



Handbook

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PART 1 – ABOUT THE COMMISSION

Vision

Fair, independent and trusted civilian oversight of policing in New Brunswick.

Values

<i>Quality Service</i>	We provide services that are dependable and consistent.
<i>Integrity</i>	We act with honesty and fairness.
<i>Accountability</i>	We take responsibility for our policies, decisions, actions and products.
<i>Objectivity</i>	We make balanced and unbiased decisions.
<i>Transparency</i>	We foster a structure and culture that encourage access to information within the law.

Mandate

We are an independent civilian oversight body. We oversee the management of the public complaints process into the conduct of police officers and the policies or services of municipal and regional police forces within the province of New Brunswick.

Definitions

Commission:¹ members appointed by the Lieutenant Governor in Council for a term not to exceed ten years.

Employees:² permanent staff of the Commission; currently composed of an Executive Director, Associate Director and Administrative Officer; may be referred to as staff.

¹ See *Police Act*, subsection 18(1)

² See *Police Act*, subsection 18(10)

PART 2 – THE LEGISLATIVE FRAMEWORK

Establishment, Powers and Commission Composition

The Commission was established on December 21, 1977 as an independent civilian oversight authority pursuant to section 18 of the New Brunswick *Police Act (Act)*.

Agencies, Boards and Commissions provide advice to government, deliver services to New Brunswickers, and regulate key sectors of the economy. They function at arms-length from government departments and undertake important work on behalf of the people of New Brunswick.

The Police Commission normally consists of a Chair, a Vice-Chair and such other members as the Lieutenant-Governor sees fit to appoint³. Two members of the Commission shall constitute a quorum⁴. If the Chair is absent or unable to act or if the office of Chair is vacant, the Vice-Chair shall act as Chair and while so acting may exercise the powers and perform the duties of the Chair under this *Act*⁵.

Appointment of members to the Commission shall be coordinated by the Minister of Justice and Public Safety. Experience demonstrates that Commission members have the following attributes:

- Knowledge about, and interest in community issues;
- An understanding of the complexities of policing;
- First Nation community knowledge and understanding;
- Community leadership experience;
- An understanding of the differential impact policing services may have on First Nations citizens, women, victims and vulnerable citizens;
- Commitment to fairness, avoiding conflict of interest, maintaining neutrality and objectivity;
- Willingness and availability to meet time-commitments related to Commission duties;
- Ability to work with a variety of situations, groups and people;
- Ability to deal with difficult and complex situations;
- Willingness to contribute to consensus solutions;
- Willingness to travel to New Brunswick communities;
- Willingness to engage in discussion and debate; and
- Ability to receive training and conduct Settlement Conferences.

Examples of desirable backgrounds for members of the Commission are:

- 1) Former or current lawyers with previous experience as Crown Prosecutors;
- 2) Former or current lawyers, ideally with labour and/or employment experience;
- 3) Former municipal, provincial or regional police officers with senior management experience;
- 4) Former members of the judiciary;
- 5) Former federal or provincial corrections personnel with senior management experience;
- 6) Former or current indigenous leaders;
- 7) Former municipal or regional civic authorities from an incorporated community;

³ See *Police Act*, subsection 18(1)

⁴ See *Police Act*, subsection 19(2)

⁵ See *Police Act*, subsection 18(2.1)

- 8) Current or former senior managers from an educational institution;
- 9) Former or current members of any disciplinary body (i.e. College of Physicians and Surgeons, Chartered Professional Accountants NB Complaints Committee etc.); or,
- 10) Former senior government officials.

Commission members will be appointed for a term not to exceed ten (10) years⁶. The Lieutenant-Governor in Council may designate a member of the Commission to serve either as full-time or part-time⁷. Historically, Commission members have been appointed for terms of three (3) years, with the possibility for renewal. Ideally appointments shall be staggered, so as to not have more than 2 members' terms expiring each year.

Annual Report

The Commission shall submit an annual report to the Minister of Justice and Public Safety. The Minister of Justice and Public Safety will table the Annual Report in the Legislative Assembly after which the Staff will distribute the Annual Report to stakeholders⁸.

