

AUMA Submission to
Justice and Solicitor General on a
Proposed Police Costing Model

October 15, 2019



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economies
OF SCALE

WE ARE THE
support
YOU NEED

WE ARE THE
experts
IN MUNICIPALITIES

WE ARE YOUR
advocate

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About AUMA

Established in 1905, the Alberta Urban Municipalities Association (AUMA) represents the urban municipalities – cities, towns, villages, summer villages, and specialized municipalities – where over 85% of Albertans live. Like our members, we are dynamic and constantly evolving. What remains constant is our commitment to providing solutions and resources for municipal issues and challenges.

AUMA works with elected and administrative leaders of Alberta’s urban municipalities to advocate for solutions to municipal issues, and to identify and develop opportunities that contribute to key components of community building. Our solutions include developing policies and toolkits, providing education and training, and collaborating with other orders of government to achieve beneficial change.

At AUMA, we strive to ensure that everyone – at every level of government – understands that municipal governments are accountable to their citizens and are trusted to act in the best interests of their respective communities. Municipal governments are intrinsically involved in the everyday lives of the people they serve. They guide and oversee the issues, programs, and services that most directly impact the day-to-day lives of their citizens, which helps make municipalities the most transparent order of government. AUMA is proud to share our members’ expertise and feedback to achieve the best possible outcomes for Albertans.

Introduction

Under Alberta's *Police Act*, the Government of Alberta is responsible for providing police services to municipal districts and counties and municipalities with populations of 5,000 or less at no direct cost to the municipality. For several years, AUMA has been calling on the province to develop a new, more equitable police funding model whereby all municipalities, contribute directly to the costs of policing. AUMA members passed a [resolution](#) on equitable police funding in 2016, as well as a related [resolution](#) in 2018 calling for a comprehensive review of the *Police Act*. Justice and Solicitor General (JSG) announced a review of the Act and began engaging stakeholders in October 2018.

AUMA established a Police Act Working Group to inform our response to the engagement and the working group's terms of reference can be found in Appendix 1. In March 2019, the working group helped develop AUMA's written submission for the *Police Act* review (Appendix 2), which identified priority issues for Alberta municipalities related to policing and suggested principles for a more equitable police funding model.

On September 6, 2019, JSG opened consultations on a draft police costing model that would apply to all municipalities not currently paying for policing. AUMA appreciates JSG's efforts to engage with municipalities on this important issue and we are pleased to have the opportunity to provide feedback on the draft police costing model. This written submission was developed with the assistance of our Police Act Working Group and considers both the guiding questions posed by the province during engagement, as well as how the proposed police costing model aligns with the suggested principles outlined in AUMA's previous submission.

Summary of AUMA 's Position on the Draft Police Costing Model

AUMA has long advocated for a new, more equitable police funding model for all Alberta municipalities. We believe that more resources are needed to improve policing and justice services; address rising crime rates; and enable community crime prevention and diversion initiatives. A new police funding model whereby all communities, including urban municipalities under 5,000, municipal districts, and counties, contribute directly to the costs of policing could help generate these resources.

AUMA is pleased to see that the draft police costing model considers both the demand for services and the ability of a municipality to pay for services by using population and equalized assessment to determine cost distribution. We also acknowledge that the model will generate additional revenue that can be used to address issues with vacancies, understaffing, and other resource constraints. AUMA therefore supports the draft police costing model in principle. However, our full support depends on further action and commitments from the Government of Alberta.

Conditions of Support

1. The province must invest all revenue generated by the police costing model into frontline policing resources.
2. Prior to implementing the police costing model, the province must develop, in consultation with municipalities, a detailed plan of how policing resources will be deployed across Alberta.
3. The deployment of policing resources must take place over an appropriate transition period (minimum of three years) and align with the phase-in of the police costing model, i.e. municipalities will not be required to pay for policing until resources have been deployed in their communities.
4. Municipalities must have meaningful oversight of local police services so that they can assist in setting local policing priorities and be flexible and creative in deploying police resources locally.

Additional Considerations

1. AUMA supports a higher weighting of equalized assessment compared to population (e.g. 20% population and 80% equalized assessment).
2. AUMA does not have a position on the appropriate percentage for cost recovery. However, we believe that the level of cost recovery should be based on and correlated to the level of investment in frontline policing resources.

