

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:

- *Administrative Procedures and Jurisdiction Act* and Regulations
- *Alberta Public Agencies Governance Act*
- *Conflicts of Interest Act*
- *Financial Administration Act*
- *Freedom of Information and Protection of Privacy Act* (“FOIP”)
- *Government Accountability 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)
- *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 Associate Deputy Minister of the Ministry of Justice and Solicitor General ("Ministry") supports and acts under the general direction of the Minister. The role of the Associate 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
- FOIPP 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 Associate Deputy Minister on a timely basis;
- attend regular meetings with the Associate 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, 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 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 Associate 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, 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

Individuals are recruited in accordance with the Government of Alberta's current 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 Queen's Printer.

Remuneration

Board members are remunerated by honorarium for their 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. The members' expenses are reimbursed in accordance to the Government of Alberta's Travel, Meal and Hospitality Expenses Policy.

4. Interaction 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 Board Secretary is the principal contact for the LERB for administrative purposes.

5. Administration of this Document

Review of this Document

This document will be reviewed and affirmed by the Minister and the Chair in accordance with the *Alberta Public Agencies Governance Act*.

Transparency

Copies of this document will be held in the Minister's office, in the LERB's office and by the Public Agency Secretariat. In support of the principle of transparency, this document will also be easily available to the public on the Alberta Boards 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 Public Agency 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:

Ellen-Anne O'Donnell
Board Chair

May 30, 2019

Date

Affirmed,

Original Signed

Doug Schweitzer
Minister of Justice and Solicitor General

November 2, 2019

Date

Competency Matrix

Date: _____

Law Enforcement Review Board		Chair	Member
Term Expiry			
Core Qualities	Personal Characteristics		
	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		
Leadership	Leadership Skills		
	Consensus building in a team environment		
	Experience leading/working with community-based organizations		
Board/Tribunal Experience	Previous Board experience		
	Served as Chair/Vice Chair/member		
	Knowledge of board governance		
	Tribunal experience/presided at hearings		
	Reported to board		
	Tribunal Decision writing		
Knowledge and Expertise	Legal Knowledgeⁱ		
	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		
Public Awareness	Public Awareness		
	Ability to advance the public interest		
	Interest in and knowledge of policing operations		
	Understanding of vulnerable and diverse populations		

ⁱ Chair must be an active member of the Law Society of Alberta