

City of Yellowknife  
**Municipal Enforcement Division**  
**Operational Review**

*perivale + taylor consulting*

October 2014

## Executive Summary

The City of Yellowknife directed an operational review of the Municipal Enforcement Division (MED); the MED falls within the scope of the Public Safety Department (PSD). The purpose is to review and evaluate the current organizational structure to ensure the optimal effectiveness and efficiency of the operations of the Division are realized for current and future needs of the city's residents.

The *Review* is based on interviews with the Mayor and Councillors, Officers of the MED, senior City staff, representatives of the Government of Northwest Territories (GNWT), and representatives of the RCMP; document examination, quantitative analyses of workload data, ride-alongs, a literature review, and comparisons with a number of Canadian by-law enforcement agencies.

The Report of the *Review* includes observations on the mandate, legal authority, priorities and goals, policies and procedures, service methodologies, shift models, comparator agencies, operating structure, staffing, IT requirements, training, and job descriptions.

These observations form the foundation for the MED Strategic Plan, a separate document, and include,

### Short term

- Enhancement of Training and Job Descriptions
- Rationalization of Policies and Procedure
- Consideration of the restructuring of MED
- Re-assessment of the parking enforcement function

### Medium Term

- Liquor Act Inspector appointment for the protection of vulnerable persons and the removal of illegally possessed liquor as preventative measures
- Strategic Direction and Accountability
- Processes for the development of goals

### Long Term

- Development of the IT system to include Computer Aided Dispatch (CAD) and a records management system (RMS) enabling analyses of workload and more precise measurements of staffing requirements and deployment
- The consideration of rationalizing the numerous bylaws into a community standards bylaw

## **Acknowledgements**

Throughout the course of the *Review* many contributed to the gathering of information, the discussion of processes and strategies, and the development of ideas to enhance the services of the Municipal Enforcement Division (MED).

The *perivale + taylor* team greatly appreciates the support and assistance from the City project manager, elected officials, the staff of the City of Yellowknife, the Officers and staff of the MED, the Government of the Northwest Territories Department of Justice, and the RCMP Yellowknife Detachment.

These contacts were active and supportive in their participation in the *Review* and provided constructive insights into the many issues concerning the provision of by-law enforcement services for the residents of Yellowknife.

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## **1 Introduction**

### **1.1 Municipal Enforcement Division**

The Municipal Enforcement Division (MED) falls within the scope of the Public Safety Department (PSD) of the City of Yellowknife. The MED is responsible for the administration and enforcement of a variety of municipal by-laws and Territorial acts.

The stated goal of the division is:

*“to serve the citizens of Yellowknife by performing our duties in a prompt, fair, consistent, and competent manner to ensure that Yellowknife remains a safe, clean, enjoyable place to work, live, or visit.”<sup>1</sup>*

MED employs twelve personnel, comprised of seven enforcement officers<sup>2</sup>, two supervisor officers, one manager, and two clerks. The Manager of MED is one of two positions reporting to the Director of Public Safety; the other position is the Fire Chief for the City of Yellowknife. The Director reports to the Senior Administrative Officer (SAO).

This *Review* was initiated by Council as part of an ongoing review of City services. The *Review* is based on consultation with a broad range of stakeholders, evaluation of the organizational structure, analyses of workload, examination of policies and procedures, and staffing and training to ensure the optimal effectiveness and efficiency of the operations. In addition, examinations of other by-law enforcement and similar municipal programs across Canada were conducted to place the MED in a broad context.

The *Review* follows a form-follows-function approach, flowing through the various analyses to reach logical and empirical findings and options, resulting in the recommendations.

### **1.2 Methodology used in conducting the Review**

#### **1.2.1 Interviews**

- Mayor and Councillors
- SAO and City administration
- MED personnel
- Representatives of the Government of North West Territories (GNWT)
- Representatives of the RCMP Yellowknife Detachment
- Representatives of other emergency services in Yellowknife
- Representatives of other municipal bylaw agencies, and
- Ride-alongs

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<sup>1</sup> City of Yellowknife website May 2014 and RFP

<sup>2</sup> See later nomenclature discussion. The terms 'Constable', 'Enforcement Officer', 'Patrol Officer', 'Member', and 'Officer' are used in documents issued by MED to describe the personnel with enforcement responsibilities. The term 'officer' will be used throughout this report.

### 1.2.2 Document and Data Examination

- City of Yellowknife and MED Policies and Procedures
- MED course training standards and training records
- Territorial and Provincial Legislation
- City By-laws
- Relevant City and MED literature
- A comparison of, and contact with, other similar Canadian enforcement programs
- Analysis of workload data
- A literature review

### 1.3 Organization of the Report of the Review

The content of the report is based upon the topic areas outlined in the mandate of the *Review* established by the City;<sup>3</sup> the background under each section is followed by *Observations* which summarize each topic area which are then consolidated later in the Report as *Findings*. The *Findings* provide focus and foundation for the *Strategic Plan*.

For convenience, the Review report includes three discrete documents,

- the Operational Review
- the Strategic Plan
- Appendices

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<sup>3</sup> City of Yellowknife RFP# 13-074, December 2013

## 2 The Context of MED

### 2.1 Legal Authority, Mandate, and Mission

The earliest by-laws provided to the *Review* date from 1950 and 1959 relating to ‘dogs’ and ‘traffic’ respectively. The earliest-provided reference to the bylaw enforcement function is the *Enforcement Officer By-law* of 1969

*A by-law to appoint a by-law enforcement officer, defining his duties ... Pursuant to section 125 of the Municipal Ordinance, being chapter 73 of the Revised Ordinances of the Northwest Territories, 1956.*

Currently, under section 137(1) of the *Cities Towns and Villages Act*, Council may appoint bylaw officers to enforce any or all of its bylaws and may establish their specific duties. The most recent relevant Bylaw 4294, the *By-law Officers By-law*, January 2004 reads

*A by-law of the Municipal Corporation of the City of Yellowknife ... to provide for the appointment of By-law Officers;*  
*Pursuant to Section 171 of the Cities, Towns, and Villages Act ...*  
*WHEREAS the Council of the Municipal Corporation of the City of Yellowknife deems it desirable to appoint By-law Officers for the enforcement of Municipal By-laws in the City of Yellowknife;*  
*“By-law Officer” Means a person who is appointed in accordance with the Cities Towns and Villages Act as a By-law Officer to enforce the by-laws of the City of Yellowknife and any peace officer who is entitled by law to enforce the by-laws of the City of Yellowknife.*  
*“Constable” means the rank given to a By-law Officer<sup>4</sup>*

The City’s mandate for the MED, in addition to the by-law above, may be assumed through the following three City policies provided to the *Review*: The complete details are included in Appendix 2.1.

- Duties and Functions including ‘role of the By-law Division’ – undated
- Goals & Objectives MED – undated
- Statutory Powers, dated 1991-11-15

In addition to the goals and objectives described above under, the *Review* was provided with a document, *MED Mission Statement and Goals and Objectives*, including goals and objectives for the years 2014, 2015, and 2016. Other policy and procedural documents include *Standard Operating Guidelines for Municipal Enforcement Division* (dated 3/21/2010), *Direction on Duties* (dated June 2 2010), *Policies and Procedures – Statutory Powers*, and *Policies and Procedures – Patrol Vehicle Operation* (undated).

The above policies and procedures are included in Appendix 2.

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<sup>4</sup> The use of the term ‘constable’ is addressed later in the Report



In total, the *Review* was provided, over a period of time, with over 50 bylaws, policy, and procedural documents. Appendix 4.2 includes the complete list.

## Observations

There is inconsistency within the various MED policies and background mandate-related documents. Goals and objectives should be determined annually with the ability to adjust as circumstances change. There is no indication of what input and evidence were used in determining the current goals and objectives and there is no authoritative source document to provide appropriate direction for deployment and enforcement activities at the strategic level.

The numerous City policies and procedures directing the MED are not immediately accessible<sup>5</sup> to the MED Officers and the broad range of responsibilities is not reflected in the current operating procedures.

The most significant issue concerning mandate and expectations relates to downtown disorder issues, usually attributed to liquor consumption and abuse. Various directives and procedures require MED foot patrol in the downtown and involve liquor-related issues:

- the *Standard Operating Guidelines for Municipal Enforcement Division*<sup>6</sup> (*Foot Patrol of downtown core*) and
- *Job Descriptions*(*conducting foot patrols in and around the Central Business District*) (*providing on-site security at the Yellowknife Public Library*) (*conducting foot patrols in the business section of the city*), and
- *Directions on Duties*<sup>7</sup> (...officers may transport DIPP<sup>8</sup> to the RCMP cells).

Consequently, there is a tension between the issues faced by MED Officers and their lawful authority. MED Officers are not “inspectors”<sup>9</sup> as prescribed by the *Liquor Act* and consequently do not have the authority to seize liquor unlawfully used or possessed<sup>10</sup> nor to apprehend intoxicated persons who are unable to take care of themselves and take them to a place of safety.<sup>11</sup>

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<sup>5</sup> The Review was not provided and was unable to locate a central, easily accessible source of the many policies, procedures, and bylaws

<sup>6</sup> See Chapter 3.1

<sup>7</sup> See Chapter 3.1

<sup>8</sup> DIPP: vernacular for *drunk in public place*, or under 87.(1) No person shall be intoxicated in a public place

<sup>9</sup> Liquor Act section 106. (1) The Minister may appoint inspectors for the purposes of this Act and the regulations

<sup>10</sup> Liquor Act section 107.(1) An inspector acting in his or her capacity as an inspector and in the performance of his or her duties under this Act or the regulations, has all the powers and protections of a peace officer under the Criminal Code and the common law

<sup>11</sup> Liquor Act s.87 (2) apprehend, (3) cause injury to himself or herself or be a danger, nuisance or disturbance to others

The *Review* was advised that the City of Yellowknife had two meetings with representatives of the GNWT and RCMP regarding this matter. In October 2013, the City submitted a letter to the Deputy Minister of Finance proposing that MED Officers be provided with the authority under the *Liquor Act* to better address liquor abuse issues.<sup>12</sup>

Overriding all other considerations is the need for overall strategic direction and accountability. The function of the MED is more closely aligned with the policing and law enforcement continuum than most municipal bylaw functions in the provinces. Based upon the above, MED officers intervene in public places and have the authority to restrict or remove the liberty and freedom of members of the public.

It is essential for accountability, transparency, and credibility that an effective framework for overall strategic direction and accountability is established. It is also essential to maintain Officers' lawful discretion based upon reasonable grounds and evidence. This is more similar to policing models than municipal functions that provide a service without such an invasion of liberty. Across Canada, policing legislation provides for the separation between politics and police operations but also provides for strategic direction from the chief officer of the jurisdiction (minister or mayor or board) with corresponding reporting by the chief of police or officer in charge on the implementation of the jurisdiction's priorities.

The *Territorial Police Service Agreement* (TPSA) between the Government of Northwest Territories and the Government of Canada provides the Territorial Police Service.<sup>13</sup> Unlike Provincial Police Service Agreements (PPSA), the TPSA does not provide for municipal police service agreements between Canada and a municipality, such as the City of Yellowknife.<sup>14</sup> The RCMP acting under the TPSA as the Territorial Police Service aids the Territory in the administration of justice by implementing the territorial policing objectives, priorities and goals as determined by the Territorial Minister.<sup>15</sup> Without the legislative authority of a territorial police act, the City of Yellowknife, or any other municipality in the Territory, is not able to establish a municipal police force. Alberta introduced a *Peace Officer Act* which allows 'authorized employers'<sup>16</sup> to engage the services of a peace officer. In these circumstances the peace officer functions replace the contracted RCMP or municipal police role and the cost of the peace officer service is offset by the reduced police cost. Following on from the Alberta example, in the case of

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<sup>12</sup> See Appendix 2

<sup>13</sup> TPSA 2012-2032

<sup>14</sup> TPSA Article 10

<sup>15</sup> TPSA Introduction Section G

<sup>16</sup> Section 5.3 (3) The Minister may issue an employer's authorization to an applicant and may impose any terms and conditions on the employer's authorization that the Minister considers appropriate. Employers are typically municipalities

Yellowknife, without a city-funded detachment, the peace officer costs would be in addition to the policing costs.

The Territorial Minister sets the objectives, priorities and goals of the Territorial Police Service.<sup>17</sup> The internal management of the Territorial Police Service, including its administration and the determination of professional police standards and procedures, remain under the control of Canada,<sup>18</sup> and the deployment of police resources is determined by the RCMP Commanding Officer.<sup>19</sup> Consequently, the City of Yellowknife has limited influence upon the priorities and staffing of the Yellowknife RCMP Detachment. The specific enforcement of bylaws is not addressed in the TPSA.

The continuum of bylaw enforcement into Territorial statutes and Criminal Code matters is frequently affected by the interpretation of public interest and safety: bylaw violations that border on *causing a disturbance*<sup>20</sup> or the likelihood of violence are often responded to by either by-law enforcement or the public police, in Yellowknife the RCMP.

In contrast, the British Columbia Municipal Police Unit Agreement (MPUA, and similar agreements across Canada)<sup>21</sup> for the provision of RCMP municipal police services provides for the Mayor<sup>22</sup> to set objectives, priorities and goals for the RCMP Detachment that are not inconsistent with those of the Minister for other components of the provincial police service. In practice, most municipalities have established a process representing the mayor and council, and senior municipal staff.

The MPUA includes a specific provision for police enforcement of municipal bylaws.

*The Member in Charge of a Municipal Police Unit will when enforcing the by-laws of the Municipality, act under the lawful direction of the CEO or such other person as the CEO may designate in writing. The Member in Charge of a Municipal Police Unit will report as reasonably required to either the CEO or the designate of the CEO on the matter of law enforcement in the Municipality and on the implementation of objectives, priorities and goals for the Municipal Police Unit.*<sup>23</sup>

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<sup>17</sup> TPSA Article 6.1

<sup>18</sup> TPSA Article 6.2

<sup>19</sup> TPSA Article 7.2 (a)

<sup>20</sup> Criminal Code section 175

<sup>21</sup> BC Ministry of Justice. Standard Agreement 2012-2032

<sup>22</sup> The Agreements use the term CEO, defined as: Chief Executive Officer or “CEO” means the mayor, reeve, warden or other head of the Municipality, however designated, and includes such delegate approved, from time to time, by the municipal council. MPUA Article 1.1 (b) definitions

<sup>23</sup> MPUA Article 5

However, the independence of the policing operational function is addressed by

*The internal management of the Municipal Police Service, including its administration and the determination and application of professional police procedures, will remain under the control of Canada.<sup>24</sup>*

Provincial police acts also reflect the overall accountability and priorities of municipal police departments. For example, the BC *Police Act* directs

*In consultation with the chief constable, the municipal police board must determine the priorities, goals and objectives of the municipal police department.<sup>25</sup>*

and

*The chief constable must report to the municipal police board each year on the implementation of programs and strategies to achieve the priorities, goals and objectives.<sup>26</sup>*

Consequently, the RCMP agreements and police acts provide an effective framework for overall accountability and strategic priorities but at the same time prevent political interference in the independence and everyday deployment and operations of the police.

Given the power and expectation of MED officers to intervene in public places and the authority to restrict or remove the liberty and freedom of members of the public, a similar concept is appropriate for the City of Yellowknife and the MED.

Council has a legitimate role in establishing annual strategic and high level priorities. However, it is essential that Councilors do not step out of their role as a policy and governance body by becoming involved in operational issues nor individual incidents. The everyday operations of the MED are a matter for the MED Manager under the policies of senior City staff.

This concept is addressed in Findings and the Strategic Plan.

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<sup>24</sup> MPUA Article 4.1

<sup>25</sup> Police Act Section 26 (4)

<sup>26</sup> Police Act Section 26 (5)

## 2.2 Literature Review

### 2.2.1 Introduction

The following literature review summary highlights issues which apply to MED both as a public service and a quasi-policing function. In this section the *Review* observations are included following the discussion of each issue.

### 2.2.2 Policing Costs and Consequences

Financial austerity will be the restructuring context for policing in the immediate future. Rapidly rising policing expenditures are a concern to Canadians who feel that the police may be pricing themselves out of business<sup>27</sup> despite the stability of the volume of calls for public service. Leuprecht noted that considerable work now completed by highly trained, well-paid, and experienced uniformed officers is only loosely related to law enforcement and could be done as well or better, and more cheaply by someone else, freeing police to do their core job.<sup>28</sup>

#### Observations

This context has implications for the City of Yellowknife and MED where the boundary between by-law enforcement, public order maintenance, and criminal behaviours is blurred. It is further complicated by the nature of Territorial-funded public police and City-funded by-law enforcement.

### 2.2.3 Organizational Structures

When viewed from the knowledge management infrastructure perspective, organizational structure was the single most common impediment identified, followed closely by organizational culture.<sup>29</sup>

#### Observations

This issue affects MED in the relationship with the local RCMP where the two organizations are prescribed by differing legislation and information-sharing policies, but often address overlapping and connected issues.

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<sup>27</sup>Leuprecht, Christian. (March 2014). The Blue Line or the Bottom Line of Police Services in Canada? Arresting runaway growth in costs. A Macdonald-Laurier Institute Publication

<sup>28</sup>Leuprecht, Christian

<sup>29</sup>Abrahamson, D. E., & Goodman-Delahunty, J. (2014). Impediments to Information and Knowledge Sharing Within Policing. SAGE Open, 4(1)

#### **2.2.4 Evidence-based Priorities and Goals**

Political, social, economic, and environmental influences, more often than not, determine which service delivery measures are selected, implemented, expanded, or dismissed, and how they are prioritized. For example, crime prevention should be adopted as a policy principle to complement traditional law and order policy, however, shifting priorities, scarcity of resources, changes in administrations and the influence of public opinion make it difficult to implement and sustain long term policy and practice.<sup>30</sup> Evidence-based priorities and goals provide both strategic and tactical direction. These goals can be described in both quantitative and qualitative terms. That is, simply, a quantitative measure such 'tickets issued', must be based upon a sound rationale describing the 'why' and an equally sound assessment of the impact upon the stated goal of the division, see 1.1, above.

#### **Observations**

This issue underscores the importance of thoughtful and evidence-based MED priorities and goals.

#### **2.2.5 Core police functions and the public safety continuum**

Leuprecht questions why police are performing so many non-core policing duties when other jurisdictions are delivering as, or more, effectively, efficiently, and productively through alternative service delivery in the form of both civilianization and outsourcing.<sup>31</sup> This depends upon an understanding of 'what is to be done' and the development of an appropriate division of labour to achieve this.

#### **Observations**

The high priority of the City of Yellowknife and MED to address liquor-related disorder in the downtown may not be a high priority for the RCMP where the priorities are largely criminal and the threat of immediate harm to a person. This argument supports the appointment of MED Officers as Inspectors under the Liquor Act, not as an enforcement focus, but as safety and preventative tools: the apprehension of an intoxicated person who may harm themselves or others and the removal of liquor unlawfully possessed in order to prevent future disturbances.

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<sup>30</sup>Tonry and Farrington, 1995; Gest, 2001; Waller, 2006

<sup>31</sup>Leuprecht, Christian.(March 2014)

### 2.2.6 City role in public safety

Local governments have a role to play in mobilizing key stakeholders, developing local actions plans, and implementing short and long term solutions accomplished through collaboration with and support from other orders of government. While local governments often profess to have the lead role in crime prevention, they often lack authority to demand accountability from agencies and organizations that have a key role in crime reduction.<sup>32</sup> The involvement of municipal governments in local crime prevention and community safety initiatives is important because this governmental level is best able to identify local crime problems and the conditions that contribute to them. There is a need for communication between state and local government about transferring authority and decision-making powers to local government,<sup>33</sup> securing resources, considering the non-recurrent nature of most funding, and agreements about expectations and outcomes.<sup>34</sup>

#### Observations

This paragraph underscores the need for Territorial – City discussions regarding the most effective and appropriate mandate for MED (and RCMP<sup>35</sup>), especially the Liquor Act issue.

