commission establish a process to ensure this requirement is met.

City policy requires the Commission to develop and review the role/duties and performance criteria for Commissioners and the Chair. This has not been completed; therefore the OCA recommends that the Commission comply with this requirement.

The OCA also reviewed the policy to assess whether the steps outlined are sufficient to ensure Council is adequately informed about Commission activities. The OCA recommends the policy be enhanced in the following areas:

- That the activity report be provided to Council rather than only to the Office of the City Clerk.
- That the evaluation of each Commissioner's performance be shared with the Commissioner being assessed as well as with Council.

The OCA also considered whether the amount of information being provided to Council is sufficient for Council to ensure that their governing responsibilities over this City established board are fulfilled. The OCA considers the accountability framework for the Police Commission to be inadequate and recommends that the City explore the requirements of the Police Act and amend the Edmonton Police Commission bylaw to include an accountability framework between the Commission and Council.

#### 5. Commission Policy/Procedure

Expense Reimbursement – The reimbursement of Commissioner expenses was tested. The results identified a need to define acceptable practices so that the reimbursements are able to withstand public scrutiny to the same degree as those of City employees. Practices observed include inconsistent reimbursement amounts, lack of receipt details, whether an expenditure (one only) was Commission related, alcohol purchases, and improper approvals. The OCA recommends the City revise the Edmonton Police Commission Bylaw to require the Commission to follow the City's expense reimbursement Administrative Directive and procedures.

Working Agreement – A working agreement is a commitment to collaborative relations between the Police Service and the Commission. The working agreement was not updated with the Chief at the time of this audit and the OCA did not observe any actions or discussions in this regard. The OCA recommends that the Commission work with the new Chief to update the agreement.

HR-Staff Security Clearances – The OCA observed that the Commission has no requirement for security clearances for its staff or contractors. The OCA recommends that enhanced security clearances be conducted for staff members and contractors who are provided access to sensitive police information. This requirement should be documented in Commission Policy.

Code of Conduct – Throughout the completion of the audit the OCA observed actions of the Commission(ers) that contravened the following guiding principles from the Commission’s Code of Conduct (Code):

i) Confidentiality requirements – Commissioners are to abide by the Oath of Office they swore when becoming a Commissioner. The Oath requires that Commissioners not disclose any matter or evidence brought before them. Breaches of the Oath could be cause for Council to revoke the appointment of a Commissioner. The OCA observed examples where confidential issues had been reported in Edmonton newspapers, often using terminology like “leaked document,” or, in other instances, information was provided that was not in the public domain. The Commission’s Code also requires Commissioners to respect confidentiality of sensitive items discussed *in-camera* or in closed meetings and asks that, if the Chief is aware of a possible breach that he immediately notify the Chair. There is no similar requirement of the Commissioners, nor is there any guidance provided to the Chair regarding the appropriate action to take when a suspected breach is brought to their attention. The OCA recommends the following:

- That the Code be enhanced to require that anyone who is aware of a possible breach inform the Commission as a whole and that supporting guidance be provided as to the steps to be taken to investigate the allegation.
- That the City revise the Edmonton Police Commission Bylaw requiring the Commission to advise Council of all suspected breaches of their Oath and the results of the subsequent inquiry.

ii) Media Interaction – The Code states that the Chairperson will be the spokesperson for the Commission. The OCA observed numerous instances where individuals were speaking to the media without being authorized to speak on the Commission’s behalf. The OCA recommends that all communication on behalf of the Commission be duly authorized.

iii) Authority over the Police Service – The *Police Act* assigns responsibility and authority to the Commission as a whole to oversee the Police Service, and for that purpose shall issue instructions to the Chief of Police in respect to policies. The Commission’s Code states that Commissioners may not attempt to exercise individual authority over the organization. The OCA observed individual Commissioners providing the now former Chief with advice/direction that is contrary to the views of other Commissioners or, in

some instances, what was documented as the direction of the Commission as a whole. The OCA recommends that, when providing direction to the Chief as authorized by the Police Act, the Commission formally document the instructions by ensuring the direction is duly passed and recorded in the Commission meeting minutes.

As indicated earlier, the Commission provided the OCA with a response to the recommendations presented in the draft version of the report. These responses have been included in the report and where the views of the Commission differ from those of the OCA, we have provided a response. In an effort to provide a full picture, the OCA has also included views provided by the Commission regarding some of the issues that the OCA has directed to the City for action.

Completion of this audit required the open and active participation of many individuals. The OCA would like to thank the Commissioners and their staff; the Executive, Members and staff of the Police Service; representatives of the Citizen's Police Academy Alumni; representatives from the Alberta Solicitor General's Office; and City of Edmonton staff from the Office of the City Clerk, Materials Management, Human Resources, and Law Branch.

## 1. Introduction

Throughout 2004, the Office of the City Auditor (OCA) was involved in the identification and prioritization of issues of importance to the Edmonton Police Commission (the Commission) and the Edmonton Police Service (EPS).<sup>1</sup> Three of the issues identified as priorities related to the need to examine the respective but integrative roles and responsibilities of the City of Edmonton, the Commission, and the EPS. The Commission, as the governing body overseeing the City of Edmonton policing program, determined that there would be significant merit in conducting an audit of the governance function in order to ensure:

- That the governance roles of City Council, the Commission and the EPS are clearly defined and understood,
- That each party is fulfilling its governance responsibilities, and
- That necessary change is put in place to enhance the effectiveness of each party in fulfilling its role.

The challenge of defining the police governance framework is not unique to Edmonton. In 2002 the Justice Institute of British Columbia conducted a research project<sup>2</sup> to establish a framework to increase the governance capacity of police boards. Their research paper presented, in part *“A municipal police board performs both a governance function and an oversight function. Governance involves controlling and directing the development of policy as the vehicle for directing and influencing the decisions of the organization. Oversight involves ensuring that the legislated functions of the police department are carried out by the organization, and conducting disciplinary action in matters...”*

Completion of a governance audit also directly supports the Commission’s strategic objective to review the role of the Commission.<sup>3</sup> At the September 15, 2004 Commission meeting, the Commission approved the following motion:

That the Office of the City Auditor proceed with the component of the previously planned Operational Review (Comprehensive Audit) of the Edmonton Police Service that deals with Governance: Governance of the Edmonton Police Commission, Edmonton Police Service, and Council.

It is important that the public have confidence that its Police Service is well managed. As a proportion of City of Edmonton expenditures, policing costs have escalated over the past 7 years. Well-governed police services will generally be more effective, and

---

<sup>1</sup> Edmonton Police Comprehensive Audit: Edmonton Police Issue Identification & Prioritization, Prepared by the Office of the City Auditor, October 20, 2004.

<sup>2</sup> Municipal Police Board Governance in British Columbia, Police Academy Justice Institute of British Columbia, March 2003.

<sup>3</sup> Edmonton Police Commission: Strategic Plan, November 2003 – November 2005 (November 19, 2004).

lead to an efficient use of public money. The following table summarizes operating expenditures for the Edmonton Policing program for the period 1999 to 2005.

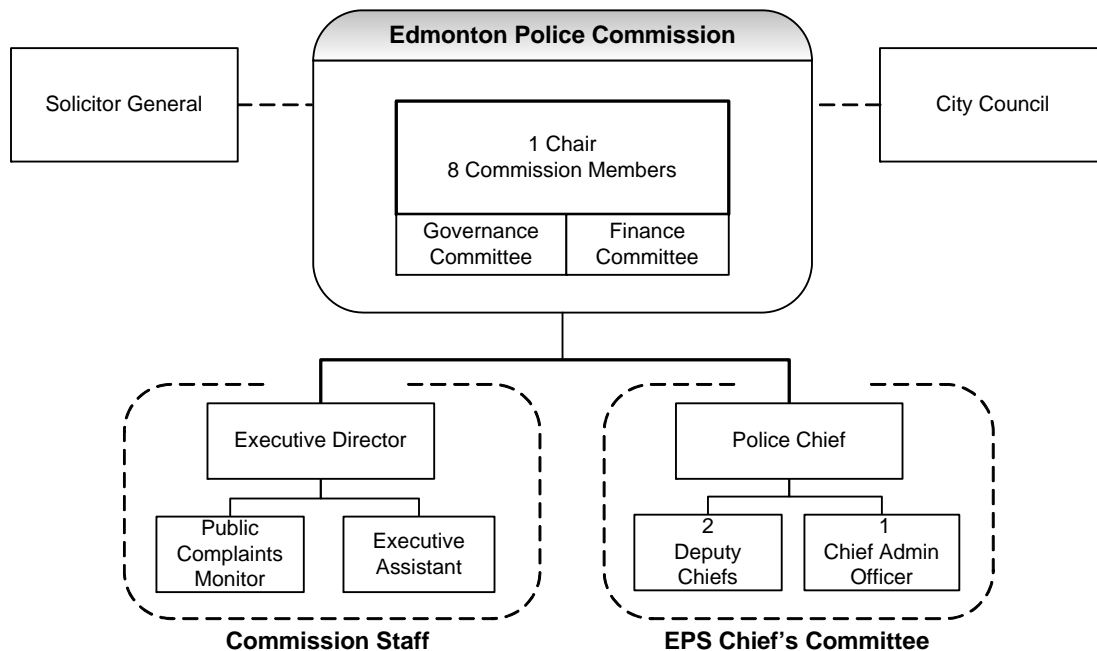
**Total Operating Expenditures (\$thousands)**

Organizational Entity	1999 Actual	2000 Actual	2001 Actual	2002 Actual	2003 Actual	2004 Actual	2005 Budget
Police Commission	749	634	338	351	646	531	703
Police Service	123,629	130,542	142,049	153,016	164,815	176,823	188,230
<b>TOTAL Edmonton Policing</b>	<b>124,378</b>	<b>131,176</b>	<b>142,387</b>	<b>153,367</b>	<b>165,461</b>	<b>177,354</b>	<b>188,933</b>

## 2. Background

A high level overview of the parties the OCA included in the audit is illustrated in Exhibit 1 titled Edmonton Police Governance Structure.

Exhibit 1 - Edmonton Police Governance Structure



The Commission is comprised of two City Councillors and seven volunteer citizens appointed by City Council. The City Councillors appointed as Commissioners provide an activity report to City Council at various times throughout the year. All Commissioners serve for a maximum of 6 years, and are subject to annual reappointment. The Commissioners elect a Chair and a Vice Chair at the Commission’s first meeting of each year. The Commission has established two working committees: a Governance Committee and a Finance Committee.

Organizationally the Commission has two direct reports: the Chief of Police (responsible for the Police Service) and the Executive Director of the Commission (in charge of the Public Complaints Monitor and Executive Assistant).

The position of the Executive Director of the Commission exists to ensure that the business of the Commission is carried out effectively, efficiently, and in accordance with the provincial and municipal legislation governing Police Commissions. The Executive Director also functions as a Chief Executive Officer for the Commission, and is responsible for senior level leadership and management duties associated with the work of the Commission.

The Commission has established a Public Complaints Monitor position pursuant to Police Regulation s.24 356/90. This individual's responsibilities include promoting a complaints process that is fair and equitable for all parties to the complaint.

## 2.1. Governing Legislation

The Police Act and the Police Service Regulations are the governing legislation that outlines the mandated roles, responsibilities and expectations for the Province, City Council, the Commission and the Police Service. The *Police Act* states that the Government of Alberta has overall responsibility to ensure that adequate and effective levels of policing are maintained throughout Alberta (part 1, section 3).

The *Police Act* assigns the following oversight responsibilities to the Commission:

- Allocation of the funds that are provided by the Council,
- Establishment of policies providing for efficient and effective policing,
- Issuing instructions, as necessary, to the Chief of Police in regard to the policies, and
- Ensuring that sufficient persons are employed by the police service for the purpose of carrying out the functions of the police service. (*Police Act*, s.31(1))

The *Police Act* outlines the general responsibilities of the Chief of Police as:

- Preservation and maintenance of the public peace and prevention of crime,
- Maintenance of discipline and the performance of duty within the police service,
- Day-to-day administration of the police service,
- Application of professional police procedures, and
- Enforcement of policies made by the Commission with respect to the police service.

City Council has various responsibilities as outlined in the *Police Act* including:

- Establish and maintain an adequate and effective police service,

- Establishing a police commission,
- Prescribing the rules governing the operations of the police commission,
- Appointing the members of the police commission, and
- Establishing the total budget for the police service.

