

The Territorial Police Services Agreement (TPSA) is an inter-governmental Agreement between Canada and Yukon signed by the Solicitor General of Canada and the Yukon Minister of Justice and Territorial Commissioner. Under Section 92 (14) of the Constitution Act, 1982, the provinces and territories have authority to legislate with respect to "the administration of Justice" which is interpreted to include law enforcement. The Yukon Act provides for the responsibility for law enforcement and the Yukon must ensure this service is provided. It has been the policy of the federal government to provide RCMP police services under contract, to any province that desires use of the Force to aid it in its constitutional responsibility for the administration of justice. The Royal Canadian Mounted Police Act permits Canada to enter into arrangements with any province or territory for the use of the RCMP.

In all jurisdictions but Ontario and Quebec, the RCMP currently provide territorial and provincial police services through agreements between Canada and the province or territory. With the approval of any province or territory, the RCMP also provide policing services to municipalities through municipal police agreements.

### **Key Elements of the Police Service Agreements**

The police service agreements cover a number of different elements which set out the terms and conditions and parameters of the police services. There elements include:

- Management of the Provincial Police Service
- The Commanding Officer and the operation of the Division
- Increase or reduction in the size of the Provincial Police
- Resources and organization
- Emergencies
- Municipalities
- Basis of payment
- Equipment
- Method of payment
- Financial planning
- Disputes

Under section 20 of the police service agreements, the Contract Advisory Committee (CAC) is a national level Committee comprised of representatives from all provinces and territories which utilize the RCMP for policing services. Representatives from the provinces and territories and federal government who attend the CAC meetings are usually at the Assistant Deputy Minister level. Meetings are held annually, however, the CAC has met frequently over that last two years (approx. once per quarter) in preparation for the negotiations towards a new police services agreement, which are currently underway. It is important to note that while municipalities may have a municipal police agreement with the RCMP, they do not have representation at the CAC and have attended as observers.

### **The Costs of Policing**

Unlike traditional contracts for service delivery, the police service agreement does not have fixed fees or rates per se for the delivery of police services as a whole. The police service

agreement includes a cost base of direct and indirect costs which are cost-shared at 70% Yukon government and 30% Canada. For municipal police agreements, a municipality with a population under 15,000 pays 70% of the cost of the policing and the Government of Canada pays 30%. For municipalities with populations greater than 15,000, the municipality pays 90% of the costs and Canada pays 10%.

The different cost components within the police service agreement may increase or decrease over time when, for example, new federal legislation or policy changes are passed or factoring in inflation and other cost impacts. For example, while salary and wages are included in the cost base, these are determined by the Treasury Board and the provinces and territories have no authority in how they are set or may increase over time.

### **Negotiations towards a New Police Service Agreement in 2012**

The police service agreements have now been renewed eight times since the original agreement was signed on June 1, 1928. The first renewal was in 1935. Subsequent renewals occurred in the years 1940, 1919, 1953, 1966 1976 and 1981. The eighth and most recent renewal commenced April 1, 1992 and will continue until the 31st day of March, 2012. The current police service agreements with Canada contain almost identical language in all jurisdictions with some minor differences.

The focus of provinces and territories in the renegotiation of the Police Service Agreements has been to define the nature of RCMP contract services as it relates to provincial influence and control over key issues such as service delivery, governance, accountability, and cost containment.

Much work has been done between the provinces and territories and Public Safety Canada in the development of new police service agreement. A new relationship with the RCMP as the territorial police force is envisioned which should better define the contract relationship and the expectations of the RCMP as a contracted service:

- ensure meaningful participation among the territory, the RCMP and Canada regarding substantive decisions affecting the quality and cost of territorial policing services within the territory,
- respect the need to be responsive to changing policing requirements and can accommodate potential changes including those in relation to policing policies, strategies, methodologies, models, and police review and complaint mechanisms that may arise during the term of the Agreement,
- ensure the RCMP fulfills its duty to inform, explain and be responsive to the territory for [provincial or territorial] police services provided in the [province or territory] and the costs of those [provincial or territorial] police services.

### **Authority of the Territorial Minister under the Police Service Agreement**

The existing Police Service Agreement states that the internal management of the RCMP, including the setting of standards and the development of policies, to be independent of the contracting partners. Specifically, the language of the Agreement says, "The internal

management of the Provincial Police Service, including its administration and the determination and application of professional police procedures, shall remain under the control of Canada.”

Current practice is for The Commissioner of the RCMP, who acts under the direction of the Solicitor General, is responsible for all aspects of internal management of the force. This means that all standards for conduct of officers in the course of their duties, the Force’s operational decisions and policies are under the management of The Commissioner.

The only management rights provincial Ministers have regarding RCMP operations, standards, policy and procedures are those specifically set out in the Police Service agreement.

These are:

- the setting of objectives, priorities and goals (Article 3.3);
- providing direction to the Commanding Officer in aiding the administration of justice in the province (Article 4.1);
- receiving information on the operational and administrative status of the Provincial Police Service (Article 4.2(b));
- receiving information that comes to the attention of any member employed by the RCMP in the province that may affect the administration of justice in the province (Article 4.2(d));
- receiving information on new and outstanding complaints made by the public against the Provincial Police Service (Article 4.2(e));
- consulting with the Commissioner on the appointment of a Commanding Officer or a Criminal Operations Officer (Article 4.3);
- agreeing to the number and location of detachments and to any changes to the organizational structure of the Provincial Police Service. (Article 7.1(a));
- consulting on the location of the Divisional Headquarters (Article 7.1(b)).

The provinces and territories that have RCMP on contract to deliver police services agree that Canada should maintain control of internal management and professional police procedures. However, at the contract negotiation table the provinces and territories have communicated that there should be flexibility and a duty to consult when changes to policies and/or procedures results in increased costs, impact to service delivery, or other implications to the contracting partners, including policy changes that impact provincial or territorial legislation.