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<sup>32</sup>Cherney, Adrian. (2006) The role of local government in crime prevention: an overview. *Local Government Reporter*, 5(3-4): 25-28. See also addition discussion regarding oversight and accountability, 5

<sup>33</sup> Yellowknife example of the need for powers under the *Liquor Act*

<sup>34</sup>Cherney, Adrian. (2006) The role of local government in crime prevention: an overview. *Local Government Reporter*, 5(3-4): 25-28

<sup>35</sup> The mandate of the *Review* concerns the MED. Although the activities of the MED and RCMP are, ideally, dovetailed, the *Review* does not include RCMP strategies

### 3 Service Delivery

#### 3.1 Methodologies

In practice, the MED service delivery is directed by

- the *Standard Operating Guidelines for Municipal Enforcement Division*,<sup>36</sup> an unsigned undated document
- a memorandum *Direction of Duties*, dated June 2 2010 from the MED Manager to all Enforcement Officers
- a policy and procedures document, *Municipal Enforcement Division Policies and Procedures, Red Section, Statutory Powers*<sup>37</sup>, issued by the MED Manager, dated January 3, 2013
- a policy and procedures document, *Municipal Enforcement Division Policies and Procedures, Red Section, Patrol Vehicle Operations*<sup>38</sup>, issued by the MED Manager, dated January 3, 2013
- an undated and unsigned document including *Municipal Enforcement Division Mission Statement*, and *MED 2014-2015-2016 Goals and Objectives*<sup>39</sup>

In the course of interviews during the *Review*, it was asserted that other older City policies and procedures are not available to MED Officers.<sup>40</sup> The specific policies and procedures provided to the *Review* are addressed in greater detail in Chapters 4 and 5.

MED conducts mobile patrols within the *Standard Operating Guidelines*, and the focus is mainly on traffic enforcement; a specifically directed area is school zones speed limit enforcement. Territorial traffic offences are prosecuted through a Territorial summons,<sup>41</sup> which includes a court date or the opportunity for the accused to plead guilty. Officers have the authority to issue a Notice of Suspension/Disqualification under the *Motor Vehicles Act* if the officer believes the driver's ability to drive is affected because of alcohol or drugs. A Compliance/Warning Notice can be issued requiring the driver to rectify vehicle deficiencies or to remove the vehicle from the road.

Officers conduct foot patrols in the downtown area in the vicinity of the City Library, and bicycle patrols in trail areas during the summer and in winter months undertake snow mobile patrols.<sup>42</sup> MED assist the RCMP in CheckStops<sup>43</sup> for traffic violations and impaired driving, at accident

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<sup>36</sup> DOCS-#183867 Created on 3/21/2010

<sup>37</sup> Docs # 185203

<sup>38</sup> Docs # 341996

<sup>39</sup> See Appendix 2.2

<sup>40</sup> See Appendix 4.2 for a complete list of bylaws, policies, and procedures provided to the Review over a period of time

<sup>41</sup> NWT 10412/0810 referred to as a SOTI

<sup>42</sup> Bicycle and snowmobile training issues are addressed in Chapter 6.4

<sup>43</sup> A process of stopping all traffic to check for various violations



scenes and major events which require traffic or crowd control. They also participate in bike rodeos and, with the RCMP, in community events such as 'Take back the Night'.

MED officers are dispatched in response to calls from the public, although the MED statistics do not identify the number or proportion of public-initiated activities compared to officer-initiated. The public can call two non-emergency numbers which are identified on the City website<sup>44</sup> under Contact Information, Municipal Enforcement at 920-5630 or 920-2737 after office hours, and there is an email link directly to MED on the webpage; however, another webpage<sup>45</sup> provides the MED number as 867-920-5694.

During office hours, the call is routed to the MED office at City Hall. Incoming calls are answered by whoever is in the office. Outside of office hours, calls are routed to the Public Works Department, referred to as "The pump house".<sup>46</sup> This is a 24-hour facility operated by the Yellowknife Fire Division. Fire Division staff receive incoming calls and redirect to MED personnel. The RCMP, which used to have direct access to the MED channel, has recently become a digital-based communications system. This is not available to MED and the MED channel is no longer monitored by the RCMP. In 2015, a new City dispatch centre is planned to provide call receipt and dispatch services to the Fire Service and to MED and other City services which use radio communication.<sup>47</sup>

MED has responsibility for the enforcement of parking meter violations. Parking meters are, currently located in the downtown core.<sup>48</sup> One Level 1 Enforcement Officer<sup>49</sup> patrols on foot the metered streets Monday to Friday and issues handwritten Notices of Violation (NOV). NOVs are also used for all other parking violations. The four year trend is illustrated in the following table.<sup>50</sup>

Year	Number of NOVs	Number of Summonses	% of Summonses
2010	10,947	2,357	22%
2011	12,532	2,182	17%
2012	11,566	2,583	22%
2013	11,329	2,376	21%
Total	46,374	9,498	20%

<sup>44</sup> [www.yellowknife.ca/City\\_Hall/Departments/Public\\_Safety/MunicipalEnforcementDivision/ContactInformation.html?PageMode=Print](http://www.yellowknife.ca/City_Hall/Departments/Public_Safety/MunicipalEnforcementDivision/ContactInformation.html?PageMode=Print)

<sup>45</sup> [www.yellowknife.ca/PhoneDirectory/Department\\_Main\\_Phone\\_Numbers.html](http://www.yellowknife.ca/PhoneDirectory/Department_Main_Phone_Numbers.html)

<sup>46</sup> This practice will continue until 2015 when 'full dispatch' is scheduled to be introduced

<sup>47</sup> Part of a multi-year implementation

<sup>48</sup> A proposal to Council is pending regarding the expansion of parking meter coverage to encompass a larger portion of the downtown area. City of Yellowknife Staff

<sup>49</sup> Level I Officer position has a lower level of law enforcement qualifications than Level II Officers. See Chapters 5.3 Job Descriptions and 6.4 Training for complete details

<sup>50</sup> MED Performance Measures document

The administrative and operational resources dedicated to the follow up investigation of unpaid NOVs – the summons process – are estimated at one clerk and the equivalent of one officer. In 2014, the MED projects 12,000 NOVs and 2,400 summonses. The entire process is described in detail in Appendix 3.1.

The *Review* was advised that the City of Yellowknife had discussions with the GNWT and is preparing to request amendments to the *Summary Convictions Procedures Act* to deal more efficiently with parking-related infractions including:

- Service of summonses for parking offences by mail.
- Allowing courts to convict in absence, persons who do not appear for parking offences.
- A simpler process for quashing convictions made in error.

The 2014 projected MED budget revenues indicate enforcement activities as over \$800,000, in addition to the parking meter revenues of \$495,000, and fees for licenses/permits of over \$90,000.<sup>51</sup> It should be noted that the revenues generated by MED were frequently mentioned during the *Review* and this issue is addressed later in the report.

MED is also responsible for the ‘coin-drops’ from parking meters and from bus fare coin boxes on public transit. The MED Manager and the Director conduct coin counts. The bus ‘coin drop’ process is not included in the job descriptions but is included in the *Standard Operating Guidelines* and the *Duties and Functions*<sup>52</sup> City Policies.

MED clerical staff provides support services by filing paper copies of NOVs and SOTIs and updating files as payments are made. The staff prepares and arranges for a summons information to be sworn before a JP.<sup>53</sup> Summonses resulting from NOVs are filed by hard copy and assigned to officers by a supervisor who then monitors the progress of locating the accused and serving the summons.

The MED officers conduct the prosecution of NOVs and SOTIs. As cases are becoming more complex and more accused are retaining legal representation, there is a corresponding view of MED officers that it is more appropriate for the City Legal Services and Corporate Policy section to conduct prosecution on behalf of MED. On such occasions, the case is adjourned and a new hearing date is set.

A description of the various activities is included in Appendix 6.1.2.

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<sup>51</sup> MED Budget 2014

<sup>52</sup> Duties and Functions including ‘role of the By-law Division’, section 2, *Collect revenue* – undated see chapter 2.1

<sup>53</sup> See Appendix 3.1 for a detailed outline

## Observations

### **Goals and Objectives**

MED has not developed meaningful and effective goals and objectives nor a strategic business plan which flow from the Vision and Goals and Objectives defined for the City.

The enforcement methodologies are driven to a limited degree by calls from the public but more directly by the *Standard Operating Guidelines* mentioned above. The *Guidelines* are extremely prescriptive in parking and traffic enforcement but vague in other areas. They appear to have been established in 2010 and, together with the unchanging goals and objectives described in Chapter 2 above, do not provide evidence-based or effective nor flexible approaches to personnel deployment.

The Strategic Plan provides a process to develop Council's priorities, and goals and objectives for MED.

### **Public Perceptions**

In the 2014 Yellowknife citizen survey,

*social issues* dominated the public issue agenda. The most commonly mentioned social issue is "poverty/homelessness", followed by "housing/lack of affordable housing", "drug and alcohol abuse", and "social issues (unspecified)". Social issues have consistently been residents' number one issue since the City began asking this question in 2005.<sup>54</sup>

Citizens are satisfied with the overall level and quality of City services. Satisfaction with City services has increased significantly from 2010. Overall, these results suggest the City is on the right track with its service delivery. Well above majority approval, for ... traffic enforcement. The lowest level of satisfaction is seen for litter control, although most citizens are still satisfied with this service all the same. Primary areas for improvement include litter control,<sup>55</sup> traffic enforcement,<sup>56</sup> and sidewalk snow removal in the downtown core. These represent key services that could be improved. Moreover, these also represent the best opportunities for improving overall satisfaction.<sup>57</sup>

More than four-in-ten (42%) of those who feel the quality of life has worsened attribute this to the "high cost of living". All other responses are mentioned much less often, and

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<sup>54</sup>Ipsos Reid Survey Page 7

<sup>55</sup> 63% satisfaction – since 2006 litter control has varied from 46 to 63%

<sup>56</sup> 73% satisfaction – since 2006 Traffic enforcement has varied from 71 to 73%

<sup>57</sup> Specific relevant extracts from page 8

include “crime/public safety” (9%), “businesses are closing (8%) and homelessness (7%).<sup>58</sup>

### ***Unpaid parking ticket process***

The unpaid parking ticket follow-up procedural changes contemplated by the City could be enhanced by the failure to respond to the ticket as considered ‘*deemed convicted*’<sup>59</sup> and the penalty forwarded to the Department of Transportation for the outstanding fine to be paid as part of the vehicle relicensing. If this process was combined with electronic ticketing the administrative process and follow-up workload would be reduced to a minimal amount. This would permit considerably more resources to targeted enforcement and prevention.

As an interim process, as the initial ‘unpaid’ rate is approximately 20% but the final rate is 10%<sup>60</sup> - presumably half of the summonses are effective in reminding or convincing people to pay the fine. Consequently, accused persons who merely forgot to respond may respond to a reminder letter. If so, approximately one thousand summonses could be replaced by form letters which would reduce the administrative burden and resources required.

### ***Perceptions of conflict of interest***

MED is perceived by interviewees as possessing a mandate focused on revenue generation. The MED annual performance measures report includes ‘*Recovery rate of fines*’ with a figure of 90% which reinforces the revenue generation perception. Revenue collection is included in a City Policy mandate,<sup>61</sup> but this presumably refers to the physical collection of coin revenues and not a focus on activities to create revenue. This exposure to the concept of revenues may have the consequence of officers focusing upon enforcement activities which accrue the greatest financial benefit for the City.<sup>62</sup> Consequently, there is a perceived lack of emphasis upon the proactive strategies which support the higher ideal of public safety. Officers may perceive a requirement to issue NOVs or SOTIs to violators rather than consider longer term strategic and tactical approaches to address the spectrum of public safety and by-law issues.

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<sup>58</sup> Page 17

<sup>59</sup> British Columbia traffic law example: *deemed to have pled guilty* to the charge and the offence will be added d as a conviction. The full ticketed amount becomes immediately due and payable. Non-payment could affect the ability to obtain or renew license, insurance or even a permit from ICBC or other authorities depending on the offence. See [www.ag.gov.bc.ca/courts/tickets/provincial/info/faq.htm#no\\_within\\_30](http://www.ag.gov.bc.ca/courts/tickets/provincial/info/faq.htm#no_within_30)

<sup>60</sup>MED “recovery rate” 90%, Annual Performance Measures Report

<sup>61</sup>Duties and Functions including ‘role of the By-law Division’, section 2, *Collect revenue* – undated, see chapter 2.1

<sup>62</sup> It should be noted that ticket and other revenues flow into city general revenues, and not to the MED budget

Revenue generation must not be the *mandate* of a policing or law enforcement function. The mandate of MED is to provide public safety and enforcement services. Any revenues accruing from these activities are a budget planning matter for the Corporate Services Department.

### ***Parking meter enforcement vs. public nuisance enforcement***

Parking meters and enforcement are a different form of practice from the other by-laws frequently enforced by MED. Parking meters achieve the goal of creating fluidity in the downtown and assist the City in creating a busy and vibrant space, and assisting merchants and businesses and their customers. The concept is ‘user-pay’, either by renting parking space through the meter or paying a penalty for failing to pay. Consequently, the two types of user-pay create the desired result at little or no cost the City taxpayers. Parking meter enforcement is strictly a revenue-based process more closely linked to the Public Works and Engineering Department and the Corporate Services Department, quite different from other ‘public nuisance’ by-laws which are closer to the policing and law enforcement continuum and the use of lawful, coercive force. This difference is recognized by the establishment of a Level 1 Enforcement Officer function for parking meter enforcement and Level II Officer function for the broader law enforcement function including the anticipated use of coercive force.

Both functions require the legal status of a by-law enforcement officer to conduct enforcement, but otherwise they are completely different. Prior to 2009 the parking enforcement function was contracted out but was brought in house due to the inability of the contractor to staff the position.<sup>63</sup> Having both functions in the same City component with identical uniforms and overlapping responsibilities – but with different hiring criteria, job description, training, certification, and equipment – causes confusion and risk. Confusion in that the public are not aware of the differing job descriptions between the Level I meter enforcement officer and the Level II officers, and risk in that the Level I officer is placed in situations where the qualifications of training of Level II officers is requirement.

### ***Community Standards by-laws***

Several jurisdictions have introduced comprehensive by-laws which encompass offences related to ‘public nuisance’ and similar occurrences. Such a ‘community standards by-law’, implemented in Yellowknife, could address the types of disorder and nuisance incidents currently not addressed or enforceable under a by-law. An example of such a bylaw is found in Red Deer,

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<sup>63</sup> PY Request form June 28 2013

*“to prohibit certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly premises and public disturbances.”*<sup>64</sup> In addition to the typical bylaw issues, the Red Deer bylaw also includes fighting, loitering, panhandling, assembly of persons,<sup>65</sup> and curfew.<sup>66</sup> An advantage of such a bylaw is the centralization of all public safety, behavioral, and nuisance issues into one piece of legislation which would clarify the role of MED.

### ***Marked versus Unmarked Vehicles***

MED deploys both marked and unmarked vehicles and during the Review the efficacy of both were discussed. There are both advantages and disadvantages to the use of unmarked vehicles in law enforcement. The desirability of marked vs. unmarked is more pronounced in traffic enforcement than patrol and, more particularly, in various forms of directed vs. non-directed random enforcement. While some issues such as stealth, ‘halo’ or deterrent effect of marked vehicles, and the safety of officers are obvious, others such as liability, the loss of ‘deterrent’ vs. the ‘paranoia’ impact upon the public are more subtle. The impact of such use is also enhanced when supported by limited term public awareness campaigns regarding the targeted enforcement. As with the use of marked vehicles, the use of unmarked vehicles in traffic enforcement must be buttressed by policy and procedures which protect both the interests of officers and of the public.

<sup>67</sup>

Although considerable research has been devoted to the crime reduction effect of police patrol in general, there is an absence of empirical inquiry into the question of marked versus unmarked patrol cars.<sup>68</sup> However, in one study, an analysis of overt and covert mobile radar operations determined that the use of unmarked patrol cars or a mix of marked and unmarked vehicles had a casual effect on crash reductions. A combination of overt and covert mobile radar enforcement was deemed to have the bigger effect than one or the other.<sup>69</sup>

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<sup>64</sup>Bylaw No. 3383/2007 <http://www.reddeer.ca/media/reddeerca/city-government/bylaws/Community-Standards-Bylaw-3383-2007.pdf>

<sup>65</sup>Bylaw Part 3

<sup>66</sup>Bylaw Part 4

<sup>67</sup> <http://www.monash.edu.au/miri/research/reports/muarc187.pdf>; <http://www.ufv.ca/media/assets/ccjr/reports-and-publications/Research+Note+Series+--+Marked+vs+Unmarked+Patrol+Vehicles+2011.pdf>;  
[www.adeloylaw.com/unmarked-cop-cars-a-police-point-of-view/](http://www.adeloylaw.com/unmarked-cop-cars-a-police-point-of-view/)

<sup>68</sup> Larson and Cahn. A meta-analysis of police patrol did not make a single reference to this issue. 1985

<sup>69</sup> Diamantopoulou and Cameron 2002

### 3.2 Linkages

#### 3.2.1 Background

Ideally, the activities involved in the support of public safety in a community form a continuum of crime prevention and law enforcement. The continuum provides for a seamless process of involvement and mutual support for public safety ideals.

In 2006, in a broad review of community security, the Law Commission of Canada made the following observation,

*Many urban areas are witnessing not simply two-tiered policing but a continuum of agencies that are responsible for policing.<sup>70</sup>*

This underscores the need for an arrangement of services which are more than simply a vertical hierarchy of mutually exclusive agencies, typically private security, local by-law officers, and the public (municipal departments, contracted provincial/territorial) police services.

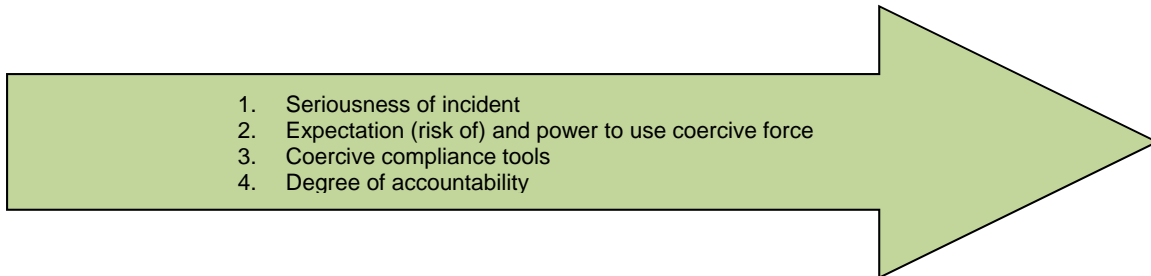
The Law Commission of Canada made the following recommendation:

*Public Security Boards or analogous institutions should have the ability to allocate their budget to providers of policing, whether public or private, according to their demonstrated capacity and suitability for contributing to the best overall policing of communities.<sup>71</sup>*

The following chart illustrates the relationship between the various components of the public-safety continuum.

#### Continuum of Crime Prevention, Law Enforcement, and Policing

Citizen	Community Agencies & Organizations	Business/ Private Enterprise	City <ul style="list-style-type: none"> <li>▪ Leadership</li> <li>▪ Coordination</li> <li>▪ Bylaws</li> </ul>	By-law Officers/ Municipal Enforcement/ Community Peace Officers <sup>72</sup>	Public Police <ul style="list-style-type: none"> <li>▪ Municipal</li> <li>▪ Provincial</li> <li>▪ Federal</li> </ul>
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<sup>70</sup>In Search of Security: The Future of Policing in Canada Law Commission of Canada 2006

<sup>71</sup>In Search of Security: The Future of Policing in Canada Law Commission of Canada 2006, 135

<sup>72</sup>See various nomenclature in 'Comparator' section

A continuum of public safety has several essential elements.

- A culture of active support for public safety exists in the community
- The responsibilities of the organizational elements of the continuum are defined and in support of the community vision and goals and objectives
- The organizational elements of the continuum are fully aware of their respective roles
- Each element is mutually supportive of the others
- The deployment of personnel is evidence based and within the limits of their authority
- The public has ready access to an effective reporting process
- The organizational elements of the continuum are fully accountable to the community

### 3.2.2 MED Linkages

Interviews and document examination in this *Review* indicated that although there is cooperation between the personnel in MED and the RCMP and other municipal departments which possess by-law enforcement responsibilities, there is a limited orchestrated organizational approach to addressing the broader ideal of 'public safety'. Linkages are paper based with the accompanying inefficiencies.

Public contact with the MED is either in person or when making a by-law complaint usually by phone or through the email link on the MED webpage.

Chapter 3.3 explores various examples where the bylaw function structure and organizational setting ranges from stand-alone to by-law enforcement officers being embedded in the local public police. The police role and by-law enforcement role overlap: both enforce the *Motor Vehicles Act* and other territorial legislation, and often by-law violations may also be *Criminal Code* violations.

One of the most important operational linkages, radio, underwent a change during the *Review*. Formerly, the MED radios included the RCMP Yellowknife Detachment frequency allowing MED immediate access for emergencies or when the RCMP and MED may respond to the same incident. In April the RCMP changed from analogue to digital radios.