Council has established a bylaw and subsidiary policies and procedures to meet these responsibilities:

- Bylaw 9304 (as amended): The *Edmonton Police Commission Bylaw* (establishes the Edmonton Police Commission and prescribes rules to govern its operations)
- City Policy C472B: *Appointment Process To Certain Key Boards* (includes appointments and reappointments of citizens to the Edmonton Police Commission)
- City Policy C473B: *Appointment of Members of Council to Civic Agencies* (process for the appointment and reappointments of members of Council to the Commission)
- City Policy C476A: *Civic Agencies Reporting* (establishes basic standards and procedures for reporting by the Commission to Council)

## 2.2. Commission Procedures

The Commission has developed its own set of policies and procedures based on the *Police Act*, regulations, by-laws and other documentation to define the framework within which they discharge their responsibilities. The policies and procedures also serve as sources of information and guidance to all who may be interested in or connected with the operations of the Commission.

The Commission has adopted the following Mission Statement:

The Edmonton Police Commission is committed to working with the citizens of Edmonton and the Edmonton Police Service to provide the community with a safe environment.

The Edmonton Police Commission Bylaw requires Commission meetings to be held in public; however, in-camera (private) meetings are allowed to discuss strictly confidential matters. The Commission normally meets on a monthly basis with meetings usually split into 3 sections: Closed Meeting #1 (Commission members only), Closed Meeting #2 (the Commission and the Chief of Police along with key staff members), and the Public Meeting #3 (public discussions take place on policing matters and questions from the public are addressed).

### 3. Objectives

The general objectives of the Edmonton Police Governance Audit were:

**Objective #1** – To review the governance roles, responsibilities, and relationships of City Council, the Police Commission, and the Police Service as they relate to the policing program in Edmonton. This included an assessment of the degree to which each party can carry out the governance functions as established by applicable legislation and bylaws and can fulfill their responsibilities.

**Objective #2** – To assess the contract signing authority levels between City Council, the Commission, and Edmonton Police Service, including a determination of whether such levels are understood, consistent, and adequate to enable fulfillment of their respective responsibilities.

### 4. Scope and Methodology

The scope of this project was limited to reviewing the governing framework in place during 2004. The OCA's audit methodology focused on the following approaches for gathering sufficient evidence to support the general audit objectives:

- Familiarization/Education: The OCA team reviewed relevant information such as the *Police Act*, *Police Service Regulations*, City Bylaw 9304, and various City, EPS, and Commission policies and procedures. During this process, the OCA consulted individuals from the Alberta Solicitor General, the Office of the City Clerk, Materials Management, Human Resources, and the Law Branch.
- Review of available in-house information: This included operating budget information, meeting minutes, strategic and current operational plans, policies and procedures, and various historical reviews, studies, and reports completed by the Commission staff. The OCA attended and observed most Commission meetings, including those held *in-camera*. Information available at the Office of the Chief of Police, the Office of the City Clerk, and Materials Management was also reviewed and analyzed.
- External Information: The OCA gathered relevant research and audit reports from other jurisdictions and individuals dealing with police governance and oversight.
- Internal Interviews: The OCA conducted individual meetings with each of the Commission members, including the two representatives from City Council. In addition, interviews were conducted with the Commission's Executive Director and the Public Complaints Monitor, the Police Chief, the Chief's Committee, and the City Clerk.



## 5. Observations and Analysis

This section of the report describes the work completed throughout the audit. It is organized into the following general categories: Governance, Legislation, City bylaw, City directives and procedures, and Police Commission policies and procedures.

### 5.1. Governance

#### 5.1.1. Fifteen Attributes of Good Governance

In order to gather information about the current practices of the Commission, the OCA met with each Commissioner (2004 Members) individually in November and December 2004. During these meetings, information was gathered about the Commission's practices in both general and specific terms. To help focus the discussions on governance topics, the OCA developed a meeting guide which was based upon the 15 good governance attributes listed in the Governance Effectiveness Quick Check<sup>4</sup> created by the Institute of Governance. These attributes are designed to provide an impression of the effectiveness of a governing board. The following 15 specific governance attributes were discussed during the interviews:

1. Orientation & training
2. Strategic
3. Chief's performance
4. Financial
5. Roles & responsibilities
6. Efficient use of resources
7. Stakeholders
8. Commitment
9. Compliance with legislation
10. Teamwork
11. Communications
12. Manage risk
13. Meetings
14. Decision-making process
15. Balance

A 4 point scale was used for rating purposes (strongly disagree to strongly agree). Exhibit 2 lists the 15 attributes in rank order from lowest to the highest average scores. The scores with the lowest averages indicate that Commissioners, as a group, did not believe they were effective in these areas.

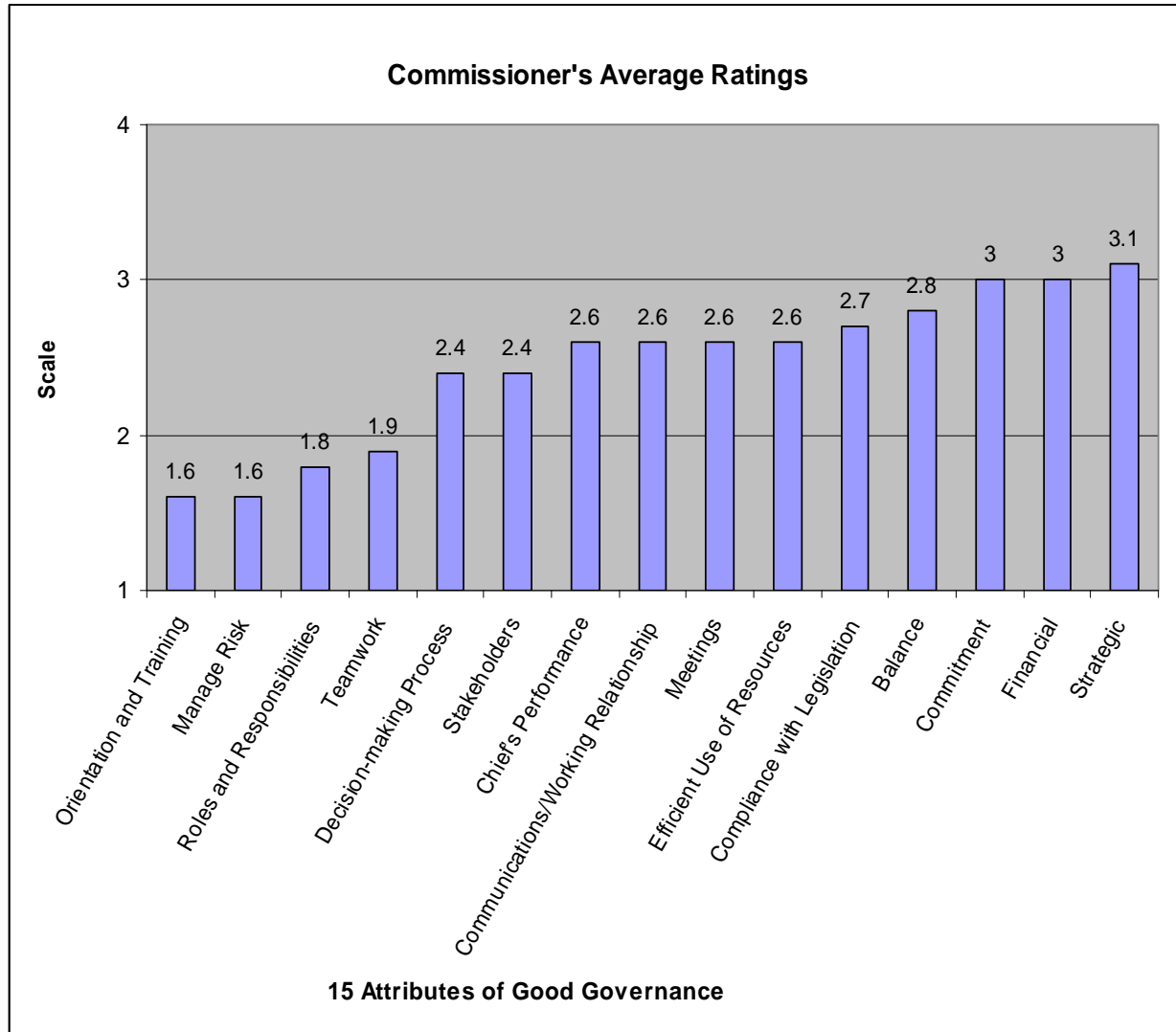
A summary of the Commission member's views of themselves in relation to the above governance attributes is attached as Appendix A. The Institute of Governance website provides the ability to take the "quick check" online to provide a general indication of how effectively individual board members believe that the board is governing their organization. The OCA completed the online quick check, inputting the overall average scores provided by the individual Commissioners. The results indicated that the Commission is doing well in some aspects, while in others there is significant room for

---

<sup>4</sup> Institute of Governance; [www.iog.ca/boardgovernance/html/ass.html](http://www.iog.ca/boardgovernance/html/ass.html). The Quick Check is a short questionnaire designed to give board members and CEOs a quick impression of the effectiveness of their board. It contains fifteen items that research suggests correlate with effective governance.

improvement. This assessment is consistent with the Commissioners' overall assessment of themselves.

**Exhibit 2**



**5.1.2. Orientation and Training**

During the interviews conducted by the OCA, the Commissioner's individual self-assessment of this governance attribute scored the lowest, resulting in an average score of 1.6 out of 4.0. All of the Commissioners either disagreed or strongly disagreed with the statement: "Commissioner Orientation adequately prepared you to fulfill your governance requirements."

An orientation and training program should adequately prepare board members to fulfill their governance responsibilities. George Cuff states the following regarding the need for board orientation:

Being elected [for the purpose of this discussion, the word ‘elected’ can be replaced with the word ‘appointed’] is not just a new status - it represents the need for a whole new way of viewing issues and approaching decisions. It is both complex and simple: complex in the sense that the legislation and accompanying regulations are often quite difficult to digest without the benefit of some experience as a starting point; simple in that the decisions are generally those that can be viewed as common sense – which is generally not that common!<sup>5</sup>

City Policy C472B (*Appointment Process to Certain Key Boards* [which includes the Commission]), Section 11 (Member and Chair Appointments), states: “The Chair of the board will meet with the individual(s) to provide orientation to the board.”

In December 2004, following the appointment of three new Commissioners, a four-hour “New Commissioners Orientation” program was provided by the Commission’s office staff. The OCA assessed the adequacy and completeness of this program and determined that there is a significant opportunity to strengthen the program contents.

Based on the OCA’s research and understanding of the various challenges the Commission is facing, the OCA provided the Commission with a tentative “*Proposed New Commission Orientation and Training Syllabus*” along with extensive supporting reference material. An overview of the suggested program follows:

**#1 Introduction:** Define with clarity what constitutes effective police governance and police oversight in contrast to the management of policing operations. In preparing these definitions, the Commission needs to seek input from the Police Service and City Council. These definitions should be documented and signed off, thereby ensuring a common understanding. An effective working definition can be used by all parties to delineate the distinct boundaries that exist, thereby reducing areas of conflict between the parties.

**#2 Legislative Frameworks:** Describe the overall legislative framework governing the business of policing including the Municipal Government Act, Police Act, Police Service Regulations, Edmonton Police Commission Bylaw, and relevant City policies (and their inter-relationships).

**#3 Organizational Structures:** Provide an overview of the Police Service functional organization and key services provided, including an understanding of their current strategic direction and key performance indicators. Provide a more detailed

---

<sup>5</sup> Current Best Practice Information: Cuff’s Guide for Municipal Leaders. Selected extracts from the presentation material made available to Edmonton City Council in 2004. George Cuff was used as an expert by the City to speak with the new City Council members on Governance matters.

understanding of the Commission's organization structure including their two employee model<sup>6</sup> and the direct reports to each of these two positions. This would be extended to include the current Commission Committee structures and their specific mandates and authorities.

**#4 Roles / Responsibilities / Authority / Processes:** Define, document and sign off the roles, responsibilities and authority amongst all key participants (i.e., City Council, the Commission, and the Service). Ensure common understanding of all key processes. Within the Commission, roles, responsibilities and authority would be further defined as it applies to the Commission as a whole and its Committees including their respective Chairs. This would be extended to include all Commission staff. This element of the training and orientation program along with defining governance, oversight and operational management is critical for the Commission to ensure it has a solid foundation for effective police governance.

**#5 Commission Policy and Procedures:** Review the current Commission Policy and Procedure Manual in its entirety for the purpose of ensuring that all Commissioners have a common understanding of Commission expectations and practices. This review would also identify any procedural and/or administrative gaps and assess their relevance under current conditions, thereby ensuring accuracy and completeness. The need to update this Policy and Procedure Manual in response to changing needs should be discussed and acted upon.

**#6 Meeting Planning:** Discussion of the internal process Commissioners will use to create the monthly Commission and committee agendas and the overall annual meeting agenda. Commission meeting minutes constitute the official record of all decisions made including the issuance of instructions to the Chief. Existing practices for recording minutes should be strengthened by considering the use of technology to make the recordkeeping process more effective and timely and to increase accuracy. The extent of Commission meetings that should be in private versus those that should be public must be consistent with privacy legislation and promote a more open and transparent Commission.