⁶ See *Police Act*, subsection 18(1)

⁷ See *Police Act*, subsection 18(2)

⁸ See *Police Act*, subsections 24(1) and 24(3)

PART 3 – ROLES, RESPONSIBILITIES AND RELATIONSHIPS

Responsibilities of the Commission

There are significant public expectations of Commissions in terms of the stewardship of their organizations. A high level of accountability is expected in all organizations, in particular for those who have oversight of the public interest.

The Commission's primary role is to provide oversight and direction relative to the business and affairs of the Commission employees (but not be involved in day-to-day administration or operations), and this is expected to be done in a publicly visible, accountable and collective manner. This role includes the following:

- *Set Strategic Direction and Ensure Implementation:* The Commission establishes the vision and directs the organization to the establishment of a multi-year strategy. The Commission puts in place mechanisms to ensure accountability and oversight so that the strategic direction is implemented. The implementation of the strategic plan is the responsibility of the Executive Director.
- *Promote a Corporate Culture:* The Commission sets an example to create an organization committed to excellence and innovation. It means fostering an environment that respects the roles and responsibilities of both employees and the Commission itself.
- *Build and Maintain Positive Relationships:* What is achieved by the Commission is directly affected by building and maintaining solid and trusting relationships within the organization and with stakeholders and the public. It is essential that the Commission be committed to building relationships to fulfil its role in relations to public interest.
- *Measure and Report on Performance:* The Commission ensures that appropriate goals are established to meet its strategic objectives, and puts in place the means by which progress towards these goals is measured.
- *Manage Change:* Organizations, including the Commission, are expected to grow and evolve over time; there will be constant and significant changes. The Commission sets the stage for this progress through thoughtful and active change management.
- *Communicate with Stakeholders:* The Commission is an oversight organization as well as a consultative and co-operative forum. An important responsibility of the Commission is to ensure that there is open and clear communications with its stakeholders. This means two-way communication: not only what the Commission is doing and intends to do, but what the stakeholders need and want of the Commission.
- *Executive Management:* There are three permanent, full time employees of the Commission – the Executive Director, Associate Director and Administrative Officer. The Commission must provide direction, evaluation and feedback mechanisms to the staff. In addition, the Commission ensures that there are appropriate systems in place for executive development, compensation, evaluation and succession planning.
- *Adopt and Ensure Excellence in Governance:* It is the Commission's responsibility to make sure it operates in the most effective manner. While it cannot select its members or influence who sits on the Commission, it does have an important responsibility in ensuring that the Commission and individual members have the information, tools and processes in place to execute its strategic direction.
- *Manage Risk:* The Commission, along with its employees, identifies risks that would prevent the organization from meeting its strategic objectives, and ensures that mechanisms are in place to minimize the likelihood and impact of such risks.

Team Charter for Commission Members and Employees

Members and employees will adhere to the following principles and behaviours in our interactions among ourselves, with our partners and with the public:

- Our actions and behaviour are guided by what is in the public interest;
- Our decisions respect the intent and spirit of the *Act* and Regulations, and other relevant legislation or policy;
- We listen and respect the views of others;
- We are open and transparent with one another; all relevant information is shared openly and with everyone;
- We are open to compromise;
- Sufficient time is allocated for a full discussion and airing of issues;
- We identify common interests and potential options to address challenges;
- We provide constructive criticism and look for positive solutions;
- Sensitive items are discussed in person or on the telephone. We do not engage in email debates on sensitive matters;
- We strive for consensus whenever possible. Consensus does not imply everyone fully agrees with all aspects of a decision, but that they can “live with” the outcome;
- We support and respect the final decisions of the Commission;
- We respect the confidentiality requirements of the work we do;
- We respect the line between governance and administration and strive for a shared model of decision making;
- We foster relationships between the Commission and Staff that are sound, open, and trusting; and
- We will be diplomatic, organized, flexible, and collaborative.

Note: The Team Charter applies to all forms of communication, whether written or verbal.

