



OFFICE OF THE
City Auditor

Edmonton Police Governance Follow Up

March 9, 2007

The Office of the City Auditor conducted
this project in accordance with the
*International Standards for the
Professional Practice of Internal Auditing*

Edmonton Police Governance Follow-up

1. Introduction

This is a follow-up review to determine the status of the 31 recommendations contained in the Office of the City Auditor's (OCA) Edmonton Police Governance Audit Report, April 20, 2005. The objectives of that audit were to review the governance roles, responsibilities and relationships of City Council, the Police Commission and the Police Service as they related to the policing program in Edmonton. As well as assessing the contract signing authority levels between City Council, the Commission and the Edmonton Police Service.

The original report contained 31 recommendations; 14 were directed to the City of Edmonton (the City) and 17 to the Edmonton Police Commission (the Commission). The City has completed all 14 of their recommendations. The Commission has completed 11 of their recommendations and is in the process of completing the remaining six.

2. Summary of Original Report

The following observations from the original report are organized around the five general categories that make up the governing framework of the Edmonton police program.

1. Governance

Fifteen attributes of good governance

Commissioners identified orientation and training, managing risk, roles and responsibilities, and teamwork as areas where the Commission required the most development.

Orientation and training

The Commissioners identified orientation and training as their Commissions least effective governance attribute. We identified a need for the Commission to develop and deliver a comprehensive orientation and training program.

Internal audit

The Commission has a budget of approximately \$200 million. This is a sufficient size to have an internal audit function and we recommended they consider establishing one.

Right to audit

We recommended that Council establish their right to audit the Commission to ensure it is using City funds appropriately.

2. Legislation

Compliance with legislation

The Commission and the City were mainly in compliance with the Police Act. We observed two exceptions; one that applied to the Police Service, which they dealt with during the audit, and one that applied to the Commission. We recommended that the Commission formally delegate the power to appoint police officers to the Police Service and that they develop a “Police Service Executive Appointment Policy” to guide the Chief in building his executive team.

Complaint process

We recommended that the Commission develop principles to guide them in fulfilling their role regarding oversight of public complaints.

3. City Bylaw

Appointment process

We observed that parts of the policy to appoint members to the Commission were out of date; therefore, we recommended that the City review and update the policy.

4. City Directives and Procedures

Contracts

We observed that confusion existed around who had authority to contract for policing matters. The Law Branch agreed to research this issue and bring forward amendments to the appropriate bylaw(s). We also recommended that the City amend the Edmonton Police Commission Bylaw to require the Commission to adopt City procurement directives and procedures.

Honorariums

We observed administrative errors in some honorarium payments. In addition to recommending that the Commission correct these errors, we also recommended that they bring a revised payment structure for honorariums to Council for approval.

Civic Agency Reporting

We observed that the Commission was not providing activity reports to Council as required by the City Policy. We recommended that the Commission establish a process to ensure that they provide Council with the required activity reports. We also recommended that the Commission review the roles/duties and performance criteria for Commissioners and the Chair; that the evaluations of Commissioners be shared with the Commissioner being evaluated; and that the

City include an accountability framework between the Commission and Council in the bylaw.

5. Commission Policy/Procedures

Expense Reimbursement

We recommended that the City revise the Edmonton Police Commission Bylaw to require the Commission to follow the City's expense reimbursement Administrative Directive and procedures.

Working Agreement

We recommended that the Commission work with the Chief and update the working agreement between the Police Service and the Commission.

HR Staff Security Clearances

We recommended that the Commission attain enhanced security clearances for staff members and contractors who are provided access to sensitive police information.

Code of Conduct

We observed actions that contravened the guiding principles of confidentiality, media interaction, and authority over the police force from the Commission's Code of Conduct. We recommended that the Commission enhance the code and advise Council of all suspected breaches of the Code.

3. Current State

We completed our follow-up review to determine the implementation status of the 31 recommendations contained in the original report. We reviewed and confirmed the information provided to us on the status of each recommendations by the City and the Commission.

The City has addressed all of their 14 recommendations. Appendix A contains a summary of the recommendations directed to the City and the actions they took to complete them.