**#7 Board Information Requirements:** The Commission needs to detail its specific information needs from the Police Service to facilitate effective discharge of governance and oversight responsibilities. This part of the training syllabus would also include direction on the sharing of appropriate, relevant and timely information with Council.

**#8 Legal Opinions / Guidance:** A discussion on the significance of the mandatory *Oath of Office*, the Commission's own *Code of Conduct* guidelines and dealing with potential conflicts of interest is essential to set an appropriate "tone at the top." Appropriate team behaviors should be talked about and reinforced through peer support. Over the years, the Commission and City Council have been provided some guidance on a wide range of topics that all Board members should concern themselves with, including:

---

<sup>6</sup> The Commission directly employs the Chief of Police and the Executive Director.

- (a) Matters for consideration if you are a Council appointee to the Commission,
- (b) The City's legislative authority when interacting with the Commission,
- (c) Understanding of Privacy legislation that allows in-private meetings for a very limited number of situations,
- (d) The responsibility of Councillors sitting as Commission Members to keep City Council appropriately informed of the discussions of the Commission,
- (e) What to consider to avoid conflict of interest situations,
- (f) How City Council can make enquiries of the Commission and the Police Service,
- (g) Signing authority for all types of contracts, and
- (h) How to consider and act upon legal opinions that appear to conflict with one another.

The legal opinions and guidance that currently exist on these and many other matters need to be gathered and retained so that they are readily accessible to each Commission member.

**#9 Continuing Development:** This element of the training syllabus would involve discussion of individual Commissioners' development needs for continuing education (e.g., courses, conferences, participation in policing-related associations, meetings with peers from other police organizations, arranging speakers/experts in response to emerging policing issues, etc.).

The Commission should take the lead role in developing and maintaining (with annual updates) a formal and comprehensive orientation and training program. This program should not only address requirements for new members but also members that have been re-appointed. This would serve as an effective team building exercise and would encourage further sharing of experiences and knowledge. Furthermore, this practice would ensure that the cumulative memory of the Commission is retained and is transferred to subsequent Commissions. Other parties that should become active participants for specified components of the training program (as required but not limited to) include: Police Service Administration, Alberta Solicitor General, outside consultants/experts, City Solicitor, City Clerk, Citizens' Police Academy, etc.

The development of the course content and packaging into a user friendly manual will require significant effort on the Commission's part and should happen quickly. The Commission also needs to require that once the manual is developed that it be updated on a regular basis. The OCA estimates that the duration of a complete program would be between two and three days in length.

**Recommendation 1**

The OCA recommends that the Commission develop and deliver a comprehensive, ongoing orientation and training program.

***Edmonton Police Commission Response and Action Plan***

***Accepted***

**5.1.3. Internal Audit**

According to The Institute of Internal Auditors (IIA), a global voice and advocate for the internal audit profession, the four cornerstones of effective corporate governance are: the audit committee of the board of directors, executive management, the internal auditors, and the external auditors. When the four functions work together well with healthy interdependence, internal controls are strong, reporting is accurate, ethics are maintained, oversight is effective, risks are mitigated, and investments are protected.

The IIA made the following recommendation in a position paper to the U.S. Congress in 2002:

All publicly held companies should establish and maintain an independent, adequately resourced, and competently staffed internal audit function to provide management and the audit committee with ongoing assessments of the organization's risk management processes and the accompanying system of internal control. If an internal audit function is not present, the Board of directors should be required to disclose in the company's annual report why the function is not in place.

The Commission, which oversees a budget nearing \$200 Million, does not have an internal audit function established within the Police governance structure. A Police Service "Audits" Policy describes a limited form of an internal audit function, reporting to the Chief's Committee. The OCA recognizes that the Police Commission is not, in any way, bound by the IIA's recommendation, however the contribution of an internal audit function that works with Police Service Management and the Commission would assist all parties in fulfilling their responsibilities.

The business of policing continues to grow both in size and complexity. The ability of a group of volunteer citizens to independently oversee this organization is a considerable challenge. One tool to assist the commission with providing more effective governance would be to establish an internal audit function.

In performing its work, an internal audit function would assist the organization by providing the following services:

- Evaluating risk
- Confirming information
- Analyzing operations

- Reviewing compliance
- Recommending controls
- Assuring appropriate safeguards

The role of an internal auditor is to make objective assessments of operations and share ideas for best practices; provide counsel for improving controls, processes and procedures, performance, and risk management; suggest ways for reducing costs, and enhancing revenues; and deliver competent advisory, assurance, and facilitation services.

An independent and objective internal audit function that reports directly to the Commission on a functional basis while relying on the Chief for administrative support would serve both parties and allow the function to maintain critical independence and objectivity in conducting its work.

#### **Recommendation 2**

The OCA recommends that the Commission consider establishing an internal audit function that reports directly to it on a functional basis, with the Chief providing administrative support.

#### ***Edmonton Police Commission Response and Action Plan***

##### ***Accepted***

*The Commission will explore, with the Chief of Police, the value of establishing an internal audit function. This will take place after the new Chief has been appointed.*

#### **5.1.4. Right to Audit**

Because the City of Edmonton created the Edmonton Police Commission, establishes the governing rules for the Commission, in accordance with the Police Act, and provides the funds to the Commission, the OCA believes that it would be prudent for Council to incorporate the City's right to audit clause (approved by Council on May 25, 2004) into the Police Commission Bylaw. This would provide Council the ability to direct the City Auditor to conduct audits of the activities of the Commission or Police Service. This clause would need to be supported by a process where Council, as a whole, would agree to the need for an audit and that the results of the audit would be available to the responsible parties for any necessary action.

The Commission expressed to the OCA that it is their position that no action should be taken to impinge on the raison d'être of the Commission; that is, to separate the political domain from the policing domain. It is the Commission's view that implementation of the following recommendation would indeed reduce the independence of the Commission. The OCA does not view this as a reduction in independence but rather allows Council to obtain objective information to assist them to fulfill their governing responsibilities.

**Recommendation 3**

The OCA recommends that the Office of the City Clerk (OCC) propose a revision to Bylaw 9304, *Edmonton Police Commission bylaw*, that includes the City's right to audit any activities of the Police Commission and Police Service upon direction from Council, subject to restrictions within the Police Act.

**Office of the City Clerk (OCC) Response and Action Plan****Accepted**

*The OCC will consult with the Law Branch and bring forward an amending bylaw to City Council through Executive Committee by June 30, 2005. The OCC will prepare and provide a draft of the amending bylaw to the Edmonton Police Commission for their comments prior to submission to Executive Committee.*

## 5.2. Legislation

### 5.2.1. Compliance with Legislation

The OCA's review of roles and responsibilities included a review of compliance with legislation. The OCA identified all statements in the Police Act that used the word "shall," thus identifying the mandatory requirements. The "shalls" were then sorted into three categories by the person or party who was responsible for the action. The three categories that represent the main parties that are responsible and accountable for policing in Edmonton are:

- City Council
- Police Commission
- Chief of Police

For each "shall" statement, the OCA assessed whether each party was in compliance with the *Police Act*. This was accomplished through first hand observation and by reviewing meeting minutes, copies of documents, directives, motions, by-laws, and policy and/or procedure documents.

### **Observations**

**City Council:** The OCA observed no exceptions to City Council's assigned roles and responsibilities under the *Police Act*.

**Police Commission:** The OCA observed one exception between the requirements of the *Police Act* and the Commission's roles and responsibilities:

Section 36 of the *Police Act* states:

- (1) The commission shall appoint for a police service:
  - (a) police officers, and
  - (b) subject to ratification of council, the chief of police



(2) Notwithstanding subsection (1), the commission may delegate the power to appoint police officers other than the chief of police to the chief of police.

Presently the Police Commission is only involved in hiring individuals to the Chief and Deputy Chief positions. It does not appoint or hire police officers for the Edmonton Police Service. The Edmonton Police Service hires police officers. The OCA considers it appropriate that the Police Service continue to hire police officers; however, the Commission needs to formally delegate this authority to the Chief in order to fully comply with the requirements of the *Police Act*. If the Commission came to believe that the Police Service's recruitment, selection and appointment processes were not meeting the needs of the City, a policy review would be a more appropriate level in which to address their concerns.

#### **Recommendation 4**

The OCA recommends the Commission formally delegate the power to appoint police officers per Section 36 of the *Police Act* to the Chief of Police.

#### ***Edmonton Police Commission Response and Action Plan***

##### **Accepted**

As previously noted, the Commission has adopted the practice of hiring Deputy Chiefs. This is not consistent with good governance practices, where the board speaks with one voice to the CEO (Chief of Police) who is the sole conduit for decision-making to the rest of the organization.<sup>7</sup>

If the Commission continues to hire Deputy Chiefs, it has the potential to undermine the Chief's ability to create his/her executive team to lead the organization, thereby reducing the degree to which the Commission can reasonably hold the Chief solely accountable for the organization's achievements.

It also places incoming Deputy Chiefs in uncomfortable positions as their contracts are with the Commission, yet they are responsible to the Chief; effectively senior executives with two masters. At some point, the needs or priorities of the Commission and the Chief may differ, providing the Deputy Chiefs with a dilemma as to which master to serve.

If the Commission wishes to participate in the Deputy Chief hiring process, the OCA believes that it would be more appropriate, considering good governance practices, for the Commission to develop a framework within which the Chief could hire his/her executive team. This framework should include the requirement that the Chief develop a succession planning strategy and keep the Commission informed as to its progress. This way the Commission stays at a "policy" level and is able to hold the Chief solely

<sup>7</sup> Basic Principles and Characteristics of the Carver Model: Institute of Governance;  
[www.ioq.ca/boardgovernance/html/ass.html](http://www.ioq.ca/boardgovernance/html/ass.html)

accountable for executing policy. Consistent with the *Police Act* framework, the Commission, as part of developing its policy, may want to consider a process where it empowers the Chief to select his/her executive team, subject to ratification of the Commission.

#### **Recommendation 5**

The OCA recommends that the Commission develop a “Police Service Executive Appointment” policy to guide the Chief of Police when developing his/her executive team.

#### ***Edmonton Police Commission Response and Action Plan***

##### **Accepted**

*The Commission will explore the concept.*

Chief of Police: The OCA observed one exception between the *Police Act* and the Chief’s roles and responsibilities:

Section 43 of the *Police Act* states:

- (4) On receipt of a complaint under subsection (1), the chief of police shall determine whether the complaint or a portion of the complaint is a complaint as to
  - (a) the policies of or the services provided by the police service, or
  - (b) the actions of a police officer.

The Chief of Police is not involved in the process of personally categorizing these complaints, or in reviewing and signing off on this step in the Police Service’s complaint process. The OCA considers it acceptable for designated Police members to carry out this step; however formal letters of delegation should be in place, providing appropriate persons with the authority to perform this duty on the Chief’s behalf. This delegation does not refer to the overall accountability for this function, but rather to performing specific duties.

This observation was discussed with the Acting Chief of Police and as of March 2, 2005 a formal letter of delegation has been created and signed by the Acting Chief.

#### **5.2.2. Complaint Process**

The OCA’s review of roles and responsibilities included a review of sections of the legislation that speak specifically to the complaint process. While, as indicated previously, the OCA did not observe any legislative non-compliance issues, observations relating to the complaint process did arise and are discussed in this section of the report.

In addition to reviewing the *Police Act*, information on the complaint process was gathered from other sources, including interviews with Commissioners and staff, staff

within the Police Service, the Chief of Police, and the Public Complaints Monitor. A small amount of time was also spent reviewing the practices of other police services across Canada, however, because Police Acts are provincial legislation, the requirements differ from province to province.

The Alberta legislation assigns the Commission three main roles relating to public complaints:

- Review appeals of decisions made by the Chief of Police regarding complaints related to policy or service.
- Review complaints against the Chief of Police.
- Review and approve requests for extensions of time for investigating complaints.

The Chief is accountable to report to the Commission any complaint against the police service or its members and the manner in which the complaint is resolved. However, the Chief is not to provide the Commission with information concerning individual investigations or intelligence files.

## **Observations**

### **Role**

During the interviews with the individual Commissioners, the OCA observed that there seemed to be a consistent, sincere desire to improve the complaint process and increase its transparency. The Commission does, however, need to clearly define (within the confines of the *Police Act* and regulations) its role in the complaint process, what information it requires, and who is to provide it.

The Commission established the position of a Public Complaints Monitor (PCM) to provide it with information to assist it in fulfilling its complaint-related responsibilities. The Commission has defined the PCM's role relating to Complaints against the Chief and appeals of the Chief's decisions; however the OCA believes that the Commission should further utilize this position to obtain macro information about police complaints to facilitate its "oversight" responsibilities. The PCM's role could include reviewing various reports (such as extension requests, statistics and reports produced by Internal Affairs, and information obtained from the Police Service's information system) to identify general trends and possible larger issues for the Commissioners to discuss with the Chief.

