

## COMMUNITY SAFETY AND WELL-BEING STRATEGY - FEDERAL, PROVINCIAL AND MUNICIPAL RESPONSIBILITIES

### RECOMMENDATION

That the August 22, 2022, Community Services report CS01283, be received for information.

<b>Requested Council Action</b>	Information Only		
<b>ConnectEdmonton's Guiding Principle</b>	<b>ConnectEdmonton Strategic Goals</b>		
<b>CONNECTED</b> This unifies our work as we work to achieve our strategic goals.	<b>Healthy City</b>		
<b>City Plan Values</b>	LIVE		
<b>City Plan Big City Move(s)</b>	Inclusive and compassionate	<b>Relationship to Council's Strategic Priorities</b>	Community Safety and Well-being
<b>Corporate Business Plan</b>	Transforming for the future		
<b>Council Policy, Program or Project Relationships</b>	<ul style="list-style-type: none"> <li>Community Safety and Well-being Strategy</li> </ul>		
<b>Related Council Discussions</b>	<ul style="list-style-type: none"> <li>OCM00991 Community Safety and Well-Being Action Plan (May 16/17, 2022, Community and Public Services Committee)</li> </ul>		

### Previous Council/Committee Action

At the May 16/17, 2022, Community and Public Services Committee meeting, the following motion passed:

That Administration provide a report detailing federal, provincial and municipal responsibilities in relation to the work of the Community Safety and Well-being strategy, including but not limited to: housing, mental health, addictions, corrections; Reconciliation and First Nations, Métis, and Inuit leadership and responsibilities; and policing, diversion,

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prevention, reduction strategies. This report should also detail the comprehensive strategies that have been developed by the City to address these areas of responsibility.

### **Executive Summary**

- This report provides additional information on intergovernmental jurisdiction and the division of federal, provincial and municipal responsibilities and strategies in relation to recommended municipal efforts within the City of Edmonton's Community Safety and Well-being strategy.
- An illustrative table is included in Attachment 1, which outlines constitutional responsibilities and how each order of government acts within the Community Safety and Well-being pillars.
- Additional background and context is provided on the traditional roles of different orders of government in the provision of services within their respective jurisdictions, with a recognition that increased cross-governmental involvement (whether federal, provincial or municipal) across significant social public policy topic areas is continuing to evolve and is less about who has jurisdiction over a particular problem and more about what levers each government has to help tackle complex problems.
- Many of the complex social issues the Community Safety and Well-Being Strategy have multi-jurisdictional responsibilities, such as Crime Prevention and Crisis Intervention, which involve both federal and provincial roles regarding criminal law, correctional services and are reliant on enforcement services as supported by municipal policing responsibilities and through the potential use of municipal peace officers to help enhance community safety.

## **REPORT**

### **Background**

The federal and provincial governments have distinct roles in the provision of services within their respective jurisdictions. In Canada's federation, some areas of responsibility are constitutionally assigned to the provinces, such as municipalities, education and hospitals and others to the federal government, such as banking, national defense, criminal law and other matters of national interest. As statutory bodies created by provincial governments, municipalities have only those provincial authorities delegated to them by the provinces.

While there are some shared federal and provincial powers, such as immigration and agriculture, many social policy topics are interwoven and complex with responsibilities evolving over time in response to new needs. For example, supportive housing is neither explicitly a provincial or federal responsibility, nor is it explicitly a shared responsibility.

As such, there are generally no legal or constitutional impediments to either government engaging in a variety of affordable housing policies and homeless support programs, which can be observed in both the federal (and through federal government agencies such as Canada Mortgage and Housing Corporation) and provincial governments through varying levels of involvement historically. A detailed list of the constitutional distribution of federal and provincial legislative powers can be found in Attachment 1.

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However, some facets of community safety and well-being have clear lines of responsibilities, such as criminal law matters and the management of federal correctional facilities which are solely legislated by the federal government. Provinces have jurisdiction over administration of justice, including establishing provincial court systems (which can include diversion programs), managing provincial correctional facilities for offenders who have been sentenced for two years less a day. In terms of enforcement, the *Alberta Police Act* governs policing and police oversight for municipalities in Alberta. The *Alberta Police Act* delegates to Edmonton and other larger municipalities the responsibility for policing, either through an independent police force or by entering into an agreement for policing services, and also establishes the oversight roles of provincial entities and of municipal police commissions. Where the Royal Canadian Mounted Police have been contracted to provide police services, requirements of the federal *Royal Canadian Mounted Police Act* also apply. The *Alberta Peace Officer Act* establishes the roles of peace officers in Alberta and allows municipal governments to employ peace officers for community safety enhancement and specialized law enforcement needs.