The Commission completed 11 of their recommendations. In order to complete the remaining recommendations they need to:

- Develop polices to guide their new Internal Affairs Oversight Committee,
- Comply with City Policy C476A Civic Agencies Reporting by submitting Activity Reports for each year by March 31,
- Develop a description of the roles, duties and performance criteria for Commission members,

- Document their requirement that all staff members have enhanced security clearances conducted,
- Comply with Bylaw 14040 Edmonton Police Commission Bylaw by developing protocols for dealing with suspected breaches of the Code of Conduct and bring them to Council for review, and

Appendix B contains a summary of the recommendations directed to the Commission, the status of the recommendations and the actions taken by the Commission to date.

4. Summary of Results

The following table summarizes the implementation status of the 31 recommendations contained in our original report.

Status	City	Commission	Total
Complete	14	11	25
In progress	–	6	6
Not implemented	–	–	–
No longer applicable	–	–	–
Total recommendations	14	17	31

5. Conclusion

Overall the City and the Commission have made good progress in completing the recommendations from our original report. The City has completed all of the 14 recommendations directed to them. The Commission has addressed eleven of our recommendations and is in the process of completing the remaining six. We will continue to monitor the Commission's progress in completing the outstanding recommendations.

We would like to thank all City and Commission staff who participated in this review for their support, cooperation and feedback.

City Recommendations

The City completed recommendations 3, 16, 17, 24, 25, and 29 by revising Bylaw 14040, the Police Commission Bylaw. The following table summarizes the recommendations and the related sections in the revised bylaw.

<u>Recommendation</u>	<u>Bylaw Section(s)</u>
#3 <i>The OCA recommends that the Office of the City Clerk (OCC) propose a revision to Bylaw 9304, Edmonton Police Commission bylaw, that includes the City's right to audit any activities of the Police Commission and Police Service upon direction from Council, subject to restrictions within the Police Act.</i>	18 (c) - Gives Council the ability to direct the City Auditor or external auditors to audit Commission records.
#16 <i>The OCA recommends that the Law Branch bring forward, for Council approval, any amendments to The City Administration Bylaw and the Edmonton Police Commission Bylaw required to clarify the authority for police related contracts.</i>	14 and 15 - Clarifies the authority of the Commission to enter into contracts. 16 - Clarifies the reporting requirements of the Commission in relation to contracts they enter into.
#17 <i>The OCA recommends that the Office of the City Clerk prepare a revision to Bylaw 9304 requiring the Commission to adopt the City's procurement policy and procedures, while recognizing their authority to allocate budgeted funds as per the Police Act.</i>	14(1) (a) and 15(3) - State that the Commission should use the City's procurement policy.
#24 <i>The OCA recommends that the Office of the City Clerk obtain legal guidance to assist Council with enhancing Bylaw 9304, Edmonton Police Commission bylaw, so that the rules governing the operations of the Commission include an accountability framework, consistent with legislated authority, between the Commission and Council to ensure that Council can fulfill its responsibilities.</i>	13(2) - Allows Council to ask for strategic plans, variance reports, capital plans and variance analysis. These documents will form part of an accountability framework.
#25 <i>The OCA recommends that the Office of the City Clerk propose a revision to Bylaw 9304, Edmonton Police Commission bylaw, requiring the Commission to follow the prescribed City administrative directive and procedures</i>	12(a) - Directs the Commission to follow City reimbursement procedures.

<u>Recommendation</u>	<u>Bylaw Section(s)</u>
<i>regarding the reimbursement of travel and training expenses.</i>	
#29 <i>The OCA recommends that the Office of the City Clerk propose a revision to Bylaw 9304 Edmonton Police Commission Bylaw, requiring the Commission to advise Council of all suspected breaches of their Oath of Office and the results of the subsequent inquiry.</i>	6 - Includes a requirement for the Commission to report results of substantiated breaches to Council.

The City completed recommendations 9, 10, 11, and 12 by revising Policy #C472 Appointment Process to Certain Key Boards. The following table summarizes the recommendations and the related sections of the revised policy.

