

## **Law Enforcement Review Board**

### **Mandate and Roles Document**

This Mandate and Roles Document has been developed by the Chair of the Law Enforcement Review Board ("LERB") to:

- reflect the common understanding between the Minister of Public Safety and Emergency Services ("Minister") and the LERB with respect to the LERB's roles and responsibilities, and
- to maintain sound communication.

The LERB is an independent, quasi-judicial tribunal established under the Alberta *Police Act*. It is recognized that the independence and impartiality of the LERB are integral to its adjudicative functions, and that its decisions must be made, and be seen to be made, impartially and independently. Public confidence in independent oversight of police conduct depends on this. Accordingly, nothing in this document is intended to interfere with the LERB's independent and impartial exercise of its adjudicative and ancillary powers, duties or functions. The Minister recognizes the authority and obligation of the Chair of the LERB ("Chair") to administer and direct the LERB in the discharge of those powers, duties and functions. The Chair is, however, accountable to the Minister for the effective management and operation of the LERB and for keeping the Minister informed respecting those matters.

#### **1. LERB Mandate**

In Alberta, municipal police officers are subject to a public complaints process through the *Police Act*. The *Police Act* provides that the chief of police is initially responsible for the disposition of complaints made against police officers other than the chief of police, while a complaint disposition may be appealed to the LERB. The principal activity of the LERB is to hear these appeals.

The LERB has responsibilities under, and is subject to, several statutes and regulations including:

- *Administrative Procedures and Jurisdiction Act* ;
- *Alberta Public Agencies Governance Act (APAGA)*;
- *Conflicts of Interest Act*;
- *Electronic Transactions Act* and *Electronic Transactions Act Designation Regulation*;
- *Financial Administration Act*;
- *Freedom of Information and Protection of Privacy Act ("FOIP")* and *Regulation*;
- *Fiscal Management Act*;
- *Lobbyists Act*;
- *Peace Officer Act* and *Peace Officer Regulation*;
- *Police Act* and *Police Service Regulation*;
- *Public Inquiries Act*;
- *Public Sector Compensation Transparency Act (PSCTA)*; and,

- *Public Service Act.*

## **2. Roles and Responsibilities**

The government is responsible for the legislative, regulatory and government policy frameworks in which the LERB operates.

### **a) Minister**

The Minister is charged with the administration of the *Police Act* and is accountable to the Legislature for the LERB.

The Minister will:

- recommend to Cabinet the appointment of the LERB members and the Chair, based on the Minister's assessment that candidates have the appropriate knowledge, skills, experience, and values to assist the LERB in achieving its objectives and performing its functions;
- monitor the operational management of the LERB to ensure its compliance with applicable legislation and policy;
- inform and consult with the Chair concerning any proposed legislation or policies affecting the work of the LERB;
- appoint a secretary to the LERB;
- recommend to the government the annual budget for the LERB;
- conduct annual evaluation and review of the performance of the Chair; and
- at least every seven years, conduct periodic reviews of the LERB's mandate and operations in accordance with the *Alberta Public Agencies Governance Act*.

In view of the LERB's independence and impartiality, evaluation of the Chair's performance will be undertaken in the context of measuring LERB management efficiency and will not seek to measure or evaluate the merits of LERB decisions.

### **b) Deputy Minister**

The Deputy Minister of the Ministry of Public Safety and Emergency Services ("Ministry") supports and acts under the general direction of the Minister. The role of the Deputy Minister is to be responsible for the following activities which have been delegated by the Minister:

- attend regular meetings with the Chair to review the LERB management and emerging issues;
- ensure the Ministry fulfills its role in support of the LERB; and
- discuss with the Chair policy gaps between the LERB and the Ministry.

### **c) Ministry**

In order to support the LERB to enable it to properly fulfill its duties and functions, the government and the Ministry are responsible for providing the required support to the LERB in the following areas:

- financial resources (as well as expenditure authority and framework for financial controls);
- human resources administration;
- administrative support (planning, reporting and other business activities, including information technology services and support);
- professional development (approving requests for training on a case-by-case basis);
- the LERB office and hearing room accommodation, and related cleaning, maintenance and repair services;
- legal services; and
- FOIP and legislative support.

The Ministry monitors the financial performance of the LERB, ensuring that, with the advice of the external auditors, the financial results are reported on a timely and regular basis and in accordance with the Generally Accepted Accounting Principles (GAAP).

#### **d) Chair**

The Chair is responsible for the operation and management of the LERB, including administering the LERB and providing general direction respecting its statutory powers, duties and functions. Among other things, the Chair is responsible for management and direction of all the LERB activities respecting the hearing and disposition of appeals and related matters. The Chair is accountable to the Minister for the effective management and operation of the LERB, including according to government financial and human resources policies applicable to the LERB. The Chair also guides the LERB's strategic direction, and approves and monitors any LERB business plan. The Chair must be an active member of the Law Society of Alberta.