Ultimately, supporting crime reduction and prevention programs can be implemented by either federal, provincial or municipal governments as aligned with their values and the levers they have. A recent example can be seen in how the Government of Canada is currently considering amending through Bill C-5 the federal Criminal Code and the Controlled Drugs and Substances Act in an interest to respond to the drugs poisoning crisis as more of a health and social issue, by repealing certain mandatory minimum penalties and establishing potential diversion measures for simple drug possession offenses.

Over time, the needs in many areas of public policy have grown in scale and complexity, resulting in increasing collaboration between governments and a larger role for municipal governments. Notable examples include affordable housing, addressing homelessness, responding to local emergent health needs, reconciliation and preventative social and emergency services that have historically been provided and largely funded by provincial and federal governments.

### Municipal Legislation

The Community Safety and Well-Being Strategy as outlined in the May 16, 2022, Office of the City Manager report, (OCM00991) was approved by City Council on May 24, 2022, with funding from the Community Safety and Well Being funds held within Financial Strategies. The Strategy includes seven pillars, which outline municipal efforts responding to a need for community safety. As the Strategy addresses social policies and topics which have intersecting governmental roles, it is difficult to delineate where jurisdictional responsibilities lie. Attachment 1 demonstrates the breadth and nuances of how and where the jurisdictional responsibilities within the seven pillars intersect. The success of the Community Safety and Well-Being Strategy is contingent on Administration's comprehensive strategies, both new and existing, to address identified gaps in service that have arisen due to emergent needs in the sector. A fulsome list of these strategies and the associated funding allocations can be found in attachment 2.

In Alberta, municipalities are governed by the *Municipal Government Act* which broadly states the purpose of municipalities is to develop and maintain safe and viable communities and provide services, facilities or other things that, in the opinion of Council, are necessary or desirable. The

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*Municipal Government Act* also gives municipalities the ability to exercise natural person powers, providing municipalities with broad latitude to operate except to the extent they are limited by legislation. While this enables municipalities to support a very wide scope of programs and services to address local needs, it also can lead to confusion surrounding where the responsibilities of one government stop and another's start.

In addition to the *Municipal Government Act*, numerous other pieces of provincial and federal legislation can influence municipal decision making, such as safety codes, emergency management, policing, or peace officers. This means when legislation changes it can have significant consequences for municipalities.

At the November 6, 2018, City Council meeting, the Program and Service Review - Q4 2018 Status Update report (CR\_6433) provided an update on if municipal services aligned with the expectations of Council and Edmontonians. The report provided a summary of the City of Edmonton's 73 service areas, classifying which were mandatory as required by legislation compared to which were more historic, discretionary or deemed essential.

### **Indigenous Relations**

The division of roles and responsibilities with respect to Indigenous Peoples is complex and nuanced. The *Constitution Act of 1867* assigns responsibility for "Indians and lands reserved for the Indians" to the federal government but consideration regarding the impact on the responsibilities of the province has changed over the years. The role of the provincial government is increasingly being reconsidered based on the perspective of the rights and responsibilities of Indigenous peoples and governments.

As truth and reconciliation becomes integrated into policy and decision making of all levels of government – aided by items such as the Truth and Reconciliation Commission of Canada: Calls to Action, the National Inquiry into Missing and Murdered Indigenous Women and Children, and the United Nations Declaration on the Rights of Indigenous Peoples - governments will be challenged to implement new roles and responsibilities.

Given the breadth of this work, it is expected that multi-jurisdictional efforts will be required and are more likely to be fruitful if combined with open dialogue and coordination. Administration is currently engaging with other municipalities across Canada to learn how other cities are working on Indigenous Relations matters with provincial and federal governments, police institutions and other sectors.

### **Responding to Local Needs**

As the government closest to people in the communities in which they live, municipalities are well-positioned to engage with and be engaged by their local residents, businesses and community partners to respond to the local needs.