3. The modifiers for the police costing model should accurately reflect demand, ability to pay, and level of service.
 - While we agree that CSI is a good indicator for the volume and types of crime occurring in a municipality, and therefore the demand for police services, we are concerned that using CSI to calculate subsidies may disadvantage those police forces and detachments that have effective crime prevention initiatives.
 - AUMA supports the use of population to reflect demand; however, we believe the current definition of shadow population omits several communities that experience relatively higher crime rates due to tourism, the resource industry, and other temporary in-migration. We therefore support modifying the definition of shadow population and/or including additional indicators to more accurately reflect circumstances where a municipality's population does not capture its true demand for policing.
 - AUMA supports the use of equalized assessment as an indicator for ability to pay.
 - AUMA believes that the police costing model should include a modifier that reflects the level of service provided to a municipality (e.g. response time or distance to detachment).

AUMA believes that the model is fair in its treatment of the municipalities to which it applies. We also recognize that the funding model for municipalities with their own police services or with Municipal Police Service Agreements (MPSAs) is out of scope for this consultation. However, we are concerned that implementing a new police costing model that does not consider either the existing police funding model or the total costs of policing may introduce or uphold inequities among municipalities with respect to police funding and services. We therefore support reviewing the current police funding model in light of the new draft police costing model to ensure the equitable treatment of all municipalities. Additionally, we strongly support the continued review of the overall *Police Act* to modernize this vital piece of legislation.

Provincial Consultation – Guiding Questions

Pros and Cons

What are the benefits of the model presented?

- The proposed model considers both a municipality's demand for service, as well as its ability to pay for service, in its distribution of policing costs.
- The model is fair in its treatment of the municipalities to which it applies.
- The model will generate additional revenue that can be used to increase policing resources.

What are the pitfalls of the model presented?

- The model does not consider the existing police funding model nor the total costs of policing in Alberta, which could lead to or uphold inequities in how police services are funded and delivered across different types of municipalities in Alberta.
- While the province has committed to reinvesting revenue into frontline policing, there needs to be more specificity and clarity around the details of this investment and how policing resources will be deployed.
- The model creates the potential for unintentional financial impacts that could place an undue burden on municipalities and affect their long-term sustainability.
- The model does not specify a mechanism to link paying for policing with improved oversight of policing. Making policing committees mandatory for all municipalities receiving RCMP services or providing subsidies as incentives to municipalities with policing committees, may improve local engagement in and oversight of policing. Alternatively, municipalities and detachments could collaborate to develop local and/or regional police service plans that include reporting requirements.
- The model does not establish a standard level of police service to which all municipalities are entitled, as well as the funding levels required to meet this standard. Municipalities desiring additional policing services would then be required to fund the additional services themselves.
- The model does not commit to demonstrating and reporting on how the investment of revenue collected from the model improves policing and public safety outcomes for Albertans.

Weighting and Modifiers

Are population and equalized assessment the right indicators for base distribution? Is 30-70 the right weighting?

- AUMA supports the use of population and equalized assessment in calculating the distribution of policing costs.
- AUMA supports a higher weighting of equalized assessment compared to population e.g. 20% population and 80% equalized assessment.

Are shadow population and Crime Severity Index (CSI) the right modifiers? Are the associated subsidies appropriate?

- AUMA supports the concept of providing subsidies based on modifiers that recognize the unique circumstances impacting a municipality's demand and ability to pay for police services.
- While we agree that CSI is a good indicator for the volume and types of crime occurring in a municipality, and therefore the demand for police services, we are concerned that using CSI to calculate subsidies may disadvantage those police forces and detachments that have effective crime prevention initiatives.
- AUMA also appreciates the inclusion of a subsidy based on shadow population to account for circumstances where a municipality's population may not reflect its true demand for policing.
- However, we believe that the use of shadow population as outlined in the model is problematic.
- Many municipalities without official shadow populations experience relatively higher crime rates due to tourism and other temporary in-migration.
- Additionally, the requirement to demonstrate an official shadow population to Municipal Affairs increases red tape for municipalities.
- AUMA would support changes to how a shadow population is officially defined and recognized and/or the inclusion of additional indicators to more accurately reflect circumstances where a municipality's population does not reflect its true demand for policing.
- AUMA believes that the model should also include a modifier that reflects the level of service provided to a municipality (e.g. response time or distance to detachment).