Currently the Commissioners each have differing views and levels of understanding as to the type of information and how much detail to request from the PCM, as well as the Police Service, to fulfill its governing responsibilities.

**Recommendation 6**

The OCA recommends that the Commission develop a set of guiding principles describing how to carry out its oversight role of public complaints, as required by the *Police Act*.

**Edmonton Police Commission Response and Action Plan****Accepted**

*The Commission is now in the process of planning a “study session” with the Service on “all” matters relating to the public complaints process. The study session should take place prior to the end of May, 2005. It is the intention of the Edmonton Police Commission that a set of guiding principles will flow from that study session.*

**Recommendation 7**

The OCA recommends that the Commission develop a policy/procedure documenting how the guiding principles regarding the oversight of public complaints are to be implemented, including the role of the Public Complaints Monitor.

**Edmonton Police Commission Response and Action Plan****Accepted**

*Implementation of this recommendation will flow from the guiding principles emanating from Recommendation #6.*

Extension Requests

The Commission's Policy & Procedure manual outlines the process for dealing with appeals of the Chief's decisions as well as complaints against the Chief. There is no policy or procedure to guide the Commissioners regarding their responsibility to review and approve extension requests.

The Commission may grant extensions for investigations that continue past 3 months. This means that in order for investigations to exceed the 3-month time frame they must be brought before the Commission for approval. The Internal Affairs section presents a very labor-intensive report on a monthly basis which outlines the files requiring an extension. A one-page summary is prepared for each extension request. Anywhere between 5 and 40 extension requests are presented to the Commission each month. This results in extension request reports which can be as long as 40 pages.

The OCA attended several Commission meetings where this process took half an hour or more for the Commission members to ask questions and clarify any details. Present practice is that no extension request is ever denied, because doing so would result in the complaint being closed without it being fully investigated and the accused could then not be charged. Given the fact that extension requests are never denied, the Commission should review this process to see if it can be streamlined to save time for issues of greater concern during the monthly meetings.

**Recommendation 8**

The OCA recommends that the Commission develop a policy/procedure for the extension request process. The procedure should include clarifying the information required as well as any role expectations for the Public Complaints Monitor.

**Edmonton Police Commission Response and Action Plan****Accepted with Reservation**

*The matter of extension requests is complex and as such may not be “resolved” by changing the existing policy and/or by developing a new policy. How the Commission responds to this recommendation may depend in part on the outcomes of the study session noted in Recommendation #6 and on possible changes to the Police Act.*

*The Commission will examine the nature and format of extension request reports and on how better to provide Commissioners with the information necessary to allow them to make informed decisions.*

### 5.3. City Bylaw

#### 5.3.1. Appointment Process

The Edmonton Police Commission was established by Bylaw 9304, *Edmonton Police Commission Bylaw*. This Bylaw outlines the size and composition of the Edmonton Police Commission and requires Council to appoint members for one-year terms, to a maximum of 6 consecutive terms. City Policy C472B, *Appointment Process to Certain Key Boards* establishes the process to be followed to appoint/re-appoint members (except members of Council) to the Edmonton Police Commission. City Policy C473B, *Appointment of Members of Council to Civic Agencies* establishes the process to be followed to appoint members of Council to the Edmonton Police Commission.

Council needs to follow a rigorous, strong and fair selection process to demonstrate due diligence when appointing members of the Police Commission, a volunteer, non-elected, police oversight body. The Act assigns various responsibilities to the Commission, including the responsibility to appoint and terminate police officers, while identifying Council as the employer and being legally liable for any liability that is incurred by the Commission. One means of minimizing the City’s financial exposure to legal liability caused by the actions of the Commission is to make sound decisions when appointing members to the Commission.

In addition to the inherent importance of this process, during the interviews conducted by the OCA, the Commissioners also identified the need to review the Commissioner Reappointment process. Various Commissioners expressed dissatisfaction with the reappointment process used to establish the 2005 Police Commission. Some stated that the process was unfair, highlighting specific areas of concern. To address these concerns the OCA conducted a review of the Commissioner Appointment process with the following goals:

**Goal 1** – To provide assurance that the Police Commissioner appointment/reappointment process used to establish the 2005 Police Commission was conducted in accordance with City Policy.

**Goal 2** – To assess the completeness of the City of Edmonton's policies that are used to appoint/re-appoint members to the Edmonton Police Commission.

**Observation - Conducted in accordance with City policy**

Overall, the OCA was satisfied that the steps required by City policy were followed for the appointment/reappointment of Commissioners for the 2005 Police Commission. The OCA did observe a number of areas where the administrative steps within Policy C472B have evolved over time, resulting in some of the specific requirements as stated in the Policy being outdated. These items are primarily editorial in nature and have been forwarded to the Office of the City Clerk.

**Recommendation 9**

The OCA recommends that the Office of the City Clerk review and update City Policy C472B, *Appointment Process to Certain Key Boards*.

**Office of the City Clerk (OCC) Response and Action Plan**

**Accepted**

*The OCC will bring forward an updated policy to City Council through Executive Committee prior to June 30, 2005.*

**Observations - Completeness of City policy**

While completing the work above, the OCA considered whether the steps outlined in Policy C472B are sufficient to ensure that Council has the best information available when fulfilling their responsibility to appoint/reappoint Police Commissioners. The OCA's assessment resulted in the following observations:

**Information regarding the individual serving as Chair**

The Act requires the members of the Commission, at the first meeting each year, elect a Commission Chair. The City Policy requires that information be provided to Council about each Commissioner when considering them for reappointment for another term. The only exception is the individual elected as the Commission Chair for the year. There is no mechanism in the Policy to provide Council with information about that individual (Commissioner elected as Chair) when considering whether they should be re-appointed as a Commissioner for another term.

**Recommendation 10**

The OCA recommends that the Office of the City Clerk prepare revisions to Policy C472B, *Appointment Process to Certain Key Boards*, so that Council is provided adequate information about the individual serving as the current Commission's Chair to assist them in determining whether or not the individual should be considered for reappointment as a Commissioner for a future term.

**Office of the City Clerk (OCC) Response and Action Plan****Accepted**

*The OCC will submit to City Council through Executive Committee by June 30, 2005, revisions to Policy C472B so that OCC will solicit input from individual Board Members of Key Boards as to whether Board Chairs should be re-appointed as a member and in the case of Edmonton Economic Development Corporation and EPCOR Utilities Inc. as Chair.*

*The OCC will prepare and provide a draft of the amended policy to the Commission for their comments prior to submission to Executive Committee.*

**Reference Checks for Applicants**

The Human Resources Department provides a consultant to assist Council with the appointment/reappointment process. City Policy C472B states that "the Consultant may conduct meetings and reference checks, if required, to help identify the most promising candidates." The consultant did not conduct any reference checks this year. The consultant considered it sufficient that each application was accompanied by three reference letters. The OCA believes that, considering the significance of these positions and the City's related risk exposure, the Policy should provide Council with the ability to determine whether to validate references before appointing an individual.

**Recommendation 11**

The OCA recommends that the Office of the City Clerk prepare revisions to Policy C472B, *Appointment Process to Certain Key Boards*, so that Council has explicit authority to determine whether or not to validate references before appointing individuals as Police Commissioners.

**Office of the City Clerk (OCC) Response and Action Plan****Accepted**

*The OCC will bring forward an amended policy to City Council through Executive Committee prior to June 30, 2005.*

### Enhanced Security Clearances – Appointment

City Policy C472B does not include any requirement for security clearances to be conducted before, or after, Council appoints an individual as a Police Commissioner. The practice followed for 2005 was to have a “standard” security clearance conducted before appointing the three new Commissioners.

Considering that Council, upon appointing an individual as a Commissioner, is in effect providing access to facilities and highly sensitive information that the Police Service is required to protect, the OCA believes that Council must complete its due diligence to ensure that the security around policing is not breached through their actions. To fulfill this due diligence requirement, Enhanced Security Clearances should be conducted before appointing an applicant as a Police Commissioner.

Enhanced Security Clearances include gathering information about family members in addition to the applicant. They also include gathering information from more sources, including the following police databases:

- PROBE– Internal EPS Records Management System
- CPIC– Canadian Criminal Records and Outstanding Warrants
- JOIN– Provincial Court Records Management System
- PIRS– RCMP Records Management System
- ACIIS– Automated Criminal Intelligence Information System (organized crime)

This requirement would be consistent with Police Service policy that requires Enhanced Security Clearances of anyone provided access to Police Service buildings and information.

### **Recommendation 12**

The OCA recommends that the Office of the City Clerk prepare revisions to Policy C472B, *Appointment Process to Certain Key Boards*, so that Enhanced Security Clearances are conducted and the information considered before Council appoints an applicant as a Police Commissioner.

### ***Office of the City Clerk (OCC) Response and Action Plan***

#### ***Pending***

*The OCC will work with the Law Branch and Edmonton Police Service to determine what information from enhanced security clearances would be available to OCC and City Council and how the information will assist City Council in its decision making.*



**Recommendation 13**

The OCA recommends that the Office of the City Clerk prepare revisions to Policy C473B, *Appointment of Members of Council to Civic Agencies*, so that Enhanced Security Clearances are conducted and the information considered before Council appoints a Councillor as a Police Commissioner.

**Office of the City Clerk (OCC) Response and Action Plan****Pending**

*The OCC will work with the Law Branch and Edmonton Police Service to determine what information from enhanced security clearances would be available to OCC and City Council and how the information will assist City Council in its decision making.*

**Enhanced Security Clearances – Reappointment**

Security clearances provide information available at a “snap-shot” in time. Personal circumstances of a Commissioner and his/her family can change over time. Updating Enhanced Security Clearance status at regular intervals would help ensure that highly sensitive information within the Police Service is not compromised upon reappointment of Commissioners. The OCA believes that Enhanced Security Clearances should be required at a minimum of every 3 years.

The Commission provided the OCA with the following suggestion: *“that before any decision is made to require repeated and/or renewed enhanced security clearance checks that the City (and/or Commission) consider the Federal Standard, i.e. every 10 years. If this is considered and if there is merit in the Federal Standard it may be determined that Commissioners need only obtain the enhanced security clearance once in their six year term.”*

**Recommendation 14**

The OCA recommends that the Office of the City Clerk prepare revisions to Policy C472B, *Appointment Process to Certain Key Boards*, so that Enhanced Security Clearances be conducted and the information considered before re-appointing an applicant as a Police Commissioner. This should be updated at a minimum of every 3 years.

**Office of the City Clerk (OCC) Response and Action Plan****Accepted**

*Regardless of whether Security Clearances are Enhanced, OCC will bring forward amendments to Policy C472B to City Council through Executive Committee by June 30, 2005, to require Security Clearances every 3 years prior to re-appointment.*

**Recommendation 15**

The OCA recommends that the Office of the City Clerk prepare revisions to Policy C473B, *Appointment of Members of Council to Civic Agencies*, so that Enhanced Security Clearances are conducted and the information considered before re-appointing a Councillor as a Police Commissioner. This should be updated at a minimum of every 3 years.

**Office of the City Clerk (OCC) Response and Action Plan****Accepted**

*The OCC will bring forward amendments to Policy C473B to City Council through Executive Committee by June 30, 2005, to require Security Clearances upon appointment and every 3 years prior to re-appointment.*

## 5.4. City Directives and Procedures

### 5.4.1. Contracts

When determining the scope of the audit, the OCA identified a lack of clarity regarding police contracts. As a result, the OCA developed the following audit objective: “To assess the contract signing authority levels between City Council, the Commission, and the Edmonton Police Service. This will include a determination of whether such levels are understood, consistent, and adequate to enable fulfillment of their respective responsibilities.” The OCA observed the following:

- The Commission was not provided the authority to contract under the Police Commission Bylaw.
- Section 12 d) of the City Administration Bylaw (Bylaw 12005) addresses Police Contracts and authorizes the City Manager to:
  - ...approve and enter into all agreements and contracts that are related to the provision of police service and programs for the City...up to the same level of authority provided for in this Bylaw, upon request of the Chief of Police...and upon confirmation from the Chief of Police...that any expenditure can be accommodated for in the approved Edmonton Police Service budget.
- The Commission established its own Contracting Policy stating:
  1. The Edmonton Police Commission is responsible for all contracts that will be entered into by the City on behalf of the Edmonton Police Commission as requested directly by the Edmonton Police Commission or as requested by the Edmonton Police Service.
  2. The general principle to be followed is that any contracts awarded will be after a call for public bids.
  3. In unique and specialized situations sole source contracts may be awarded.
  4. All contracts entered will be done in line with the City of Edmonton Bylaws and Operating Procedures.