The Chair will:

- ensure that all material developments and significant emergent issues are disclosed to the Minister or the Deputy Minister on a timely basis;
- attend regular meetings with the Deputy Minister to review LERB management and emerging issues (including respecting the legislative and policy frameworks within which the LERB operates);
- seek an annual meeting with the Minister to inform the Minister respecting the LERB's operation, and such other matters as the Chair or Minister may desire, and to make such recommendations as the Chair considers desirable;
- submit to the Minister an annual report, respecting the operations of the LERB, including the number and nature of appeals and proceedings, summaries of decisions and any other matter that the Minister directs;
- monitor the LERB's annual budget and, if applicable, identify any operating or capital funding pressure;

- provide to the Minister any LERB strategic plans, business plans, performance objectives and any information respecting their implementation;
- ensure that any issues respecting the support or services provided to the LERB by the Ministry or government are disclosed to the Deputy Minister on a timely basis;
- effectively manage and operate the LERB, by implementing all government financial and human resources policies applicable to the LERB;
- be responsible for providing leadership and direction for the LERB and for effectively pursuing the work of the LERB;
- establish policies and procedures for conducting hearings and inquiries, and for the administration of the LERB, in accordance with the *Police Act* and other applicable statutes and laws;
- provide orientation of LERB governance practices and policies, to all new LERB members and provide, as appropriate, ongoing training;
- conduct an annual evaluation of the performance of the LERB and of individual members, using criteria and guidelines the Chair establishes, and review the results of the evaluations with the LERB members in order to improve effectiveness and, in the case of individual evaluations, will identify opportunities to strengthen the individual member's performance;
- comment on proposed legislation or policies affecting the work of the LERB brought to the Chair's attention by the Minister or government;
- establish and maintain meaningful and appropriate stakeholder relations;
- in consultation with the Ministry, manage how the LERB interacts with the public and establish policies that clearly identify roles and responsibilities in the area of communication with the public;
- administer the LERB's Code of Conduct and ensure that conflict of interest matters are addressed by the LERB;
- engage in strategic and business planning that includes consideration of the principal risks associated with the LERB's business.

### **3. Recruitment and Appointment of LERB Members**

If and when membership vacancies arise, the Minister may choose whether to fill those vacancies. If the Minister chooses to fill the vacancies, the Minister may select the manner of recruitment, in consultation with the LERB and in accordance with the APAGA and the Government of Alberta's policy on public agency recruitments. LERB members are appointed by Order in Council and collectively constitute the LERB. The LERB and the Ministry have developed the appended competency matrix for the LERB as a whole and the values and competencies which will be used to assess candidates.

Positions will be publicly advertised on the Alberta Boards website and other relevant websites. The Minister will determine the interview panel for all positions. The Minister will select the candidates to be appointed and will bring them forward to Cabinet for

approval. Appointments will be posted on the Alberta Boards website and through the King's Printer.

**a) Remuneration**

Board members will be remunerated by honorarium for time spent conducting Board business, including review of records and written submissions, attending hearings, writing formal appeal decisions, attending Board training and Board meetings. Order in Council 265/2005 establishes the rates of remuneration payable to the members. Members' reasonable expenses will be reimbursed in accordance with the Government of Alberta's Travel, Meal and Hospitality Expenses Policy.

**4. Interaction between the LERB and the Ministry**

The Ministry will interact with the LERB respecting financial, human resources and other administrative matters. The Board Secretary is the principal contact for the LERB for administrative purposes.

The Ministry will interact with the Board for the purposes of recruitment, governance, and coordination of Public Agency Secretariat (PAS) matters. The PAS is a centralized government public agency resource that provides resources and information to public agencies.

**5. Administration of this Document**

**a) Review of this Document**

This document will be reviewed and renewed, amended, or replaced by the Minister in accordance with the APAGA. This document may be amended at any time by the Minister and the Board.

**b) Transparency**

Copies of this document will be filed with the Minister, the Board and the PAS. In support of the principle of transparency, it will also be available to the public on the Alberta Boards website.

**c) Periodic Agency Review**

The Minister will conduct a review of the LERB's mandate and operations in accordance with the APAGA.

This document reflects the mutual understandings of the Minister and the Chair but is not intended to, and does not, create any binding legal obligations enforceable in a court of law.

Affirmed,

Original signed

Kevin Kelly, Chair

Affirmed,

Original signed

Honourable Mike Ellis, Minister

**Law Enforcement Review Board**

**Public Safety and Emergency Services**

October 20, 2023

**Date**

December 07, 2023

**Date**

**Competency Matrix**

Date: \_\_\_\_\_

Law Enforcement Review Board		Chair	Member
<b>Term Expiry</b>			
<b>Core Qualities</b>	<b>Personal Characteristics</b>		
	Integrity/accountability/confidentiality		
	Analytical skills/critical thinking		
	High standard of excellence		
	Interpersonal and collaborative skills		
	Advanced oral and written communication skills		
	Objectivity/fairness		
	Time management and ability to meet deadlines		
	Flexible availability		
<b>Leadership</b>	<b>Leadership Skills</b>		
	Consensus building in a team environment		
	Experience leading/working with community-based organizations		
<b>Board/Tribunal Experience</b>	<b>Previous Board experience</b>		
	Served as Chair/Vice Chair/member		
	Knowledge of board governance		
	Tribunal experience/presided at hearings		
	Reported to board		
	Tribunal Decision writing		
	Ongoing Professional development		
<b>Knowledge and Expertise</b>	<b>Legal Knowledge<sup>1</sup></b>		
	Professional designation/education		
	Knowledge of administrative law		
	Understand/interpret/apply legislation and jurisprudence		
	Knowledge of law enforcement issues and legal analysis		
	Basic knowledge of justice system operations		
	Collaborative decision making		
<b>Public Awareness</b>	<b>Public Awareness</b>		
	Ability to advance the public interest		
	Interest in and knowledge of policing operations		
	Understanding of vulnerable and diverse populations		

<sup>1</sup> Chair must be an active member of the Law Society of Alberta