Cost Recovery

What are your thoughts on the province recovering a percentage of frontline policing costs from those municipalities currently not paying?

- AUMA has long advocated for a new, more equitable police funding model whereby all Alberta municipalities contribute directly to the costs of policing.
- However, we must emphasize that any new model related to police funding or costing needs to:
 - Reflect a municipality's demand for services and ability to pay;
 - Give municipalities paying for policing improved oversight of and accountability for local policing; and
 - Reinvest all revenue raised by a new funding model directly back into frontline policing resources.

What is the appropriate level of cost recovery?

- AUMA does not have a position on the appropriate level of cost recovery.

Impacts

What impact to addressing rural crime would you anticipate this costing model having?

- It is difficult to predict the proposed model's impact on addressing rural crime without knowing precisely how revenue raised by the model will be reinvested.
- We do acknowledge that the proposed model will generate additional revenue that can be invested in frontline policing to address issues with vacancies, understaffing, and other resource constraints.

What other impacts might a new cost model have?

- If the province uses the revenue raised by the model to deploy more policing resources to rural communities, neighboring municipalities that already pay for policing could experience cost avoidance. For example, these municipalities may not need to request increased policing resources for their local detachments if their officers are spending less time outside their municipality.

Implementation

What ability to do communities and municipalities have to be agile in their budgets for policing costs?

- Municipalities are constrained in their ability to be agile with respect to budgeting in general.
- The *Municipal Government Act* requires that every municipality adopt multi-year operating and capital budgets and prepare an Annual Financial Statement and Financial Information Return for review by Municipal Affairs.
- Municipalities are not allowed to budget for a deficit; total actual revenues over a four-year period must be equal to or greater than total actual expenditures.
- Municipalities are also highly dependent on provincial grants and transfers, and often do not receive confirmation of these grants and transfers in a timely manner.
- Finally, municipalities are limited in the ways they can raise revenue.

What do you anticipate as challenges for implementing the model?

- Municipalities that are required to begin contributing directly towards the costs of policing will expect to see rapid improvements in their police services once the model is implemented. Delays in seeing policing investments and improved outcomes will likely diminish support for the model.
- Municipalities that are already paying for policing may question or challenge the use of revenues raised by the model and whether the funding model that applies to them is equitable.

What kind of timeline would be ideal for implementation of a new model?

- AUMA supports a minimum three-year phase-in period for any new police costing model.
- Additionally, we suggest that the province ensure policing resources are requested and developed at the appropriate time so that they can be deployed into communities as municipalities transition to the new police costing model, i.e. municipalities are not be required to pay for policing until resources have been deployed in their communities.

Evaluating the Proposed Costing Model against AUMA's Suggested Principles

Principle: Fair, Flexible, and Equitable

A fair, flexible, and equitable model should be developed that:

- Ensures the level of provincial funding is sufficient to meet standard levels of service.
- Requires services beyond the standard level to be funded by the jurisdiction wanting the additional services.
- Recognizes the unique needs of each municipality.
- Recognizes the ability of a municipality to pay for services.

The proposed police costing model does consider both the demand for services and the ability of a municipality to pay for services by using population and equalized assessment to determine cost distribution. Additionally, the model attempts to recognize the unique needs of municipalities through the use of modifiers.

The model does not consider the existing police funding model nor the total costs of policing in Alberta, and as a result, may introduce or uphold inequities among municipalities with respect to police funding and services.

The proposed model does not establish a standard level of police service nor explicitly require municipalities that desire additional policing services to pay for these services themselves.

Principle: Efficiency

The model should encourage efficiencies by:

- Using other mechanisms to address municipal capacity issues.
- Encouraging regional policing models.

The proposed police costing model does not encourage efficiencies or regional policing models.

Principle: Adequate Transition

The transition to a new model should:

- Ensure an adequate impact assessment analysis is completed.
- Ensure that effective education and consultation mechanisms are available to Alberta's municipalities.
- Allow for an adequate notice period.

The proposed police costing model does not specify any details around implementation and transition.

Principle: Use of Revenues

Revenues created from the new model should be reinvested in public safety.

- Ensure any revenue collected from an “everyone pays” model is returned to the municipalities that generated the revenue for the protection of public safety.
- Ensure fine revenues stay in the municipalities in which they are generated.

Although the model did not originally commit to reinvesting revenue in public safety, the province has since clarified that any contributions collected will be reinvested into frontline policing. However, the model does not speak to fine revenues remaining in the municipalities in which they were generated.