Responsibilities of Individual Commission Members

An individual is appointed to the Commission because he or she is interested in contributing to the Commission’s vision: fair, independent and trusted civilian oversight of policing in New Brunswick.

New Commission members must be willing to inform themselves about the relevant legislation and regulations, the Commission’s structure, their responsibilities as Commission members, the Commission’s strategic plan, among other aspects of the organization. Throughout their terms, Commission members must ensure they have sufficient information to make wise and informed decisions. There is an ongoing need to be aware and informed of developments in policing and activities of the Commission. Commission members should be comfortable in speaking to the Executive Director and/or the Associate Director if they need information or want explanations.

The Commission is responsible and held accountable for the success or failure of the organization and it is the Commission member’s responsibility to contribute to its success and progress. The Executive Director and Associate Director can help support Commission members in this regard by ensuring appropriate information is readily available.

In addition to the above noted, specific roles also include the following:

- Reviewing agenda materials and participating in Commission meetings;
- Participating in the Commission's various organizational planning activities (e.g., setting the vision, developing the strategic plan, establishing the Commission's major priorities, etc.);
- Sitting on various committees as assigned;
- Participating in the performance evaluation of the Executive Director;
- Declaring a conflict of interest;
- Conducting settlement conferences; and
- Adhering to the Team Charter.

Role of the Chair

The Chair of the Commission is appointed by Order-in-Council. A Vice-Chair is appointed in the same manner and acts for the Chair when he/she is unable to act.

The Chair has a specific role to play in leading the Commission to sound and productive oversight and decision-making. An effective Chair is essential in the success and effective management of the Commission. While a Chair's most visible tasks are the running of regular and special meetings of the Commission, his or her role involves providing overall leadership, ensuring that the Commission's agenda moves forward in a positive manner, building common understanding and awareness, rallying the Commission to acceptable solutions, and facilitating the making of difficult and well-thought-out decisions. The specifics of this leadership role played by the Chair are not legislated, but rather follow accepted and well-known practices.

Commissions often assign the overall responsibility for acting as the primary public contact to the Chair. The Commission should carefully consider and specify who is responsible for what level of public visibility. For example, while the Chair may be assigned as the primary public face of the Commission, direction to the organization should be given as to when the Executive Director or Associate Director should respond to or be the face of an issue. It is vital that there is alignment between what the Commission Chair expresses publicly and the actions of the Executive Director or employees. It is imperative to clarify how they want the Commission to operate from a communications standpoint. This can be accomplished by either establishing a communications plan with well-defined responsibilities, or by specifying in a Commission policy/procedure how the Commission wishes to be seen and represented from a public perspective.

From a practical perspective, the Chair needs to be familiar and comfortable with running meetings and procedural matters. The Chair must also be prepared for and knowledgeable about the matters arising on a Commission agenda. As such, the Chair should review the agenda with the Executive Director prior to the meeting, to ensure he or she has all the necessary information and understands the issues at hand. It is, however, important to note that the Chair does not unilaterally determine what is to be included on the Commission meeting agenda. He or she needs to be familiar with the issues and background, and lead the Commission to informed and collaborative decision-making.

The Chair needs to ensure issues are well aired, and allow opinions to be heard, but also needs to know when to limit debate and call for the question. From the vantage point of the Commission members, a Chair's effectiveness will be seen when difficult decisions of the Commission are made, and all members feel their perspectives have been expressed and considered, and the decision is one which reflects the best interests of the Commission.

Under the current *Act*, the Executive Director may sign documents⁹ relaying decisions under the *Act*. The Chair does not have any special role in the day-to-day operations of the organization; that is the responsibility of the Executive Director. The Commission, as a whole, will consult on the direction given to the Executive Director, however this will normally be communicated to the Executive Director from the Chair.

The Chair, as one of the members of the Commission, will have his or her own opinions and perspectives. However, the neutrality of the Chair should not limit or muffle the expression of those opinions or positions. The Chair has no special weight of vote, and must carefully limit the amount of influence in effecting a certain outcome that he or she exerts by his or her leadership role.

