



Amending BC's Police Act:

***LIBOA Submission to the Special Committee on
Reforming the Police Act***

April 2021

1. Introduction

The Licence Inspectors' and Bylaw Officers' Association of British Columbia (LIBOA) represents Bylaw Enforcement Officers (BEO) throughout British Columbia (BC), as well as First Nations members, and advocates for policies, programs and legislation that support its membership's and local government's needs since 1970. The *Police Act* is of importance to local governments and our membership, as it specifically relates to BEO, community safety and its financial impacts.

In June 2020, Mike Farnworth, Minister of Public Safety and Solicitor General, announced the Province's intent to review the *Police Act*. The all-party Special Committee on Reforming the *Police Act* provides an opportunity for the Province to work with local governments and other key stakeholders as part of a comprehensive review of public safety in BC.

This submission will include information and ideas that support overall public safety, efficiency, effectiveness and fiscal responsibility.

Across BC, local governments are attempting to reduce operating costs while maintaining high levels of service. Increases in budgets associated with public safety and police services has led to local governments searching for innovative ways to ensure safe communities, while maintaining fiscal responsibility.

Police are facing unprecedented challenges, many of which are rooted in the changing context in which police now operate. At the same time, significant new opportunities are emerging that can help municipalities better adjust and ultimately prosper in the evolving public safety landscape.¹ In Canada, as a whole, the cost of policing has risen faster than the rate of inflation for the past 20 years, even as the crime rate has dropped significantly. There is a broad consensus emerging among all levels of government that police services are pricing themselves out of business.²

2. Supplemental Law Enforcement Options

The Special Committee should assess the implementation of tiered law enforcement. For example, the Provinces of Alberta, Saskatchewan and Manitoba utilize appropriately trained local government staff to enforce municipal bylaws and select provincial *Acts*. The *Police Act* review should examine supplementary policing options, including those implemented and recommended in other provinces and territories.

Alberta

After a 2005 government MLA review of the Special Constable Program³, Alberta implemented a *Peace Officer Act*⁴, authorizing the use of peace officers to complement the work of police as part of a logical tiered continuum by performing a number of law enforcement duties (e.g. parks enforcement, traffic safety enforcement, and enforcement of other provincial statutes).

¹Council of Canadian Academies (2014). *Policing Canada in the 21st Century: New Policing for New Challenges*. Retrieved from: https://cca-reports.ca/wp-content/uploads/2018/10/policing_fullreporten.pdf

²Leuprecht, C. (2014). *The Blue Line or the Bottom Line of Police Services in Canada? Arresting runaway growth in costs*. MacDonald-Laurier Institute. Retrieved from: https://www.macdonaldlaurier.ca/files/pdf/MLI_CostofPolicing_Final.pdf

³Government of Alberta (2005). *Government MLA Review of the Special Constable Program*. Retrieved from: <https://open.alberta.ca/dataset/4ac0c759-f613-466d-8a13-fda4f47463be/resource/d09f3f18-b09b-4ec7-8064-3ddbd53ae48d/download/government-mls-review-of-special-constable-program.pdf>

⁴Peace Officer Act 2006 P-3.5 (AB). Retrieved from: <https://www.qp.alberta.ca/documents/Acts/P03P5.pdf>

Peace officers add an option to law enforcement in Alberta by providing a continuum of personnel with varied levels of training and authority.

This approach recognizes that many enforcement roles, such as regulatory compliance, do not require highly trained police officers. The use of peace officers for these roles enables police officers to remain focused on more complex and serious criminal enforcement activities.

Community Peace Officers, which are often employed by local governments, perform a range of duties at the community level. Their duties vary in nature and scope depending on the unique needs and priorities of the communities they serve. These include but are not limited to working at postsecondary institutions to provide a safe and secure environment for staff and students; traffic enforcement in municipalities; enforcement of other provincial statutes; or other roles that are administrative in nature.⁵

Saskatchewan

In 2008, two Saskatchewan municipalities applied to the Ministry of Justice requesting restricted provincial statute enforcement for their BEO. The communities identified that the expanded enforcement could help meet their public safety needs by supplementing existing services, significantly benefitting the public safety of their communities. Their requests were approved as pilot projects and in 2014, the project developed into the Community Safety Officer Program which has since expanded to other municipalities in the province.⁶

Community Safety Officers (CSO) help meet needs, including traffic and liquor enforcement, bylaw enforcement, and serve as a crime prevention community liaison. Introducing CSOs have allowed police to focus on higher impact needs in participating communities. The program is in line with the ministry's Building Partnerships to Reduce Crime initiative, which works with communities to find new approaches to prevent crime in Saskatchewan.⁷

Through their Special Constable appointments, CSO may enforce selected provincial statutes and may take on additional duties, such as attending property offence scenes (sections 334(b) and 430(1) of the *Criminal Code*) for the purpose of receiving information, evaluating and liaising with the police agency of jurisdiction as required.⁸

Manitoba

In 2013 and 2014, amendments to the *Police Services Act (PSA)*, allowed municipalities and First Nations to create CSO and FNSO to complement the work of the police in improving community safety.