<u>Recommendation</u>	<u>Policy Section</u>
#9 <i>The OCA recommends that the Office of the City Clerk review and update City Policy C472B, Appointment Process to Certain Key Boards.</i>	Minor editorial changes were made to the policy. (Policy still skips # 8.3.3)
#10 <i>The OCA recommends that the Office of the City Clerk prepare revisions to Policy C472B, Appointment Process to Certain Key Boards, so that Council is provided adequate information about the individual serving as the current Commission's Chair to assist them in determining whether or not the individual should be considered for reappointment as a Commissioner for a future term.</i>	6 - Requires an evaluation of the Chair before re-appointment to the Commission.
#11 <i>The OCA recommends that the Office of the City Clerk prepare revisions to Policy C472B, Appointment Process to Certain Key Boards, so that Council has explicit authority to determine whether or not to validate references before appointing individuals as Police Commissioners</i>	8.3.4 - Allows council to direct the consultant to conduct reference checks.
#12 <i>The OCA recommends that the Office of the City Clerk prepare revisions to Policy C472B, Appointment Process to Certain Key Boards, so that Enhanced Security Clearances are conducted and the information considered before Council appoints an applicant as a Police Commissioner.</i>	12 - Requires candidates who are short listed to complete a police information check prior to their interview.

The city completed recommendation 23 by revising Policy C476B Civic Agencies Reporting. The following table summarizes the recommendation and the related sections in the revised policy.

<u>Recommendation</u>	<u>Policy Section</u>
#23 <i>The OCA recommends that the Office of the City Clerk review Policy C476A, Civic Agencies Reporting, and update as necessary so that the Appointment report is provided to Council (section 7) and that it is mandatory that the evaluation results be shared with the Commissioner being evaluated (section 10).</i>	7(4) and 10(1)(a) - Requires City Agencies to provide an Appointment Report to Council.

The Office of the City Clerk brought recommendations 13, 14, and 15 before Council on September 27th and 28th, 2005. The motions failed at Council. The following table summarizes the recommendations:

<u>Recommendation</u>	<u>Action</u>
#13 <i>The OCA recommends that the Office of the City Clerk prepare revisions to Policy C473B, Appointment of Members of Council to Civic Agencies, so that Enhanced Security Clearances are conducted and the information considered before Council appoints a Councilor as a Police Commissioner.</i>	Failed at Council.
#14 <i>The OCA recommends that the Office of the City Clerk prepare revisions to Policy C472B, Appointment Process to Certain Key Boards, so that Enhanced Security Clearances be conducted and the information considered before re-appointing an applicant as a Police Commissioner. This should be updated at a minimum of every 3 years.</i>	Failed at Council.
#15 <i>The OCA recommends that the Office of the City Clerk prepare revisions to Policy C473B, Appointment of Members of Council to Civic Agencies, so that Enhanced Security Clearances are conducted and the information considered before re-appointing a Councilor as a Police Commissioner. This should be updated at a minimum of every 3 years.</i>	Failed at Council.

Commission Recommendations

The following table summarizes the status of the 17 recommendations made to the Commission:

<u>Recommendation</u>	<u>Status</u>
#1 <i>The OCA recommends that the Commission develop and deliver a comprehensive, ongoing orientation and training program.</i>	Completed The Commission developed and then delivered a comprehensive orientation and training program on January 7, 2006.
#2 <i>The OCA recommends that the Commission consider establishing an internal audit function that reports directly to it on a functional basis, with the Chief providing administrative support.</i>	Completed At the January 17, 2007 Commission meeting the Chief provided a report titled “Establishing and Internal Auditor within the Edmonton Police Service”.
#4 <i>The OCA recommends the Commission formally delegate the power to appoint police officers per Section 36 of the Police Act to the Chief of Police.</i>	Completed On April 20, 2005 the Governance Committee moved that the Commission delegate the power to appoint police officers to the Chief of Police.
#5 <i>The OCA recommends that the Commission develop a “Police Service Executive Appointment” policy to guide the Chief of Police when developing his/her executive team.</i>	Completed Policy and Procedure Manual updated: Appointment of the Chief of Police 3500 – The Commission will ratify the hiring of all Deputy Chiefs of Police and the Chief Administrative Officer of the EPS.
#6 <i>The OCA recommends that the Commission develop a set of guiding principles describing how to carry out its oversight role of public complaints, as required by the Police Act.</i>	Completed The Commission established an Internal Affairs Oversight Committee. The terms of reference for this committee outline how it is to carry out its oversight role of public complaints.
#7 <i>The OCA recommends that the Commission develop a policy/procedure documenting how the guiding principles</i>	In progress The Internal Affairs Oversight Committee is developing policies to