- In March 2004, the City of Edmonton's Law Branch provided a legal opinion to the City's Materials Management staff stating in part:

The Edmonton Police Service is not a legal entity for the purpose of contracting. Accordingly, all contracts required by the Edmonton Police Service are City contracts. The authority to enter into contracts for the Edmonton Police Services has been delegated to the City Manager pursuant to the City Administration Bylaw...
- During the preparation of this report, the OCA was advised by the Law Branch that the March 2004 opinion regarding police contracts is being researched further.

## Observations

### Authority and Process

There is confusion between the City, the Commission, and the Police Service as to who has the authority to contract for policing matters. This is due to a number of factors:

- Legal opinion on the matter is currently under review.
- The Edmonton Police Commission Bylaw is silent on these matters.
- The Commission is not routinely made aware of the City Administration Bylaw and supporting purchasing processes.
- The City Administration Bylaw does not speak to Police Commission contracts, only Police Service contracts.

### **Recommendation 16**

The OCA recommends that the Law Branch bring forward, for Council approval, any amendments to The City Administration Bylaw and the Edmonton Police Commission Bylaw required to clarify the authority for police related contracts.

### ***City of Edmonton Law Branch Response and Action Plan***

#### **Accepted**

*The Law Branch will bring forward amending bylaws. Anticipated completion is December 31, 2005.*

### Contracting Practices

With lack of clarity regarding the authority and process that the Commission is required to follow, the OCA is unable to provide an opinion whether the contracting practices of the Commission are outside its authority. However, when the OCA applied the City of Edmonton's authorities and processes for contracting, many of the practices of the Commission would not, in the OCA's view, be consistent with the City's procurement principles of openness, transparency, and best value. The OCA selected the following significant contracts for review and made the following observations:

- A Professional Services Agreement for the Acting Executive Director.
  - The Contract began in May 2003 and is to end June 30, 2005. The need for this contractor was necessitated initially as the result of the ongoing absence of the previous Executive Director, and continues, since the fall of 2004, while the Commission searches for a permanent replacement. Three sole source contracts were used over this time; the first was extended once and payments totalling \$69,600 were paid; under the second contract a total of \$48,800 was paid, and the current contract, after being extended twice, could approach \$197,500 in payments. Over the 26 months the Commission will have paid a total nearing \$315,000. The contracts were signed by the Chair of the Commission as well as representatives of the City.
  - Issues of note include:
    - ◆ There is no record that the decision to enter into these agreements was approved by the Commission as a whole.
    - ◆ The business case justification for sole sourcing was not in accordance with City of Edmonton established criteria.
    - ◆ These contracts were not assessed to ensure that an employee/employer relationship does not exist.
    - ◆ Contract management and administration requirements were not clearly understood, resulting in a short period (19 days) when the contractor was working without a contract in place.
    - ◆ If the contract had been managed as one contract, rather than three sequential contracts, and followed City established authorities, the third contract should have been approved by Community Services Committee as the cumulative total paid will exceed \$250,000.
    - ◆ The Commission should periodically evaluate whether the engagement of contractors is fiscally prudent.
- The current and pending Tender Contract for Photo Radar Services.
  - This contract initially proceeded as a sole source contract submitted directly to Community Services Committee by the Police Service (per its understanding of the contracting process at the time), without any vetting through the Commission. This was due to confusion regarding the expectations and requirements between the Commission, the Police Service and Community Services Committee, resulting in public embarrassment for all parties.

The OCA acknowledges the following Commission actions as good governance practices:

- ◆ Once the Commission became fully aware of the size of the contract it appropriately changed the procurement direction by requiring that a Request for Proposal (RFP) be issued and a tendering process be followed. Increased due diligence on behalf of the Commission is warranted considering the size of the tender and the sensitivities surrounding this contract.

- ◆ Analysis of the bids submitted was undertaken by an evaluation committee consisting of three City specialists, two outside engineering experts, and a citizen at large. A representative of the Commission was invited to participate but declined.

The OCA considers the following actions of the Commission to be contrary to good governance practices:

- ◆ During the RFP process, the bidding deadline was extended by the direct intervention of the Commission. This was contrary to guidance from the City's specialists on the evaluation committee.
  - ◆ Following the closing of the bidding process and the evaluation by the committee, the Commission requested a copy of the RFP document as well as copies of the three proposals/bids submitted not to "*second guess the work of the Committee that has completed the analysis of the 3 bids. It is, however necessary that the Commission position itself such that they can make an informed decision on the recommendation coming from the Photo Enforcement Evaluation Committee.*" Commission involvement in this level of operational detail is generally not consistent with typical board governance roles and responsibilities.
- Personal Services Agreements for the previous Chief of Police, and the two Deputy Police Chiefs.
    - Clarity is required as to what parties should be signing these contracts. None of these agreements were signed by a City representative; rather they were signed by the Commission and the corresponding individuals. Based on questions raised by this audit, the Law Branch is conducting extensive research to determine the appropriate authority to enter into these contracts.
  - Personal Services Agreement for the Chief Administrative Officer.
    - The Chief Administrative Officer is a member of Chief's Committee, which is the Police Service's Senior Executive Team. This contract differs from the other Senior Executive Team members in that it was executed solely between a previous Chief and the incumbent, demonstrating that differing practices are in place amongst the members of Chief's Committee.
  - Overall Observations on Contracts.

The authority and process to be followed for police contracts needs to be formally clarified. Some of the contracts the Commission enters into include City of Edmonton staff signatures, others do not. In the instances where City staff have signed the contracts the Commission has told the OCA that they have assumed that they would not have been signed if the City's requirements had not been met. The City on the other hand, has in some instances, simply enabled the contract to be put in effect, recognizing the Commission's authority and responsibility to "distribute policing funds" and have not questioned the process followed to establish a contract. No wrongdoing has been observed, but clarity is required to remove the

assumptions made by both the City and the Commission. In the event that the Law Branch concludes that the Commission has the authority to enter into contracts, in accordance with the Police Act, a formal Policy and supporting procedures would need to be developed.

The City Administration's procurement process promotes the public procurement principles of openness, transparency, and best value. Rather than developing its own purchasing process, the Commission should adopt the City's framework and simply overlay its authority to allocate funding within the approved budget.

Section 28 of the *Police Act* requires Council to prescribe the rules governing the operations of the Commission. The OCA believes that by requiring the Commission to follow the City's procurement framework, with recognition of the source of authority, they will be provided an established process to follow that clearly supports the City's principles of openness, transparency, and best value.

#### **Recommendation 17**

The OCA recommends that the Office of the City Clerk prepare a revision to Bylaw 9304 requiring the Commission to adopt the City's procurement policy and procedures, while recognizing their authority to allocate budgeted funds as per the Police Act.

#### **Office of the City Clerk (OCC) Response and Action Plan**

##### **Accepted**

*The OCC will consult with the Law Branch and bring forward an amending bylaw to City Council through Executive Committee by June 30, 2005. The OCC will prepare and provide a draft of the amending bylaw to the Edmonton Police Commission for their comments prior to submission to Executive Committee.*

#### **5.4.2. Honorariums**

The Edmonton Police Commission is a volunteer board and as such, Commissioners are compensated with an honorarium for duly recognized meetings of the Commission. Council determines the honorarium amounts and approved The Edmonton Police Commission Honorarium Policy in April 2003. The Policy provides different amounts of compensation depending on whether:

- The meeting was less than three hours
- The meeting was more than three hours
- The individual is the chair of the meeting

All meetings that are eligible for honoraria must be duly constituted, contain a quorum, and minutes must be taken. City Councillors appointed as Commissioners are not eligible for the honorarium payments.

The OCA reviewed the honorarium payments made to Commissioners from January 1 to October 31, 2004. This testing was to provide assurance that the honorarium payments are paid to Commissioners in accordance with City Policy.

**Observations - Exceptions attributed to clerical error:**

- Honorarium payments were paid for a meeting that was not held (overpayment to 6 Commissioners totaling \$1900).
- Honorarium payments were made for a Finance Committee meeting that was held without quorum (overpayment to 2 commissioners totaling \$350).
- Eligible honorarium payments were not made for a Governance Committee meeting (underpayment to 3 commissioners totaling \$250).

**Recommendation 18**

The OCA recommends that the Commission correct the payment errors attributed to clerical error and design process controls to avoid recurrence of the error.

***Edmonton Police Commission Response and Action Plan***

***Accepted***

*The corrections have already been made and procedures put in place to prevent such errors from occurring in the future.*

**Observations - Exceptions attributed to lack of clear direction/policy:**

**Meeting Minutes**

Minutes were not created for all meetings to support the honorarium payments. Honorarium payments (totaling \$7475) were made for 11 meetings where no meeting minutes were created to support the payments. The OCA cannot confirm whether all of these payments were appropriately made or not. Some, for example, were made for meetings held to hire the Chief of Police. These activities must have occurred, however no minutes were produced to record who attended the meetings, what was discussed, or the duration of the meetings.

**Recommendation 19**

The OCA recommends that the Commission ensure that all Commission meetings are duly constituted, contain a quorum, and that minutes (including decisions made, time and duration of the meeting, and those in attendance) are taken.

***Edmonton Police Commission Response and Action Plan***

***Accepted***

*Procedures have already been put in place to respond to this recommendation.*

Amounts paid differ from the Honorarium Policy.

The Honorarium Policy is structured to pay one amount for meetings under 3 hours and a different amount for meetings greater than 3 hours. Difficulties observed relating to this payment schedule are as follows:

- i – What is the correct amount to pay for a meeting that is exactly 3 hours in length?
- ii – What should be used as the official “time record” for meeting duration. Should it be:
  - a) As formally recorded in meeting minutes...from the time the meeting is called to order until the time the meeting is adjourned; or
  - b) the time Commissioners arrive at the meeting location to the time they depart; or
  - c) some combination of the two?

With the above difficulties, Commission administration has adopted option c) above. To determine the amounts paid, the following practice has been put in place:

- For meetings formally recorded as 2hr 45 min. or less, the < 3 hr rate is paid.
- If the duration is 2hr 50 min. or longer, the > 3hr rate is paid.

The Commission’s rationale is that even though the meeting has been formally adjourned, Commissioners do not leave the meeting immediately. This practice of “rounding up” is an attempt to recognize the actual time the Commissioners spent at the meeting.

In reviewing the honorarium payments the OCA observed the following:

- One instance where the recorded meeting duration was exactly 3 hours (payment was the > 3hr rate).
- Four instances where the recorded meeting duration was less than 3 hours but was “rounded up” and the > 3hr rate was paid.

**Recommendation 20**

The OCA recommends that the Commission review the Edmonton Police Commission Honorarium Policy and bring forward for Council approval a proposed payment structure that clearly identifies an honorarium payment structure that removes the need for Commission administration to apply judgment to determine the correct amount to be paid.

***Edmonton Police Commission Response and Action Plan******Accepted but only in principle and in part***

*The Commission agrees with the suggestion to review the honorarium policy. Whether or not a recommendation for change will be brought to Council will depend on the outcome of that review.*



### 5.4.3. Civic Agency Reporting

Council established the Commission through the Edmonton Police Commission Bylaw. The Commission is one of many City Agencies established by Council. To establish the basic standards and procedures for reporting by Civic Agencies to Council, City Policy C476A was created. The Policy classifies the Police Commission as a Decision-Making “City Agency” and identifies the Office of the City Manager, Office of the City Clerk as the interfacing City Department.

With City Council being a key element of the Police Governance framework, the OCA assessed the interaction between Council and the Commission to determine if the roles and responsibilities of each party are clear and are consistent with the requirements of the *Police Act*.

Apart from the annual budget, the only Policy that describes the reporting requirements from the Commission to Council is Policy C476A. The OCA reviewed this Policy with the following two goals:

**Goal 1** – To provide assurance that the reporting requirements, as outlined in Policy C476A, from the Police Commission to Council were met.

**Goal 2** – To assess the completeness of Policy C476A to ensure that the requirement for Council to be informed by the Commission is adequate and does not contravene the requirements of the *Police Act*.

#### **Observations - Policy Compliance**

##### **Activity Report**

Section 6 of Policy C476A requires the Commission to provide an Activity Report to Council by March 31 each year for the previous year ended December 31. This report was not provided to Council for the years ended 2003 or 2004.

#### **Recommendation 21**

The OCA recommends that the Commission establish a process to ensure that an Activity Report is provided to Council by March 31 of each year per the requirements of Section 6 of City Policy C476A, *Civic Agencies Reporting*.

#### **Edmonton Police Commission Response and Action Plan**

##### ***Accepted with Modification***

*The “Activity Report” will be incorporated as a function of the annual budget presentation to Council pursuant to Section 29 of the Police Act.*

##### **Member/Chair Role, Duties, and Performance Criteria**

Section 8 of Policy C476A requires the Commission to develop and review annually a description of the role and duties and the performance criteria for members and the Chair. This requirement has not been fulfilled.