*For security and privacy reasons and under direction from RCMP Departmental Security, "G" Division will not be sharing its new digital frequency with external agencies. However, understanding the importance and the benefit of interoperability for public safety reasons and that of front line enforcement personnel, "G" Division is open to working with external agencies to identify interoperability solutions. Any arrangements/ solutions identified will be in a written Memorandum of Understanding (MOU) outlining roles/ responsibilities and key points associated with the arrangement.*



*Contact with "G" Division OCC by external agencies will be restricted to telephone access only. Those agencies who have prior authorization to access specific data banks through OCC and wish to continue that access will have to provide a list of agency personnel who will be calling in to OCC. "G" Division Technicians will configure external agency phone calls so they are recognized in OCC.<sup>73</sup>*

Based upon interviews with MED personnel, at this point it appears that MED will not be able to use or have access to the RCMP radio system nor the associated computer aided dispatch.

Although MED uses the in-car computer system for reporting operational activities, the Review was advised that the database is not searchable by time, date, or location, or whether the events were triggered by a complaint from the public or Officers' initiative. Currently, it does not provide the opportunity to link and transfer data to other systems such as City finance services, the courts, or the Department of Transportation.

However, the City IT resources<sup>74</sup> include CESI

*Competitive Edge Software, Inc. has been creating Computer Aided Dispatch solutions since 1993. Our Computer Aided Dispatch (CAD) software was developed by a team of talented programmers including several individuals with security and law enforcement backgrounds. We recognize the need for accurate and systematic control of records and operations so we designed our Computer Aided Dispatch software to be highly efficient as well as user-friendly. Our Computer Aided Dispatch software will bring organization and efficiency to your department.<sup>75</sup>*

and City works (Time Tracking)

*City works is a highly flexible application structured to match the organizational workflows and processes of municipal organizations. As part of the implementation process all Service Request, Work Order and Inspection templates can be configured based on the information provided by clients.<sup>76</sup>*

The City is also exploring the opportunity for Electronic ticketing.<sup>77</sup>

## **Observations**

Anecdotal examples were provided where members of the public were unable to make effective contact with the call receipt function in 'The pump house'; where MED officers were unable to access the dispatch function; where MED officers were unable to contact the RCMP and request assistance; and where the RCMP changed the radio system and the officers were unaware of the change.

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<sup>73</sup> Communication from "G" Division April 30<sup>th</sup> 2014

<sup>74</sup> City of Yellowknife

<sup>75</sup> [http://www.reportexec.com/computer\\_aided\\_dispatch.html](http://www.reportexec.com/computer_aided_dispatch.html)

<sup>76</sup> <http://www.cityworks.com/products/what-is-cityworks/cityworks-qa/>

<sup>77</sup> See Appendix 3.2.3 for details of the MED proposal for an electronic ticketing process.

The reporting system provides only gross numbers without any meaningful analyses being possible and therefore it is not possible to monitor the performance of the existing levels and future levels of service. These impediments are not supportive of customer service and compromise the safety of officers and the public.

Computer Aided Dispatch (CAD) provides the opportunity for one-time entry of data, transfer of data to other City Departments or Territorial agencies as appropriate, and analyses of temporal and geographic incidents. Greater use of IT provides the opportunity to increase efficiency and effectiveness by:

- opening of files/incidents
  - calls from the public
  - officer-initiated incidents
  - tickets
  - other events
- including
  - time and date
  - location
  - length of time allocated to the incident
  - follow-up activities subsequent to the initial event

The CESI program is described

*Report Exec Dispatch is a computer aided dispatch (CAD) program designed to improve dispatch performance, enhance security and safety, as well as track important details. The program can generate a variety of reports that help identify trends, measure average time on calls, and with either Report Exec Enterprise or Direct can automatically create any of the different types of reports.<sup>78</sup>*

Unlike policing, MED by-law enforcement mainly comprises officer-initiated events; however, CAD will capture both types. From these data MED would be able to effectively measure performance and the allocation and deployment of resources against priorities and goals. An adapted CAD could include the workload data from other City departments with by-law enforcement responsibility.

### **3.3 Comparators**

#### **3.3.1 Canadian Summary**

This chapter examines a number of models whereby bylaw enforcement is administered and facilitated. A range of models of by-law enforcement are found in Canadian jurisdictions. In

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<sup>78</sup> CESI website

Nunavut, for example, a municipality may appoint inspectors for the purpose of a by-law made by the municipality<sup>79</sup>; in Yukon the *Municipal Act* authorizes council to appoint enforcement officers for the enforcement of bylaws and other acts.<sup>80</sup>

A different approach is found in Alberta, where the Province instituted a peace officer regime whereby designated agencies (usually local governments) are able to employ peace officers to address specific local public safety issues, including by-law enforcement.<sup>81</sup>

Saskatchewan employs both by-law enforcement officers and special constables. By-law Enforcement Officers (BEO) are appointed by a municipal council by resolution or preferably by bylaw. Special Constables (SC) are federally appointed by the Commissioner of the Royal Canadian Mounted Police (RCMP) under the *Royal Canadian Mounted Police Act* and sworn into their positions by either a Judge or a Justice of the Peace for the Province of Saskatchewan. A special constable must be employed by the municipality in order for him/her to enforce municipal bylaws. Similar to BEOs, it is the responsibility of Council to set the SC's bylaw related authorities and duties, as allowed by the *Municipalities Act*.<sup>82</sup>

In British Columbia by-law enforcement is governed by the *Local Government Bylaw Notice Enforcement Act* and defines a "by-law enforcement officer" as *a person prescribed and designated by a local government as a bylaw enforcement officer*.

### 3.3.2 Comparator Models<sup>83</sup>

The *Review* had the cooperation of a number of jurisdictions which provided information on the authority, mandate, structure, and operations of their by-law enforcement functions.<sup>84</sup> In addition, an Internet search provided general information on additional by-law enforcement agencies.

The powers and authority of the officers varied, including peace officers, constables, and by-law enforcement officers.

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<sup>79</sup> *Cities, Towns, and Villages Act*, Section 54.6

<sup>80</sup> *Municipal Act*, section 339

<sup>81</sup> *perivale + taylor consulting*. City of Edmonton: Peace Officer / Community Service Officer Review 2010 and *Alberta Peace Officer Act* 2006

<sup>82</sup> [www.municipal.gov.sk.ca](http://www.municipal.gov.sk.ca) March 2014

<sup>83</sup> The requests for information sent by MED to other agencies included the following: "We wish to emphasize that the *Review* will not compare other agencies to each other. The purpose of the report is to explore the various operational models Yellowknife may wish to consider and describe the range of bylaw enforcement models with consideration of how the various approaches may work in the Yellowknife context. The Report will contain a list of agencies consulted however nothing will be attributed to any individual or agency."

<sup>84</sup> Detailed information was provided by Edmonton, Prince Albert, Strathcona, and Whitehorse.

The range of organizational models includes:

- the traditional city component of non-uniformed by-law enforcement officers, without powers of arrest, addressing non-public order related bylaws
- city component where the officers have enhanced powers under provincial/territorial acts and address community problems through investigations
- a city component model but the officers are uniformed and perform a law enforcement or quasi-police function involving public order under by-laws and provincial/territorial acts
- the by-law function is embedded in the local police force (RCMP or municipal police department) sharing telecommunication and computer aided dispatch systems and performing a law enforcement or quasi-police function involving public order under by-laws and provincial/territorial acts

The by-law enforcement agencies which are embedded in the local police have a municipal police department or a municipal RCMP detachment under a police services agreement. None of the territorial bylaw agencies are embedded with the local territorial police. Parking meter enforcement is frequently separate from the public nuisance by-law enforcement.

## Observations

The two contrasting organizational arrangements are the city division and the police embedded.

### Stand-alone city division

- advantages
  - greater direction and control by city policies
  - closely aligned to city priorities
- disadvantages
  - limited coordination with police on common problems
  - reduced immediate police response<sup>85</sup>

### Embedded by-law – police

- advantages
  - coordination with police on common problems
  - greater safety
- disadvantages
  - limited supervision by city
  - tendency to be 'police-like' response
  - lack of access to police systems – CAD and radio
  - loss of community problem focus
  - limited deployment (shifts) options

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<sup>85</sup> In the embedded examples, the bylaw officers were attached to the police teams and used the same radio channel allowing continuous awareness of events and incidents and the ability to immediately summon assistance

In Yellowknife there is no contractual arrangement between the City and RCMP Yellowknife Detachment and the recent radio change to restricted digital and lack of MED access to RCMP CIIDS/PROS<sup>86</sup> may make moot some of the usual advantages (CAD/RMS and radio) of the police embedded model. The NWT TPSA does not recognize municipalities or municipal by-law enforcement.<sup>87</sup>

The current arrangement under the City Public Safety Department provides the opportunity to customize shifts, deployment, and responsiveness of MED to the City and community priorities.

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<sup>86</sup> CIIDS/PROS Computerized Integrated Information Dispatch System (CAD) and Police Reporting and Occurrence System (RMS)

<sup>87</sup> Described in detail in Section 2.1

## 4 Policies and Procedures

### 4.1 Staff and Equipment

The current operating polices provide the following equipment:

- patrol vehicles – both marked and unmarked – equipped with radios, on-board computers, emergency lights and siren, radar
- police-style, easily-identifiable uniforms
- portable radios
- baton, OC spray, handcuffs
- body armour

#### Observation

Without the MED mandate, priorities, and goals being clarified, and without Council-identified priorities, it is not possible to accurately determine staff requirements and equipment. Given this overall strategic approach which is being proposed, the reallocation or redeployment of MED and City resources may result in reductions in some resource requirements in some functions or a lessened demand for new hiring in the Division.

The equipment provided for the MED is suitable with the exception of a not having comprehensive electronic records management system (RMS). The current system is paper based and manually operated which is inefficient and labour intensive.

Without such RMS information and workload analyses it is not possible to measure the appropriateness of resources allocated to address community issues or to preemptively plan deployments for prevention.

The *Review* examined and compared use-of-force compliance tools as currently issued to MED, and also the use of conducted energy weapons and firearms. In examining the role and mandate of the MED, the power of arrest, and the need for self-defense, the current equipment is appropriate.

## 4.2 Intent of the By-laws

It is important, in weighing the intent of the bylaws, to also consider the overall goals of the City as articulated in the Strategic Plan.<sup>88</sup>

*Community Vision:*

*A welcoming, inclusive, vibrant and family-oriented City with a strong sense of community pride.*

*We will strive to be self-sufficient while actively promoting economic development and tourism and protecting our unique history, culture and natural beauty.*

*Council Mission:*

*Council will provide leadership, vision and direction in responding to the needs and aspirations of the community by working cooperatively with staff and residents to provide municipal infrastructure, programs and services that are fiscally responsible and sustainable.*

*Corporation Vision:*

*To be an inclusive and well-managed community.*

Other areas of relevance for MED under the Plan's include:

*Goal #2: STEWARDS OF OUR NATURAL AND BUILT ENVIRONMENT*

*2(f) Fully Implement and Sustain a Customer Service Culture.*

*2(g) a Sense of Personal and Community Safety.*

*Actions....*

*2.5 Develop a Customer Service Model of Excellence...*

*2.9 Parking in Downtown Core.*

*2.10 Behaviour Bylaw.....*

*2.17 Improve the safety, connectivity & efficiency of Yellowknife's pedestrian, cycling and multi-use pathways.*

*2.18 Create a safer, cleaner and vibrant city.*

Also, under the Plan's *Key Threats*, *Perception of increased crime and public safety*<sup>89</sup> is featured.

The Plan describes the common themes:

*From the various stakeholder consultation sessions in 2010 a series of common themes arose as to the key priorities of the community. During the strategic planning sessions five key themes arose from the SWOT analysis and stakeholder consultation activities, including:*

- A City that is aware of and respects its history, culture, development and unique characteristic*
- Importance of the social vibrancy and physical well-being of the residents that live, work and play in the City of Yellowknife<sup>90</sup>*

*Goal #3 Building Social Capital (Community Engagement)<sup>91</sup>*

*Build and enhance relationships with First Nations, the private and public sectors*

*Goal #4 Continuous Improvement<sup>92</sup> and Create an environment of mutual respect, open dialogue, and team work*

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<sup>88</sup>The current Council reviewed the 2010 Strategic Plan and made some amendments to the Community Vision and the goals and objectives. <http://www.yellowknife.ca/AssetFactory.aspx?did=17956>, COUNCIL'S GOALS AND OBJECTIVES 2013 - 2016.

<sup>89</sup> Strategic Plan 2010 page 15

<sup>90</sup> Strategic Plan 2010 page 18

<sup>91</sup> Strategic Plan 2010 page 24

<sup>92</sup> Strategic Plan 2010 page 25

There is no central MED policy and procedures manual (paper or electronic). More recent (2010-2014) policies and procedures were provided in MS Word, older policies, either undated or dated from 1991 to 1997, were provided only in PDF. A total of 55 separate policies were reviewed: they often overlap and generic investigative processes are repeated in most policies.<sup>93</sup>

Based on the material reviewed, the majority of the policies and procedures have not been reviewed or updated since the 1990s. Three of the policies can be described as the 'mandate' of the MED and are included in detail in Appendix 2.1.1. Anecdotally, many policies and procedures have been amended through e-mail directives which are not available and have not been incorporated into any retrievable format. Many of the policies are inconsistent with practice or with other policies; many are outdated.

Many are undated and unsigned, or if signed, there is no indication of the officer or authority of the signatory. It is unclear whether these policies are approved by Council or SAO or the Director.

Various terms are used in reference to By-law Officers

- officer
- constable
- member
- uniformed officer
- 'you'

Spelling errors are common; many policies and procedures are too detailed and elementary, others are too vague. The language is not professional and includes irrelevant, minute, and subjective advice.

Appendix 4.2 includes a detailed table with the more than 50 policies and procedures provided to the *Review*. Each policy is 'stand-alone' and the majority of these policies are not available to MED Officers.

## **Observations**

The policies and procedures summary table in Appendix 4.2 includes the date (if known), the title of the policy, and observations regarding the appropriateness and accuracy of the policies.

The policies and procedures are inconsistent, fragmented, and not available to the MED Officers in a comprehensive format. It is essential that all policies and procedures are reviewed and revised and combined into one centralized manual, paper and electronic, which is immediately

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<sup>93</sup> See Appendix 4.2 for a detailed list



accessible. Appendix 4.3 includes an example of a model policies and procedures manual which should be consulted when revising the existing policies.

The MED, uniformed and with marked vehicles, provides an image and representation of the City; and their actions – regardless of the nature of any enforcement – can contribute the success of the City's plans. The inconsistent policies and procedures, most of which are not available to Officers, make it impossible for MED to address by-law enforcement or mediation activities in the spirit of the City Strategic Plan.

The absence of a coherent, comprehensive and accessible manual of policies and procedures renders the City liable to risk.

## 5 Organizational Structure

### 5.1 Operating Structure

The MED is a stand-alone component of the City organizational structure with the functions of parking meter by-law enforcement, general by-law enforcement, territorial acts enforcement, moving traffic enforcement, and preventative patrols on downtown streets, parks, and in the City Library.

An organization chart illustrating the current structure and reporting relationship of MED is included in Appendix 5.1.

Comprised of twelve personnel, the MED has one Manager reporting to the Director of Public Safety.<sup>94</sup>The Director reports to the Senior Administrative Officer. Operating under the manager are two supervisors, six Level II Officers and one Level I Officer, and two support staff. The manager, supervisors, and officers are appointed by Council under the s.137 of the *Cities, Towns and Villages Act* as By-law Officers and the classification and duties are determined by the job descriptions and Collective Agreement.

#### Observations

The organizational structure should support the priorities, goals, and objectives and consequently the structure should reflect a model which most effectively supports this mandate and the associated activities.

As noted above, the Level II By-law Enforcement Officers are responsible to enforce a series of municipal by-laws and the territorial *Motor Vehicle Act* and other Territorial acts, and foot patrol downtown, park patrols, and snowmobile patrols. The Level I Officer is assigned to the monitoring of parking meters and the issuance of NOVs but also foot patrol in the downtown. The support staff is responsible for clerical duties, front counter and telephone enquiries, radio dispatch, acting as *Commissioner of Oaths* to swear documents, and the maintenance of the office filing system which is a paper-based process.

In addition, MED issues a variety of licenses, including livery (taxi) licenses which involve inspections of taxis.

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<sup>94</sup>This Review only addresses the MED function within the Department of Public Safety and not the Department.

The MED has assumed the role of taking the bus fare coin from the buses each weekend and counting and forwarding the coin. This function is not found in any City policies but the counting of coin is included in the MED Manager's Job Description, and the collection of coin from the buses in the MED *General Operating Procedures*.

The recent implementation of a Helmet By-law for cyclists along with a revised dog related by-law and expansion of the meter zone will result in a potentially increased range of responsibilities for MED which emphasizes the need for thoughtful and evidence-based priorities and goals. Without the MED mandate, priorities, and goals being clarified, and without Council-identified priorities, it is not possible to accurately determine staff requirements and equipment. Given this overall strategic approach which is being proposed throughout this report, the reallocation or redeployment of MED and City resources may result in reductions in some resource requirements in some functions or a lessened demand for new hiring in the Division. Without the Council and management approval of the recommendations along with introduction of redeployment and associated valid service measures, then it is premature to establish new resource levels.

Based on the organizational models described in Chapter 3.3, organization structures which could be considered for the MED include the following.

5.1.1 Stand-alone City Component (current model)

- All City nuisance by-law enforcement and cash revenue collection centralized in the division

5.1.2 Stand-alone City Component (expanded)

- All City enforcement, including other City departments' specific by-law enforcement, and cash revenue collection centralized in the division.

5.1.3 Discrete City Components

- parking enforcement and cash revenue collection within the Corporate Services Department and the repair and maintenance of meters within the Public Works and Engineering Department
- mobile enforcement and preventative patrols as the current model with MED within the Public Safety Department

5.1.4 Internal City Component and Contracted Function

- parking enforcement externally contracted (as pre 2009) managed by the Corporate Services Department

- repair and maintenance of meters within the Public Works and Engineering Department
- MED mobile enforcement and preventative patrols as the current model with MED within the Public Safety Department

#### 5.1.5 Complementary deployment with RCMP Yellowknife General Duty Watches

- parking enforcement and cash revenue collection within the Corporate Services or externally contracted managed by the Corporate Services
- repair and maintenance of meters within the Public Works and Engineering Department
- MED operates from City offices as current model with MED within the Public Safety Department
- MED mobile enforcement and preventative patrols scheduled to coincide or overlap with RCMP Watches
- MED Officers attend Watch briefings to achieve enhanced contact and communication, improve information/intelligence flow.
  - This would encourage greater task sharing in support of the City mission and improve job satisfaction for MED personnel.

#### 5.1.6 MED Officers embedded within the RCMP Watches

- parking enforcement and cash revenue collection within the Corporate Services or externally contracted managed by the Corporate Services
- repair and maintenance of meters within the Public Works and Engineering Department
- two Officers per RCMP Watch
- everyday supervision and dispatch through RCMP
- HR and strategic direction through MED manager

Options 5.1.3 and 5.1.4 provide the most suitable model for Yellowknife. The internal or contracted parking enforcement function decision would be a business case determined on its merits.

## 5.2 Organizational Management – Culture

The culture of an organization is the set of lasting values which are shared by the staff and are expressed by their behaviours and work habits. The culture gives meaning to the activities of the organization in establishing the framework for agency activity. The culture provides the

foundation for how personnel view their clients and operationalize their responsibilities. In the case of MED, the clients are their colleagues from other municipal functions, the personnel of affiliated law enforcement agencies, and the public. An extension of the public is Council (and the City's constituent elements) which both defines the mandate of Council and is a focus for the feedback concerning the work of MED.

The perceptions of staff were underscored by the review of documents such as the policies and procedures which were not current, failed to establish a professional *modus operandi*, and did not emphasize the worth of staff or the importance of client service and support of the vision established by the City.

### **Observations**

By creating the necessary work environment in the organization which enhances openness, involvement, mutual respect, a sense of fairness, professionalism, and the common pursuit of the MED goals and objectives, personnel are encouraged to collectively strive for a longer term, higher ideal of 'public safety' in line with Council's vision.

### **5.3 Job Descriptions**

The complete job descriptions are included in Appendix 6.3.

*Pursuant to s. 137 of the Cities, Towns and Villages Act, S.N.W.T. 2003, c.22, a person can be appointed as a By-law Officer for the City of Yellowknife and assume the rank of Constable; the term of appointment shall expire upon termination of employment with the City of Yellowknife as a By-law Officer.<sup>95</sup>*

The job titles include Manager, Enforcement Officers Levels I and II, and Supervisory Constable. It is noted that the following tasks are included in the Enforcement Officer Level II job description:

- conducting foot patrols in the business section of the city
- performing maintenance to parking meters that are out of order
- appearing in court to prosecute and testify during prosecutions

*Conducting foot patrols in the business section of the city* are understood to be in response to disorder issues in the library and nearby streets. The Level II Officers are provided with appropriate training in defensive tactics, OC spray, and baton.<sup>96</sup> The *Review* was advised that the underlying cause of the disorder is liquor abuse and intoxication.