⁵Alberta Urban Municipalities Association (2020). *Community peace officers*. Retrieved from: <https://auma.ca/advocacy-services/programs-initiatives/policing-hub/law-enforcement-personnel/community-peace-officers>

⁶Government of Saskatchewan (2019). *Community Safety Officer Program*. Retrieved from: https://munisask.ca/pub/sumaorg/uploads/documents/CSO_Program_Factsheet_2019.pdf

⁷Government of Saskatchewan (2014). *Province Rolls Out Community Safety Officer Program*. Retrieved from: <https://www.saskatchewan.ca/government/news-and-media/2014/december/01/community-safety-officer-program>

⁸Government of Saskatchewan (2019). *Community Safety Officer Program Frequently Asked Questions*. Retrieved from: https://munisask.ca/pub/sumaorg/uploads/documents/CSO_FAQ_Factsheet_2019.pdf

Municipalities and First Nations can operate CSO and FNSO programs with the intent of implementing crime prevention strategies and initiatives, connecting social service providers with persons in need, and maintaining a visible presence within the community, amongst other responsibilities.⁹

In September 2020, the Final Report of the Independent Review of the Manitoba Police Services Act, 2009 was released.¹⁰ The comprehensive independent review of the *PCA* was conducted to ensure it remains current with evolving standards and practices in policing and police governance.

Included in the recommendations was that Manitoba adapt the Alberta Peace Officer model through its own legislation and corresponding regulations to address the needs of communities and thereby ensuring symmetry in programming, standards, and compliance. Doing so allows for significant opportunities to expand and repurpose the CSO and FNSO programs to support a more versatile, efficient, adequate, and effective community safety model.

3. Bylaw Enforcement Officers (BEO)

The Special Committee should review section 36 of the *Police Act* as it relates to BEO. The legislation is not reflective of many local government BEO reporting structure and provides no standards, qualifications, accountability or authority.

BEO are a tremendous asset by performing valuable work throughout the province and the communities they serve. They provide public education, ensure compliance with legislation, enforce when necessary, are often uniformed law enforcement presence, all which increase public safety, security and livability. Police and BEO are experiencing rising calls for service related to public safety, road safety, social nuisances, civil disobedience and homelessness. While some local governments have tasked BEO with duties formerly performed exclusively by police, many local governments continue to refer these matters to police, as current BEO are not educated, trained or equipped to address these concerns.

The primary reason for change is that local governments are being pressured by the public to increase public safety and enforce regulations. The inability by local governments and BEO to address public safety issues place a significant strain on police resources. At the same time, police are being tasked to do more with less, are facing overtime costs due to call volume and staffing shortages.

A 2012 Justice Institute of British Columbia (JIBC) Bylaw Enforcement Officer Program Review¹¹ found that the bylaw profession is the largest body of unregulated enforcement officials in BC. Collectively, there is no standardized selection process, no standardized training, no consistent application of use of force training and no agreed upon set of policies governing their duties.

⁹*The Police Services Amendment Act (Community Safety Officers)*. 3rd Sess., 40th Legislature (Canada). Retrieved from: <https://web2.gov.mb.ca/bills/40-3/b031e.php>

¹⁰Community Safety Knowledge Alliance (2020). *Independent Review of the Manitoba Police Services Act, 2009*. Retrieved from: https://www.manitoba.ca/asset_library/en/proactive/2020_2021/Independent-Review-Manitoba-Police-Services-Act-Sept2020.pdf

¹¹JIBC (2012). *Bylaw Enforcement Officer Program Review*. Retrieved from: <https://www.ubcm.ca/assets/library/Publications/Member-Releases/2012/2012-06-07%20Member%20Release-Bylaw%20Officer%20Enforcement%20Study-Att%202.pdf>

BEO operate under a patchwork of legislation that is outdated and largely inadequate for the roles and responsibilities they are tasked with. As an example, the *Offence Act* only acknowledges BEO as peace officers for the purpose of the service of summons, even though BC case law has recognized BEO as peace officers in the performance of their duties.¹²

Included in the report's recommendations were:

- That the Province entrench the definition of Bylaw Enforcement Officers as peace officers in Provincial legislation.
- That the Province of British Columbia standardize overall training of Bylaw Enforcement Officers.
- That Police Service Division assume leadership for engaging municipalities in discussions about adopting a model of bylaw enforcement for the Province that creates levels of enforcement authorities with specific standards for selection, training and governance.