**Recommendation 22**

The OCA recommends that the Commission develop a description of the role and duties and the performance criteria for members and the Chair per the requirements of Section 8 of City Policy C476A, *Civic Agencies Reporting*.

**Edmonton Police Commission Response and Action Plan****Accepted**

*It is noted, however, that the roles and duties of Commissioners are dictated in great part by the Police Act – this is repeated in Policy 2200 of the Commission.*

**Observations - Policy Content****Appointment Report**

An Appointment report is prepared by the Chair of the Commission, unless Council directs otherwise. The report provides key information about the Commission as well as an evaluation of members eligible for reappointment. This information is necessary for Council to fulfill its Commissioner Appointment responsibilities under Section 28(2)(b) of the *Police Act*.

Section 7 of Policy C476A, *Civic Agencies Reporting* requires the Commission to submit an Appointment report to the Office of the City Clerk. The Policy should state that the Appointment Report (with Form C) is provided to Council through the Office of the City Clerk. Also, section 10 requires the Chair to evaluate the members based on the performance criteria and include the results in Form C of the Appointment Report. The Policy should also require the evaluation of the individual elected as Commission Chair as well as explicitly stating that the evaluator is required to share the evaluation results with the Commission member being evaluated.

**Recommendation 23**

The OCA recommends that the Office of the City Clerk review Policy C476A, *Civic Agencies Reporting*, and update as necessary so that the Appointment report is provided to Council (section 7) and that it is mandatory that the evaluation results be shared with the Commissioner being evaluated (section 10).

**Office of the City Clerk (OCC) Response and Action Plan****Accepted**

*The OCC will bring forward an updated Policy C476A to City Council through Executive Committee by June 30, 2005.*

### Sufficiency of Commission Reporting to Council

The *Police Act* requires Council to establish and maintain an adequate and effective police service and to prescribe the rules (subject to the regulations) governing the operations of the Commission. It also requires the Commission, in consultation with the Chief, to prepare:

- Estimates of all money required for the fiscal year, and
- A yearly plan specifying the level of police services and programs to be provided, and submit those estimates and plans to Council.

Council is responsible to obtain sufficient information about police efficiency and financing requirements to establish a total budget for the Police Service.

In reviewing the Civic Agency Reporting requirements, the OCA considered the amount of information provided to Council to be insufficient to fulfill its responsibilities. Currently, Council has very little formal interaction with the Commission, restricting its actions to annual consideration of the Commission's budget submission and appointing/reappointing members to the Commission. Council's ability to satisfy themselves that the Commission and the Police Service's plans are aligned with the expectations and objectives of the City would be improved by requiring business plans and regular performance reporting. Council would then be in a position to monitor whether the total funding provided (approaching \$200 Million) is being allocated in a manner that supports the achievement of the objectives upon which it was approved.

The OCA investigated whether the *Police Act* restricts Council from requiring the Commission to be responsible and accountable to Council for the achievement of business plans used as the basis for budget requests. This question was posed to the Assistant Deputy Minister, Director of Law Enforcement, Alberta Solicitor General. His response was that the *Police Act*, by requiring Council to prescribe the rules governing the Commission, appropriately leaves Council with the responsibility to determine the level of reporting and accountability requirements placed upon the Commission. He elaborated that it is an expectation that Council would establish an accountability framework, similar to the manner in which Council oversees City Administration, by requiring reports and information such as strategic plans, business plans, variance analysis, capital plans, delegation report, etc., thus enabling Council to monitor the activities of the Commission so that its governing responsibilities over this volunteer board can be fulfilled.

The accountability framework for the Police Commission would need to be designed with regard to the powers and restrictions within the Police Act. Input from the Commission in designing the framework would facilitate its understanding of the expectations and ensure that they can reasonably be met.

**Recommendation 24**

The OCA recommends that the Office of the City Clerk obtain legal guidance to assist Council with enhancing Bylaw 9304, *Edmonton Police Commission bylaw*, so that the rules governing the operations of the Commission include an accountability framework, consistent with legislated authority, between the Commission and Council to ensure that Council can fulfill its responsibilities.

**Office of the City Clerk (OCC) Response and Action Plan****Accepted**

*The OCC will obtain legal guidance on the development of an accountability framework and then provide amendments to Bylaws 9304 and Bylaw 12300, the Procedures and Committees Bylaw, to City Council through Executive Committee prior to March 31, 2006.*

## 5.5. Police Commission Policy and Procedure

### 5.5.1. Expense Reimbursement

The Commission established a Reimbursement of Approved Expenses Policy that states:

Each Edmonton Commission member and staff will be reimbursed for authorized out-of-pocket expenses for Edmonton Police Commission related activities, including parking, mileage, travel, meals and accommodation following Edmonton Police Service Procedures.

The need for a review of expense reimbursements was identified during the Commissioner interviews conducted by the OCA. The OCA worked with Commission administration to identify the process followed for Commissioner Expense reimbursements. The OCA then obtained Commission accounting reports from January 1 to October 31, 2004 for the business travel, course travel, and hosting accounts. Since there was a relatively small volume of transactions, the OCA reviewed each expense account listed (59 in total) for the following:

- that supporting receipts existed
- that amounts claimed were appropriate
- that each claim was appropriately reviewed and approved

Through review of the Commissioner expenses, the OCA observed the following:

- Inconsistencies in the application of authorized expenses and amounts. A variety of practices were observed where Commissioner's claims ranged from no meal claims to per diem amounts of \$60/day, \$30 for ½ day, \$50/day, City of Edmonton individual meal reimbursement rates, or a combination thereof (13 claims).

- Receipts submitted with only a grand total dollar amount provided rather than detailed receipts indicating what was purchased in addition to the total expended (8 claims).
- Unclear how the expense was a Commission-related activity (1 claim).
- The purchase of alcohol (5 claims). For four of these claims, alcohol was the only item purchased.
- Incorrect approver of Chair expense claims (2 claims).

The Commission's *Reimbursement of Approved Expenses Policy* lacks the required specificity for the OCA to conclude that the expenses reimbursed were contrary to policy. However, when the OCA applied the City of Edmonton's standards for acceptable expenses, several of the Commission's practices are contrary to City policies and would not, in the OCA's opinion, be seen as prudent use of taxpayer monies approved for allocation by the Edmonton Police Commission.

The responsibility to develop operating policies currently lies with the Commission. Rather than developing its own expense reimbursement framework, the OCA advises the Commission to adopt the policies and procedures already in place within the City of Edmonton, thereby ensuring that its practices are able to withstand the same degree of public scrutiny as City employees are subject to.

The *Police Act* enables Council to, "...subject to the regulations, prescribe the rules governing the operations of the municipal police commission." With reimbursement of expenses being an administrative task not included in the regulations, the OCA believes that Council should require the Commission to abide by the City of Edmonton's expense reimbursement Administrative Directive and procedures. This would relieve the Commission of the burden of creating its own policy while providing an acceptable expense reimbursement framework for a public agency.

#### **Recommendation 25**

The OCA recommends that the Office of the City Clerk propose a revision to Bylaw 9304, *Edmonton Police Commission bylaw*, requiring the Commission to follow the prescribed City administrative directive and procedures regarding the reimbursement of travel and training expenses.

#### **Office of the City Clerk (OCC) Response and Action Plan**

##### **Accepted.**

*The OCC will consult with the Law Branch and bring forward an amending bylaw to City Council through Executive Committee by June 30, 2005.*

*The OCC will prepare and provide a draft of the amending bylaw to the Edmonton Police Commission for their comments prior to submission to Executive Committee.*

### 5.5.2. Working Agreement

The Commission established a Working Agreement Policy stating:

During the first year after the appointment of a (new) Chief of Police, the Edmonton Police Commission and the Chief, will create a Working Relationship Agreement.

The accompanying procedure states that the agreement will be reviewed yearly by the Commission and the Chief. A copy of the agreement is provided as an Appendix to the Commission's Policy and Procedures. That agreement was developed in 2001 and ratified by the Commission and Chief's Committee in 2002.

The agreement serves to clarify and address issues that arise between the Commission and the Police Service as each party strives to fulfill their responsibilities. It includes such topics as Communication, Budget, and Police Service Conduct and provides interpretations of roles and responsibilities.

The *Police Act* (sec. 31(3)) restricts the Commission from issuing an instruction to a Police Officer (other than the Chief) and the Commission's Code of Conduct instructs Commission members to not interfere with the management of the Service. Yet, for the Commission to fulfill its responsibilities there must be an efficient flow of information back and forth between the Commission and the Police Service.

The OCA observed frustration on behalf of individual Commissioners, the Acting Executive Director, the former Chief, and Police Service members and staff regarding information flow between the Police Service and the Commission. Often, to gather required information, individual Commissioners or the Acting Executive Director have gone directly to staff within the Police Service. The Police Service staff members acknowledge that the Commission requires information from the Police Service, but are unsure of the authority individuals have to ask for certain information, or whether they are cognizant of the effort (cost) required to fulfill their requests.

The OCA acknowledges that a year had not passed since the appointment of the previous Chief in May 2004 and is therefore not stating that the Commission did not comply with the Policy. However, the OCA did not observe any actions or discussions by the Commission to indicate that the development of a working relationship agreement with the new Chief was being considered.

The OCA believes that there is value in documenting certain aspects of the working relationship between the Commission and its staff with the Chief and his/her staff. The real value is in the discussion itself where issues, concerns and viewpoints can be shared, and together all parties can come to an understanding of the other's needs and constraints as they strive to work together so they can each fulfill their responsibilities.

**Recommendation 26**

The OCA recommends that the Commission work with the new Chief to update the working relationship agreement.

**Edmonton Police Commission Response and Action Plan****Not Accepted**

*Good governance practice demands that a productive relationship exist between the Commission and the Chief of Police. This relationship is identified in part by the Police Act, by the contract that exists between the Commission and the Chief, by the Position Description, and in the strategic plan that the Chief puts in place to respond to policy directives set by the Commission. It is further defined by the completion of annual reviews of the Chief's performance. It is unnecessary and redundant to enter into another working relationship agreement. To this end the Commission will, with the Chief of Police, review the existing "Working Relationship Agreement" and existing Policy 2600, to determine their relevance, if any.*

**OCA Response**

The OCA agrees that there are a number of formal documents that exist that shape the relationship between the Commission and the Chief of Police. The City of Edmonton views its Working Relationship Agreement as a commitment to collaborative relations between management and the Unions and Associations within the City. None of the documents described above in the Commission's response address collaborative relations between the Commission and the Police Service. In fact, as part of the Commission's response to the draft version of this report, the following statement would indicate that a real need to discuss these issues exists:

...the question is asked as to whether or not the leadership of the Edmonton Police Service understand, recognize and accept the legislated responsibility of the Commission to "govern" the policing program in Edmonton.

Although the Commission did not accept the recommendation, the OCA believes this is an important step to improve the Commission's relationship with the Police Service through common understanding of each other's authority, responsibilities, and restraints so that both the Commission and the Police Service can meet their obligations in an effective and collaborative manner. The OCA is confident that when reviewing the Working Relationship Agreement with the Chief of Police as committed above, that the value of discussing and documenting the content will be recognized.

**5.5.3. Commission Staff Security Clearances**

The Police Commission is supported by a staff of three (excluding the Police Service), currently employing an Executive Director (acting), a Public Complaints Monitor, and an Executive Assistant. Police Commission Policy does not include any requirement for security clearances to be conducted for its staff. Police Commission staff members, to fulfill their responsibilities, require access to facilities and highly sensitive information

that the Police Service is required to protect. The Commission must ensure that by granting access to this information it has not compromised the security in place to protect this sensitive information. To fulfill this requirement, Enhanced Security Clearances should be conducted and the resulting information considered before granting access to Police property and/or information to anyone it employs/hires. This requirement would be consistent with EPS Policy requiring Enhanced Security Clearances of anyone provided access to EPS buildings and information.

The OCA confirmed that an enhanced security clearance was completed for the current Acting Executive Director, but have not been conducted for the Commission's other staff.

#### **Recommendation 27**

The OCA recommends that the Commission require that Enhanced Security Clearances be conducted for all staff members and contractors who are provided access to sensitive police information. This requirement and the supporting process should be documented in the Edmonton Police Commission Policy and Procedure manual.

