



ASSOCIATION OF
MANITOBA
MUNICIPALITIES

**Meeting with the Honourable Cliff Cullen
Minister of Justice and Attorney General**

2020

Introduction..... 1

Priority Issues 2

 1) Local Crime and Community Safety Issues 2

 2) Police Services Act Review..... 3

 3) Patient Transfers under The Mental Health Amendment Act..... 5

 4) Municipal By-Law Enforcement and Community Safety Officer Program..... 6

 5) Enforcement of Weight Restrictions 7

Appendix – AMM Active Resolutions 8

Introduction

- The Association of Manitoba Municipalities (AMM) appreciates the opportunity to meet with Minister Cliff Cullen and representatives of Manitoba Justice.
- The AMM encourages the Province of Manitoba to consider municipal concerns as well as the effects of funding decisions on local communities throughout the budget process.
- The *Speech from the Throne* (November 2019) highlighted the provincial government's commitment to work closely with municipal partners to provide efficient, cost-effective local government, in response to the AMM calling for a 'Partners in Growth' Memorandum of Understanding during the provincial election campaign. The AMM looks forward to working with the Province of Manitoba to strengthen provincial-municipal growth and partnership opportunities through a balanced discussion of both revenues and expenditures.
- This document outlines the AMM's position and recommendations on several important municipal issues relevant to the Justice portfolio.

Priority Issues

1) Local Crime and Community Safety Issues

The AMM recommends the government:

- ❖ ***Increase support to police services to address increasing rates of rural crime; and***
 - ❖ ***Ensure municipalities receive all necessary tools and resources to help mitigate illicit drug use in local communities.***
-
- According to a new study by the Angus Reid Institute, half of Canadians (48%) now say that crime has increased in their community over the past five years, up from 42 per cent in 2018 and 30 per cent in 2014. The Crime Severity Index (CSI) has also risen for the fourth straight year.
 - Meanwhile, Manitoba municipalities have been ringing the alarm on increasing crime rates in their communities since the Prairie Provinces are experiencing higher rates of rural crime compared to other areas of the country.
 - In addition, the Winnipeg Police Service (WPS) has noted that increases in crime are in large part due to the growing use of methamphetamines and the patterns of violence associated with the illicit drug trade.
 - Given the increasing prevalence of methamphetamines, illicit drug use presents an urgent and growing threat to local communities and public health throughout Manitoba.
 - As community safety and crime prevention are among the top priorities of Manitoba municipalities, the AMM encourages Manitoba Justice to increase support to local community police forces to more effectively address increasing rates of rural crime as well as the violence and social implications related to the distribution and use of illicit drugs.
 - Additionally, the AMM encourages Manitoba Justice to expedite the expansion of the RCMP crime reduction and enforcement teams throughout the province.

2) Police Services Act Review

The AMM recommends the government:

- ❖ ***Undertake a comprehensive review of policing in Manitoba in consultation with the AMM and municipalities focused on the distribution of policing costs and grant funding to promote a more transparent, fair and sustainable policing model;***
 - ❖ ***Help ensure Manitoba communities are not negatively impacted by the right of RCMP officers to collective bargaining; and***
 - ❖ ***Review the mandate of police boards to allow local Councils more oversight over municipal police forces, including the establishment of police boards on a voluntary basis.***
-
- The net cost of policing (costs less than the provincial policing grant) varies between municipalities while the policing grant does not reflect what different municipalities pay for policing.
 - Without a new approach, current inequities will be exacerbated while municipal budgets will continue to be severely strained while depriving other essential services and programs.
 - In addition, *The Police Services Act* stipulates that if an amalgamated municipality is classified as an “urban” municipality, the municipality is responsible for all costs associated with the provision of policing services within five years after amalgamation.
 - As some “urban” and “rural” municipalities were amalgamated, significant financial and administrative burdens in relation to police services may have been created in the lead up to and after the five-year grace period.
 - Moreover, communities with direct RCMP contracts or those that are serviced by regional police forces may also be similarly affected.
 - Therefore, funding arrangements among many amalgamated communities should be reviewed to address and resolve outstanding inequities.

