

## **Comments on proposal to amend the composition of the Board of Police Commissioners**

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**For City Council Meeting on Monday, November 25, 2019**

I would like to start by thanking Councillors Bresciani and Stevens for drawing attention to the need for more police accountability in our city and province.

While I represent myself at this event, I do speak as a subject matter expert who works in the area of police practices, social justice, disability, and justice reform; I speak as someone that writes, researches and publishes at the regional, national and international level. As such, I bring with me my concerns as a private citizen who lives in Regina as well as an expert versed in evidence-based practices. **Taken together, I believe: we do not have have independent police oversight or accountability in our city or our province.** I say this in honour of the many people who have not been given equal access to justice and equitable investigations including Nadine Machiskinic and Haven Dubois. This is something that their families continue to live with as they have lost their loved ones and have been involved in years-long battles as they navigate the mechanisms of accountability in our province that are woefully inadequate.

I will speak in favour of parts of the motion but with an overall note that this is but ONE step of many that needs to happen if we want to see true oversight and accountability in this province. My comments are divided into two areas: (1) The Importance of Independent and Robust Oversight; (2) Reforming the Board of Police Commissioners.

### **The Importance of Independent Oversight**

I will start with the big picture: The Police Act of 1990. Section 27 of the Police Act outlines the role and governance for a Board of Police Commissioners. Within the legislation is information about Board composition as well as role and scope. The current composition of the Board of Police Commissioners is in keeping with the legislation. The proposed change in composition would also be in keeping with the

Legislation with the noted indication that increase in number impacts quorum. That said, I think it is important to note that the proposed change in composition does not address the fundamental issue of police accountability. At this time, accountability is managed through the Ministry of Justice as the Public Complaints Commission (PCC) is managed through this Ministry of Justice<sup>1</sup>. The PCC is understood to be the agency responsible for accountability and the agency that manages complaints—and this is often pointed out the public when they raise concerns with the Board of Police Commissioners at the meetings. However, a review of the Terms of Reference for Board of Police Commissioners<sup>2</sup> indicates that the Board is “responsible for the delivery of policing services within the municipality; and for providing; general direction, policy and priorities; and developing long-term plans for the police service.” This means that the Board is responsible for oversight and accountability as well. Moreover, a review of the Regina Police Services website indicates that the “Board of Police Commissioners is the governing body of the Regina Police Service and the vital link between the community and its police.”<sup>3</sup> And so while the Board appears to be a mechanism of accountability, I would argue that in practice it is not. I say this as someone that attends Board meetings regularly in our city. This is a bureaucratic space in which crime statistics are delivered and budget decisions are rendered. This is not a space of rigorous engagement. So, I appreciate that the City Councillors brought forward a proposal to amend the Board as it is an opportunity to look at broader issues.

### **Reforming the Board of Police Commissioners**

Councillor Lori Bresciani and Stevens submitted their proposal with what I believe are three goals: (a) implementing more diversity in the composition of the Board of Police Commissioners; (b) creating a Board structure that is comparable to other

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<sup>1</sup> For a clear demonstration one can review any of the Annual Reports of the Public Complaints Commission (PCC) and note that they are indicated to be “Ministry of Justice and Attorney General Public Complaints Commission Annual Report.” The PCC is said to be an independent panel but it is government appointed and housed in the Ministry of Justice and Attorney General. There is a need for complete independence.

<sup>2</sup> This information is available on the City of Regina website: <http://reginask.iqm2.com/Citizens/Board/1026-Board-of-Police-Commissioners>

<sup>3</sup> See: <http://reginapolice.ca/about-us/board-of-police-commissioners/>

municipalities; (c) addressing concerns arising from Constable McGee's recent conviction for his on-duty assault of a 13 year old child in custody. I believe they want to secure more accountability in policing. If we are going to truly address civilian oversight we need to reform the Police Act. Civilian oversight means taking the accountability mechanisms OUT of the Ministry of Justice; it means populating Boards of Police Commission and Public Complaints Commissions with independent civilians and subject matter experts. What Council can do is reform the Board of Police Commissioners. With that in mind, I offer the following comments:

1) The Board needs more than a change in composition. It needs to review its mandate and take on a new role that pushes for accountability. I will share with you an excerpt of my recent correspondence with the Board that is pointing out the need to have space for feedback:

*"As has been the case for years, the only place to engage in concerns emerging between meetings is to speak in the Letters of Appreciation and Social Media agenda item. To be frank, this is a strange standing item as it is a curated selection of items from social media. While it is my understanding the Board sees this as a morale booster for the Regina Police Service, I would caution that the Board of Police Commissioners has clear Terms of Reference ... The Terms of Reference do not indicate a need to boost the morale of the Regina Police Service by collecting praise on social media. ... To that end, I am formally requesting that beginning January 1, 2020 that the Board of Police Commissioners start to accept items for the agenda from the public. I am also requesting that there is a standing item on the agenda which is "Feedback from the Public" which can either replace the Letters of Appreciation and Social Media or it can stand alone. This will start the process of better linking the community to its police and will broaden the scope of feedback that is available to both the Board and Regina Police Service."*

This the state of things with the current Board of Police Commissioners. Once a month the Board meets with police and there are a few reports read aloud and the Board moves forward an agenda that includes social media posts praising the police. This is selective hearing at its best and I would like to propose that City Council undertake a broader review of the Board and its role in connecting police and community. For a truly accountable police force, we need independent civilian oversight. We do not have that at this time. If the composition of the Board is changed perhaps this can be one of their first acts: to review their role and to figure out how to make the monthly meetings a conduit for meaningful dialogue. Until then we continue to

struggle to understand how it is that RPS keeps individuals convicted of serious offences (like assault) on its payroll. And we will continue to ask how much more time the Board will spend on accepting agendas that include letters of appreciation instead of asking tough questions about the police practices including the investigations and ongoing calls for justice for Haven and Nadine.