#### ***Edmonton Police Commission Response and Action Plan***

***Accepted***

#### **5.5.4. Code of Conduct**

The Commission established a Code of Conduct Policy stating, "The Edmonton Police Commission members and staff will abide by the Edmonton Police Commission's Code of Conduct." The Commission's Code of Conduct (Code) is comprised of fourteen statements that Commissioners and staff members are to abide by. The OCA did not test compliance with each statement. However, throughout the audit, observations of Commission actions and behaviors were documented and where relevant, compared with the expectations articulated in the Commission's Code. The OCA observed the following:

##### Confidentiality Requirements

The *Police Act* requires each Commissioner to take an Oath of Office swearing that he/she will not disclose any matter or evidence brought before him/her as a member of the Edmonton Police Commission. Bylaw 9304 further requires the Commission to perform all duties and exercise all powers imposed upon it by the *Police Act* (including the Oath of Office). The code requires Commission members to respect the confidentiality of sensitive items discussed in *in-camera* or in closed meetings. It also requires Commission members to abide by their oath of office.

The OCA observed several examples where confidential issues had been reported in Edmonton newspapers, often using terminology like "leaked document," or, in other instances, information was provided that was not in the public domain. These behaviors destroy the trust and confidence that is required between Commissioners and the Chief to ensure that sensitive issues can be thoroughly understood and explored. Until



confidentiality breaches are no longer tolerated, the essential level of trust between the Commissioners themselves, as well as with the Chief, will continue to be a significant roadblock to efficient decision-making.

The City Law Branch has provided the following advice regarding the repercussions of breaching the oath: “Disclosure could be cause for revocation of the appointment of the Commissioner under section 28(11) of the *Police Act*.”

The Code includes a request that if the Chief is aware of a possible breach of the Code that he immediately notify the Chair. There is no similar statement guiding Commissioners to bring forward possible breaches, nor is there any guidance for the Chair to consider when determining the appropriate action to take when a possible breach is brought to his/her attention.

#### **Recommendation 28**

The OCA recommends that the Commission enhance the Code of Conduct by requiring anyone who is aware of a possible breach to inform the Commission as a whole. This should be supported by procedures to guide the Commission regarding the appropriate action(s) to take to investigate and conclude the matter.

#### ***Edmonton Police Commission Response and Action Plan***

**Accepted**

#### **Recommendation 29**

The OCA recommends that the Office of the City Clerk propose a revision to Bylaw 9304 *Edmonton Police Commission Bylaw*, requiring the Commission to advise Council of all suspected breaches of their Oath of Office and the results of the subsequent inquiry.

#### ***Office of the City Clerk (OCC) Response and Action Plan***

**Accepted**

*Once the Edmonton Police Commission has developed procedures in relation to Recommendation 28, the Office of the City Clerk will bring forward an amending bylaw to City Council through Executive Committee by December 31, 2005, in line with the procedures established for Recommendation 28.*

#### Media Interaction

The Code states that the Chairperson will be the spokesperson for the Commission. This authority may be delegated to designated members of the Commission. Individual Commissioners must notify the media if they are speaking as the Commission spokesperson or as an individual in the community. The OCA has observed numerous examples where the individual speaking with the media is not authorized by the Commission to speak on its behalf. This includes individual Commissioners failing to indicate whether they are speaking on their own accord or as a representative of the

Commission, as well as staff members responding to media inquiries. This creates confusion among the public, as well as other stakeholders including Commissioners and members of the Police Service, as to whether the statements made to the media are authorized Commission policy or personal opinion.

The Commission, as a public body, needs to be open to the public. Interaction with the media can facilitate this goal. The Commission needs to ensure that all interaction with the media is carried out by authorized spokespersons and that the messages are either formally endorsed by the Commission as a whole for public release or have already been disclosed in a public forum. Specifically, all communication on behalf of the Commission must be authorized by the Commission. Where an individual presents their own opinion, they must disclose that it is not the opinion of the Commission.

### **Recommendation 30**

The OCA recommends that all communication on behalf of the Commission be duly authorized. Where an individual presents their own opinion, they must disclose that it is not the opinion of the Commission.

### ***Edmonton Police Commission Response and Action Plan***

#### **Accepted**

#### Authority over the Police Service

The *Police Act* assigns responsibility and authority to the Commission as a whole to oversee the Police Service, and for that purpose shall issue instructions to the Chief of Police in respect to policies. The Commission's Code states that Commissioners may not attempt to exercise individual authority over the organization.

An individual Commissioner does not have authority to issue instructions unless formally delegated to do so by the Commission as a whole. The Commission has adopted and included this concept in its Code of Conduct.

The OCA observed that individual Commissioners provided the now former Chief with advice/direction that is contrary to the views of other Commissioners or, in some instances, what has been documented as the direction of the Commission as a whole. These practices must be eliminated so that when instructions are issued to the Chief, they are consistent with the authority that lies within the Commission as a whole. These directions need to be formally documented as decisions of the Commission and recorded in the meeting minutes. This then provides clarity as to the direction given and confirms that the authority exists to provide that direction.

The OCA recognizes that informal communication between the Chief and individual Commissioners is necessary so that an atmosphere of trust and understanding can be developed. Both parties, however, must acknowledge that these interactions serve the purpose of information sharing, rather than providing instructions upon which the Chief can be held accountable to the Commission as a whole.

**Recommendation 31**

The OCA recommends that, when providing instructions to the Chief of Police as authorized by the *Police Act*, the Commission formally document the instructions given by ensuring that the direction is duly passed and recorded in the Commission meeting minutes.

**Edmonton Police Commission Response and Action Plan**

**Accepted**

## 6. Conclusion

This audit was performed by the Office of the City Auditor at the request of the Edmonton Police Commission in an effort to improve the governance of Edmonton's policing program. The key parties in the Governance framework are Council, the Commission, and the Police Service.

The City of Edmonton has viewed the intent of the *Police Act*, to separate the Police Service from political interference through the creation of a Police Commission, as a barrier that restricts their ability to oversee the actions of the Commission and hold them accountable. The Alberta Solicitor General's office offered a different view; stating that the *Police Act* authorizes and, in fact, requires Council to prescribe the rules governing the operations of the Commission. This empowers Council to design a reporting and accountability framework that provides a mechanism to monitor the policing program to ensure their responsibility to establish and maintain an adequate and effective Police Service is fulfilled.

The responsibility to oversee the implementation of the policing program lies with the Commission, established as a group of Edmonton citizens participating on a volunteer, part-time basis. The ability for this group to adequately oversee a nearly \$200 Million dollar organization without City infrastructure support and accountability frameworks is, in the OCA's opinion, unrealistic.

The observations in this report highlight areas where the OCA believes that changes are needed. In all, thirty-one recommendations are made, seventeen to the Commission and fourteen to the City of Edmonton. This recognizes that while there are areas in which the OCA believes the Commission can improve Police Governance, there are also areas where the City needs to take action. It is important to note that in implementing the recommendations, the appropriate legislation (including the *Police Act*) must be referenced in order to ensure that the proposed action plans are consistent with the respective powers and responsibilities of the Commission and the City. In addition, the limitations which have been placed on both of these bodies must be recognized in the resulting action plans. In certain instances, legislative amendments may be necessary in order to fully implement particular recommendations.

The OCA strongly encourages the City to “get closer” to the Commission and make it mandatory, for administrative processes, that wherever practical the City’s policing organization leverages the City of Edmonton’s infrastructure and abides by the policies, administrative directives, and procedures established to control those activities. This will ensure that the practices of the Police are consistent with citizen’s expectations regarding value, transparency, and accountability.

The OCA will follow-up and report on the progress made by the Commission and the Office of the City Clerk in response to the recommendations made in this report.

Completion of this audit required the open and active participation of many individuals. The OCA would like to thank the Commissioners and their staff; the Executive, Members and staff of the Police Service; representatives of the Citizen’s Police Academy Alumni; representatives from the Alberta Solicitor General’s Office; and City of Edmonton staff from the Office of the City Clerk, Materials Management, Human Resources, and Law Branch.

# **APPENDIX A**

## **15 ATTRIBUTES OF GOOD GOVERNANCE**

### **Commissioner Interviews**

---

# **Edmonton Police Governance Audit**

## **15 ATTRIBUTES OF GOOD GOVERNANCE**

### **Commissioner Interviews**

April 20, 2005

---

## **Background**

In order to gather information about the current practices of the Commission, the Office of the City Auditor (OCA) met with each Commissioner (2004 Members) individually in November and December 2004. During these meetings, information was gathered about the Commission's practices in both general and specific terms. To help focus the discussions on governance topics, the OCA developed a meeting guide which is based upon the 15 good governance attributes listed in the Governance Effectiveness Quick Check<sup>8</sup> created by the Institute of Governance. These attributes are designed to provide an impression of the effectiveness of a governing board. The 15 specific governance attributes that were discussed during the interviews included:

1. Orientation & training
2. Strategic
3. Chief's performance
4. Financial
5. Roles & responsibilities
6. Efficient use of resources
7. Stakeholders
8. Commitment
9. Compliance with legislation
10. Teamwork
11. Communications
12. Manage risk
13. Meetings
14. Decision-making process
15. Balance

## **Overview of Interview Results**

The Institute of Governance website provides the ability to take the "quick check" online. The online check is designed to be completed by an individual board member and provide a general indication of how effectively they are governing their organization. The OCA completed the online quick check, inputting the Commission's overall average scores. The results indicated that the Commission is doing well in some aspects, while in others there is significant room for improvement. This assessment is consistent with the Commissioner's overall assessment of themselves.

---

<sup>8</sup> Institute of Governance; [www.iog.ca/boardgovernance/html/ass.html](http://www.iog.ca/boardgovernance/html/ass.html). The Quick Check is a short questionnaire designed to give board members and CEOs a quick impression of the effectiveness of their board. It contains fifteen items that research suggests correlate with effective governance.

A 4 point scale was used for rating purposes (strongly disagree to strongly agree). Exhibit 1 lists the 15 attributes in rank order from lowest to the highest average scores. The scores with the lowest averages indicate that Commissioners, as a group, did not believe they were effective in these areas.

The following three attributes had an overall average score of three or higher, indicating that the Commissioners felt they were performing well:

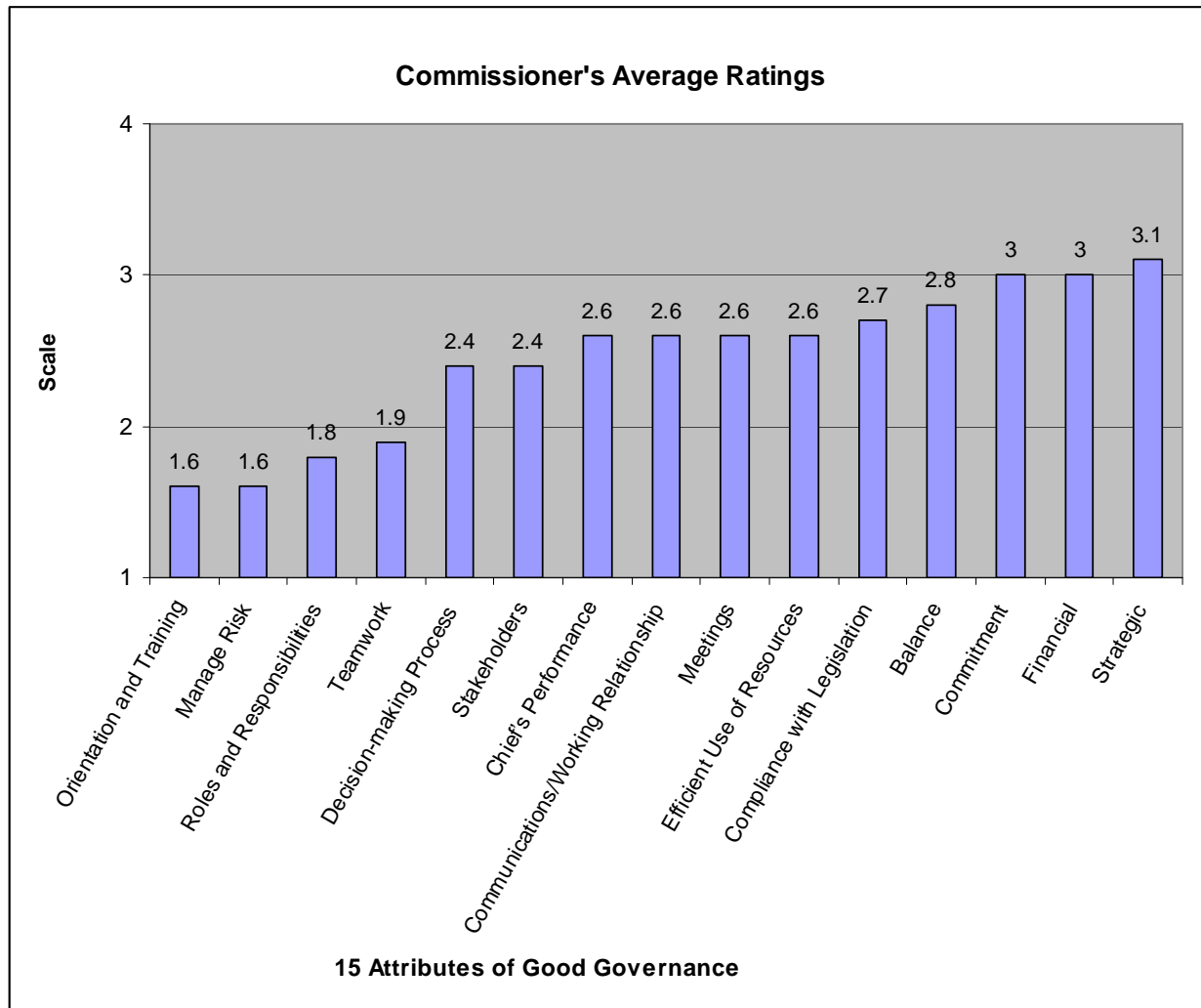
1. **Strategic** - The Commission is actively involved in planning the direction and priorities of the Edmonton Police Service.
2. **Financial** - The Commission is appropriately informed about the Financial aspects of the Edmonton Police Service to ensure it is financially sound (viable and stable) in both the short and long term.
3. **Commitment** - Commissioners demonstrate commitment through their actions to the stated Mission and Guiding Principles.