<u>Recommendation</u>	<u>Status</u>
<i>regarding the oversight of public complaints are to be implemented, including the role of the Public Complaints Monitor.</i>	guide them in fulfilling their role as set out in the terms of reference for their committee. The Committee will have policies ready for review by the end of 2007.
#8 <i>The OCA recommends that the Commission develop a policy/procedure for the extension request process. The procedure should include clarifying the information required as well as any role expectations for the Public Complaints Monitor.</i>	In progress The Internal Affairs Oversight Committee is developing policies for the extension request process. The Committee will have policies ready for review by the end of 2007.
#18 <i>The OCA recommends that the Commission correct the payment errors attributed to clerical error and design process controls to avoid recurrence of the error.</i>	Completed The Commission has satisfactorily addressed all the payment errors we observed.
#19 <i>The OCA recommends that the Commission ensure that all Commission meetings are duly constituted, contain a quorum, and that minutes (including decisions made, time and duration of the meeting, and those in attendance) are taken.</i>	Completed Policy and Procedure Manual Updated: Governance of the Commission 2000 (9.3) – minutes are taken Meetings of the Commission 2201 (4) – quorum is a majority of Commission members excluding Councillors appointed to the Commission Organization 2712 (2.2) – quorum is 50% of the total membership (2.3) a simple majority of the members of a committee present and voting is required to pass a resolution. Duties of the Chairperson 2713 (3.3) – Approve the minutes prior to distribution
#20 <i>The OCA recommends that the Commission review the Edmonton Police Commission Honorarium Policy and bring forward for Council approval a proposed payment structure that removes the need for Commission administration to apply</i>	Completed A new honorarium policy was approved by Council on January 16, 2007.

<u>Recommendation</u>	<u>Status</u>
<i>judgment to determine the correct amount to be paid.</i>	
#21 <i>The OCA recommends that the Commission establish a process to ensure that an Activity Report is provided to Council by March 31 of each year per the requirements of Section 6 of City Policy C476A, Civic Agencies Reporting.</i>	In progress The Commission did not provide an Activity Report to Council for 2005, but they have committed to provide one for 2006.
#22 <i>The OCA recommends that the Commission develop a description of the role and duties and the performance criteria for members and the Chair per the requirements of Section 8 of City Policy C476A, Civic Agencies Reporting.</i>	In progress The Chair and Executive Director of the Commission have initiated this process and the Commission will complete it by June 2007.
#26 <i>The OCA recommends that the Commission work with the new Chief to update the working relationship agreement.</i>	Completed The Commission has developed and published a Strategic Plan that replaces the Working Relationship Agreement.
#27 <i>The OCA recommends that the Commission require that Enhanced Security Clearances be conducted for all staff members and contractors who are provided access to sensitive police information. This requirement and the supporting process should be documented in the Edmonton Police Commission Policy and Procedure manual.</i>	In progress The Commission requires enhanced security clearance for all staff; however, they have not updated their Policy and Procedures Manual to reflect this requirement. They will complete this by the end of 2007.
#28 <i>The OCA recommends that the Commission enhance the Code of Conduct by requiring anyone who is aware of a possible breach to inform the Commission as a whole. This should be supported by procedures to guide the Commission regarding the appropriate action(s) to take to investigate and conclude the matter.</i>	In progress The City has revised Bylaw 14040, The Edmonton Police Commission Bylaw to require the Commission to develop a protocol and submit it to Council for review. The Commission is developing a protocol and will bring it forward to Council before the end of 2007.

<u>Recommendation</u>	<u>Status</u>
#30 <i>The OCA recommends that all communication on behalf of the Commission be duly authorized. Where an individual presents their own opinion, they must disclose that it is not the opinion of the Commission.</i>	Completed Policy and Procedure Manual updated: Communication 4100 -Policy is that the Chair or designate shall be the official spokesperson for the Commission. Any member who expresses disagreement with a decision of the Commission shall make it clear that the member is expressing a personal opinion and not the opinion of the Commission.
#31 <i>The OCA recommends that, when providing instructions to the Chief of Police as authorized by the Police Act, the Commission formally document the instructions given by ensuring that the direction is duly passed and recorded in the Commission meeting minutes.</i>	Completed The Commission formally documents the direction it gives to the EPS through the Chief of Police.