- Regarding RCMP labour relations, the Supreme Court of Canada has affirmed the right of RCMP officers to collective bargaining.
- Presumably, the right to unionize may lead to changes and potential financial pressures for many municipalities with RCMP contracts, including the possibility of considerable increases to wages and benefits for RCMP officers.
- The AMM would greatly appreciate the support of the Province of Manitoba to ensure local communities are not negatively affected by these changes.
- The AMM fully supports safer communities and the need for greater transparency and accountability.
- Since municipalities with their own police force continue to express concern with the mandatory police board requirement in *The Police Services Act*, the AMM appreciated the ministerial commitment to review this requirement within the scope of the mandatory comprehensive review of the *Act*.
- Mandatory municipal police boards not only take direct responsibility for policing out of the hands of those elected to oversee the police force, but also prevent direct communication between local Councils and the police forces.
- While considering limited revenues, ever-increasing responsibilities and escalating infrastructure needs, budgetary decisions regarding local police forces should be made by elected officials rather than appointed individuals.
- Local Councils must be able to formulate budgets through a careful and comprehensive examination of the total needs of communities.

3) Patient Transfers under The Mental Health Amendment Act

The AMM recommends the government:

❖ ***Expand the newly-created MHA transfer hub system to other parts of Manitoba.***

- According to the Canadian Mental Health Association, 20 per cent of Canadians will personally experience a mental illness in their lifetime.
- Given the complex links between mental health and the criminal justice system, police responses to mental health issues continue to be a topic of significant discussion both within Manitoba and across Canada.
- As *The Mental Health Amendment Act* enables a ‘qualified person’ other than a police officer to assume custody of and supervise an individual who's awaiting a mental health assessment, these changes should significantly reduce policing costs and help ensure police service coverage in local communities.
- The AMM urges Manitoba Justice to expedite the development of the training program and guidelines for ‘qualified persons’ in consultation with our organization.
- The AMM also encourages the department to discuss the necessity of expanding the newly-created MHA transfer hub system with Manitoba Health, Seniors and Active Living and Regional Health Authorities (RHAs), particularly in Northern Manitoba and the Parkland region.
- The AMM appreciates ongoing updates from Manitoba Justice to the Provincial-Municipal Justice Advisory Committee (PMJAC) on this issue.

4) Municipal By-Law Enforcement and Community Safety Officer Program

The AMM recommends the government:

- ❖ *Review The Municipal By-law Enforcement Act in consultation with the AMM and municipalities; and*
 - ❖ *Continue working with municipalities wishing to establish Community Safety Officer (CSO) Programs.*
- *As The Municipal By-law Enforcement Act aims to simplify the process for issuing penalty notices and allows for local screening officers to hear by-law disputes, the AMM believes the Act creates an additional tool for municipalities to enforce their by-laws more effectively.*
 - However, training costs for municipal staff should be covered by the Province of Manitoba, while the impact of adjudication costs on municipal budgets should be assessed.
 - Some municipalities have also experienced decisions being overruled by provincial adjudicators without providing justification.
 - Meanwhile, challenges with the collection of fines continue to persist.
 - Therefore, it is imperative the new administrative scheme is communicated in a clear, accurate and consistent manner across the province.
 - The AMM hopes to continue working collaboratively with the Province of Manitoba to improve by-law enforcement for municipalities and their residents.
 - The AMM also encourages Manitoba Justice to continue working with municipalities wishing to establish CSO programs.

5) Enforcement of Weight Restrictions

The AMM recommends the government:

❖ ***Grant municipalities the option to enforce certain sections of the Highway Traffic Act to protect municipal infrastructure.***

- As municipal roads connect local communities and support economic growth, the AMM understands the importance of the need to properly maintain and protect municipal infrastructure.
- Weight restrictions are in place on provincial highways at various times of the year to prevent damages to the surface or roadbed. However, weight restrictions imposed by the Province often causes traffic to be redirected onto municipal roads.
- In some cases, heavy trucks rerouted onto municipal roads have caused substantial damages, resulting in costly infrastructure repair costs which adds to the overall municipal infrastructure deficit.
- In 2012, By-law Enforcement Officers' Special Constable appointments were revoked by Manitoba Justice due to the provincial review of the *Police Services Act*.
- Without the ability to enforce weight restriction by-laws on municipal roads, municipalities have expressed concerns that the lack of provincial attention to roads will result in downloading infrastructure costs to the municipal level.
- The AMM urges the Province of Manitoba to work collaboratively with municipalities to allow local Councils the ability to enforce sections of the *Highway Traffic Act* to protect municipal roads from heavy trucks if they so choose.