Principle: Governance and Oversight

Paying directly for policing should enable municipalities to participate meaningfully in police oversight, e.g. setting local policing priorities.

The proposed model does not include a mechanism to ensure that municipalities paying for policing have meaningful oversight of policing.

Appendix 1 – AUMA Alberta Police Act Working Group

Terms of Reference

Mandate

The working group will be tasked with:

- Conducting a comprehensive review of the Alberta Police Act and developing recommendations for amendments to improve policing services and community safety,
- Recommending a new funding model to the AUMA Board. This work will include:
 - Gathering information on the current policing costs being paid by municipalities;
 - Using the principles previously endorsed by members to develop options for a funding model;
 - Providing estimates of the financial impacts to municipalities under each funding model option; and
 - Testing funding model options with AUMA membership.

The working group will report to the AUMA Board and may also seek feedback on its recommendations from the Safe and Healthy Communities Committee.

Term

As a government review of the Alberta Police Act as not been scheduled, timelines for the working group are flexible. However, it would be strategically advantageous to have recommendations in place by winter 2018-19 to inform advocacy as political campaigning intensifies for the 2019 provincial election. Accordingly, the working group is expected to be appointed by mid-June 2018. An initial orientation will be held over the summer, and regular meetings (every two months or so) will begin in fall 2018. The working group is expected to have finalized a proposal for a new police funding model by Spring 2019; additional meetings may be required to determine other recommendations for amendments to the Act beyond the funding model (subject to progress achieved and Board direction).

Membership and Responsibilities

The working group will consist of up to 14 members. This includes elected officials and CAOs or senior administrators with subject matter expertise, spanning a range of AUMA's regular members (i.e. cities, towns, villages and summer villages) and geographic regions. Subject expertise includes knowledge of police services, police governance, policing standards, the Alberta Police Act, Municipal Police Servicing Agreements, the Alberta Law Enforcement Review Board, police commissions and committees, and RCMP Community Advisory Committees. The use of alternates will be allowed, and if necessary, working group

membership can be amended during the working group's term. The working group will also include a representative of the AUMA Board, as well as an AUMA Executive Officer.

Working group membership should include the following:

- One AUMA Board member;
- Two Safe & Healthy Committee members;
- Two elected officials (non-board members);
- Two municipal administration staff;
- Two representatives from municipalities with police commissions (non-board members);
- One representative from a specialized municipality;
- Two representatives from a summer village, village, or town with a population under 5,000.

AUMA will also explore opportunities for the working group to partner with stakeholders such as the Alberta Association of Police Governance, the Alberta Association of Chiefs of Police, and Alberta Justice and Solicitor General staff.

Working group members will be responsible for:

- Responding to requests for input in a timely manner;
- Preparing for and regularly attending meetings;
- Constructively participating in meetings; and
- Representing the interests and views of municipal administrations.

Meetings

The working group will hold up to five face-to-face meetings at AUMA's office in Edmonton. Meeting agendas and support materials will be emailed to working group members at least five working days prior to a meeting. Discussions with working group members may also be done through email and/or telephone meetings.

AUMA shall reimburse working group members for their travel expenses according to AUMA Policy No. FM003.

Appendix 2 – AUMA’s March 2019 Written Submission for the Police Act Review



March 18, 2019

Honourable Kathleen Ganley
Minister of Justice and Solicitor General
424 Legislature Building
10800 – 97 Avenue
Edmonton, AB T5K 2B6

Dear Minister Ganley:

On behalf of Alberta’s urban municipalities, I am pleased to share the following information for the first phase of the Alberta Police Act review.

AUMA has identified the following key priorities for urban municipalities with respect to the Alberta Police Act:

1. The Police Act should specify a new, more equitable funding model for police services where all municipalities contribute directly to the costs of policing. The new funding model should consider both the demand for services in a municipality, as well as the municipality’s ability to pay.
2. Alberta must have a mechanism to enable municipalities to assist in establishing local policing priorities and to hold police services accountable for local service delivery and reporting on performance and outcomes. This is particularly important for municipalities that receive policing services from the RCMP.
3. Albertans need to feel safe and protected in their communities. High RCMP vacancy rates and long response times have contributed to the perception that some communities are not safe. The Alberta Police Act should ensure that all Albertans have equitable access to police services, regardless of who provides this service.

