

# Law Enforcement Review Board Mandate and Roles Document

July 2015

This Mandate and Roles Document for the Law Enforcement Review Board (“LERB”) has been developed collaboratively between the Minister of Justice and Solicitor General (“Minister”) and the LERB to reflect a common understanding of their respective roles and responsibilities and to maintain sound communications.

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, 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, a number of statutes and regulations including these:

- *Police Act* and *Police Service Regulation*
- *Peace Officer Act* and *Peace Officer (Ministerial) Regulation*
- *Financial Administration Act*
- *Government Accountability Act*
- *Freedom of Information and Protection of Privacy Act* (“FOIP”)
- *Public Inquiries Act*
- *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 reports to the Legislature on the LERB and answers questions about the LERB.

The role of the Minister is to:

- 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 law 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 regular reviews of the LERB's mandate and purpose to determine if the work of the LERB is still relevant to the needs of Albertans and if it is aligned with government priorities.

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 Solicitor General of the Ministry of Justice and Solicitor General ("Ministry") supports and acts under the general direction of the Minister. The role of the Deputy Solicitor General 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);

- the LERB office and hearing room accommodation, and related cleaning, maintenance and repair services;
- legal services;
- freedom of information and privacy protection 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 role of the Chair is to:

- ensure that all material developments and significant emergent issues are disclosed to the Minister or the Deputy Solicitor General on a timely basis;
- attend regular meetings with the Deputy Solicitor General to review LERB management and emerging issues (including respecting the legislative and policy frameworks within which the LERB operates);
- seek a meeting with the Minister, at least twice annually, 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, as promptly as practicable after each year end, 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 and business plans and performance objectives and 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 Solicitor General 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 to 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, to 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**

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 required for individual members.

Recruitment will be based on the approved competencies.

#### **a) Process for Recruitment and Appointment**

- The recruitment process for members of the LERB will be led by the Chair in consultation with and supported by the Government's Corporate Human Resources ("CHR") agency.
- Respecting every vacancy that occurs, the LERB will identify the competencies that need to be replaced and will provide that profile to the Deputy Solicitor General or designate and to CHR.
- A public posting of all vacancies, which includes the required competencies, will be the responsibility of CHR.

- Applications will be reviewed by CHR, the Deputy Solicitor General or designate and the Chair.
- The interview panel will consist of representatives from CHR, the LERB and the Deputy Solicitor General or designate.
- Candidates will be assessed on the basis of the applicable competencies and values.
- Conflict of interest and other screening will be completed before a list of suitable candidates is prepared for submission to the Minister.
- A list of suitable candidates for vacancies will be provided to the Minister.
- The Minister will secure appointments from the list of suitable candidates, with the Ministry coordinating the appointment process.
- Appointments will be posted publicly on the GOA website and through the Queen's Printer.

#### **4. Communications between the LERB and the Ministry**

The Ministry's Policy and Planning Services Branch ("Branch") interacts with the LERB respecting financial, human resources and other administrative matters. The Branch will designate in writing its principal contact for the LERB for administrative purposes. The Board Secretary is the principal contact for the LERB for administrative purposes.

#### **5. Administration of this Document**

##### ***Review of this Document***

This document is in effect for three years from the latest signature below and is to be renewed or revised by the expiry date. This document nonetheless is to be affirmed annually by the Minister and the Chair and on any change in either the Minister or Chair.

##### ***Transparency***

Copies of this document will be held in the Minister's office, in the LERB's office and by the government's Agency Governance Secretariat. In support of the principle of transparency, this document will also be easily available to the public on the Ministry's website.

##### ***Periodic Agency Review***

A review of the LERB's mandate and purpose will be carried out by the Ministry in accordance with the review process developed in consultation with the Agency Governance Secretariat.

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**

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David Loukidelis, QC  
Board Chair

July 15, 2015

Date

Affirmed,

**Original Signed**

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Kathleen Ganley  
Minister of Justice and Solicitor General

July 15, 2015

Date

Superseded

**Competency Matrix**

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

Law Enforcement Review Board		Chair	Member
<b>Term Expiry</b>			
<b>Core Qualities</b>	Integrity and Accountability		
	Adaptability		
	Decision making		
	Collegiality		
	Strong listening and communication skills		
	Consensus building		
	Objectivity		
<b>Leadership Qualities (i.e. public service, community involvement)</b>	<b>Previous Governance Experience</b>		
	Chair/Vice position		
	• Served on Board		
	• Reported to Board		
	<b>Business Experience</b>		
	Education		
	• Extensive knowledge through experience		
	• Basic or common knowledge		
	<b>Mediation/Consensus Building</b>		
	• Education		
	• Extensive experience		
• Issue resolution			
• Basic or common ability			
<b>Core Qualities Expertise</b>	<b>Legal Knowledge</b> (Professional standing under Alberta Law Society – board requirement)		
	• Professional Designation/Education		
	• Knowledge of administrative law		
	• Knowledge of law enforcement issues		
	• Education		
	• Extensive knowledge through experience		
	• Basic or common knowledge of justice system operations		
	• Interest in policing		
	<b>Public Awareness</b>		
	• Ability to advance the public interest		
	• Effective communication to public		
	• Confidentiality		
	• Knowledge of social circumstances		
	<b>Appeals Panel Expertise</b>	• Professional designation	
• Education			
• Extensive experience			
• Basic or common knowledge			
• Panel decision writing			