Appendix – AMM Active Resolutions

AMM Resolution #18-2019

Topic: The Mental Health Act

Sponsor(s): City of Winkler (Central District), Town of Altona (Central District), Municipality of Pembina (Central District), Municipality of Lorne (Central District), Municipality of Louise (Central District), RM of East St. Paul (Eastern District)

Department(s): Manitoba Justice; Manitoba Health, Seniors and Active Living

WHEREAS under Section 15(1) of The Mental Health Act a peace officer who takes a person into custody for an involuntary medical examination under Section 11 or 12 or an involuntary psychiatric assessment under Section 9 shall remain with the person and retain custody of them, or arrange for another peace officer to do so, until the examination or assessment is completed or the person is admitted to the facility; and

WHEREAS The Mental Health Act is amended under The Mental Health Amendment Act in: Sub-Section 15(1) by adding "or a qualified person" after "for another peace officer"; after Sub-Section 15(3) by adding: Sub-Section 15(4) in this section, "qualified person" means a person who holds a position specified in the regulations or who has received training specified in the regulations; and

WHEREAS peace officers are taken away from regular duty for extended periods of time, leaving their municipalities exposed to greater risk and public safety issues when they are not available; and

WHEREAS in addition to public safety issues, significant overtime costs are incurred by municipalities;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to:

- expedite the implementation of "qualified persons" at healthcare facilities; and
- provide a safe and secure area at a healthcare facility for persons in custody while awaiting examination and/or assessment.

AMM Resolution #19-2019

Topic: Methamphetamine Issues

Sponsor(s): City of Dauphin (Parkland District)

Department(s): Manitoba Justice; Manitoba Health, Seniors and Active Living

WHEREAS methamphetamine (meth) is an illicit drug that is highly addictive, becoming more widely available, and is inexpensive to purchase; and

WHEREAS the effects of the use of meth are destructive to individuals and families, can result in violence, and are life altering; and

WHEREAS there are insufficient resources for education regarding meth, insufficient supports for those addicted and their families, and insufficient resources to enforce laws regarding the crimes related to meth; and

WHEREAS many of the effects of meth use present indirect and direct costs to municipalities;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to provide sufficient funding to educate the population regarding the hazards of the use of methamphetamines in hopes to prevent its use, provide sufficient

funding for readily available and comprehensive rehabilitation programs for those addicted, and sufficient funding for law enforcement associated with the crimes related to the distribution of meth.

AMM Resolution #20-2019

Topic: Proceeds of Crime

Sponsor(s): Town of The Pas (Northern District)

Department(s): Manitoba Justice

WHEREAS criminal property forfeiture (proceeds of crime) is a civil court process through which the government may apply to confiscate property or proceeds of unlawful activity and property used in committing crimes; and

WHEREAS The Criminal Property Forfeiture Act allows the director of the unit to start civil forfeiture proceedings against property believed to be the proceeds or instruments of unlawful activity; and

WHEREAS a judge of the Court of Queen's Bench decides whether to order forfeiture; and

WHEREAS in 2012 The Criminal Property Forfeiture Act was amended to allow a simpler process known as administrative forfeiture through which personal property valued at \$75,000 or less may be confiscated without involving the courts; and

WHEREAS proceeds of confiscated property are deposited in the Criminal Property Forfeiture Fund and managed or distributed as provided for in section 19 of The Criminal Property Forfeiture Act, uses include operating expenses, victim compensation and programs promoting safer communities; and

WHEREAS none of the revenue general from criminal property forfeiture goes to government. The legislation governing criminal property forfeiture requires all unspent money to stay in a trust fund which provides a sustainable source of funding for future compensation to victims of crime or to be invested in safe communities' initiatives; and

WHEREAS the Province of Manitoba asks police services to submit applications under the Criminal Property Forfeiture Grant for funding for projects that enhance the practices and training of law enforcement agencies, or reduce or prevent crime; and

WHEREAS through this grant funding, the proceeds of crime do not necessarily go back to the municipality that crime originated in.

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to ensure the proceeds of crime are dispersed automatically to the community that was directly affected by the crime and the proceeds were obtained from without having to make an application.