In addition to identifying these key priorities, AUMA has also developed suggested principles for the Alberta Police Act as well as a new, more equitable police funding model (enclosed).

If you have any questions about this submission, or if you would like to discuss this matter further, please feel free to contact me by email at president@auma.ca or my cell phone at (403) 363-9224.

300 - 8616 51 Avenue, Edmonton, AB T6E 6E6 Toll Free: 310-AUMA (2862) Phone: 780-433-4431 Fax: 780-433-4454 auma.ca

Alberta Urban Municipalities Association

Alberta Municipal Services Corporation



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Thank you again for your willingness to review the Alberta Police Act. AUMA looks forward to continuing discussions on this important topic.

Sincerely,



Barry Morishita
AUMA President

Enclosures

AUMA's Suggested Principles for the Alberta Police Act

AUMA believes that police services in Alberta should:

- Ensure the safety and security of all people and property in Alberta.
- Safeguard the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Code.
- Work closely with the communities they serve.
- Respect victims of crime and work to understand their needs.
- Be sensitive to the diverse, multiracial, and multicultural character of Alberta society.
- Ensure police services are representative of the communities they serve.¹

The Alberta Police Act and its associated regulations, programs, and policies must enable police services to achieve these outcomes (be effective) and require police services to meet accepted rules and standards (be legitimate).

Effective

Policing is more likely to be effective if it collaborates with the public and other social service agencies; is independent and impartial; and is evidence-based and requires and provides relevant education of police officers and police employees.

Legitimate

Police methods and police oversight should be legitimate in that they are generally acceptable to the community and inspire public trust in police. Policing which is accountable, transparent, and equitable is more likely to inspire public trust and promote the public's cooperation with police.

The themes of effectiveness and legitimacy are therefore supported by the following key principles:

1. Collaborative
 - Police must work with community stakeholders to develop a culture and practice of policing that reflects the value of protecting and promoting the dignity of all members of the community.
 - Collaboration requires that police and community stakeholders work together by sharing responsibilities, resources, and decision-making.
 - The Police Act should enable collaboration across police services and between police and other public agencies and non-government organizations (social supports, health, etc.).

¹ Outcomes for police services in Alberta are based on the principles described in the Ontario Police Services Act and Sir Robert Peel's Nine Principles of Policing.

2. Independent

- Police must exercise a high degree of independence to ensure impartial policing, while remaining accountable to civilian authority.
- The Alberta Police Act must separate police from political interference while ensuring police accountability to civilian authority.

3. Educated

- Police must respect and to the best of their abilities abide by the standards of the profession, while at the same time seeking to improve them.
- The Alberta Police Act should promote the development and adoption of the highest standards in policing.
- Police should have access to and be required to participate in ongoing education delivered by subject matter experts in a curriculum designed for adult education.