Role of the Executive Director

The Executive Director is the Chief Executive Officer and has full authority and powers for the day-to-day management of the organization. The Executive Director is accountable to the Commission for the performance of the organization, the success in meeting the business objectives, and the financial and resource management of the Commission.

The Executive Director and his or her staff are responsible for carrying out the directions of the Commission. Directions from the Commission are generally conveyed to the Executive Director who, in turn, provides instructions to staff as necessary.

It is incumbent on the Commission to understand the role of the Executive Director, and to provide clear direction to the Executive Director in the execution of its decisions and directions. It is just as important for the Executive Director to have a clear understanding of the role and decisions of the Commission.

Another critical aspect of the Executive Director's job is the development of relationships with the Commission's stakeholders. The Executive Director should be in contact with these individuals on an ongoing basis for several key reasons, including the building of relationships, providing and exchanging ideas, ensuring that initiatives being considered are well understood, obtaining feedback, and identifying opportunities for enhanced co-operation.

The following summarizes, though is not all-inclusive, the roles of the Executive Director:

- Ongoing reporting to the Commission;
- Providing advice and developing recommendations for Commission consideration;
- Implementation of Commission directions;
- Day-to-day management / administration / operations;
- Identifying potential service, program and cost savings opportunities;
- Personnel management (hiring, salary administration, benefits programs, performance management, dismissal, etc.);
- Building co-operative relationships and facilitating communication;
- Development of accountability and reporting mechanisms;
- Building an integrated organization;
- Forecasting and strategic analysis; and
- Ensure adherence (self, Commission and Staff) to policies and procedures of the Commission.

⁹ See *Police Act*, subsection 18(11)

Relationship between the Commission and the Commission employees

It is critical that Commission members consider and understand their role in relation to the broader organization. The Commission must ensure the execution of their direction to the organization through the Executive Director.

For this to be effective and respected, the Commission must have a high degree of confidence in the Executive Director and on their part, must convey their direction and decisions clearly. At the end of the day, there is a critical need for Commission members to respect and understand the role of the Executive Director as described above, and the Executive Director must respect and understand the role of the Commission members.

Relationship with Stakeholders

The Commission is committed to engaging with partners, communities and stakeholders using appropriate, effective, inclusive and strength based engagement practices. Such practices could include face to face discussions/meetings, focus groups and workshops, verbal and/or written feedback exercises on specific issues, engaging in community meetings and/or forums.

The commission will engage and seek input from all partners in a meaningful, accountable, and responsive way. The ongoing commitment and role of the Commission will be to ensure community engagement is integrated into activities to support decision making, ongoing policy development, and building and strengthening the relationship with partners and the general public.

Partnership and community engagement are the responsibility of all Commission members and staff.

PART 4 - GOVERNANCE

Commission Meetings

Commission members are expected to attend regular and special meetings. There is no prescribed number of meetings in legislation, however, the Commission normally meets monthly or as required to fulfill its mandate. The frequency of regular meetings is a decision of the Commission membership and it is recommended that on a periodic basis the Commission review the number of meetings required to conduct the Commission's business. Commission members and the Executive Director should carefully examine this question, keeping in mind the recurring costs associated with holding meetings (meeting per diems, travel costs, time required for document preparation, etc.) as well as the need to ensure ongoing accountability and transparency vis-a-vis the public and stakeholders.

The majority of the meetings will be held in person; however, this is subject to change depending on the travel time and distance of the Commission members. If having all members and staff attend meetings in person is cost prohibitive, meetings shall be conducted via teleconference. Commission members shall also meet as required with government, community and non-government organizations or with the public to carry out the Commission's roles and responsibilities.

Meetings will be scheduled in consultation with employees and Commission members and attempts shall be made to schedule meetings when the whole Commission is available. Commission members are required to attend the majority of the meetings and those unable to do so may be requested to step down by the Chair.

Commission meetings shall be conducted in accordance with "Robert's Rules of Order" and the Commission will use a consensus based decision making process. If the Commission is unable to reach a consensus, decisions will be made by a majority vote. Quorum will be deemed to have been constituted with two (2) members¹⁰, including the Chair and/or Vice-Chair, present.