These direct interactions can place increased demands for support that is not typically the responsibility of local governments. Examples of increased municipal support provided by the City of Edmonton include:

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- Actions over the past two years in response to the COVID-19 pandemic such as homeless shelter provision at the Expo Centre, which supported the actions and efforts of other levels of government;
- Recent approval of urgent one-time funding for local women's shelters to address a pressing need. Women's shelters are typically funded by the province;
- Integrated Call Evaluation and Dispatch Centre to modernize the current call intake process, so that Edmontonians are able to obtain accurate and timely service without having to call a number of different agencies.
- Community Safety Peace Officer Training and Professional Standards Centre of Excellence; creating a professional development and standards office; and prioritizing professional standards and public transparency.
- The response to the urgent mental health and addictions crisis impacting Edmontonians through actions as a convener, coordinator and advocate; and
- A recent audit report acknowledging while ending homelessness falls under the jurisdiction of the provincial and federal governments, homelessness in Edmonton has increased, thus signaling ongoing City involvement opportunities through its various levers and partnership tools to address the complex nature of homelessness.

Further examples of how the City of Edmonton has actioned the Community Safety and Well-being Strategy are in Attachment 2.

### **Spending Power**

The City of Edmonton's ability to act on policy issues is often constrained by the limited revenue and taxation tools that municipalities can access to fund new programs, services and infrastructure, rather than legislative restrictions. This means cities must be intentional with tax dollars to support required services, delivered in an equitable way to enable a better life for all residents. Furthermore, municipal efforts are influenced by evolving provincial and federal policy directions and by gaps that can occur when changes to government grant programs and municipal transfers occur. The City uses Priority Based Budgeting to ensure that programs that are mandated in legislation are relied upon by its citizens and in alignment with the priorities of Council are fully considered.

While the constitutional federal and provincial division of responsibilities can limit a certain government's ability to legislate in particular fields, it may not similarly limit how a government may choose to spend its money, which can act as a powerful economic tool of considerable external influence (i.e., through the use of conditional and unconditional grants).

### **Ongoing Involvement and Clarifying Future Responsibilities**

All orders of government have signaled ongoing interest in applying various policy levers and funding tools to address complex social policy topics of interest that are highly complex and interwoven across multiple orders of government and often require ongoing collaboration, coordination and partnerships with other stakeholders. Further clarity on the recommended roles and responsibilities that different orders of government envision in each of these areas can be seen in released strategies and through budget commitments, business plans and Minister mandate letters from the federal and provincial governments.

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The need to further clarify roles and responsibilities between all orders of government is an area of ongoing interest and advocacy across numerous cities, municipal associations and as raised through various academic institutions across Canada. A Senate Inquiry was also launched on December 2, 2021 calling to attention the important roles municipalities perform and the challenges they face, stressing the importance to redefine the relationships between Canada's municipalities and the federal government. No timelines on this Senate Inquiry are publicly available. Together, all these actions are helping to raise the profile of the responsibilities municipalities have to manage without the additional resources and tools to take on those tasks.

In recognition of the need for increased clarity on the roles and responsibilities across many shared municipal and provincial areas of interest, on August 10, 2017 the cities of Edmonton and Calgary signed a City Charters Collaboration Agreement ([alberta.ca/city-charters](http://alberta.ca/city-charters)) with the Government of Alberta. While the agreement creates a formal mechanism for enabling Alberta's two largest cities to explore opportunities to better align and optimize future resources across shared outcomes of provincial interest, there has been no formalized political discussions between the three parties in recent years. Renewed efforts may be required to re-activate provincial support for this forum.

## **COMMUNITY INSIGHT**

The recommendations identified in the Community Safety and Well-being Strategy were informed and guided by more than 80 community members across over 40 organizations. Community conversations will continue to inform the strategy. Insights gathered will be included in a repository of Community Safety and Well Being research and engagement data that will support the City in taking evidence-based and data-informed action. Further research and engagement will be used when considering future conversations regarding jurisdictional responsibilities.

## **GBA+**

The City of Edmonton uses GBA+ to help make evidence-based decisions, challenge assumptions, and adjust programs, services and spaces in order to offer enhanced life experiences for those experiencing marginalization in Edmonton.

As the function of the strategy is intersectional, so too is the consideration of the people it is intended to serve. Representing different perspectives and experiences are key to the community-led component of the CSWB Strategy. Administration must continue to actively engage people through the different intersectional lenses that may represent them and define their experiences in Edmonton. This engagement will be used when considering future conversations regarding jurisdictional responsibilities.

## **ATTACHMENTS**

1. Jurisdictional Activities - Community Safety and Well Being Pillars
2. Community Safety & Well-Being Strategy - City Actions