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<sup>95</sup> Memorandum to Council January 6<sup>th</sup> 2014

<sup>96</sup> Training is examined in Chapter 6.4

The Supervisory Constable Job Description includes

- Acting as prosecuting officer on a regular basis
- Ensuring witnesses are subpoenaed and accused are summonsed
- Reviewing evidence and documentation prior to court
- Seeking legal advice when necessary
- Maintaining a good working relationship with the Justices of the Peace and other court officials

The following tasks are included in the Enforcement Officer Level I job description

- *conducting foot patrols in and around the Central Business District*
- *providing on-site security at the Yellowknife Public Library*

A request<sup>97</sup> for a second Level I parking enforcement officer includes the following

*This proposed position would alternate between patrols of the library and parking enforcement patrols of the blocks adjacent to the library. A regular enforcement presence in the library should deter bad behaviour and if there is an incident the response time should be much shorter.*

The Manager's job description includes

*The majority of the incumbent's time does not require heavy physical exertion. It is usually spent in an office setting, sitting down. Once a week, the incumbent is responsible for the coin sorting and wrapping which requires the lifting of large amounts of coin. The incumbent is also expected to respond to security threats within City Hall and other facilities and to Officers in need of assistance. These responses can result in serious physical confrontations.*

and

*The incumbent will deal with hostile people on a regular basis with the potential for violence and effective safe work practices must be followed.*

and

*Managing the collection and deposit of parking meter coin*

## **Observations**

The officers are appointed under the territorial act as *By-law Officers* but there is no appointment as a 'constable'. The term '*constable*', currently used within MED, is misleading as it suggests the powers and office of constable rather than the intended organizational 'rank'.

The MED Officers are not provided with any training on mechanical repair of meters nor is it included in the *Skills and Knowledge* requirements of the job description. Repair of parking meters is more appropriately a responsibility of the Public Works and Engineering Department.

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<sup>97</sup>New PY Request. Municipal Enforcement Constable 1. June 28 2013

The collection (by officers) and counting (by the manager) of coin drops is more appropriately the responsibility of the Corporate Services Department.

The Supervisory Constable and Level II Officers' include court-related duties. *Review* interviews indicated that additional training and familiarization with this role are needed.

The Level II Officer downtown foot patrols intended to address liquor abuse and intoxication problems are a source of risk and frustration in that the officers do not have the authority under the *Liquor Act* to deal with intoxicated persons and unlawful possession of liquor.

The Level I Officer's responsibilities for foot patrols and security at the Library are inconsistent with training and equipment as the officer is not equipped with OC spray or a baton and has not received the required training. Also, the Level I position does not require the pre-hire requisite of '*a two year law enforcement diploma or two years law enforcement on-the-job training*'.

The City HR Training Summary for the MED Manager does not include any training or certification in defensive tactics or equipment in relation for the requirement but the job description includes

*... can result in serious physical confrontations, and deal with hostile people on a regular basis with the potential for violence*

This provides a significant risk for the Manager and the City in requiring a person to '*deal with serious physical confrontations and violence*' without the appropriate training, certification, equipment, and training.

## 6 Human Resources

### 6.1 Workload

Before assessing the MED human resource levels, it is first necessary to determine the workload. The majority of MED’s workload is self-generated which poses challenges in determining the appropriate staffing level and geographic and temporal deployment. More importantly, the files provided do not allow for accurate computerized temporal and geographical analyses of workload data.<sup>98</sup> Activities which can be predicted and planned for include livery licenses which involve an administrative process but also physical inspections of approximately 200 vehicles,<sup>99</sup> dog licenses, snowmobile licenses, and taxi/chauffeur permits issuance/renewal also can be predicted with some accuracy. Rush hour parking enforcement and a small number of other activities can also be planned. The majority of activities, as measured quantitatively, are included in the table below.

#### 6.1.1 Performance Measures

MED Performance Measures <sup>100</sup>				
Year	2010	2011	2012	2013
Notices of Infractions				
Parking	10,947	12,532	11,566	11,329
Traffic	2,025	1,885	2,413	2,258
Dog	115	134	183	151
Miscellaneous	76	114	30	82
Summonses	2,357	2,182	2,583	2,376
Total not including parking	4,573	4,315	5,209	4,867
Licenses Issued				
Dog	1,353	1,266	1,389	1,119
Snowmobile	1,286	1,316	1,184	1,070
Taxi/chauffeur	276	278	287	307

The 2013 total number of non-parking infractions of 4,867 equals a theoretical one ticket or summons per 2.4 officer hours<sup>101</sup> for the six enforcement officers, not including the two supervisors. This theoretical calculation does not include hours lost to administrative tasks, trials, and vacation, sick leave, training, and meal breaks. It should be noted that approximately 50% of these workload measures comprise summons’ service representing follow-up investigations for unpaid parking tickets.

<sup>98</sup> It is not feasible for the MED personnel (or the consultants) to individually review every file manually and analyze the collective data.

<sup>99</sup> 227 in 2011, 223 in 2012, and 158 in 2013

<sup>100</sup> City of Yellowknife document

<sup>101</sup> Annual 2080 hours – 160 vacation leave x six officers divided by 4867 tickets



### 6.1.2 Workload – Occurrence Reports

Count of Incident Types <sup>102</sup>						
Year	2011		2012		2013	
Incidents	Number	% <sup>103</sup>	Number	%	Number	%
Parking	372	20%	412	21%	346	19%
Dogs	326	17%	382	19%	314	17%
Livery License	227	12%	223	11%	158	9%
Traffic	126	7%	106	5%	72	4%
Assist City	115	6%	161	8%	139	8%
Other	84		124		83	
Parking Meters	77	4%	86	4%	72	4%
Trials	75	4%	49		58	3%
Noise	74	4%	97	5%	50	3%
Assist Fire Division	59	3%	73	4%	80	4%
Assist RCMP	59	3%	54	3%	52	3%
Dog Bites	43		24		26	
Parades & Processions	35		26		33	
Garbage	34		21		29	
Sidewalks	27		11		48	
Roadside Suspensions	25		13		14	
Traffic Control	23		29		27	
School Zone Enforcement	21		33		92	5%
Snowmobiles	17		13		15	
Warrants	15		1		2	
Code Response	-		-		16	
Bagged Meters	14		7		8	
Exhibits	14		11		10	
Unightly Land	10		6		26	
Dog Cruelty	9		10		13	
Camping Public Land	8		16		10	
Abandoned Vehicles	7		20		19	
Imported Incidents	5		-			
Smoking	4		-		1	
Snowmobile Accidents	-		2		2	
Business License	1		1		2	
OC Spray Report	-		-		1	
<b>Total</b>	<b>1906</b>		<b>2011</b>		<b>1818</b>	

<sup>102</sup> City of Yellowknife MED

<sup>103</sup> Percentages to closest whole number

The highlighted percentages in the table above represent 80% of the total occurrence reports. It should be noted that these reports do not indicate a precise calculation of workload but they provide a reasonable indication of the focus of activities.<sup>104</sup> The only significant change over the three years is the increase of school zone reports; other figures remain relatively stable.

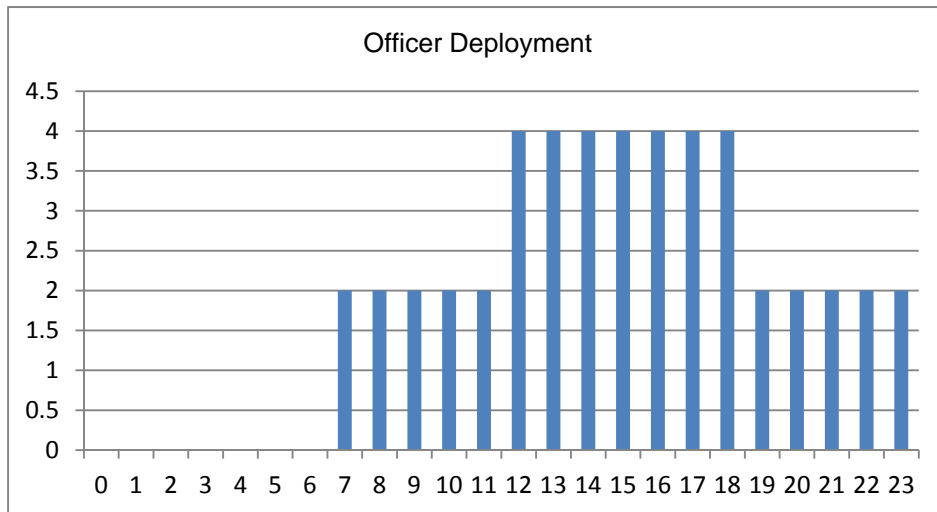
The majority of 'Assist City' incidents, anecdotally, refer to patrols and calls to the Library for disorderly conduct. The issue of statistics and workload measurement is addressed in Findings and Recommendations,

**Observations**

The workload statistics are difficult to interpret and to permit an accurate assessment of workload: the number of occurrence report numbers do not provide an illustration of the geographic and temporal nature of the work nor the outcomes in relation to meaningful priorities and goals.

**6.2 Deployment**

The daily scheduled deployment of the MED Enforcement Officers is prescribed under Appendix B of the Collective Agreement.<sup>105</sup> The model is illustrated for one team in the following tables. Each day one of two teams comprising one corporal and three officers is deployed providing services from 0700 to 2400 (0200 in summer). The other team is on 'days off'. The following tables illustrate the shift model.



<sup>104</sup> See Appendix 6.1.2 for a description of the Occurrence Report's categories

<sup>105</sup>City of Yellowknife and the Public Service Alliance of Canada, *Collective Agreement Municipal Enforcement Officers*, Expires Dec 2013. See Appendix 6.2 for complete details

MED Shift Model Summary								
								Hours per week per individual
Day	1	2	3	4	5	6	7	
# of hrs	12	12	12	10	10	-	-	56
Cpl	07-19	07-19	07-19	07-17	07-17			
Cst 1	07-19	07-19	07-19	07-17	07-17			
Cst 2	12-24	12-24	12-24	14-24	14-24			
Cst 3	12-24	12-24	12-24	14-24	14-24			
Day	8	9	10	11	12	13	14	
# of hrs	-	-	12	12	12	10	10	56
Cpl			07-19	07-19	07-19	07-17	07-17	
Cst 1			07-19	07-19	07-19	07-17	07-17	
Cst 2			12-24	12-24	12-24	14-24	14-24	
Cst 3			12-24	12-24	12-24	14-24	14-24	
Day	15	16	17	18	19	20	21	
# of hrs	-	-	-	-	-	12	12	24
Cpl						07-19	07-19	
Cst 1						07-19	07-19	
Cst 2						12-24	12-24	
Cst 3						12-24	12-24	
Day	22	23	24	25	26	27	28	
# of hrs	12	12	-	-	-	-	-	24
Cpl	07-19	07-19						
Officer 1	07-19	07-19						
Officer 2	12-24	12-24						
Officer 3	12-24	12-24						
Ave hours per week per individual	Note: during longer daylight periods, May to September, the later shifts are moved back two hours to end at 0200.							40

The deployment provides two officers on dayshift and two on nightshift daily. There is an overlap during the afternoon where four officers are deployed. Over the four-week period the model provides a forty-hour week.

The first chart above does not include the loss of two hours on each of the four ten-hour shifts over four weeks. In longer-daylight hours the night shift is moved to 1400-0200 resulting in the overlap moving to 1400 to 1900.

## Observations

The collective agreement<sup>106</sup> provides two models for the hours of work under Article 21: a five eight-hour day Monday through Friday and the twelve/ten-hour model above. The full details are included in Appendix 6.2. The five-day eight-hour model is currently used for Level I parking enforcement and the 12/10-hour model currently for Level II mobile patrol Officers.

The 12/10-hour model provides service from 0700 to 2400/0200 daily with an overlap of shifts each afternoon. It is difficult to assess the efficiency and efficacy of this model without temporal data regarding the distribution of workload, public and self-generated, over the twenty-four hour period. It is also not clear how many by-law type calls are addressed by the RCMP outside MED working hours. No information or evidence is available to the *Review* supporting the deployment model.

### 6.3 Human Resource Levels

The current staffing level is able to provide service every day given the current responsibilities of MED. In addition, the *Review* was advised that Council has agreed to increase of approximately 330 parking meters in the downtown. MED proposes that this would require one extra Parking Enforcement Officer.

## Observations

Based on the available parking enforcement related workload statistics, it would seem that such an additional parking enforcement function would, in theory, require an additional clerk and would also generate the need to serve approximately 2,000 summonses per year, or one FTE Enforcement Officer.

*The services sector, unlike other sectors, has grown steadily over the past two decades. The productivity of the sector, on the other hand, has remained broadly static over the comparable period. Thus service productivity improvement is one of the major challenges facing many managers today. Measurement is an integral component of any drive to improve productivity. Measurement of service performance is notoriously difficult but possible. Local authorities form a significant part of the service sector. Performance measurement in a local authority is a complex task because: local authorities offer a wide range of services with both tangible and intangible outputs; customers rarely pay an economical price for the services; there is no profit measure; and there is no apparent direct link between services and cost to electors. Case studies demonstrate the*

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<sup>106</sup> Collective Agreement between the City of Yellowknife and the Public Service Alliance of Canada Municipal Enforcement Officers Local #X0345, Appendix A (a)

*difficulties of measuring performance, particularly effectiveness and the different strategies adopted by different organizations.*<sup>107</sup>

In order to confirm the most effective deployment and staffing level, it is necessary to have a clear understanding of the:

- type, and temporal and geographic distribution of workload:
- calls for service from the public
- service level and activities that are desired by Council, senior City staff, and the residents of Yellowknife.

The majority of recorded events are MED initiated and there is no empirical correlation between resource allocation and deployment (input), activities (outputs), and statistical or community results (outcomes). Once the activities and targeted outcomes have been identified, the required number of staff and the tactical deployment can be determined. The recommendations in this report concerning efficiency and effectiveness will impact the range and frequency of activities of MED personnel. Consequently, once the recommendations have been implemented, it will be possible to review the activities of MED, along with the outcomes, and determine the number of staff then required. It is anticipated that the proposed changes should be completed within three years.

#### **6.4 Training**

The MED certification and training requirements are prescribed in a City of Yellowknife MED document.<sup>108</sup> The essential components of MED officer training include the use of force and the operation of MED vehicles, activities which place the Officers and public at risk. A basic hiring requirement for Level II Officers is described under the Job Description's *Specific Vocational Training*: 'the work requires a 'two year law enforcement diploma or two years law enforcement on-the-job training' but this is not required in the job description for the Level I Officer – the consequences of which are discussed in the Findings.

The required training and certification include:

Defensive Tactics	Every Member should be hired with current use of force training Every Member should be re-certified every 20 to 24 months
Baton training	Every Member should be hired with current baton Every Member should be re-certified every 20 to 24 months

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<sup>107</sup> Abby Ghobadian, John Ashworth, (1994) "Performance Measurement in Local Government – Concept and Practice", International Journal of Operations & Production Management, Vol. 14 Iss: 5, pp.35 - 51

<sup>108</sup> DOCS – 126891-VI (undated)

OC (Oleoresin Capsicum) spray training	Every Member should be hired with current OC spray training  Every Member should be re-certified every 20 to 24 months
Driver Training	Every Member should have an EVOC course or equivalent Advanced Vehicle Control within 6 months of hire. Members that do not have advanced vehicle control training shall not respond code 2 or 3. Every Member should receive on-going driver training courses every 30 to 36 months.
Law Enforcement Training	Every Member should be hired with a minimum of a two year law enforcement course. Every Member with at least two years of service should be offered on-going professional development courses every 20 to 24 months.
RADAR/LIDAR	Every Member should be hired with RADAR and LIDAR training. Every Member should receive RADAR/LIDAR certification within 3 months of hire of not qualified. Members that have had a break in service of 1 year or greater should be re-certified in RADAR and LIDAR.
CPR 'C'	Every Member should be hired with current CPR 'C' Every Member should be re-certified every 10 to 12 months
First Aid (Standard)	Every Member should be hired with Standard First Aid Every Member should be re-certified every 30 to 36 months

**Observations**

The training records indicate that practice is not always consistent with the above policies. The term 'Member' is used which is confusing; does it refer to all Enforcement Officers, including Level I and II, the supervisors, and Manager?

Based on the job descriptions all such Officers should be in compliance with the policies with the exception of the parking enforcement Level I which would not require EVOC and RADAR/LIDAR or the *'two year law enforcement diploma or two years law enforcement on-the-job training'*. The training records do not include recognized training and certification prior to hire which would be helpful in assessing if and when a newly-appointed officer should be trained and/or re-certified. Different course nomenclature is used in the training records (use of force, defensive tactics, pressure point control tactics, baton, OC spray) and it is unclear when a record includes only *defensive tactics* whether such training as OC spray are included.

The hiring requirement of a *'two year law enforcement diploma or two years law enforcement on-the-job training'* has not been applied to the Level I Officer which creates tension and risk with the Job Description which includes foot patrol downtown and the Library in response to disturbance issues.

It is also noted that bicycle and snowmobile patrols are included in officer job descriptions but the *Review* could not locate any records within MED human resource files of training or policies/procedures for their operation. The *Review* was later advised that bicycle training had been provided by the RCMP.

A course outline for *Traffic Stop Tactics* was provided to the *Review* and three training records include such certification. Traffic stops are a significant part of the officers' function and everyday operations. This activity creates a significant risk to the MED officer (and the violator and the public) if personnel are not trained appropriately.

A review of the course outlines suggests that defensive tactics training are focused on physical skills without accompanying de-escalation skills and techniques. The training records show three certifications in *Verbal Judo*, *Conflict Resolution*, and *Assertive communications*. The driver training policy refers to *responding code 2 and 3*, but code 3 is not included in previous definitions.<sup>109</sup>

An undated policy, *Large Vehicle Control*, requires By-Law Officers to have an understanding and knowledge of the *Large Vehicle Control Regulations* and to appropriately enforce the Regulations. The Department of Transportation confirmed the authority of MED to enforce these Regulations within the City. MED does not have specific training or equipment to address this issue.

As noted above, the Supervisory Constable and Level II Officers' role include court-related duties. *Review* interviews indicated that additional training and familiarization with this role are needed.

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<sup>109</sup> Compare to MED Policies and Procedures Patrol Vehicle Operations Jan 3 2013, docs # 341996

## 7 Budget

### Observations on 2009 to 2013 year to date<sup>110</sup>

The benefits percentage is between 20% and 30% of the total salary cost. This is within the expected range having consideration of year to date, that is, actual at third quarter. The range may be higher if the budget forecast is used as a basis, estimated \$814,380 to 953,680.

With regards overtime, the highest increase is between 2009 and 2010 (83% increase in year to date (actual) with a budget increase of 17.6%). That is 4.3% to 5% of salaries. The budget remained consistent. Actual year to date, however, dropped the following year while remaining consistent in subsequent years. It is problematic to accurately estimate the year to date costs as year to date does not include all costs. Parking meter revenue increased in the same year (20% (year to date actual) or 10% of budget) and the decision in 2010 may have been to supplement the workforce<sup>111</sup> with overtime instead of hiring new staff or casual staff. Based upon information provided to the Review, the decision has not changed in the subsequent years.

The number of overtime hours (depending upon the pay level of staff working overtime and overtime rate of 1.5 or double time) may be between 500 to 750 hours. Casual worker hours for this pay may be between 1,000 to 1,400 (straight time hours, lower pay, fewer benefits). There may be other considerations such as existing staff may be more efficient and better trained than casuals. The overtime percentage of salaries is approximately 5%. It is likely that bylaw officers use less overtime than police officers as many by-law issues (such as neighbour - neighbour disputes, unsightly premises or dogs barking) can wait until working hours.

Several costs including Bike Rodeo, Telephone/Communications, Power, and at times vehicle O&M exceed budget each year. These overages are offset by salary costs, dog pound and materials. This practice may be reasonable since salaries fluctuate each year due to vacancies. However, if materials are not ordered as needed or positions not filled due to managing these overages, efficient and effective operations may be impacted.

For future financial planning, it is beneficial to have costs broken down and aligned with revenue sources and activities.

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<sup>110</sup>Budget data provided to Review. For purpose of brevity, detailed budget excluded, observations only provided

<sup>111</sup>MED: to cover staff turn-over or special events.