The Chair (or Vice-Chair in the event the Chair is unable to attend the meeting) shall not make motions. All motions shall be seconded.

All Commission meetings shall be logged and brief meeting minutes, detailing only key discussion points, motions and action(s) to be taken, will be distributed to Commission members within one week of the meeting whenever possible.

Open and Closed Meetings

Subsection 19(1) of the *Act* states:

The Commission shall in each year hold such meetings as it considers necessary, and meetings shall be open to the public unless the commission otherwise directs.

Meetings or parts of meetings shall be closed to the public if an item as set out below is to be discussed:

- a) information the confidentiality of which is protected by law;

¹⁰ See *Police Act* subsection 19(2)

- b) personal information;
- c) information that could cause financial loss or gain to a third party or could jeopardize negotiations leading to an agreement or contract;
- d) information that could harm a law enforcement matter or legal proceedings;
- e) information that could violate the confidentiality of information obtained from or harm relations with any of the following: the Government of Canada, a government of a province or territory, a local public body, the government of a foreign company, an organization representing one or more governments;
- f) information concerning legal opinions or advice provided to the Commission or a police force, or privileged communications between solicitor and client;
- g) litigation or potential litigation affecting the Commission;
- h) the access to or security of particular buildings, other structures or systems, including computer or communication systems, or the access to or security of methods employed to protect such buildings, other structures or systems;
- i) information gathered by police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of such information; and,
- j) labour and employment matters, including personnel investigations.

If a meeting is closed to the public, it is because matters of a confidential nature are to be discussed. As such, it is important that Commission members and staff continue to respect the confidentiality requirement outside of the meeting. Given the sensitive nature of the files discussed, Commission meetings have not typically been open to the public and this is demonstrated by the fact that scheduled meetings are not available on the Commission's web site or at the offices of the Commission.

"Regular" meetings of the Commission follow the definition in Robert's Rules of Order:

"...the periodic business meeting of a...Commission, held at weekly, monthly, quarterly or similar intervals..."

"Special" meetings of the Commission follow the definition in Robert's Rules of Order:

"...a separate session of a society held at a time different from that of any regular meeting, and convened only to consider one or more items of business specified in the call of the meeting."

Special meetings are held to address issues that require immediate attention and due to time constraints or unforeseen circumstances, cannot be dealt with in the course of the regularly scheduled meetings. Such special meetings may also be held to address a specific issue (or issues) requiring an extensive period of review and discussion that would otherwise take up too much time during a regular meeting of the Commission.

From time to time, there may be a need for the Commission to meet outside of regularly scheduled or special meetings. Such ad hoc meetings could be held for the purposes of the following:

- Working on the development of a strategic plan for the organization;
- General brainstorming sessions relating to the various activities of the organization;
- Attending a workshop, training and/or information session specifically for the Commission members and/or employees;
- Meeting with other municipal, provincial, federal officials or stakeholders.

At such meetings, recommendations can be developed, but no decisions of the Commission can be made. Any decisions to be made must be made by the Commission at a regular or special meeting.

Strategic Planning

Perhaps the most powerful tool available to the Commission to shape and direct its activities is the multi-year strategic plan. Commission members are expected to participate in the development of the plan and to monitor its execution. Multi-year strategic plans can use many formats and can be created through various processes. What they share in common, however, is the establishment of a vision for the future and a road map illustrating how to get there.

It is critical that a strategic plan be seen as a living document that is reviewed on an ongoing basis and adjusted as necessary. Senior staff of the Commission will play an important role in preparing and presenting draft plans and supporting documentation to the Commission members, however the strategic plan should be seen as the “Commission’s plan” that involves both Commission members and employees.

There is sometimes a tendency to see a multi-year organization plan as “carved in stone”, and an associated hesitancy to be prepared to make adjustments to the plan to reflect changing realities. As a result, the “plan” is often so lofty and general that it provides little direction to the organization and information to the public. On the contrary, the “plan” should be a living document, reviewed regularly and adjusted where it is clear that objectives may need to be altered, resources shifted or financial forecasting adjusted.