The following four attributes had an overall average score of less than two, indicating that the Commissioners felt these are the areas requiring the most improvement:

1. **Orientation & Training** - Commissioner Orientation adequately prepared you to fulfill your governance responsibilities.
2. **Managing Risk** - Confident that the risk management practices of the Commission would effectively allow it to manage any organizational crisis that could be reasonably anticipated.
3. **Roles & Responsibilities** - Commissioners demonstrate clear understanding of the respective roles and responsibilities of the Commission, the Chief of Police, and City Council.
4. **Teamwork** - The Commission's capacity to govern effectively is not impaired by conflicts between Commissioners.



**Exhibit 1**



**15 Attributes of Good Governance**

This section lists the attribute name, a short description, the overall average rating, the breakdown of individual scores by percent and excerpts of the comments that the Commissioners provided. The comments, which in some cases have been summarized generically, provide great insight into how the Edmonton Police Commission (2004) viewed themselves.

**1. Orientation & Training** - Commissioner Orientation adequately prepared you to fulfill your governance responsibilities.

### Overall Average Rating – 1.6

Individual Score Breakdown

1 - Strongly Disagree	44%
2 - Disagree	56%
3 - Agree	0%
4 - Strongly Agree	0%

#### Summary of Interview Results:

This attribute tied for the lowest score, indicating that this is an area where improvement is required. The comments provided by the Commissioners indicated a recognized need, and a desire for training. Specific comments included:

- Clarifying roles and responsibilities
- What is the difference between civilian oversight and civilian management?
- Feel it should be a Commission responsibility to provide training
- Importance and role of chair
- Guidance should be provided as to the role of councilors on the Commission
- Need to understand the complaints monitor role. What questions should we ask him? What is his role?

**2. Strategic** - The Commission is actively involved in planning the direction and priorities of the Edmonton Police Service.

### Overall Average Rating – 3.1

Individual Score Breakdown

1 - Strongly Disagree	0%
2 - Disagree	11%
3 - Agree	67%
4 - Strongly Agree	22%

#### Summary of Interview Results:

This attribute had the highest score indicating that there is general agreement that the Commission is actively involved at a Strategic level. The comments provided by the Commissioners indicated that while the Commission has evolved to a more active role, some expressed a concern that the line between strategy and operations has occasionally been crossed.

**3. Chief's Performance** - The Commission does a good job of evaluating the performance of the Chief of Police (measuring results against defined objectives).

#### Overall Average Rating – 2.6

##### Individual Score Breakdown

1 - Strongly Disagree	0%
2 - Disagree	50%
3 - Agree	38%
4 - Strongly Agree	12%

##### Summary of Interview Results:

This attribute resulted in a “mid-point” score, indicating that while there is room for improvement, the Commission believes that it addresses this function to some degree. The comments provided by the Commissioners indicated that some anxiety exists around the process. This is due to:

- The process is new
- The timing (6-month interim review was underway)
- Disagreement on process (process did not reflect the Commission's decision on how to proceed)
- Difficulties in measuring results

**4. Financial** – The Commission is appropriately informed about the financial aspects of the Edmonton Police Service operations to ensure it is financially sound (viable and stable) in both the short and long term.

#### Overall Average Rating – 3.0

##### Individual Score Breakdown

1 - Strongly Disagree	0%
2 - Disagree	22%
3 - Agree	56%
4 - Strongly Agree	22%

##### Summary of Interview Results:

This attribute resulted in a “high” score indicating that there is general agreement that the Commission is actively involved in the financial aspects of the EPS. The comments provided by the Commissioners indicated that the Commission is gaining a better understanding of the EPS which was attributed to the efforts of the Finance Committee and particularly to the Finance Committee Chair. Concerns were expressed around frustrations in getting the required information (in contrast to data), but admitted that the Commission has not been successful in identifying the financial information it requires to more effectively govern. This frustration is mutual and has resulted in an environment where both the Commission and Service distrust one another.

**5. Roles & Responsibilities** - Commissioners demonstrate clear understanding of the respective roles and responsibilities of the Commission, the Chief of Police, and City Council.

### Overall Average Rating – 1.8

#### Individual Score Breakdown

1 - Strongly Disagree	56%
2 - Disagree	22%
3 - Agree	11%
4 - Strongly Agree	11%

#### Summary of Interview Results:

This attribute resulted in a “low” score, indicating that this is an area where improvement is required. The comments provided by the Commissioners indicated that the level of understanding varies. Areas requiring clarity include:

- Accountability to council
- Lines of authority
- Understanding of various roles
- Clarity between operations and oversight
- Role of oversight and arms-length relationship with Council

**6. Efficient use of Resources** - The Commission obtains sufficient information about EPS Management Control Systems to be satisfied that Edmonton Police Service resources are used efficiently (good value for money spent).

### Overall Average Rating – 2.6

#### Individual Score Breakdown

1 - Strongly Disagree	0%
2 - Disagree	44%
3 - Agree	56%
4 - Strongly Agree	0%

#### Summary of Interview Results:

This attribute resulted in a “mid-point” score, indicating that while there is room for improvement, the Commission believes that it addresses this function to some degree. The comments provided by the Commissioners indicated that they are making progress in getting this information, but are not able to tell if the Service is efficient.

**7. Stakeholders** - The Commission has high credibility with key stakeholders (Citizens, Commission Staff, City Council, and Edmonton Police Service).

#### Overall Average Rating – 2.4

Individual Score Breakdown

1 - Strongly Disagree	33%
2 - Disagree	11%
3 - Agree	33%
4 - Strongly Agree	23%

#### Summary of Interview Results:

This attribute resulted in a “mid-point” score, indicating that while there is room for improvement, the Commission believes that it addresses this function to some degree. The comments provided by the Commissioners indicated there is wide variation amongst themselves, as well as the views of their credibility depending on which stakeholder they were considering.

**8. Commitment** - Commissioners demonstrate commitment through their actions to the stated Mission and Guiding Principles.

#### Overall Average Rating – 3.0

Individual Score Breakdown

1 - Strongly Disagree	0%
2 - Disagree	11%
3 - Agree	78%
4 - Strongly Agree	11%

#### Summary of Interview Results:

This attribute resulted in a “high” score indicating that there is general agreement that the Commissioners are committed to the organization. The comments provided by the Commissioners indicated that although the motives and values of the individuals vary, each volunteered because they believe in the Police Service and the community.

**9. Compliance with Legislation** - Commissioners conduct themselves in accordance with key elements of the governance structure (Police Act & Regulations, City Bylaws, Policy & Procedures, Code of Conduct, and Oath).

**Overall Average Rating – 2.7**

Individual Score Breakdown

1 - Strongly Disagree	11%
2 - Disagree	11%
3 - Agree	78%
4 - Strongly Agree	0%

**Summary of Interview Results:**

This attribute resulted in a “mid-point” score, indicating that while there is room for improvement, the Commission believes that it addresses this function to some degree. The comments provided by the Commissioners indicated there is wide variation in the knowledge of the specific legislation, policy, and procedure to which the Commission is required to adhere. Although the score indicates this attribute is not a top concern of the Commission, much of the discussion involved speaking of a variety of breaches of some key elements of the governance structure.

**10. Teamwork** - The Commission’s capacity to govern effectively is not impaired by conflicts between Commissioners.

**Overall Average Rating – 1.9**

Individual Score Breakdown

1 - Strongly Disagree	44%
2 - Disagree	23%
3 - Agree	33%
4 - Strongly Agree	0%

**Summary of Interview Results:**

This attribute resulted in a “low” score, indicating that this is an area where improvement is required. The comments provided by the Commissioners indicated that the Commission as a group was divided. Some stated that there are disagreements, while others went as far as to describe the Commission as dysfunctional. Some purported that the ability to govern effectively was not impaired because “critical mass” had been obtained, though not all issues could be discussed due to the lack of trust amongst each other due to confidentiality breaches.

**11. Communications/working relationship** - There is a productive working relationship between the Commission and the Chief of Police (characterized by good communication and mutual respect) to ensure that each can fulfill their responsibilities.

**Overall Average Rating – 2.6**

Individual Score Breakdown

1 - Strongly Disagree	22%
2 - Disagree	11%
3 - Agree	56%
4 - Strongly Agree	11%

**Summary of Interview Results:**

This attribute resulted in a “mid-point” score, indicating that while there is room for improvement, the Commission believes that it addresses this function to some degree. The comments provided by the Commissioners indicated there is wide variation in their views. Their comments included: very poor, getting dysfunctional, not productive, far better than the past, getting better, memos back and forth, Chief working hard. Many spoke of the lack of trust between the Commission and the Police Service and again attributed this to the confidentiality breaches.

**12. Manage Risk** - I am confident that the risk management practices of the Commission would effectively allow it to manage any organizational crisis that could be reasonably anticipated.

**Overall Average Rating – 1.6**

Individual Score Breakdown

1 - Strongly Disagree	38%
2 - Disagree	62%
3 - Agree	0%
4 - Strongly Agree	0%

**Summary of Interview Results:**

This attribute tied for the lowest score, indicating that this is an area where improvement is required. The comments provided by the Commissioners indicated that this function has not been something the Commission has performed, or is even aware of.

**13. Meetings** – Commission meetings are well-managed.**Overall Average Rating – 2.6**

## Individual Score Breakdown

1 - Strongly Disagree	0%
2 - Disagree	56%
3 - Agree	33%
4 - Strongly Agree	11%

**Summary of Interview Results:**

This attribute resulted in a “mid-point” score, indicating that while there is room for improvement, the Commission believes that it addresses this function to some degree. The comments provided by the Commissioners indicated that the meetings are generally well run however meeting time is too restricted and, for a public body, there is not enough opportunity for the public to interact. Most felt that there was adequate time to prepare for the meetings, however some suggested that it would be easier if the information was tabbed for easy reference and would indicate the purpose of material. Overall the published minutes reflect decisions but not the context of the discussion. Some felt that the minutes take too long to produce (not until the next meeting package is received) and expressed concerns that additional meetings are held without any minutes (official record) being published.

**14. Decision-making process** - The Commission uses sound decision-making processes (focus on Commission responsibilities, factual information, efficient use of time, items not frequently revisited, and effective implementation).

**Overall Average Rating – 2.4**

## Individual Score Breakdown

1 - Strongly Disagree	11%
2 - Disagree	33%
3 - Agree	56%
4 - Strongly Agree	0%

**Summary of Interview Results:**

This attribute resulted in a “mid-point” score, indicating that while there is room for improvement, the Commission believes that it addresses this function to some degree. The comments provided by the Commissioners indicated that the Finance and Governance Committees have contributed to the decision-making process. Many stated that a lot of decisions are made in private, outside of formal Commission meetings, resulting in Commission meetings being more of an information meeting, rather than a decision meeting. Frustration was expressed with the limited time to discuss issues as well as the receipt of data rather than information from EPS to assist with decision-making. Some spoke of the complaint monitor and expressed confusion as to the role and what to do with the information they receive.



**15. Balance** - The Commission has a good understanding of the need to balance organizational stability (current practice) with innovation (future practices) to meet citizen expectations.

**Overall Average Rating – 2.8**

Individual Score Breakdown

1 - Strongly Disagree	11%
2 - Disagree	33%
3 - Agree	23%
4 - Strongly Agree	33%

**Summary of Interview Results:**

This attribute resulted in a “mid-point” score, indicating that while there is room for improvement, the Commission believes that it addresses this function to some degree. The comments provided by the Commissioners indicated that this is not a status quo Commission. They consider themselves to be proactive. They have pushed hard and expect to start seeing results soon. Many spoke of the conflict, but felt confident that they are moving forward; recognizing that there will be resistance to change, but you must change to get better. One Commissioner explained “The trick is to bend the tree but don’t break it.”