## 8 Findings

There is inconsistency, and hence confusion, within the various MED policies and background mandate related documents. There is no indication of what input and evidence were used in determining the current goals and objectives. There is no authoritative source document to provide appropriate direction for deployment and enforcement activities at the strategic level. The most significant issue concerning mandate and expectations relates to downtown disorder issues, usually attributed to liquor consumption and abuse.

Overriding all other considerations is the need for overall strategic direction and accountability. The function of the MED is more closely aligned with the policing and law enforcement continuum than most municipal bylaw functions in the provinces. Given the power and expectation of MED officers to intervene in public places and have the authority to restrict or remove the liberty and freedom of members of the public, Council has a legitimate role in establishing annual strategic and high level priorities. However, it is essential that Councilors do not step out of the role as a policy and governance body by becoming involved in operational matters or individual incidents. The everyday operations of the MED are a matter for the MED Manager under the policies of senior City staff.

Without the MED mandate, priorities, and goals being clarified, and without Council-identified priorities, along with an absence of accurate workload data collection or analysis it is not possible to determine appropriate staffing levels. Following implementation of the proposed enhancements to MED planning, deployment, data collection and analysis, it will be possible to accurately measure the activities of MED, along with the outcomes, and hence determine the most appropriate deployment and number of staff then required.

The policies and procedures are inconsistent, fragmented, and not available to the MED Officers. It is essential that all policies and procedures are reviewed and revised and combined into one centralized manual format, paper and electronic, which is immediately accessible. Failure to develop such a manual creates risk for MED Officers and a commensurate risk for the City. The report includes an example of a model policies and procedures manual which should be consulted when revising the existing policies.

The MED provides an image and representation of the City; and the actions of personnel – regardless of the nature of any enforcement – can contribute the success of the City's plans. The inconsistent policies and procedures, most of which are not available to MED Officers, make it impossible for MED to address by-law enforcement or mediation activities in the spirit of the

Strategic Plan. Unmarked vehicles may contribute to tactical effectiveness. The desired balance of tactical effectiveness and image is an executive/management operational decision.

MED is perceived by interviewees as possessing a mandate focused on revenue generation. Revenue generation must not be the *raison d'être* of a policing or law enforcement function. The mandate of MED is to provide public safety and enforcement services. Any revenues accruing from these activities are a budget planning matter for the Corporate Services Department. . The unpaid parking ticket follow-up procedure (summonses) can be improved through changes in Territorial legislation and also through changes within the MED process.

Several jurisdictions have introduced comprehensive by-laws which encompass offences related to 'public nuisance' and similar occurrences. Such a 'Community Standards By-law'<sup>112</sup>, implemented in Yellowknife, could address the types of disorder and nuisance incidents currently not addressed or enforceable under a by-law. .

A computer aided dispatch (CAD) system would be able to effectively measure performance and the allocation and deployment of resources against priorities and goals. Personnel 'experience' of community issues should not be the sole determinant of resource deployment. Although some limited operational data is available, as noted above, it is not comprehensive and does not provide an accurate perspective on MED activities. Without CAD information and workload analyses it is not possible to accurately measure the resources allocated neither to address community issues nor to preemptively plan deployments for prevention.

The *Review* had the cooperation of other Canadian jurisdictions which provided information on the authority, mandate, structure, and operations of their by-law enforcement functions. In addition, an Internet search provided general information on by-law enforcement. The MED organizational structure should support the need to address the priorities, goals, and objectives of Yellowknife.

The current organizational structure, a stand-alone city division, with some adjustments, is more appropriate for addressing Yellowknife's community by-law related issues than the other observed model, the embedding of municipal by-law enforcement in the local police service. Several options are considered.

MED job descriptions are not consistent with the authority of their office or the training and certification records. There is risk in assigning the parking enforcement Level I Officer to foot

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<sup>112</sup> See Appendix 3.1 for an example. the Red Deer Community Standards By-law

patrols to address disorder issues.

The review of training records indicates that MED practices are inconsistent with MED policies and job descriptions.

The MED workload statistics are difficult to interpret or provide a rationale base for deployment or determination of resourcing needs: the number of occurrence report numbers do not provide an illustration of the geographic and temporal nature of the work or the outcomes in relation to meaningful priorities and goals. Consequently, as noted above, without comprehensive and accurate workload data it is premature to estimate staffing requirements. Also, the likely changes in activities and outcomes of MED deployment will influence personnel hiring requirements. An assessment of staffing numbers and revised competencies should await the implementation of the recommendations of this report.

The collective agreement provides two models for the hours of work: a five eight-hour day Monday through Friday and the twelve/ten-hour model above. The five-day eight-hour model is currently used for Level I parking enforcement and the 12/10-hour model currently for Level II mobile patrol Officers.

The 12/10-hour model provides service from 0700 to 2400/0200 daily with an overlap of shifts each afternoon. It is difficult to assess the efficiency and efficacy of this model without temporal data regarding the distribution of workload, public and self-generated, over the twenty-four hour period. No information or evidence is available to the *Review* supporting the current deployment model.

It is not possible to determine the optimum number of staff without a clear understanding of the temporal and geographic distribution of workload: calls for service from the public and a clear understanding of the service level and activities that are desired by Council, senior City staff, and the residents of Yellowknife. Based on the available workload statistics, it would seem that the contemplated additional parking enforcement position with the associated increase in tickets and summonses issued would, in theory, require an additional clerk and would consume one FTE Enforcement Officer for summons service. However, changes in staffing requirements and deployment may occur as a consequence of other proposed changes.

A Strategic Plan has been proposed. Following acceptance by Council of the *Review*, an implementation strategy should be developed for the *Review's Strategic Plan* with anticipated schedule for completion of two to three years.

City of Yellowknife  
**Municipal Enforcement Division  
Operational Review**

**Appendices**

*perivale + taylor consulting*

October 2014

## **Appendix 2.1 MED Statutory Authority**

### **2.1 Mandate**

The mandate of the MED may be assumed through the following three City of Yellowknife policies:

- A. Duties and Functions including 'role of the By-law Division' – undated
- B. Goals & Objectives – undated
- C. Statutory Powers, dated 1991-11-15

#### **2.1.1 A DUTIES and FUNCTIONS**

##### **Purpose**

To give a broad outline of the roles and responsibilities of the city By-law Division.

##### **Policy**

It is the role of the By-law Division to:

- administer selected City By-laws;
- enforce selected City By-laws;
- enforce various Northwest Territories and Federal Acts to the extent so empowered by law;
- assist other City Departments in the application and enforcement of City By-laws for which they have primary responsibility; and
- perform such other duties, as directed from time to time;

in an overall effort to encourage and enforce due observance of the provisions of such legislation and to facilitate the safe, orderly function of the city of Yellowknife.

##### **Application**

This policy applies to all employees of the By-law Division.

##### **Procedures**

It is the responsibility of the By-law Division to:

1. Administer and enforce the following By-laws and subsequent amendments:
  - (a) Highway Traffic
  - (b) Parking Meters
  - (c) Business Licence
  - (d) Dog
  - (e) Bicycle
  - (f) Garbage
  - (g) Litter
  - (h) Noise
  - (i) All Terrain Vehicles
  - (j) Firearms

- (k) Livery Licence
  - (l) Sidewalk Clearance
  - (m) Other such By-laws not mentioned herein or as directed
2. Enforce provisions of Northwest Territories and Federal Acts to the extent so empowered by law and where no comparable By-law is in force.
  3. Collect revenue, issue licence and permits; conduct patrols, inspections, enquires and investigations, prosecute offences, serve documents as required, in accordance with law, and good administrative/enforcement practices.
  4. Assist other City Departments, Territorial and Federal Agencies as directed.
  5. Assist the general public in order to promote a safe environment to live and work.
  6. Assume such other duties from time to time as directed.

### **2.1.2 B GOALS and OBJECTIVES**

#### **Purpose**

To outline in broad terms the objectives of the By-law Division and goals needed to achieve them.

#### **Policy**

It is the policy of the By-law Division to identify its overall objectives and the means designed to achieve the objective.

#### **Application**

This Policy applies to all employees of the By-law Division.

#### **Procedures**

1. Objective – To provide knowledgeable, prompt, courteous service to the City and citizens of Yellowknife on all matters within the area of By-law Division responsibility by:
  - (a) maintaining up to date copies of pertinent By-laws;
  - (b) establishing effective procedures for issuance of licence and permits;
  - (c) ensuring competency of employees through regular cross training at the clerical level.
  
1. Objective – To provide effective, efficient and fair enforcement of those By-laws which are the prime responsibility of the By-law Division by:
  - (a) regular and ongoing study of By-laws and related statutes;
  - (b) establishing an effective policy and procedures manual;
  - (c) monitoring the effectiveness of current By-laws and proposing amendments, new By-laws or deletion of By-laws as required;
  - (d) maintaining effective liaison with all City Departments, other government departments, outside agencies and enforcement agencies on an ongoing basis;
  - (e) identifying the need for skills upgrading;

- (f) actively searching for new methods and for equipment to increase efficiency and effectiveness of enforcement.
  - (g) ensuring competent employees are hired as vacancies come available;
- and
- (h) establishing individual goals and objectives consistent with the Unit goals and objectives.
2. Objective – Consistent with the fact that the By-law Division forms part of the Public Safety Department, a sustainable safety programme be implemented promoting Public Safety in those areas for which we have a responsibility.
- (a) Encouraging and leading School Safety Programmes;
  - (b) Being involved in Bicycle Safety Programmes;
  - (c) Participating in other Safety Programmes that are of interest and are identified; and
  - (d) Developing an effective and enforceable By-law to curtail the incidence of jaywalking.
4. Objective – Exploring areas and pertinent By-laws currently in effect to ensure that a high level of tidiness is maintained in the City of Yellowknife.
- (a) Reviewing the Zoning By-law and circumstance under which wrecked and salvaged vehicles are kept on private property;
  - (b) Enforcement of the Garbage By-law and Litter By-law; and
  - (c) Patrolling City Parks and Trails.
5. Objective – Continue to upgrade the public image of the By-law Division by:
- (a) Active participation in public events;
  - (b) Taking a leading role in the Children's Wish Foundation;
  - (c) Supporting various local charities when feasible;
  - (d) Maintaining high visibility within the Community;
  - (e) Participating in sporting events when feasible; and
  - (f) Frequent and ongoing official and unofficial contact with the public at large.

## Procedure

### Responsibilities

#### Manager

- 1 Develop time frames and measure points for the goal achievement process;
- 2 Monitor progress to goal achievement and determine when goal has been achieved
- 3 In conjunction with employees identify new goals and/or objectives

#### Employees/Members

- 4. Taking the key from the Unit goals and objectives, develop individual goals and objectives, making them flexible, timely and measurable;
- 5. Determine when goals and objectives have been met; and
- 6. Set new goals and/or objectives.

### 2.1.3 C STATUTORY POWERS

#### I Purpose

To outline the Statutory Powers of the City of Yellowknife By-law Officers.

#### II Policy

It is the Policy of the By-law Division to perform their duties and functions as empowered by law.

#### III Application

This Policy applies to members of the By-law Division, in particular to appointed By-law Officers.

#### IV Procedures

- 1 By-law Enforcement Officers will be appointed by By-law
2. Statutory authority for appointment is contained in Section 172 of the Cities, Towns and Villages Act. This appointment authorizes a By-law Officer to:
  - a) represent the City before a Justice of the Peace in a prosecution of any person under a By-law;
  - b) enforce the By-laws of the City; and
  - c) enforce the provisions of the Motor Vehicles Act and the All-Terrain Vehicles Act.
3. Any person who willfully obstructs or interferes with a By-law Officer can be prosecuted pursuant to Section 188 of the Cities, Towns and Villages Act.
4. There are no powers of arrest contained in the Cities, Towns and Villages Act except in the execution of a warrant issued pursuant to the Summary Conviction Procedures Act.
5. The Motor Vehicles Act Officers powers of arrest without warrant. See Section 215 Motor Vehicles Act.
1. A By-law Officer has Peace Officer status pursuant to Section 10(l)(b) of the Summary Conviction Procedures Act in respect to an offence under a By-law.
7. Consequently the Peace Officer Sections of the Criminal Code apply to a By-law member when working within the scope of his duties as a By-law Officer.

#### General

Prosecution for obstruction are rare and considered in extreme circumstances recommendation of the City Solicitor should only be and upon the Incidents of assaulting a Peace Officer and resisting arrest should be viewed as criminal offences and reported to the R.C.M.P. for investigation and prosecution.

#### By-law Enforcement in the Northwest Territories

##### Authority

"A council may, by by-law, appoint by-law officers and establish their specific duties."

*[Cities, Towns and Villages Act, s.]*

*[Hamlets Act, s. 172]*

*[Charter Communities Act, s. 176]*



The establishment of "specific duties" is taken to mean that a council may specify certain duties in addition to those set out in the Act (but not a job description) and might include the issuance of orders under the following section:

(1) A council may, by by-law, ensure compliance with its by-laws by providing for the issuance of orders by the council, a by-law officer or other employee directing a person to do any act or refrain from doing any act.

(2) A council may, by by-law, provide that failure to obey an order issued pursuant to subsection (1) is an offence.

*[Cities, Towns and Villages Act, s. ~]*

*[Hamlets Act, s. 174]*

*[Charter Communities Act, s. 178]*

This is a most valuable weapon in the municipal corporation's armour, yet to be fully understood, appreciated and utilized. It would be valuable to discuss with course participants what kind of orders, written or oral, would be useful. in their work.

The general statutory duties of a by-law officer are set out as follows:

(1) A by-law officer may represent the municipal corporation before a justice of the peace in the prosecution of any person charged with an offence under a by-law.

(2) Every by-law officer shall enforce the provisions of the bylaws of the municipal corporation.

(3) Every by-law officer is an officer within the meaning of the *Motor Vehicles Act* and shall enforce the provisions of that Act and the *All-terrain Vehicles Act*.

*[Cities, Towns and Villages Act, s. tta]*

*[Hamlets Act, s. 173]*

*[Charter Communities Act, s. 177]*

Although subsection (1) specifies "before a justice of the peace", in practice this includes a Territorial Judge where he is hearing by-law matters at the summary conviction level, that is, acting as a justice of the peace.

Subsection (2) makes by-law enforcement mandatory. A by-law officer may not pick and choose which by-laws he will enforce. Nor can council tell a by-law officer not to enforce a by-law or not to enforce it with respect to a certain individual or individuals or not on certain occasions. On the other hand a by-law may only apply to a certain class, e.g. taxi drivers, or not apply to a certain class, e.g. disabled persons, or provide different conditions for a certain class, e.g. senior citizens. The following limitation should be noted:

No council has the power to grant any specific person an exemption from

(a) any tax, rate, rent or other charge payable to the municipal corporation, or

(b) the application of a by-law,

unless specifically authorized by an Act or regulation.

*[Cities, Towns and Villages Act, s.]*

*[Hamlets Act, s. 134]*

*[Charter Communities Act, s. 138]*

A list of Acts under which by-laws may be passed is included later in the section dealing with By-laws.

The enforcement of the provisions of the *Motor Vehicles Act* and the *All-terrain Vehicles Act* is also mandatory. The references to by-law officers in those Acts are as follows:

- (1) The Minister may appoint motor vehicle officers.
- (2) Members of the Royal Canadian Mounted Police and persons appointed by a council to enforce its by-laws are ex officio motor vehicle officers.
- (3) A person appointed by a council to enforce its by-laws may perform the duties and exercise the powers of a motor vehicle officer only within that municipality.

[*Motor Vehicles Act*, s.6]

- (1) Subject to subsection (2), any person who is appointed as, or who is ex officio, an officer for the purposes of the *Motor Vehicles Act* is an officer for the purposes of enforcing this Act and the by-laws and regulations made under this Act.
- (2) An officer mentioned in subsection (1) has all the powers in relation to the enforcement of this Act or the by-laws and regulations made pursuant to this Act that an officer has under the *Motor Vehicles Act* in respect of motor vehicles, except that an arrest or seizure made under this Act or the by-laws and regulations made pursuant to this Act may be made only by an officer who is a member of the Royal Canadian Mounted Police or a person appointed by a council to enforce its by-laws.
- (3) No person shall obstruct, molest or interfere with an officer in the performance of his duties with respect to the enforcement of this Act or the by-laws or regulations made thereunder.

[*All-terrain Vehicles Act*, s.10]

The authority of a by-law officer under the *Summary Conviction Procedures Act* will be dealt with more fully under Prosecutions, but the reference is as follows:

- (8) In this section
  - (a) "parent" includes, in respect of another person, any person who is under a legal duty to provide for that other person or any person who has, in law or in fact, the custody or control of that other person;
  - (b) 'peace officer' means
    - (i) a member of the Royal Canadian Mounted Police,
    - (ii) a by-law officer in respect of an offence under a municipal by-law, or
    - (iii) a person or one of a class of persons prescribed as such.

[*Summary Conviction Procedures Act*, s.10]

## **By-laws**

A council has authority to pass by-laws under a number of Acts. Those of a regulatory nature requiring enforcement are mainly contained in the following:

*All-terrain Vehicles Act*  
*Civil Emergency Measures Act*

<i>Curfew Act</i>		
<i>Motor Vehicles Act</i>		
<i>Planning Act</i>		
<i>Summary Conviction Procedures Act</i>		
<i>Cities, Towns and Villages Act</i>	>	whichever
<i>Hamlets Act</i>	>	may be
<i>Charter Communities Act</i>	>	appropriate

Under these various Acts, a council may pass by-laws requiring enforcement by bylaw officers for the following purposes:

- All-terrain vehicles
- Curfew
- Highways including maximum speeds
- Traffic control devices
- Vehicles and pedestrians
- Zoning
- Stop Work Orders
- Civil Emergency Measures
- Behaviour at council, committee and public meetings
- Encroachments and obstructions on roads
- Discharges into sewage or drainage systems
- Burning or dumping certain waste
- Parking lots
- Fire prevention
- Dangerous goods, firearms and fireworks
- Smoking
- Building control
- Business licensing
- Taxis
- Dogs and other animals
- Noise
- Defacing property
- Adult publications
- Junked vehicles
- Out of Court penalties for by-law infractions

This list is not exhaustive.

### **Powers**<sup>113</sup>

Some reference has already been made to the powers of a by-law officer under Authority. This section will consider the powers specified under the various Acts.

A by-law officer's powers under the *Cities, Towns and Villages Act*, *Hamlets Act* or *Charter Communities Act* are to be inferred from the statutory duty to enforce, the power to represent the municipal corporation before a justice of the peace, any specific duties set out in the by-law of appointment and any power to issue orders provided by by-law.

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<sup>113</sup> Note: many of the section and subsection numbers have handwritten amendments not shown here – no date or signature for revision is on the PDF form of the policies/procedures

The *Motor Vehicles Act*, while including by-law officers as "motor vehicle officers" under section 6, defines "officer" as a "motor vehicle officer" in section 2 and uses the word "officer" thereafter throughout the Act. As an officer a by-law officer may exercise a number of powers, including the following:

direct drivers or pedestrians to do something, which would otherwise be contrary to the provisions of a by-law or of Part VI of the Act, where he considers it necessary to ensure orderly movement of traffic, to prevent injury to persons or damage to property or in an emergency [s. 168]

require the owner of a vehicle to supply within 48 hours the name and address of the driver, whose identity is unknown to the officer, where an offence has been committed [s,329]

direct a driver holding up traffic by driving too slowly to drive faster or get off the highway [s. 188]

direct a driver to pull over for an inspection of the vehicle and its equipment [ss.188]

request information from the occupant of a vehicle, request documentation from a driver and forward to the Registrar any documents he believes to be suspended, cancelled or expired [ss. 311/2]

remove the plates from a vehicle that is uninsured or in an unsafe condition or on which the plates are being used illegally [ ss. 300 / 10, 326, 328]

remove from a vehicle a speed radar detection or interference device [ s. 325]

require the driver of a taxi or school bus to produce evidence of adequate public liability insurance [ s. 72]

direct a driver he believes to be impaired by alcohol, drugs or fatigue to pull over and surrender his licence, suspending his licence for from 4 to 24 hours. [s.131]

seize a vehicle required as evidence in a prosecution [ s. 316 ]

seize a vehicle for 24 hours where the vehicle is abandoned, has no licence plates or is parked illegally [s. 322 ]

Note that, as in every case where the actual section is not quoted, the legislation must be consulted for certainty.

The subject of the power of arrest is dealt with very clearly in section 315.