Accountability/Transparency

The Commission needs to ensure the organization is operating in a way that emphasizes accountability and transparency. Meetings of the Commission as well as instruments like the Annual Report and strategic plan have already been discussed, all three of which can be powerful tools in enhancing accountability. An additional element of accountability is achieved by establishing, monitoring and measuring how well the Commission is performing through performance management. The Commission will establish performance measures as a means of evaluating how well we are doing in terms of service effectiveness.

It is also important to note that the Commission is subject to the *Right to Information and Protection of Privacy Act*. We must ensure that Staff and Commission members are aware of the requirements of this legislation and that procedures are in place to properly respond to requests for information, while at the same time ensuring that personal / confidential information is appropriately protected. The Associate Director of the Commission is the subject matter expert on Right to Information requests and processes them in consultation with the Commission and Executive Director.

Media Relations

The relationship with media is also an important dimension to consider in ensuring accountability and transparency. The Executive Director should generally be the primary spokesperson for all Commission-related media inquiries, including providing the rationale behind various Commission decisions and the general policy directions being taken by the Commission. Communication with the media should be seen as an avenue to provide greater understanding of an issue and/or to deliver a message regarding services and programs being provided or being considered by the Commission.

It is important that the Executive Director (or Associate Director, if delegated) be the first point of contact for media regarding details around the operations and administration of the organization. The Executive Director should be responsible for ensuring media requests regarding the operations of the Commission are answered in a timely fashion by the appropriate staff.

Conflict of Interest

Members of the Commission designated as full-time members shall not engage in any business, trade, profession or occupation without prior approval in each particular case by the Lieutenant-Governor in Council¹¹.

Conflict of interest is defined as any situation where there is an actual or perceived incompatibility between a Commission member's duties and his/her private or personal interests or knowledge.

Commission members will be involved in various issues that will include considerable confidential and sensitive information. There may be occasions where a Commission member or employee could be in a conflict of interest by virtue of personal, family or corporate interests that may relate to the activities of the Commission. It is not illegal or immoral to have such conflicts. However, what is wrong is if a Commission member or employee doesn't make the conflict clearly known, participates in decisions related to the area of conflict, and/or benefits in a financial way from the decision.

When a Commission member or employee has a potential conflict, and a matter related to this file/topic will be discussed at a meeting of the Commission, the member must, as soon as the matter is introduced, disclose the conflict and immediately withdraw from the meeting (which means physically leaving the room).

If a Commission member has declared a conflict of interest regarding a complaint file, that member shall not be copied on any e-mails relating to the file, engage in any discussions regarding the file, or sign any documents relating to the file.

It is important to note the following as it relates to conflict of interest:

- It is not wrong to have a conflict of interest;
- It is wrong not to declare the conflict of interest;
- Conflict situations extend to members of your family;
- The obligation is on the Commission member or employee to acknowledge and state their conflict;
- It is not the role of Commission staff to manage or identify potential conflicts of Commission members (and vice versa);
- If you think you may be in a conflict situation, the safest route is to declare it and remove yourself from deliberations/discussion on the matter; and,
- There is no substitute for full disclosure and the application of common sense.

Commission members are responsible for conducting themselves in a manner that maintains and fosters public trust. No conflict should exist or appear to exist between the private or personal interests of Commission members and their official duties. All decisions and actions of the Commission should be able to withstand all scrutiny.

¹¹ See *Police Act*, subsection 18(3)

In addition to the above, all members and employees of the Commission are expected to abide by the Government of New Brunswick Conflict of Interest Policy (AD-2915).

APPENDIX A – CHANGES TO THE HANDBOOK

Changes may be made to the New Brunswick Police Commission Handbook by obtaining consensus of the Commission members at a regular or special meeting.

Revision History

Date	Change Made By	Nature of Revision
06--Oct-2021	Jill Whalen	Grammatical edits, changes to reflect new legislation, reference to GNB AD-2915 policy, removal of Table of Authorities and Responsibilities.