The review further notes that the Alberta Peace Officer model helps reduce risk for BEO and limits local governments' exposure to civil liability. It provides clarity as to the legal status of BEO by identifying them, in statute as peace officers. Finally, the Alberta model provides a framework for standardizing governance.

In 2018, the City of Kelowna released its Public Safety Report.¹³ The report notes that BEO authority in BC has been an effective authority in addressing non-compliance to municipal bylaws but falls short of the appropriate authority and training required to address public safety issues. It goes on to read:

This creates significant safety issues to both the public and the officers themselves when dealing with public safety issues. The public have an expectation when they see a uniformed presence that these individuals have the authority and training to deal with public behavioural issues. Bylaw officers themselves are highly frustrated that they are not able to deal with blatant anti-social behaviours and offences they encounter.

Furthermore, the report acknowledges that BEO have limited training and experience in the use of force. RCMP members have concerns for their own safety as members of a combined unit and expect that their partners know what to do when confronted with a resistant individual and have training in the use of force continuum.

Included in the report's recommendations was:

- That the City explore the viability of enhancing BEO authorities in a tiered policing approach (Special Provincial Constable status) and which would give BEO Peace Officer status. This would give them the ability and authority to enforce provincial and criminal behaviours.

¹²Licence Inspectors' and Bylaw Officers' Association of BC (2021). *Frequently Asked Questions*. Retrieved from: <https://www.bylawbc.ca/faq.htm>

¹³City of Kelowna (2018). *Public Safety Report. Review and Recommendations from the Public Safety Liaison*. Retrieved from: <https://kelownapublishing.escribemeetings.com/filestream.ashx?DocumentId=20229>

Further to the two reports, former Deputy Commissioner Brenda Butterworth-Carr was recorded as saying that an RCMP officer making \$125,000 a year should be focused on street, domestic and cyber crime, guns and gangs, the opiates crisis and road safety. While conceding bylaw enforcement is important, she indicated it should not be the job of highly paid and highly skilled RCMP officers.¹⁴

4. Summary of Key Issues and Recommendations

The Special Committee should look at alternative public safety service deliveries that will address efficiency, effectiveness and costs, while enhancing livability and the quality of life of British Columbians.

Adapting a supplementary law enforcement model similar to Alberta, would create a law enforcement program of standards, qualifications, accountability, and compliance for officers employed for the provincial government, local governments, and possibly quasi-governmental organizations. Implementing a model that align with Alberta, Saskatchewan and Manitoba would provide local governments with a cost-efficient alternative to police officers to deal with low-risk issues; tiered models and initiatives that local governments have requested through UBCM resolutions.¹⁵ It would also address recommendations to define BEO as peace officers in legislation and the standardization of selection, qualification, training and governance.

Alternative models would allow local governments to implement crime prevention strategies and initiatives, connect social service providers with persons in need, and maintain visible presences within their communities. It provides local governments with governance and oversight, addresses community needs and values, ensures financial accountability, and sets local and specific law enforcement priorities. Furthermore, it aids in addressing issues that might otherwise be left unattended if they were the sole responsibility of the police. Most significantly, it would allow police to focus on major crime and investigative functions that better suit their training and expertise.