(1) An officer may arrest, without a warrant, a person whom he finds contravening the provisions of this Act referred to in subsection (2) if the officer on reasonable and probable grounds believes that the public interest, having regard to all the circumstances, including

- (a) the need to establish the identity of the person,
- (b) the need to secure or preserve evidence of or relating to the contravention,
- (c) the need to prevent the continuation or repetition of the contravention or the

commission of another contravention, and  
(d) the probability that the person will fail to attend in court in order to be dealt with according to law,  
requires that the person be arrested without a warrant.

(2) An officer may arrest a person pursuant to subsection (1) for contravening subsection 81(1), 133(2) section 134, paragraph 136(b), section 162, subsection 169(1), section 184, 246, 250, 251, 274, 275, 277 or subsection 307(2).

The contraventions referred to include: no driver's licence, more than one driver's licence, driving while prohibited or suspended (including taxis), tampering with a vehicle or its equipment, careless driving, speeding, driving on the sidewalk, stunt driving, racing, failing to report or unlawfully leaving the scene of an accident, failing to stop for vehicle inspection.

Part VII of the Act makes it clear that by-law officers are not to deal with accidents. These are to be dealt with exclusively to the RCMP.

### **Prosecutions**

In prosecuting a person for an offence under a by-law, a by-law officer may rely on the summary conviction provisions of the *Criminal Code (Canada)* and/or the *Summary Conviction Procedures Act*. At the same time he will be bound by the provisions of other legislation and regulations, in particular the Evidence Act and the *Young Offenders Act*.

Under the *Summary Conviction Procedures Act* a by-law officer, as a peace officer, may lay an information by means of a ticket. There are two forms of ticket: one is the Territorial ticket for use with respect to offences under certain Acts, principally traffic offences, providing for a plea of guilty and the payment of a fixed penalty, and out of court payment to the Government of the Northwest Territories.

There is also a municipal form of ticket, virtually the same. The essential differences are that it may be used with respect to offences under any municipal by-law and the out of court penalties are payable to the municipal corporation.

The form of both these tickets is set out in regulations pursuant to the *Summary Conviction Procedures Act*. These are the only tickets which are 'legal'. The use of any other form of ticket may be challenged in court and may be found not valid.

### **Peace Officers**

A by-law officer is a "peace officer" for the purposes of section 5 of the *Summary Conviction Procedures Act* with respect to the operation of the ticket system and under the *Criminal Code* to the extent that the by-law officer is "employed for the preservation and maintenance of the public peace or for the service or execution of civil process." It is arguable whether a by-law officer is actually employed for those purposes. The wording in the *Cities, Towns and Villages Act*, *Hamlets Act* and *Charter Communities Act* would seem to suggest otherwise.

There does not appear to be, however, any particular magic to the term "peace officer". It is used in the *Summary Conviction Procedures Act* to designate a person who may do certain things

under that Act. The *Criminal Code* lists a number of things which a peace officer may do; those which are relevant to his duties as a by-law officer or as an officer under the *Motor Vehicles Act* or the *All-terrain Vehicles Act* he is empowered to do under those Acts, regardless of whether he is a peace officer or not.

## **Appendix 2.2 MED Mission Statement and Goals and Objectives**

### **Municipal Enforcement Division Mission Statement**

To serve the citizens of Yellowknife by performing our duties in a prompt, fair, consistent, and competent manner to ensure that Yellowknife remains a safe, clean, enjoyable place to work, live, or visit.

### **Municipal Enforcement Division Goals and Objectives**

The Municipal Enforcement Division is responsible for the enforcement of numerous City by-laws as well as the *Northwest Territories Motor Vehicles Act* and the *All-Terrain Vehicles Act*. Officers conduct patrols by foot, bike, vehicle and snowmobile. The division also maintains approximately 575 on-street parking meters. The division is comprised of:

- A manager who oversees the division, budget and policies
- Two supervisory constables who supervise the constables' day-to-day activities, conduct court prosecutions twice a week and deal with public complaints
- Six constables who respond to public complaints and proactively enforce City by-laws, the *Northwest Territories Motor Vehicles Act* and the *All-Terrain Vehicles Act*
- One constable whose main duty is to enforce parking in the Central Business District. This officer also enforces other by-laws in the Central Business District
- Two clerks who do all ticket and other data entry, answer phones, dispatch complaints to officers, deal with the public at the counter

### **2013 Highlights**

The highlights of the Municipal Enforcement Division include:

- The 29th Annual Bicycle Rodeo was another great success with hundreds of children attending. Many fantastic prizes were donated and given out to participants.
- Constables delivered bicycle safety talks to approximately 1,800 school children.
- The City of Yellowknife Dog By-law No. 3710 was repealed and a new dog by-law was adopted by City Council. The new by-law is much more comprehensive and provides greater protection for dogs, as well as clearer guidelines for responsible pet ownership.

### **2014/2015/2016 Goals**

The goals of the Municipal Enforcement Division are to:

- Enforce City by-Laws and mandated territorial statutes in a fair, competent and consistent manner, thereby enhancing public safety and meeting City legal requirements
- Provide timely response to requests by citizens, City Administration and departments for service related to infractions and enforcement of by-laws and other statutes
- Provide other legislative, administrative and investigative support to the City, the courts and outside agencies as necessary
- Provide a safe environment for the City's residents and visitors and act as a support division in the event of an emergency

## **2014/2015/2016 Objectives**

The objectives of the Municipal Enforcement Division are to:

- Provide full coverage to the citizens of Yellowknife from 7:00 a.m. to 12:00 a.m. daily with on call/standby coverage from 12:00 a.m. to 7:00 a.m., utilizing a maximum of three officers, two supervisors, and four patrol vehicles
- Monitor and enforce speed limits within the City, with special emphasis on the eight school zones, by being present in at least one school zone during each of the three daily high traffic periods
- Perform a once-daily patrol of the city for loose dogs and garbage infractions
- Increase and maintain the 90% + rate of recovery for offences
- Conduct snowmobile patrols during the snowmobile season, weather and other conditions permitting
- Ensure sidewalks in the control area are being maintained by the adjacent property owners
- Ensure that traffic on Franklin Avenue in the Central Business District is monitored during the morning and evening rush hour periods
- Continue patrols of high-profile parking meters
- Continue to provide support and assistance to other protective service agencies when requested



### **Appendix 2.3 Summary Conviction Procedures Act Regulations**

#### Section 2

For the purposes of the definition "peace officer" in section 10 of the Act, the following classes of persons are prescribed as peace officers:

- a) persons appointed under subsection 318(1) of the Motor Vehicles Act as motor vehicle officers, while enforcing that Act or the regulations under that Act;
- b) persons appointed by a council to enforce the by-laws of the municipal corporation, referred to in subsection 318(2) of the Motor Vehicles Act, while enforcing the Motor Vehicles Act or the regulations under that Act;
- c) inspectors appointed under subsection 53(1) of the Liquor Act while enforcing that Act or the regulations under that Act;
- d) inspectors appointed under subsection 42(1) of the Transportation of Dangerous Goods Act, 1990, while enforcing that Act or the regulations under that Act;
- e) persons referred to in subsection 10(1) of the All-terrain Vehicles Act, while enforcing that Act or the regulations under that Act;
- f) officers within the meaning of the Wildlife Act, while enforcing that Act or the regulations under that Act

### **Appendix 2.4 Cities, Towns & Villages Act**

70.(1) In addition to any power to make bylaws in any other enactment, council may make bylaws for municipal purposes respecting

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or a place that is open to the public;
- (c) public nuisances, including unsightly property;
- (d) transport, motor vehicles, pedestrians and local transportation systems;
- (e) the management, use and protection of lands;
- (f) businesses, business activities and persons engaged in business;
- (g) public utilities;
- (h) programs, services, infrastructure and facilities provided or operated by or on behalf of the municipal corporation;
- (i) domestic and feral animals and activities in relation to them;
- (j) the operation and internal management of the municipal corporation; and
- (k) the enforcement of bylaws.

72. For greater certainty, a bylaw may

- (a) regulate or prohibit activities;
- (b) create offences;
- ...
- (h) provide for procedures, including inspections, for determining whether bylaws are being complied with; and
- (i) provide remedies for contraventions of bylaws.

86. (1) Subject to subsection (2), a municipal corporation may make bylaws respecting any highway in the municipality.

137. (1) Council may appoint bylaw officers to enforce any or all of its bylaws and may establish their specific duties.

(2) A bylaw officer shall enforce those bylaws of the municipal corporation that he or she is appointed to enforce under subsection (1).

(3) A bylaw officer is an officer as defined in the Motor Vehicles Act and the Dog Act and shall enforce those Acts and the All-terrain Vehicles Act.

138. A bylaw officer may represent the municipal corporation before a justice of the peace in the prosecution of a person charged with an offence under a bylaw.

## **Appendix 2.5 Motor Vehicles Act**

318.(1) The Minister may appoint motor vehicle officers.

(2) Members of the Royal Canadian Mounted Police and persons appointed by a council to enforce the bylaws of the municipal corporation are *ex officio* motor vehicle officers.

3) A person appointed by a council to enforce the bylaws of the municipal corporation may perform the duties and exercise the powers of a motor vehicle officer only within that municipality.

### 24 Hour Suspension - Impairment by Alcohol, Drug or Fatigue

#### Duties of officer

116.1. (1) An officer shall, on behalf of the Registrar, without delay, take the actions set out in subsection (2) and subsection (3), (4) or (5), as the case may be, if the officer believes on reasonable grounds that the ability of a person who is operating a motor vehicle on a highway or who has the care or control of a motor vehicle on a highway to operate the motor vehicle is adversely affected because the person has consumed or otherwise introduced alcohol or a drug into his or her body, or is fatigued.

#### Power to stop vehicles

(2) If the motor vehicle is being operated on a highway, the officer shall direct the person to stop and park the vehicle

(3) If the person is named in a valid driver's licence issued under this Part, the officer shall

- (a) direct the person to surrender his or her driver's licence;
- (b) suspend the person's driver's licence for a period of 24 hours; and
- (c) endeavour to serve a notice of suspension on the person

#### Disqualification of extra-territorially licenced person

(4) If the person is named in a valid driver's licence issued under the laws of an extra-territorial jurisdiction that authorizes the person to operate a motor vehicle, the officer shall

- (a) direct the person to surrender his or her driver's licence;
- (b) disqualify the person from operating a motor vehicle and from applying for or holding a driver's licence under this Part for a period of 24 hours; and
- (c) endeavour to serve a notice of disqualification on the person.

Disqualification of unlicensed person

(5) If the person is not named in a valid driver's licence issued under this Part or under the laws of an extra-territorial jurisdiction, the officer shall

(a) disqualify the person from applying for or holding a driver's licence under this Part for a period of 24 hours; and

(b) endeavour to serve a notice of disqualification on the person

Person may undergo test

(8) If alcohol is listed as a factor in the notice referred to in subsection (7), the person may

(a) within two hours after the commencement of the suspension or disqualification, if the officer has access to the prescribed test equipment in the community in which the officer is based, voluntarily undergo a test of his or her breath administered by the officer or a person designated by the officer using prescribed test equipment to determine the concentration, if any, of alcohol in the person's blood;

Power to demand breath samples

116.2. (1) A peace officer who reasonably suspects that a novice driver is the operator of or has the care or control of a motor vehicle on a highway and has alcohol in his or her body may, if the motor vehicle is in operation, direct the novice driver to stop and park the motor vehicle and, by demand made to the novice driver without delay or as soon as is practicable, require the novice driver

(a) to provide then or as soon thereafter as is practicable such samples of his or her breath as, in the opinion of the peace officer, are necessary to enable proper analysis to be made using prescribed test equipment in order to determine whether alcohol is present in the novice driver's blood; and

(b) to accompany the peace officer for the purpose of enabling such samples to be taken

**Appendix 2.6 All-terrain Vehicles Act**

10.(1) Subject to subsection (2), a person who is appointed as, or who is ex officio, an officer for the purposes of the Motor Vehicles Act is an officer for the purposes of enforcing this Act and the bylaws and regulations made under this Act.

(2) An officer mentioned in subsection (1) has all the powers in relation to the enforcement of this Act or the bylaws and regulations made under this Act that an officer has under the Motor Vehicles Act in respect of motor vehicles, except that an arrest or seizure made under this Act or the bylaws and regulations made under this Act may be made only by an officer who is a member of the Royal Canadian Mounted Police or a person appointed by a council to enforce its bylaws.

11.(1) An officer may, at any time, stop and inspect an all-terrain vehicle that is on a highway to ascertain whether the all-terrain vehicle complies with this Act or the bylaws or regulations made under this Act with respect to registration, licensing, insurance and equipment.

## **Appendix 2.7 Dog Act**

1. "officer" means an officer appointed under subsection 2(1) and a person who, by virtue of his or her office, is an officer under subsection 2(2)

### Appointment of officers

2. (1) The Minister may appoint officers for the purposes of this Act and the regulations

### Ex officio officers

(2) Members of the Royal Canadian Mounted Police and bylaw officers appointed under the Charter Communities Act, Cities, Towns and Villages Act, Hamlets Act and Tâîchô Community Government Act are, by virtue of their office, officers under this Act

### Restriction

(3) A bylaw officer may only perform the duties and exercise the powers of an officer under this Act within the municipality for which he or she is appointed

## **Appendix 2.8 Liquor Act**

### Unlawful possession

78. No person shall have liquor in his or her possession other than at a place where he or she is authorized to be in possession of liquor under this Act or the regulations.

### Unlawfully obtained liquor

79. No person shall have or keep liquor that has not been purchased or obtained in a manner authorized by this Act and the regulations.

### Unlawful purchase

80. No person shall purchase or attempt to purchase liquor from a person who is not authorized to sell liquor under this Act and the regulations.

### False information on liquor order

81. No person shall supply any false information when ordering liquor or completing any form relating to the acquisition of liquor

### False identification

82. No minor shall produce identification that is false or that has been altered for the purpose of  
(a) entering or remaining in a licensed premises; or  
(b) purchasing liquor at a liquor store

### Minor in liquor store

83. No minor shall enter or remain in a liquor store unless he or she is accompanied by his or her parent or by an eligible person authorized by his or her parent

### Purchase and possession by minor

84. (1) No minor shall  
(a) purchase or attempt to purchase liquor; or  
(b) have liquor in his or her possession

### Unlawful consumption

85. (1) Except as provided by this Act and the regulations, no person shall consume liquor in a public place.

Public place

(3) A public place that only allows the public access during certain hours does not cease to be a public place during other hours.

Consumption by minor

86. (1) No minor shall consume liquor.

Offence

87. (1) No person shall be intoxicated in a public place.

Intoxication – definition

1. "intoxicated person" means an individual who appears to be under the influence of liquor, a drug, or another intoxicating substance

Temporary custody of person found intoxicated in public place

(2) A peace officer who believes on reasonable grounds that a person is intoxicated in a public place may, instead of laying a charge in respect of the offence under subsection (1), apprehend the person to be dealt with in accordance with this section.

Release from custody

(3) Subject to subsection (4), a person apprehended under subsection (2) shall be released from custody at any time if the person responsible for his or her custody believes on reasonable grounds that

(a) the person in custody has recovered sufficient capacity that he or she would be unlikely to cause injury to himself or herself or be a danger, nuisance or disturbance to others; or

(b) a person capable of taking care of the person in custody has undertaken to do so

Length of custody

(4) A person apprehended under subsection (2) may not be held in custody for more than 24 hours after being apprehended

Exemption from liability

(5) No action lies against a peace officer or another person for anything done in good faith with respect to the apprehension, custody or release of a person pursuant to this section.

1. definition

"inspector" means an inspector appointed under section 106 and a member of a class of persons

prescribed as inspectors;

Inspectors

106. (1) The Minister may appoint inspectors for the purposes of this Act and the regulations

Peace officer

107.(1) An inspector acting in his or her capacity as an inspector and in the performance of his or her duties under this Act or the regulations, has all the powers and protections of a peace officer under the Criminal Code and the common law

## **Appendix 2.9 Proposal for Authority under the Liquor Act**

October 10, 2013

Government of the NWT  
Department of Finance  
P.O. Box 1320,  
Yellowknife, NT  
X1A 2L9

Attention: Mr. Mike Aumond  
Deputy Minister of Finance

Dear Mr. Aumond,

### **Re: Authorization to Enforce Provisions of the Liquor Act**

The City of Yellowknife Municipal Enforcement Division is seeking the authority to enforce certain provisions of the Liquor Act, specifically those pertaining to open alcohol in a vehicle, illegal possession of liquor in a public place and public intoxication.

The Municipal Enforcement Division has ten officers who enforce City bylaws and the Motor Vehicle Act of the Northwest Territories. During traffic stops, officers routinely come across persons with open liquor or under age persons in possession of liquor. Officers also, on a daily basis, have to deal with persons in our facilities or parks in illegal possession of liquor or who are highly intoxicated. Currently officers have to call the RCMP to respond to deal with these issues and on a frequent basis the RCMP are unable to attend because they are busy with more serious matters.

To assist the RCMP and more efficiently deal with these matters the Municipal Enforcement Division would like the authority to deal with these provisions of the Liquor Act.

The Manager of the Municipal Enforcement Division and our Director of Public Safety would like to meet with you to discuss this issue further. You can contact Mr. Dennis Marchiori at 920-5661 or by e-mail at [dmarchiori@yellowknife.ca](mailto:dmarchiori@yellowknife.ca) to schedule a meeting.

Sincerely,  
Dennis Kefalas  
City Administrator  
City of Yellowknife

### Appendix 3.1 NOV and Summons Process <sup>114</sup>

#### Breakdown of current process

- Ticket issued by officer, offender copy placed on vehicle and office copy turned into clerk.
- Clerk does search on Motor Vehicles data base and writes in offender's information on the bottom of ticket
- Clerk enters ticket information on City internal data base
- Ticket is filed
- If ticket is paid it is pulled and filed away to go to archives for seven years (required time for financial audit reasons)
- If not paid within 21 days the ticket is pulled and clerk completes a *long information* and a *summons*.
- A Justice of the Peace is called in and swear all *long informations* and *summons* with one of the two corporals
- Summons files are then distributed to the 6 Municipal Enforcement Officer 2 employees for service.
- Summons is either served personally or substitutionally by the officer who then completes an affidavit of service.
- The summons file is then returned to the corporal who reviews that it was served correctly and that the documentation was completed properly, he then forwards to the clerk who files it in the appropriate date file.
- The clerk prepares the court docket each week and adds all summonses that were served for that week's court date.
- In court if the person appears they can plead guilty or not guilty.
  - o If they plead guilty the circumstances are read out in court and the Justice of the Peace determines the fine and time to pay.
  - o If they plead not guilty then a trial date is set.
- If the person does not appear in court then the matter proceeds *ex parte* trial which the officer who issued the ticket is required to be sworn in and give evidence.
- Ticket is again filed until paid. Ticket is entered by Court staff as a service restriction on the accused's drivers licence and vehicle registration.

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<sup>114</sup> MED

**Appendix 3.2.3 Automated Ticket Writer**

Capital budget submission for the 2014 budget. Two units (\$20,000) was approved for 2014 at two units (\$20,000) was approved for 2015.

DEPARTMENT CORPORATE SERVICES

DIVISION INFORMATION TECHNOLOGY / MUNICIPAL ENFORCEMENT  
PROJECT Automated Ticket Writer  
COST \$40,000  
STATUS New  
PHASE 1 of 1

DESCRIPTION The Municipal Enforcement Division currently utilizes a two-part parking ticket. These tickets are printed by a local printer at a cost of approximately \$9.95 per 25 tickets. There are approximately 11,000 tickets issued each year at a cost of approximately \$4,400. The officers issuing the tickets hand write the offenders' information on the tickets which are then turned in to Municipal Enforcement Clerks who then have to manually enter the information from the ticket into the City's Financial Information System. This process is labour-intensive, taking up a significant amount of a clerk's workday. The Automated Ticket Writer would eliminate the need to print tickets as the unit prints the tickets as they are issued. The unit would also be capable of downloading the information directly to the City's Financial Information System, greatly reducing the time the staff spend doing data entry.

This project works toward City Council's Goal #1 "Building a Sustainable Future".

O&M IMPACT This project will reduce O&M expenditures on paper tickets, and ensure ticket data are captured more efficiently and accurately.