AMM Resolution #39-2019

Topic: RCMP funding formula *Standing Policy

Sponsor(s): Hamiota Municipality (Midwestern District)

Department(s): Manitoba Justice

WHEREAS The Police Services Act requires all municipalities with populations above 750 to provide or enter into agreement to provide policing for residents; and

WHEREAS following amalgamation all municipalities have populations above 750;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to address the inequity created by amalgamation by reconfiguring the RCMP funding formula to reflect the current municipal register.

AMM Resolution #40-2019

Topic: RCMP Staffing *Standing Policy

Sponsor(s): RM of Springfield (Eastern District)

Department(s): Manitoba Justice

WHEREAS policing is an essential service for municipalities; and

WHEREAS Manitoba contracts with the RCMP to provide this service on behalf of municipalities; and

WHEREAS municipalities have limited options for dealing with RCMP staffing shortfalls;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba so that if a full complement of active deployable officers is not supplied by the RCMP, the provincial cost be reduced by the corresponding amount and that amount be supplied to municipalities to enable them to deploy security, by-law officers and augment COPP Neighbourhood Watch and similar efforts.

AMM Resolution #43-2019

Topic: Citizens on Patrol Program (COPP)

Sponsor(s): Municipality of Roblin (Parkland District)

Department(s): Manitoba Justice

WHEREAS the Manitoba Citizens on Patrol Program (COPP) was created to provide community-based COPP groups province-wide with the opportunity to access support, information, training, basic equipment and networking opportunities; and

WHEREAS the three main goals of the program are:

- Deterrence: to provide a presence in the community through patrolling by vehicle, by foot, by bicycle or other means as required;
- Education: to educate Manitobans about crime prevention;
- Awareness: to increase Manitobans' awareness on crime-related issues such as theft, auto theft and speeding; and

WHEREAS the Manitoba COPP Board received notice in September that the current funding support for the program will end on April 1, 2020; and

WHEREAS COPP is recognized by other law enforcement partners, as well as our communities, as a valued program and an important crime prevention initiative that has an impact throughout Manitoba;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to source a partner that will provide stable funding in order to continue the success of the Citizens on Patrol Program.

AMM Resolution #03-2018

Topic: Comprehensive Review of Municipal Policing Costs and Structure

Sponsor(s): City of Selkirk (Interlake District), Gilbert Plains Municipality (Parkland District)

Department(s): Manitoba Justice; Manitoba Municipal Relations

WHEREAS policing and public safety are the fastest growing costs for municipalities and now exceed 20% of municipal spending; and

WHEREAS police officers are continuing to escort individuals for mental health and other medical reasons rather than policing Manitoba communities, which further increases costs; and

WHEREAS community safety and crime prevention are among the top priorities for Manitoba communities; and

WHEREAS the Supreme Court of Canada has affirmed the right of RCMP officers to collective bargaining which may lead to increased financial pressures due to wage and benefit increases; and

WHEREAS *The Police Services Act* distributes the responsibility for policing costs on the title classification of municipality while not giving consideration to population, amalgamated status, proximity to a major city or complexity of municipal operations; and

WHEREAS the current system of cost allocation and policing grants is not equitable, transparent or sustainable for Manitoba municipalities;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba, in consultation with the AMM and Manitoba municipalities, to undertake a comprehensive review of the system for the distribution of municipal policing costs and grants with the intention of identifying and implementing amendments to this system such that the costs and grants are allocated more transparently, fairly and promote a more sustainable municipal policing model in Manitoba.

AMM Resolution #37-2017

Topic: Amend The Police Services Act

Sponsor(s): Municipality of North Norfolk (Central District)

Department(s): Manitoba Justice

WHEREAS *The Police Services Act* states in part that an urban municipality with a population between 750 and 5,000 must ensure policing services are provided; and

WHEREAS *The Municipal Amalgamations Act* states that a municipality with fewer than 1,000 must amalgamate with a neighbouring municipality to form a new municipality of over 1,000 people; and

WHEREAS because of the foregoing clauses there are no urban municipalities between 750 and 1,000 people as they are now part of rural municipalities;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to remove the requirement from the *Police Services Act* for an area with a population between 750 and 1,000 formerly designated as an urban municipality to provide policing services.

