

Codiac Regional Policing Authority

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Framework

Police Act

Under s. 1.1(1) of the *Police Act*, the Minister of Justice and Public Safety shall (a) promote the preservation of peace, the prevention of crime, the efficiency of police services and the development of effective policing, and (b) coordinate the work and efforts of police forces and the RCMP within the Province.

Section 1.1(2) of the *Act* provides that the Minister may provide to boards, councils, police forces, a regional policing authority and the RCMP:

(i) information and advice respecting the management and operation of police forces and the RCMP in handling special problems, and

(ii) such other information as the Minister considers to be of assistance.

Finally, Section 1.1 (3) provides that subject to the *Act* and regulations, the Minister may issue guidelines and directives to any police force within the Province for the attainment of the purposes in s. 1.1(1) above.

Policing Standards

In 2017, the Minister of Public Safety released Policing Standards applicable to all public police forces in the Province of New Brunswick. According to those Standards, “in keeping with the *Police Act*, the determination of the level of compliance to the standards shall be through “a system of inspection and review of Police Forces.” Should it become necessary to address serious indicators of non-compliance with the standards, the *Act* empowers the Minister to entertain corrective measures.”

Section RR 6 of the Standards deals with the RCMP as the Provincial Police Force. It provides that:

“The Provincial Police Service Agreement (PPSA) between the Government of New Brunswick and the Government of Canada establishes the RCMP as the provincial police force. The agreement states that, “the internal management of the Provincial Police Service, including its administration and the

determination and application of professional procedures, will remain under the control of Canada.

The agreement further provides that, “in determining the professional police standards or procedures in respect of the Provincial Police Service, **the Commissioner will harmonize those standards or procedures to be substantially similar to or exceed the comparable professional police standards or procedure applicable to all other police services in the Province.**” (Emphasis added.)

Regional Police Services Agreement (RPSA)

The RPSA between the Codiac Regional Policing Authority (CRP Authority) and the Government of Canada provides, in Article 6.2, that:

“The internal management of the Codiac Regional Police Service, including its administration and the determination and application of professional police standards and procedures, will remain under the control of Canada.”

And further in Article 6.5:

“The professional police standards and procedures determined in respect of the Provincial Police Services in accordance with the Provincial Police Services Agreement subarticle 6.5 will also apply to the Codiac Regional Police Service, unless the Commissioner is of the opinion that to do so would be contradictory to a requirement imposed by law, or would negatively affect the RCMP’s ability to deliver effective or efficient police services.”

In summary, contractually, the Codiac Regional Police Service (CPRS) is committed to providing substantially similar or to exceed the comparable professional police standards applicable to all other police services in the Province, unless the Commissioner is of the view that to do so would be contradictory to a requirement imposed by law, or would negatively affect the RCMP’s ability to delivery efficient or effective police services.

Governance Guidelines

In 2011, the Department of Public Safety issued the Police Governance and Oversight in New Brunswick Policy Guidelines (“Governance Guidelines”). These Guidelines apply to a regional policing authority, as well as to other models of police governance in use in New Brunswick. The Guidelines note the following important pieces of legislation and agreements of concern to board members:

- *The Police Act of New Brunswick*
- *The New Brunswick Policing Standards*
- *The Right to Information and Protection of Privacy Act*
- *Employment Standards Act*

- *Criminal Code of Canada*
- *Canadian Charter of Rights and Freedoms*
- Key Municipal By-laws
- *Public Service Act*
- *Public Service Superannuation Act*
- *Industrial Relations Act*
- Collective bargaining agreements
- Provincial Police Services Agreements and RCMP Municipal Policing Services Agreements
- *Royal Canadian Mounted Police Act*
- RCMP Operations and Administrative Manuals
- *Local Governance Act*

Policy

The CRP Authority may have legal compliance obligations under:

- The *Police Act*
- The Regional Police Services Agreement (RPSA) dated February 26, 2001
- The Agreement between the City of Moncton, the Town of Riverview and the City (then Town) of Dieppe pertaining to the CRPA dated April 9, 2001 (the Municipal Agreement)
- Other provincial or federal legislation

The purpose of this Policy is to establish a process for identifying and complying with any CRP Authority legal compliance reporting obligations.

(a) Inventory of Obligations

The Chair of the CRP Authority (or his/her designate) will seek an initial legal opinion that provides the CRP Authority with an inventory of its compliance reporting requirements. Legal counsel will be asked to highlight those statutes that may impose potential personal liability on CRP Authority members for non-compliance.

In June of every year thereafter, the Chair will reach out to legal counsel to see if there have been any legislative or regulatory changes to that inventory.

(b) Compliance Monitoring and Reporting

With the benefit of the compliance reporting inventory, the CRP Authority will meet with the Officer in Charge (OIC) to document roles and responsibilities for ensuring CRP Authority compliance with its legal requirements. This Policy will be amended to capture these roles and responsibilities.

The parties will also document how and when compliance will be confirmed in writing to the CRP Authority.

(c) Annual Audit

The external auditors will also be requested to confirm that all compliance reporting has been completed according to the documented roles and responsibilities.