**Appendix 4.2 MED Policies and Procedures**

Policies and Procedures Summary – page 1		
Date	Name of Policy or Memorandum	Observations
The following policies are available in MS Word		
Undated	Orientation for New Constables	Term 'constable' – Criminal Code
Undated	Certification and Training Requirements	Term 'member' – RCMP Act
2013-01-03	MED Policies & Procedures Statutory Powers	Arrest and custody procedures should be revised for accuracy and justification
2013-01-03	MED Policies & Procedures Patrol Vehicle Operations	Pursuit and Emergency Response policies should be revised for accuracy and justification MED driving complaints policies and procedures do not provide for a record of type and trends of issues and therefore it is not possible to weigh training or other required actions
2013-01-03	MED Policies & Procedures Kit and Uniform Clothing	Policies require revision for accuracy and clarity
2010-06-02	Memorandum – Direction on Duties Two-officer cars required; traffic stops, RCMP responsibilities, radio procedures, DIPPs, Fire Department responses, responses to traffic accidents, responses to bear calls,	Content is inconsistent with other policies and is signed by only the Manager Direction is too detailed and fails to provide professional direction Anecdotally the policies are outdated through subsequent email directives
2010-03-21	Standard Operating Procedures for MED	Night shift officer on call; after hours call-out; cross shift no longer deployed; varies from very specific to generalities; after-hours policies unclear; focused and detailed only on 50 <sup>th</sup> Ave parking, school zone enforcement, parking offences, meter dump. with no mention of other responsibilities
The following policies were provided in Adobe PDF only		
1997-08-12	Assistance to the Fire Division	Should be reviewed for relevance & accuracy
Undated	ATV Act Enforcement	Confusing policy on pursuit policy
1995-03-30	Bicycles – found	Outdated – should be reviewed for relevance & accuracy
Undated	Bylaw budget preparation	Employee participation required
1993 Dec	Circulars, Directives, Orders	MED officers did not have copies of the policies
1994-03-14	Communications & dispatch	Procedures not followed in practice
1997-08-12	Conduct & deportment	Many issues grouped together
1997-08-12	Court matters	Should be reviewed for relevance & accuracy
Undated	Dog bite investigations	Should be reviewed for relevance & accuracy
1997-08-12	Dog by-law enforcement	Should be reviewed for relevance & accuracy
1997-08-12	Emergency Measures By-law	Should be reviewed for relevance & accuracy
Undated	Enforcement secondary bylaw	Should be reviewed for relevance & accuracy
Undated	Exhibits	Should be reviewed for relevance & accuracy
1994-03-14	Filing system – internal	Should be reviewed for relevance & accuracy
Undated	Firearms	Outdated – should be reviewed for relevance & accuracy

**Appendix 4.2**

Policies and Procedures Summary – page 2		
Date	Name of Policy or Memorandum	Observations
The following policies were provided in Adobe PDF only		
Undated	Garbage and litter	Should be reviewed for relevance & accuracy
Undated	Goals and objectives	Should be reviewed for relevance & accuracy – forms part of the mandate of MED
1994 05 04	Hour of work	Outdated – inconsistent with the collective agreement
Undated	Kit & clothing	Inconsistent with the 2013 policies above
Undated	Large vehicle control	Should be reviewed for relevance & accuracy
Undated	Legal assistance	Should be reviewed for relevance & accuracy
1992-05-27 revised 1995-08-08	MVB records access	Outdated – should be reviewed for relevance & accuracy
Undated	Noise complaints	Should be reviewed for relevance & accuracy
1993-11-12 revised 1995-03-30	OC Spray	Outdated – should be reviewed for relevance & accuracy. Complaint direction is inadequate
Undated	Occurrence/complaint reporting	Outdated – should be reviewed for relevance & accuracy.
Undated	Office security	Outdated – should be reviewed for relevance & accuracy.
1992-04-21 revised 1995-03-30	On-call officer	Outdated – should be reviewed for relevance & accuracy.
1991-11-15	Organization	Outdated – should be reviewed for relevance & accuracy.
Undated	Parking – illegal	Should be reviewed for accuracy – hand-written changes
1995-09-18	Parking meter enforcement	Outdated – should be reviewed for relevance & accuracy
1994-03-14	Parking meter revenue coin collection	Should be reviewed for relevance & accuracy
1991-11-15	Parking meter repair	Should be reviewed for relevance & accuracy
1997-08-12	Parking meter – visitor's pass	
1991-11-15	Portable radios	Should be reviewed for relevance & accuracy
1994-03-14 revised 1995-09-13	RCMP cooperation & liaison – warrants	Should be reviewed for relevance & accuracy
1992-05-25	Ride-along	Should be reviewed for relevance & accuracy
Undated	Role & responsibility of City Bylaw Division	Mandate inconsistent with other policies and procedures and information on the City website
1992-04-21 revised 1995-03-30	Shift change report	Outdated – should be reviewed for relevance & accuracy

**Appendix 4.2**

Policies and Procedures Summary – Page 3		
Date	Name of Policy or Memorandum	Observations
The following policies were provided in Adobe PDF only		
1995-09-13	Sidewalk cleaning	Should be reviewed for relevance & accuracy
1991-11 revised 1992-07	SOTI	Should be reviewed for relevance & accuracy
1991-11-15	Statistical report	Outdated – should be reviewed for relevance & accuracy
1991-11-15	Statutory powers <sup>115</sup>	Outdated – should be reviewed for relevance & accuracy – handwritten changes – forms part of the mandate of MED
Undated	Stray & unwanted cats	Outdated – should be reviewed for relevance & accuracy
1991-11-15 revised 1994-03-14	Taxi (Chauffeurs) Permit & renewal	Should be reviewed for relevance & accuracy
1991-11-15 revised 1994-03-14	Taxi (Livery) Licence	Should be reviewed for relevance & accuracy
1992-02-24	Ticket processing	Should be reviewed for relevance & accuracy
1997-08-12	Vehicles and equipment	First page missing. Should be reviewed for relevance & accuracy

<sup>115</sup> Included in full in Appendix 5

## **Appendix 4.3 DRAFT Model Example MED Policy and Procedures Manual**

The following is intended to provide an example and is not necessarily a recommended format.

### **I Policies**

The policy is an ongoing goal and anticipated general outcomes. A plan or course of action intended to influence and determine decisions, actions, and other matters:

### **II The reason for the policy**

To provide the background and justification for the policy the reason must be included to provide staff the understanding necessary to appropriately apply the policy. As circumstances change, policies may become outdated and having the reason for policy assists management and staff in updating and amending policy and procedures

### **III Procedures**

The procedures are a series of actions conducted in a certain order or manner consistent with the mandate, mission, policies, and goals of the MED.

### **IV Approval**

Policies and procedures should be approved by the Senior Administration Officer. Urgent changes in procedure may be authorised by the MED Manager but must be approved in a reasonable time by senior staff.

### **V Maintenance**

The manual must be formally reviewed annually to ensure currency and accuracy. The date of the review and the name and title of the reviewer must be added to the manual. Changes to policy, procedures, and reasons for policy must be effectively communicated to MED staff and the Public Safety Department immediately, and to any other affected City Departments or external agencies. MED personnel must be encouraged to bring forward constructive proposals to improve policies and procedures.

### **VII Dissemination**

All MED staff must be familiar with and have immediate access to the manual (paper and electronic) by being provided with the manual upon appointment and, for operational purposes, policy and procedures should be accessible through the in-car computers.

## **Model policy manual example** <sup>116</sup>

### **A Municipal Enforcement Division Role and Responsibility**

This chapter will include the founding legislation authorizing the MED, the Mandate, Mission, and the various Territorial Acts and City Bylaws to be enforced. It will also recognize Council Priorities and reporting responsibilities to the Department of Public Safety, and from the SAO to Council.

Specific policies and procedures will include:

- the formulation of annual goals and objectives
- seeking and obtaining input from all staff in the development of goals and objectives
- the format and process for monthly, quarterly, and annual reporting to the Director, Senior Administrative Officer, and Council as required

### **B Organization and Direction**

The manual will include an organization chart and job descriptions, and the order of precedence of command authority in the absence of management.

### **C Incident Reporting and Analysis**

The policies and procedures will specify the manner of reporting and analyzing incidents and occurrences which will provide information to:

- measure resources applied to priorities and specific public safety concerns
- deploy resources in an efficient and effective manner
- measure resource deployment and outcomes
- provide meaningful data for monthly, quarterly, and annual reporting

### **D Liaison and Shared Information Services**

The policies and procedures will describe the jurisdiction of MED and the liaison with other City Departments and external agencies, especially:

- RCMP
- City Prosecution Services
- Canada Prosecution Services
- Territorial agencies with a law enforcement and/or public safety mandate.

The manual will direct the participation in shared systems, such as City and Territorial databases, and the Canadian Police Information Centre (CPIC) system.

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<sup>116</sup> Based on the Provincial Standards for Municipal Police Departments in BC

## **E Specialized Assignment and Responsibilities**

The policies and procedures provide guidelines for personnel portfolios whereby a team may develop additional skills, knowledge, and abilities (SKA) through one person having training and certification to provide the SKA for the team and to mentor other team members.

## **F Human Resources**

Policies will provide job descriptions for all MED positions. The descriptions will be formally reviewed annually with input from incumbents. Training and certification, initial and recertification will be prescribed, including the performance objectives. Career development opportunities should be encouraged to enhance performance and job satisfaction. Policies promoting gender equity and discrimination-free environments are essential. Dress and department policies will be consistent with Territorial legislation.

## **G Financial Management**

The policies and procedures of MED will consider operating and capital costs only. Revenue resulting from MED delivery of service is a matter for the City finance function in budget planning. Any link within the MED or Public Safety Department between costs and revenue immediately compromises the mandate and public and internal credibility of the MED.

## **H Complaint Process**

Policies and procedures should recognize that complaints from the public or other departments or agencies regarding MED may be categorized as:

- MED service delivery: the nature of the service provided or not provided.  
This is an issue of mandate or priorities which should be addressed by Senior Staff.
- Conduct: the actions of an officer  
This should be investigated by the MED Manager and a resolution sought. If the Manager is unable to resolve the matter the complaint should be submitted to the Director of Public Safety for resolution. Should the Director also be unable to resolve the complaint the file should be submitted to City Legal Services for advice on the City's position on the matter and further steps.

## **I Radio Communication**

The policy will require MED units' call signs reflecting the function and activity (car, bicycle, snowmobile). Personal names should not be used for safety and privacy reasons. When communicating with other agencies, the call sign must identify the MED status.

## **J Operations**

### **J.1 Enforcement involving the use of force**

Use of force policies and procedures will include;

- justification for the use of force as described in the Criminal Code and Territorial Acts
- the appropriate self-defence tools to be carried by officers
- the training, certification, and use of self-defence tools and tactics
- the reporting of use of force incidents

### **J.2 Investigations and Enforcement**

Standard procedures for all enforcement and investigations.

### **J.3 Specific Enforcement Procedures**

Acts and by-laws may require unique procedures and they should be included in this section.

### **J.3 Arrest, detention, apprehension**

Policies and procedures prescribing the lawful authority, justification, and disposition of persons deprived of the liberty by MED.

### **J.4 Vehicle Operations**

Clear policies and procedures for the routine and emergency operation of vehicles, and vehicle equipment.

### **J.5 Deployment**

The geographic, temporal, and functional deployment of MED resources will be based on analyses of public concerns and complaints, council priorities, traffic accident patterns, and MED's knowledge of safety issues.

### **J.6 Public Calls for Service**

The policies will provide a process including: standard greetings, information gathering, providing the complainant with an outline of MED's actions, dispatch of the incident, information to be included in the report, and a call back to the complainant when the file is concluded.

### **J.7 Intelligence Sharing**

Polices will prescribe the sharing of information with other agencies consistent with Territorial legislation.

### **J.8 Evidence and Exhibits**

The policy will govern procedures for assuring compliance with constitutional and other legal requirements regarding search and seizure; and the responsibilities to secure, protect, and process evidence.

### **K Public Information**

Policy will assign responsibilities and assist MED officers in providing timely and appropriate information to the public and media.

### **L Community Relations**

The mandate of the MED is enforcement and polices should determine what activities may assist greater public bylaw compliance and therefore achieve enforcement goals.

### **M Young Persons and Children**

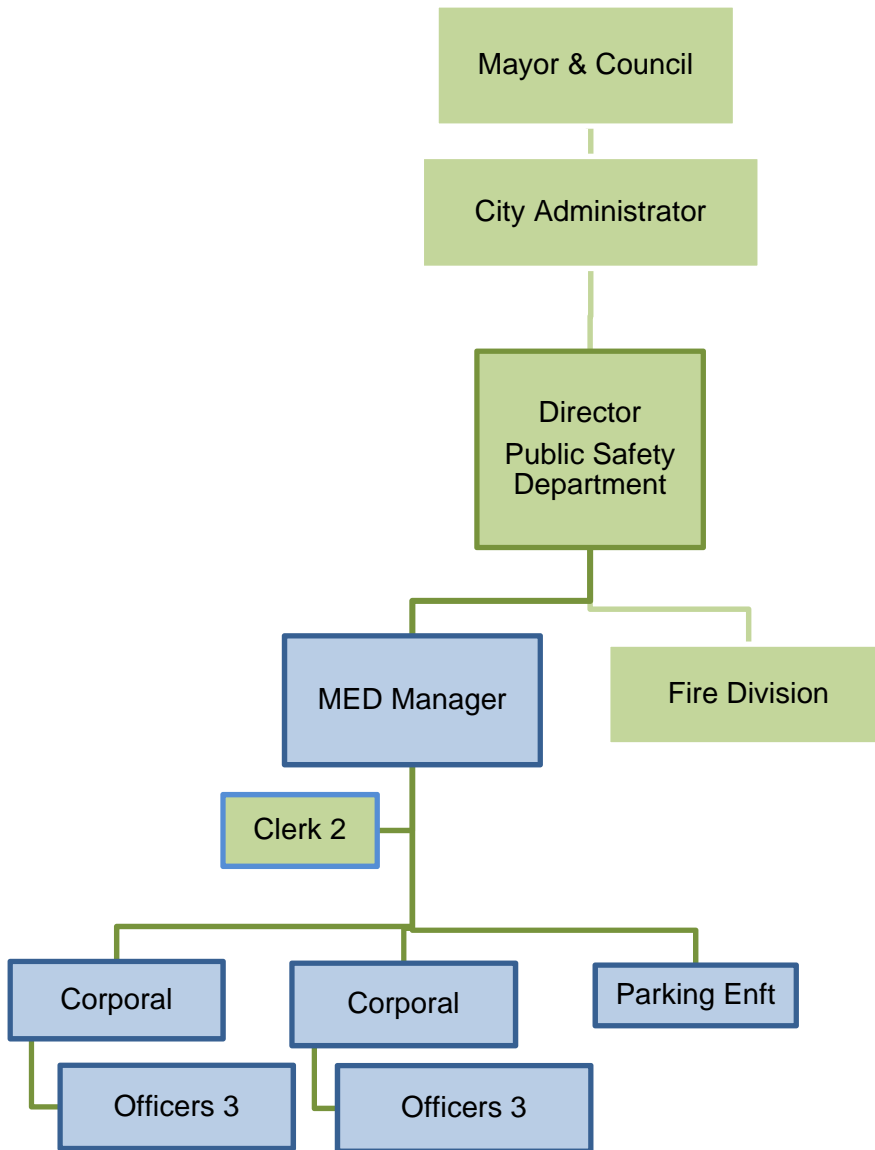
Because under law young persons have special status, the policy will govern procedures involving the arrest or detention of young persons and children are consistent with the Young Offenders Act.

### **N Disasters and Emergencies**

The policy will specify responsibilities for MED and liaison with other City and Territorial agencies.



**Appendix 5.1 Organization Chart**



## **Appendix 5.2 Temporal Deployment – Collective Agreement**

City of Yellowknife and the Public Service Alliance of Canada,  
*Collective Agreement Municipal Enforcement Officers, Expires Dec 2013*

21.01 *Subject to Clause 21.02 for employees occupying positions listed in Appendix “A” the work week shall be forty (40) hours, Monday to Friday inclusive and the hours of work shall be scheduled so that employees work eight (8) hours per working day, exclusive of lunch periods.*

21.02 *When, because of operational requirements of the Employer, hours of work are scheduled for employees occupying positions listed in Appendix A on a rotating basis, they shall be scheduled so that the employees work an average of forty (40) hours per week. The Employer agrees to consult with the Union prior to establishing the new schedule.*

*The 12 Hour Shift Agreement may be canceled by the Employer provided that sixty (60) days written notice is given to the employees. The Employer shall not serve a termination notice without prior discussions of the reasons for the termination being held.*

## **Appendix B – 12 Hour Shift Agreement**

The normal hours of work shall consist of three twelve hour days and two ten hour days then four days off followed by three twelve hour days and two ten hour days then five days off, and finally, four twelve hour days then five days off. An Officer shall average 40 hours per week over an eight week period. An Officer working days or nights cannot take a ten hour day at the beginning of a morning shift nor can an Officer scheduled for a night shift take a ten hour day at the end of the night shift; however, each officer can determine when he/she takes these ten hour days while on a shift rotation if operational requirements permit. Notwithstanding anything in this Agreement, an Officer’s scheduled hours of work shall not be construed as guaranteeing the minimum hours of work and subject to operational requirements of the Employer, may be changed as required.

## Appendix 5.3 Job Descriptions <sup>117</sup>

### Bylaw appointment

Pursuant to s. 137 of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22, a person can be appointed as a By-law Officer for the City of Yellowknife and assume the rank of Constable; the term of appointment shall expire upon termination of employment with the City of Yellowknife as a By-law Officer.

The *Cities, Towns and Villages Act* states that Council may appoint By-law Officers to enforce any or all of its by-laws. The appointment of a By-law Officer for the City of Yellowknife coincides with direction from Council by ensuring the fair and consistent enforcement of City By-laws for all City residents.

### 5.3.1 Manager, Municipal Enforcement

#### Summary of this Position

Under the direction of the Director of Public Safety, the incumbent is responsible for all enforcement in the City as legislated by City By-laws, Government Statutes and Acts. The incumbent administers the delivery of the enforcement program including the formulation, development and administration of policies and programs to ensure the operational objectives relative to this position are met. The incumbent is also responsible for the development and monitoring of operational and capital budgets relative to the division. The incumbent assists the Director in the development of programs, equipment, manpower and other resources. The incumbent is responsible for the management of staff including selection, evaluation and discipline in accordance with City policies and the appropriate collective agreements.

#### Outline of Duties

Under the general supervision of the Director of Public Safety the incumbent is responsible to manage all enforcement in the City as legislated by City By-laws, Government Statutes and Acts which is done by:

- Managing and performing as required the enforcement of any aspect of the regulatory by-laws of the City of Yellowknife, and in addition the relevant provisions of the Statutes of the Northwest Territories.
- Working with Supervisory Constables to establish formal goals and objectives to ensure effective operation of division to standards required.
- Dealing with the public for information, requests for information or to guide a resident through an established complaint procedure resulting from any direction or work from staff.

Establishes and controls a parking and enforcement program in the downtown and other areas of the City with consideration for the best use of all parking spaces by:

- Adding or deleting parking meter locations as is necessary
- Directing enforcing to specific problem areas

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<sup>117</sup> City of Yellowknife MED

- Developing policies related to parking passes to maximize the efficient use of all public parking stalls
- Recommending parking control signage in problem areas to the Department of Public Works, Engineering Division
- Managing the collection and deposit of parking meter coin

Develops and controls the division's annual operating and capital budget by:

- Effectively communicating manpower, financial or other resource requirements to the Director
- Reviewing with Division staff the requirements of past and future objectives of the Division and identifying and implementing performance indicators for all activities of the Division
- Advising of cost saving methods and procedures
- Ensuring efficient distribution and use of available financial resources
- Monitoring actual versus budgeted expenditures and taking appropriate measures to ensure that budget allowances are not exceeded

Manages staff by providing leadership, support and direction, which is done by:

- Participating in recruitment of positions for the division in conjunction with Human Resources
- Evaluating/completing regular performance reviews
- Working with the Supervisory Constables and advising on methods and procedures to improve staff performance
- Instituting and carrying out disciplinary procedures according to City policy as required
- Coordinating the communication of decisions to subordinate staff effectively and expeditiously
- Ensuring inter and intra departmental relationships are recognized with regard to new and ongoing projects and programs
- Providing such follow-up as may be required to both the Director and to subordinate staff

Represents the interests of the City in the judicial system by:

- Ensuring proper investigation of occurrences and recording of information
- Determining the prosecution of charges under the position's jurisdiction
- Ensuring proper consultation with the City's legal services
- Ensuring proper legal conduct of staff in dealing with the public
- Ensuring proper execution of documents in the court system
- Ensuring proper prosecution of matters before the Justice of the Peace and Territorial Court Judges having regard to the formal nature of the court
- Ensuring proper accounting of fine, parking meter monies and licensing fees
- Reviewing and amending by-laws in conjunction with changes to legislation and requests from the community
- Assist in the drafting of by-laws as to their proper legal form and content

Carries out other related duties as may be assigned by the Director including but not limited to:

- Acting for the Director when required
- Assisting the Director with Emergency Measures when Emergency Measure are enacted
- Providing guidance to other departments in relation to security needs of staff, citizens or the City's infrastructure

## **Specifications**

### **Skills and Knowledge**

#### **Basic Knowledge**

The work requires a sound knowledge of municipal government, the by-laws of the City, applicable Statutes of the Northwest Territories and the Criminal Code of Canada. The incumbent should have a good grounding in administration including the use of computers. A high degree of skill in communicating both verbally and in writing is necessary.

