



Hamilton Police Service Board Legal Indemnification Policy for Board Members P-007

Effective date: January 28, 2018
Reviewed: March 28, 2024
Amended: March 28, 2024

Applicable Legislation

s.48 & 49 of the *Community Safety and Policing Act, 2019, S.O. 2019, c.1, Sched. 1*
(*the Act*): Protection from Personal Liability

Policy Application

It is the policy of the Hamilton Police Service Board that:

1. In the event a board member incurs any legal expenses as a result of any action or other proceeding, except a proceeding brought under the *Municipal Conflict of Interest Act*, arising out of acts or omissions done or made in their capacity as a board member, including while acting in the performance of any statutory duty, the board shall pay on behalf of, or reimburse the board member for, any such legal expenses, provided the board has determined the acts or omissions were done or made in good faith.
2. In the event a board member incurs any legal expense as a result of any action or proceeding brought under the *Municipal Conflict of Interest Act*, arising out of acts or omissions done or made in good faith by that board member in their capacity as a board member, including while acting in the performance of any statutory duty, and in the event the board member is found not to have contravened section 5 of the *Municipal Conflict of Interest Act*, the board shall pay on behalf of or reimburse the board member for any such legal expenses, provided that the board has determined the acts or omissions were done or made in good faith.

3. This policy applies to all current board members, and further, applies to any person who was a board member at the time the cause of action or other proceeding arose, but who, prior to judgment or other settlement of the action or proceeding, has ceased to be a board member.
4. Prior to the paying of legal expenses, the board may require the account of the solicitor acting for the board member be assessed by the Assessment Officer of the Superior Court of Justice pursuant to the provisions of the *Solicitors Act*, *R.S.O. 1990, ch.s. 15* for the Province of Ontario.
5. Any payment made under this policy will be to a maximum of \$20,000.