AMM Resolution #38-2017

Topic: By-Law Enforcement

Sponsor(s): RM of Hanover (Eastern District)

Department(s): Manitoba Justice

WHEREAS in 2012, many Manitoba municipalities' By-law Enforcement Officers' Special Constable appointments were revoked by Manitoba Justice due to the provincial review of the *Police Services Act*; and

WHEREAS this Special Constable appointment enjoyed by these municipalities for decades allowed the municipality to successfully enforce weight restriction by-laws protecting the municipal road system from heavy truck weights; and

WHEREAS currently during spring provincial road restrictions, all heavy trucks are avoiding provincial roads and using municipal roads to avoid provincial motor traffic enforcement officials; and

WHEREAS these heavy weights are causing hundreds of thousands of dollars of road damages to the already huge municipal infrastructure deficit situation in our municipalities from these heavy trucks; and

WHEREAS the new *Municipal By-law Enforcement Act* program does not provide the authority to enforce the *Highway Traffic Act*, provincial statutes or regulation to enforce weight restrictions on municipal roads as it simply provides authority to enforce parking tickets by way of penalty notices; and

WHEREAS the Community Safety Officer Program does not offer any mechanism for municipalities to protect their infrastructure from these heavy trucks either as evidenced by the powers given by the province;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to reinstate the Special Constable appointment or other similar appointments to municipalities who wish to enforce certain sections of the *Highway Traffic Act* to protect their deteriorating municipal road network and infrastructure caused by heavy trucks avoiding provincial restricted roads.

AMM Resolution #20-2014

Topic: RCMP Detachment Staffing

Sponsor(s): Village of St-Pierre-Jolys (Eastern District), Town of Powerview-Pine Falls (Eastern District)

Department(s): Manitoba Justice; Public Safety Canada

WHEREAS the RCMP determines the number of officers required for communities and rural areas based on criteria including crime levels;

AND WHEREAS detachments are sometimes below the suggested number of officers due to vacancies of positions caused for a number of reasons, including parental leaves;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba and the Government of Canada for a full complement of RCMP detachments, or to adjust the provincial funding formula to reflect the staff shortage.

AMM Resolution #33-2013

Topic: Rural and Northern Manitoba Cadet Program

Sponsor(s): City of Thompson (Northern District))

Department(s): Manitoba Justice

WHEREAS the Province of Manitoba has made a commitment to introduce a police cadet program to rural and northern Manitoba;

AND WHEREAS municipal governments, by default, are forced to deal with issues beyond their jurisdiction and control;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to expedite the establishment of a police cadet program for rural and northern Manitoba.

AMM Resolution #44-2012

Topic: Amend Population Base for Policing

Sponsor(s): Town of Gilbert Plains (Parkland District)

Department(s): Manitoba Justice; Manitoba Municipal Relations

WHEREAS the Province of Manitoba has the constitutional jurisdiction over the administration of justice which includes the responsibility of policing;

AND WHEREAS Section 13(1) and (2) of The Police Services Act identified that Manitoba's urban municipalities having a population of 750 or greater must provide policing services;

AND WHEREAS the population threshold requiring municipalities to provide protective service varies significantly throughout the Canadian provinces;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to amend the population base to 5,000 or greater.

AMM Resolution #45-2012

Topic: Provincial Per Capita Funding for RCMP

Sponsor(s): City of Flin Flon (Northern District)

Department(s): Manitoba Justice; Manitoba Municipal Relations

WHEREAS the current system for provincial funding of RCMP service is based on artificial population thresholds, and leads to some municipalities paying too much, relative to their population, for policing services, while others pay too little;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to revise the provincial funding formula for policing costs so that provincial funding reflects a system whereby all municipalities receiving policing services from the RCMP participate in funding RCMP service based on their population, on a per capita basis, with the Province making up the difference.

AMM Resolution #42-2009

Topic: New Police Services Act

Sponsor(s): City of Morden (Central District)

Department(s): Manitoba Justice

WHEREAS the Province of Manitoba has tabled a new Police Services Act which includes the requirement for every municipality that operates a police service to establish and maintain a police board;

AND WHEREAS the proposed police boards, once in place, will have no accountability to the municipality in overseeing the municipal police service;

AND WHEREAS the requirement of police boards as outlined in the new Police Services Act is another measure by the Province of Manitoba to remove authority from municipalities;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to amend The Police Services Act to make local police boards voluntary.