#### **Comprehension and Judgment**

A fundamental understanding of the difference between the role of the RCMP police and the role of a Municipal Enforcement Officer is necessary to this position. Decisions made by the incumbent and recommendations to the Director have a direct impact in the quality of program and service delivery in the City. Errors in judgment could result in serious problems of a current and/or long-range nature.

Policy decisions must take into account the effect they will have on the public. Common sense and an ability to interact diplomatically with the public is a requirement. As well, the work requires the ability to relate effectively with special interest groups and the media. The incumbent will represent the Department at meetings with groups where the enforcement programs are concerned and will carry the responsibility of reporting and justifying policies on its behalf. The incumbent must be conscious of public opinion and sentiment within the community and be able to respond and react to controversial issues. Many issues related to enforcement programs have financial impact on the public and could be of a sensitive nature.

The incumbent must provide the communication link between the subordinate staff and the Director for the giving and receiving of direction and advice or guidance in the matter of policy

#### **Specific Vocational Training**

This position requires a level of experience normally associated with completion of a training program in Police Studies and five years of general duties policing plus a minimum of 3 to 5 years of supervisory or management experience.

#### **Responsibility**

The position carries a high degree of responsibility because the enforcement programs which are delivered by the Division directly affect the safety of all persons in the City of Yellowknife. The Division also has a high degree of liability.

#### **Resources**

The incumbent is responsible for the direct supervision of two Supervisory Constables and two clerical staff as well as the indirect supervision of all Municipal Enforcement Officers and others, such as City contractors. When acting on behalf of the Director, the incumbent is responsible for all Public Safety staff.

### **Safety of Others**

The enforcement programs delivered by the Division directly affect the safety of all persons in the City of Yellowknife. The Manager is responsible for administering and enforcing the safety program for the division's staff.

### **Effort**

### **Mental**

The position has a high workload with numerous projects needing attention at any given time. Work problems encountered are frequent and complicated, requiring a high degree of analysis. Non-routine and complex problems must be solved at this level by research and reference to various sources of information. Attention must be given to safety of employees and the general public.

On a regular basis, the incumbent deals with angry and confrontational people which, on occasion, may turn physically violent. The incumbent must follow safe work practices in this regard and ensure that all staff do the same. The political, financial, public relations and administrative impact of the solutions to problems must be considered.

### **Physical**

The majority of the incumbent's time does not require heavy physical exertion. It is usually spent in an office setting, sitting down. Once a week, the incumbent is responsible for the coin sorting and wrapping which requires the lifting of large amounts of coin. The incumbent is also expected to respond to security threats within City Hall and other facilities and to Officers in need of assistance. These responses can result in serious physical confrontations.

### **Working Conditions**

### **Environment**

The incumbent works in a controlled office environment with the occasional trip outside.

### **Hazards**

The incumbent will deal with hostile people on a regular basis with the potential for violence and effective safe work practices must be followed.

### 5.3.2 Supervisory Constable

#### Summary

Under the general supervision of the Manager, Municipal Enforcement, the Supervisory Constable, Municipal Enforcement, directs the day to day activities of the Municipal Enforcement Officers, ensuring operational objectives are met and directs and enforces due observance of the provisions of the various By-laws to ensure the lawful conduct of the public.

#### Duties

- Provides direction and supervision to the Municipal Enforcement Officers by:
  - Reviewing complaints/occurrence reports daily, ensuring a high quality of completion and resolve
  - Giving direction on investigational techniques
  - Assigning work and maintaining an effective diary date follow-up system
  - Ensuring members are well turned out
  - Inspecting division vehicles for cleanliness, working order and equipment condition
  - Completing annual performance reviews
  - Giving close supervision to new members during the probationary period as well as coaching once the probationary period is complete
  - Monitoring shift schedules and ensuring shift coverage during times officers are absent from work
  - Making frequent patrols with those under his/her direction
  - May give disciplinary action or refers to the Manager; follows-up with disciplinary action when required
  - Covering shift vacancies/shortages during periods of leave, illness or training
- Controls the court related responsibilities of the Division by:
  - Acting as prosecuting officer on a regular basis
  - Ensuring witnesses are subpoenaed and accused are summonsed
  - Reviewing evidence and documentation prior to court
  - Seeking legal advice when necessary
  - Maintaining a good working relationship with the Justices of the Peace and other court officials
- Assists the Manager by:
  - Making recommendations on By-law related matters
  - Acting in the absence of the Manager as required
  - Attending to other related duties as directed.
- Enforces the provisions of the various By-laws which have been authorized by Council and the N.W.T. Motor Vehicles Act to ensure the lawful conduct of the public by:
  - Conducting daily patrols of the City
  - Checking drivers and vehicles to ensure that the Highway Traffic By-law and Motor Vehicles Act have been complied with
  - Warning the public of minor infractions of a By-law
  - Issuing voluntary payment tickets or appearance notices to individuals committing an offence
  - Conducting foot patrols in the business section of the city
  - Enforcing other City By-laws as required
  - Conducting patrols on snowmobile in winter to ensure compliance with the Snowmobile By-law

- Responds to Fire Alarms for traffic control and other assistance
- Performs inspections of public construction sites to ensure all traffic and safety measures are adhered to.

### **5.3.3 Municipal Enforcement Officer II**

#### Summary

Under the general supervision of the Supervisory Constables, encourages and enforces due observance of the provisions of the various by-laws to ensure the lawful conduct of the public.

#### Duties

- Enforces the provisions of the various by-laws which have been authorized by Council and the N.W.T. Motor Vehicles Act to ensure the lawful conduct of the public by:
  - conducting daily patrols of the City
  - checking drivers and vehicles to ensure that the Highway Traffic By-law and Motor Vehicles Act have been complied with
  - warning the public of minor infractions of a By-law
  - issuing voluntary payment tickets or appearance notices to individuals committing an offence
  - conducting foot patrols in the business section of the city
  - performing maintenance to parking meters that are out of order
  - enforcing other City By-laws as required
  - conducting patrols on snowmobile in winter to ensure compliance with the Snowmobile By-law
- Carries out court procedures by:
  - serving of Summons to persons charged with an offence
  - serving of Warrants for Arrest and Warrants of Committal and placing and transporting persons in custody
  - appearing in court to prosecute and testify during prosecutions
- Responds to Fire Alarms for traffic control and other assistance. Performs inspections of public construction sites to ensure all traffic and safety measures are adhered to.

### **5.3.4 Municipal Enforcement Officer I**

#### Summary

Under the general supervision of the Manager, Municipal Enforcement, the incumbent enforces parking provisions in and around the Central Business District, repairs parking meters, does coin collection from the parking meters, assists with litter enforcement and sidewalk cleaning enforcement under the City's municipal by-laws and provides on-site security at the Yellowknife Public Library.

#### Duties

- Enforces the provisions of the various by-laws which have been authorized by Council to ensure the lawful conduct of the public by:
  - enforcing parking provisions in and around the Central Business District;
  - attending to parking meter complaints;
  - attending to parking complaints on private property;
  - performing parking meter repairs;
  - collecting coin from the parking meters on a weekly basis;



- performing patrols in regards to litter and garbage complaints;
- maintaining accurate record-keeping through the occurrence reporting system;
- warning the public of minor infractions of a by-law;
- issuing voluntary payment tickets or appearance notices to individuals committing an offence;
- conducting foot patrols in and around the Central Business District;
- providing on-site security at the Yellowknife Public Library;
- enforcing other City by-laws as required;
- Assists Municipal Enforcement Officer II's when required.
- Other related duties as required.

### **5.3.5 Municipal Enforcement Clerk**

#### **Summary**

Under the general supervision of the Manager, Municipal Enforcement Division, the incumbent is responsible for administrative and operational support of the division. This includes reception, data entry, preparation of materials for court, maintaining statistical data, customer support at the service counter, issuing of licences and permits, and providing radio dispatch for Municipal Enforcement Officers.

#### **Duties**

Assists in the administration and operation of the Municipal Enforcement Division by:

- performing clerical duties related to SOTI tickets
- performing clerical duties related to parking tickets
- taking and responding to enquiries at the front counter, including providing information and clarification on By-law requirements and enforcement policies
- receiving incoming telephone calls and directing them to the appropriate person
- receiving complaints by telephone or in person and recording in the Occurrence Reporting Program
- receiving and transmitting information by radio to municipal enforcement officers
- preparing and maintaining files for taxi and chauffeur permits
- maintaining the office filing system
- maintaining a master list of summons that are issued
- acting as Commissioner of Oaths to swear documents
- performing other clerical duties as required, including maintaining any required information in the division's computerized programs

**Appendix 6.1.2 Occurrence Report Categories**

Abandoned vehicle	Complaint or outside source of a vehicle that is abandoned or derelict.
Assist City	Complaint based and also self-generated. It is generated when MED assists another department such as directing an intoxicated person out of the library, posting notices for planning and lands, etc.
Assist Fire Division	Whether called by the Fire Division or self-generated, such as traffic control at a fire scene, restraining a combative ambulance patient, complaint about vehicles in a fire lane, etc.
Assist RCMP	Called by the RCMP or self-generated, such as traffic escorts for dignitaries, traffic control for barricaded subjects, traffic control at vehicle collision scenes, etc.
Bagged Meters	The City of Yellowknife has a process where a specific parking meter can be rented long term for things like construction projects. In this event a canvas bag is placed over the meter and locked for the exclusive use of the renter. An occurrence report is completed for every bagged meter or series of bagged meters rented.
Business Licence	Mostly by complaint but can be self-generated where a person operates a business without a business licence or not operating a business within the parameters of the business licence bylaw.
Camping/Public Land	An officer deals with a squatter's camp or an unauthorized campsite. This can be received by complaint or it can be self-generated.
Code Response	Officers are required to complete an occurrence anytime they do a code response meaning responding to a complaint with emergency lights and siren. This is done to ensure that they responding appropriately and to monitor what types of calls they are responding to by code.
Dog Bites	This is almost always received by complaint. Officers are required to complete this type of occurrence anytime there is a report of a dog biting a human.
Dog Cruelty	This is almost always received by complaint. Officers are required to complete this type of occurrence anytime there is a report of a dog being abused or neglected. Most of these complaints are in relation to a dog not being given adequate shelter, food or water.
Dogs	This can be received by complaint or self-generated in relation to any type of complaint about a dog, other than a dog bite or dog cruelty. It is most commonly for a dog at large, but can also be used for dog feces, barking dogs, etc.

Exhibits	This is self-generated when an officer has an exhibit in relation to a charge such as a radar detector seized during a traffic stop and held until the court process is completed.
Garbage	This is both self-generated and by complaint. This is in relation to complaints about garbage such as improper disposal, littering, garbage accumulating on private property, etc.
Livery Licence	This occurrence is supposed to be generated whenever a taxi is inspected or a chauffeurs test is administered.
OC Spray	An occurrence report is required by any officer who deploys OC Spray to determine that it was deployed correctly and legally. It is used as a mechanism to notify a supervisor that OC was deployed so the supervisor can review the circumstances.
Other	This category is designed to capture any other type of complaint that is not covered by any of the other categories for anything that an officer feels should be documented.
Parades/Processions	The Municipal Enforcement Division is responsible for approving and escorting parades or processions. An occurrence report is completed for parade or procession escort.
Parking	This category is complaint driven. An occurrence report is required anytime a member of the public calls in a parking complaint. There is a wide variety of complaints such as vehicle on private property, vehicle in fire lane, vehicle blocking a driveway, etc.
Parking Meters	This category is complaint driven. An occurrence report is required anytime a member of the public calls about a parking meter that is not functioning properly.
Roadside Suspension	This category is self-generated. Officers are required to complete an occurrence report every time they issue a roadside driving suspension. This is used as a mechanism to notify a supervisor that a roadside suspension was issued so they can review the circumstances to ensure that the suspension was issued properly.
School Zone Enf.	This category is self-generated. Officers are required to complete an occurrence report when they actively set up in a school zone for the purposes of enforcement. They report which school zone they set up in and what enforcement occurred.
Sidewalks	This category is complaint generated. An occurrence report is completed when a complaint about a sidewalk is received from the public. This is most common in the winter in relation to ice or snow on a sidewalk. It can be used in summer months in relation to the accumulation of gravel on the sidewalks.

Smoking	This category is complaint generated. An occurrence report is required to be completed anytime a member of the public complains about someone smoking in contravention of the smoking bylaw.
Snowmobile Accidents	This category is rarely used. When the snowmobile bylaw was adopted in 1993 there were provisions in the bylaw in relation to accidents. Snowmobile accidents are the responsibility of the RCMP and any calls about a snowmobile accident are directed to the RCMP.
Snowmobiles	This category is self-generated and by complaint. An occurrence report is completed anytime there is a complaint in relation to a snowmobile. These complaints can be related to such things as snowmobiles speeding in an area, an abandoned snowmobile, a loud snowmobile, etc. Officers also complete occurrence reports when they conduct a snowmobile patrol were they outline were they patrolled, and what enforcement action they took.
Traffic	This category is complaint generated. An occurrence report is completed when a member of the public complains about a traffic issue. Examples can be specific such as an erratic driver, a person driving without a licence, etc. or in general such as people not stopping at a stop sign or vehicles speeding in their neighbourhood.
Traffic Control	This category is self-generated. Officers are required to complete an occurrence report every time they are required to direct traffic in situations such as traffic accidents, traffic lights not operating, road construction, etc.
Trials	This category is self-generated. When an accused attends court and pleads not guilty, an occurrence report is generated to track how many trials are held as well as the outcome of the trial.
Unightly Lands	This category is complaint generated. An occurrence report is generated whenever a member of the public complains about an unsightly property as defined in the unsightly lands bylaw.
Warrants	This category is self-generated. An occurrence report is generated anytime a warrant is issued by the courts in relation to a matter on our court docket.

MED is also responsible for regulating the taxi industry and issues the following licences, permits, and services which are described in detail:

- Brokerage Licence
- Taxi Licence
- Chauffeurs Permit
- Taxi Stall Rentals
- Taxi Meter Testing

### Brokerage Licence

A brokerage licence is required to operate a taxi company. To operate a brokerage licence you must provide the following:

- A valid business licence
- A minimum of 10 licenced taxis
- A minimum of 10 licenced taxi drivers
- 24 hour service
- Dispatch services with communications to the taxis

### Taxi Licence

A taxi licence is required to operate a taxi. To licence a taxi it must meet the following criteria:

- Valid Registration and insurance
- Paint color designated to taxi company
- Roof light and applicable numbers and company logo
- Two way communication with dispatch
- Properly calibrated taximeter
- Mechanical Inspection
- Contract with a licenced taxi brokerage company
- Maximum age of vehicle is 9 years

### Chauffeurs Permit

To operate a licenced taxi a person must have a valid chauffeurs permit. To obtain a chauffeurs permit you must meet the following criteria:

- 21 years or older
- Class 1,2,3,or 4 licence
- Criminal Records Check
- Drivers Abstract
- Written Test (MED administered)
- Geography Test (MED administered)
- Two passport quality photos

### Taxi Stall Rentals

There are 15 taxi stalls for rent in the downtown. Once a year a letter is sent to the taxi companies regarding taxi stall rentals. The stalls are evenly distributed based on interest and payment is collected.

### Taxi Meter Testing

All licenced taxis must have a properly calibrated taximeter. The rates that can be charged are determined by the City of Yellowknife. MED road tests all taximeters and then applies a tamper proof seal. The taximeter is retested every time the taxi licence is renewed or if the seal is broken because of a malfunctioning taximeter. A taximeter seal can only be broken under the authority of an officer. The taxi is out of service until a seal is applied by an officer.

## **Appendix A    Persons Consulted**

Trevor Absolon, Constable, MED, City of Yellowknife  
Rebecca Alty, Councillor, City of Yellowknife  
Adrian Bell, Councillor, City of Yellowknife  
Carl Bird, Director, Corporate Services, City of Yellowknife  
Greg Brown, Constable, MED, City of Yellowknife  
Linda Bussy, Councillor, City of Yellowknife  
Marc Coulombe, S/Sergeant, Yellowknife Detachment, RCMP  
Marie Couturier, Manager, Human Resources, City of Yellowknife  
Daryle Foster, Corporal, MED, City of Yellowknife  
Jamie Fudge, Constable, City of Yellowknife  
Frank Gallagher, Inspector, OIC, Yellowknife Detachment, RCMP  
Mike Garbowicz, Constable, MED, City of Yellowknife  
Satish Garikaparthi, Enforcement Officer, MED, City of Yellowknife  
Doug Gillard, Manager, Municipal Enforcement Division, City of Yellowknife  
Chris Greencorn, Director, Public Works and Engineering, City of Yellowknife  
Anita Griffore, Pubic School Board, City of Yellowknife  
Darcey Hernblad, Fire Chief, City of Yellowknife  
Mark Heyck, Mayor, City of Yellowknife  
Jeffrey Humble, Director, Planning and Development, City of Yellowknife  
Mike Huvenaars, Assistant Superintendent - Business, Catholic School Board, Yellowknife  
Danae Kelin, Municipal Enforcement Clerk, MED, City of Yellowknife  
Niels Konge, Councillor, City of Yellowknife  
Dan Larocque, Corporal, City of Yellowknife  
Adam Mahaffy, Constable, City of Yellowknife  
Dennis Marchiori, Director of Public Safety, City of Yellowknife  
Nalini Naido, Director, Communications and Economic Development, City of Yellowknife  
Brian Noseworthy, Network Administrator, Information Technology, City of Yellowknife  
Kerry Penny, Manager, Legal Services, City of Yellowknife  
Shayne Pierson, Constable, MED,  
Allyce Rattray, Municipal Enforcement Clerk, MED, City of Yellowknife  
Kim Schofield, Acting ADM, Northwest Territories  
Phil Moon Son, Councillor, City of Yellowknife  
Cory Vanthuynne, Deputy Mayor, City of Yellowknife  
Grant White, Director, Planning and Development, City of Yellowknife  
Dan Wong, Councillor, City of Yellowknife

## **Appendix B Works Consulted**

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Ipsos Reid. City of Yellowknife *Citizen Survey* 2010

MED Occurrence Report Statistics, 2011-2013

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Ministry of Solicitor General, Police Services Division, *Provincial Standards for Municipal Police Departments in BC*. 1993

City of Yellowknife *By-Laws*

City of Yellowknife's *Community Based Strategic Plan* 2010

City of Yellowknife's and MED's Policies and Procedures 1990s – 2014

City of Yellowknife and the Public Service Alliance of Canada, *Collective Agreement Municipal Enforcement Officers*, Expires Dec 2013

City of Yellowknife and the Public Service Alliance of Canada, *Collective Agreement Northern Workers*, 2014-2015

## **Appendix C RFP Scope of Work**

Evaluate the service delivery methodologies relative to current day trends and turn of the century needs to focus on an efficient and effective level of service.

See Chapter 3.1.

Review and evaluate existing policies, procedures and priorities currently used by the department to determine staff requirements and equipment needs to provide the level of services as stipulated in these policies and procedures for the existing service area and for anticipated growth.

See Chapter 4.1.

Review the current policies and procedures to ensure the stipulated practices reflect the intent of existing by-laws;

See Chapters 2 and 4.

Review of the Division's current organizational management and operating structure, and job descriptions;

See Chapter 5.

Review and compare the service levels provided by the Division with the service levels of other communities (3 or more) similar to Yellowknife (NWT, Yukon, Nu or southern Canada);

See Chapter 3.3.

Review internal and external linkages relative to service delivery of essential services and other related services and determine optimum methods, if any, of effective level of services that will meet the needs of our resident currently and in the future;

See Chapter 3.2.

Evaluate human resource levels and deployment of such resources in relation to work load and identify any training that may be beneficial

See Chapter 6.

Provide recommendations on various facets of the Division:

- how to maintain or improve required levels of services as stipulated in existing policies, procedures and priorities;
- review areas of services that have been problematic in recent years with an eye on possible improvements;
- evaluate existing deployment schedule of each shift and provide recommendations for improvements, if any; and
- identify and recommend measurable goals that can be tracked efficiently on an annual and quarterly basis to help the department monitor the performance of the existing levels and future levels of service

See 'Findings' Chapter 8 and 'Recommendations' Chapter 9. .