4. Accountable and Transparent

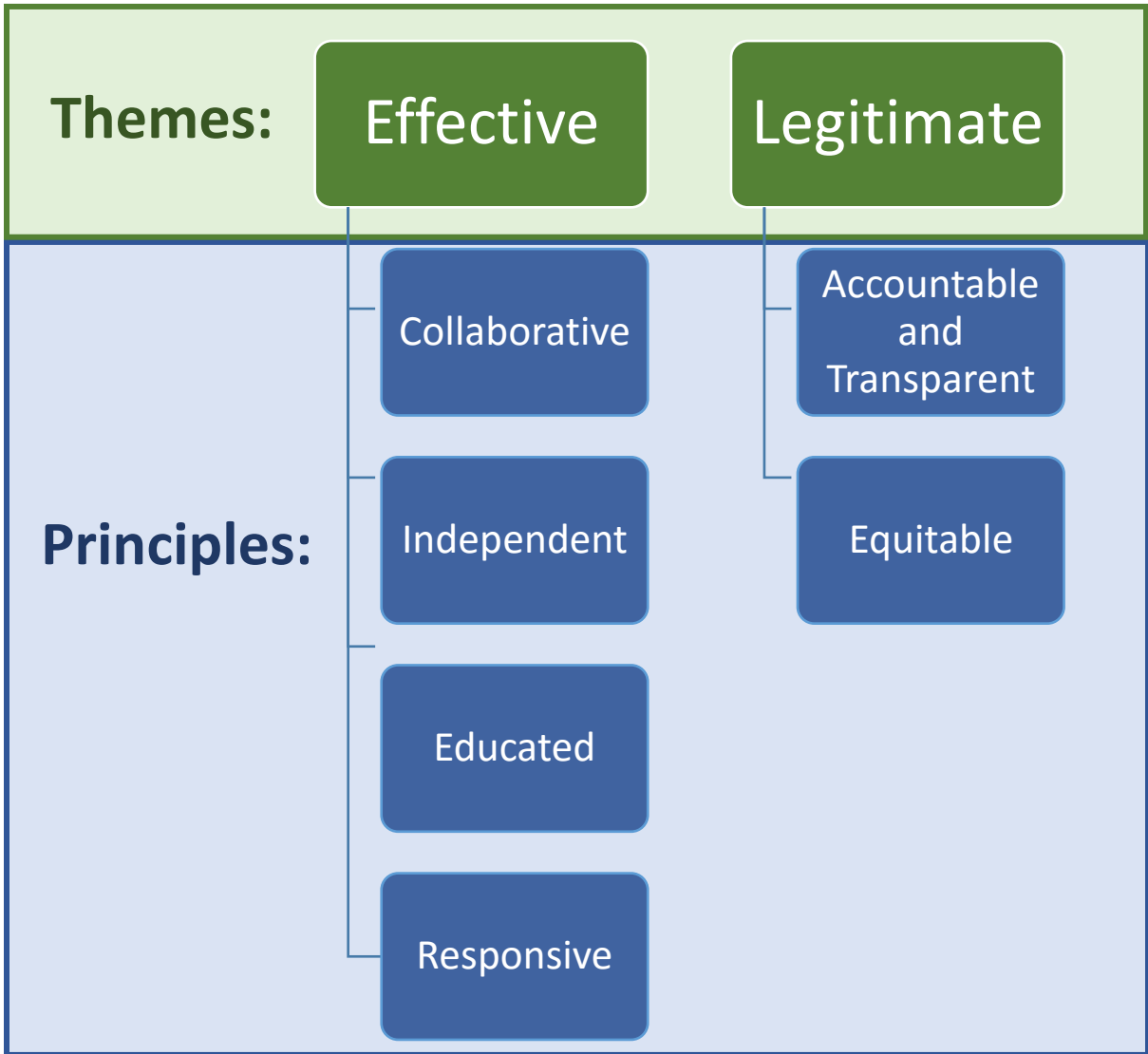
- Police must be accountable to their communities for the services they deliver, and individual officers must be accountable for how they interact with individual citizens.
- Alberta must have a mechanism to enable municipalities to assist in establishing local policing priorities and to hold police services accountable for local service delivery and reporting on performance and outcomes.
- Allegations of police misconduct must be fairly and effectively investigated or reviewed by an independent civilian authority in a timely manner.

5. Equitable

- All Albertans are entitled to receive police services.
- All Albertans should be treated equitably by police.
- All Albertans should contribute to the costs of policing.
- Police governance and oversight should be equitable and universal.

6. Responsive

- Police must be responsive to the needs of Albertans.
- Police must be responsive to changing legislative and social environments.
- Police should have the flexibility to adjust to regional differences.
- Policing must be appropriately resourced to fulfill its responsibilities.



AUMA's Suggested Principles for an Equitable Police Funding Model

1. A fair, flexible, and equitable model should be developed that:
 - Ensures the level of provincial funding is sufficient to meet standard levels of service.
 - Requires services beyond the standard level to be funded by the jurisdiction wanting the additional services.
 - Recognizes the unique needs of each municipality.
 - Recognizes the ability of a municipality to pay for services.
2. The model should encourage efficiencies by:
 - Using other mechanisms to address municipal capacity issues.
 - Encouraging regional policing models.
3. The transition to a new model should:
 - Ensure an adequate impact assessment analysis is completed.
 - Ensure that effective education and consultation mechanisms are available to Alberta's municipalities.
 - Allow for an adequate notice period.
4. Revenues created from the new model should be reinvested in public safety.
 - Ensure any revenue collected from an "everyone pays" model is returned to the municipalities that generated the revenue for the protection of public safety.
 - Ensure fine revenues stay in the municipalities in which they are generated.
5. Paying directly for policing should enable municipalities to participate meaningfully in police oversight, e.g. setting local policing priorities.