The implementation of similar supplementary law enforcement models in other provinces and countries may also addresses local government concerns over public safety issues related to accountability and cost management. While the Municipal Police Service Agreement¹⁶ that runs to 2032 addresses some issues related to accountability and cost management, criminologist Rob Gordon argues that it says little about the quality of policing. He said, "It's much more difficult for them to be truly accountable and responsive to the communities they serve." Gordon's comments were even echoed by former NDP justice critic Mike Farnworth, now Solicitor General. He was recorded as stating "I think it's going to mean an increase in costs in certain areas for local governments, I also think there was a chance for the province to play a much stronger role [in seeking certain changes]...I think it was a real missed opportunity."¹⁷

¹⁴MacNaull, S. The Daily Courier (2018). *Top cop runs RCMP like a business*. Retrieved from: https://www.kelownadailycourier.ca/news/article_67df6374-711c-11e8-88fd-23dfd186ecac.html

¹⁵ For more information regarding this, please see Appendix B

¹⁶Province of British Columbia (2012). *Municipal Police Service Agreement*. Retrieved from: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/agreements/2012-municipal.pdf>

¹⁷Mickleburgh, R. (2018). B.C.'s RCMP deal ushers new era of accountability. *The Globe and Mail*. Retrieved from: <https://www.theglobeandmail.com/news/british-columbia/bcs-rcmp-deal-ushers-in-new-era-of-accountability/article535181/>

As was written in the Final Report of the Independent Review of the Manitoba Police Services Act:

The future of policing across Canada invariably involves tiered law enforcement models. This is only amplified by what is expected to be a prolonged period of deep austerity as governments strive to adjust their finances following unprecedented levels of stimulus and other COVID-19 related spending. There will be extraordinary pressure on all public services, including the police, to dramatically reduce costs. Structural reforms such as those described above may appeal to most stakeholders, including the police.

5. Conclusion

The Special Committee on Reforming the *Police Act* has been given the opportunity to enhance community safety and livability for British Columbians. It is evident that the current public safety model in BC is not functioning as efficiently and effectively as it could. The information and recommendations provided in this submission are intended to assist the Special Committee in improving the efficiency, effectiveness and service delivery of law enforcement in BC. As a stakeholder in Section 36 of the *Police Act*, bylaw enforcement and partners in public safety, LIBOA is seeking the opportunity to be included in the review, specifically the opportunity to discuss these items in greater detail with the Special Committee.

Appendix A: Additional References

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Appendix B: UBCM Resolutions

2013-B89: Two-Tiered Police Force

Therefore be it resolved that UBCM request that the Province of British Columbia work in concert with the RCMP to amend the *Police Act* to allow another level of policing services for local governments in order that they might have options that will achieve good fiscal balance, while maintaining a strong police force.

Full text:

<https://www.ubcm.ca/resolutions/ResolutionDetail.aspx?id=4619&index=0&year=2013&no=B89&resTitle=&spons=&res=&prov=&fed=&other=&conv=&exec=&comm=&sortCol=year&sortDir=asc>

2017-B90: Local Government Photo Radar

Therefore be it resolved that UBCM call on the provincial government to amend provincial legislation to permit local governments to independently implement photo radar on local roads at the local government's expense.

Full text:

<https://www.ubcm.ca/resolutions/ResolutionDetail.aspx?id=5217&index=0&year=&no=&resTitle=&spons=west%20kelowna&res=&prov=&fed=&other=&conv=&exec=&comm=&sortCol=year&sortDir=asc>

2018-B88: Provincial Policing

Therefore be it resolved that UBCM request that the Province of BC explore the roles of peace officers and sheriffs in other jurisdictions to determine if legislation could be enacted in BC to assist the RCMP by providing similar services, in an effort to increase policing services in the rural areas of the province.

Full text:

<https://www.ubcm.ca/resolutions/ResolutionDetail.aspx?id=5408&index=0&year=2018&no=B88&resTitle=&spons=&res=&prov=&fed=&other=&conv=&exec=&comm=&sortCol=year&sortDir=asc>

2019-B8: Local Government Photo Radar Implementation

Therefore be it resolved that UBCM lobby the provincial government to permit local governments to independently implement photo radar, with the focus on changing driver behaviour, on local roads at the local government's request and expense.

Full text:

<https://www.ubcm.ca/resolutions/ResolutionDetail.aspx?id=5824&index=0&year=&no=&resTitle=&spons=west%20kelowna&res=&prov=&fed=&other=&conv=&exec=&comm=&sortCol=year&sortDir=asc>

2020-NR12: Bylaw Enforcement Officers Enforcing Speed Limits in School Zones

Therefore be it resolved that UBCM request that the Province of British Columbia, through the Ministry of Public Safety and the Solicitor General, amend Section 146 (9) of the Motor Vehicle Act to allow local governments, through a bylaw, the ability to enforce speed limits in school zones in order to provide an improved level of child safety.

Full text:

<https://www.ubcm.ca/assets/Resolutions~and~Policy/Resolutions/2020%20UBCM%20Resolutions%20Book.pdf>