

Civilian Governance of Police Services

Police Services Board Information Session

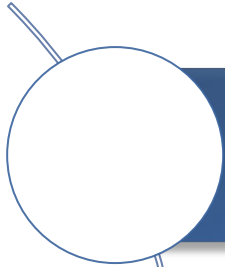


Hamilton Police Services Board
November 2022

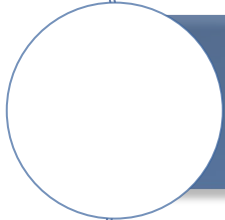
**Police Services Liaison Unit,
Inspectorate of Policing**
Ministry of the Solicitor General

Ontario 

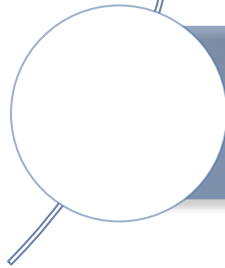
Topics for Discussion



Civilian Police Governance



Adequate and Effective Policing



Board Member Code of Conduct





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Civilian Police Governance



Civilian Police Governance in Ontario

Police Services Act (PSA)

- ▶ Requires municipalities to provide adequate and effective police services.
- ▶ Municipalities have different options for discharging this obligation, including establishing it's own police service.
 - ▶ This includes providing all the necessary infrastructure and administration, including vehicles, equipment, communication devices, buildings and supplies.
- ▶ Where a municipality has established a police service, it shall have a **police services board**.



Civilian Police Governance in Ontario

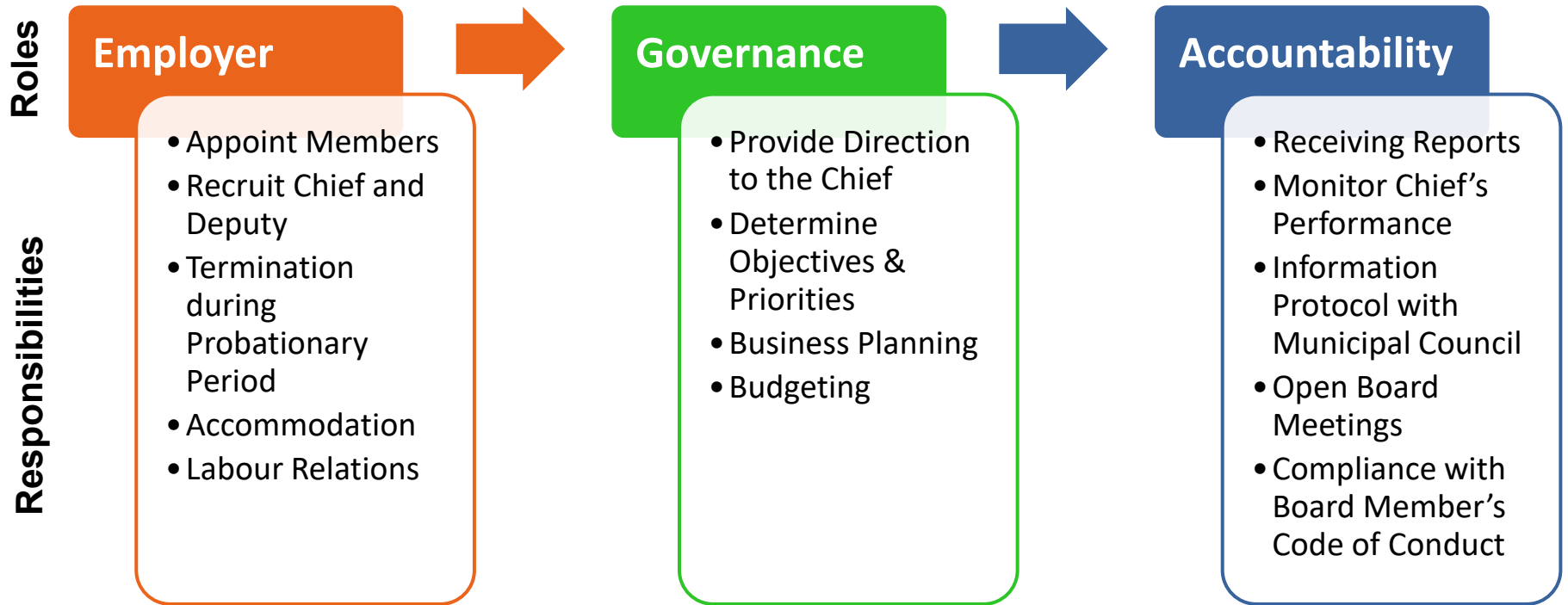
Section 31 Police Services Boards

- ▶ Responsible for the provision of adequate and effective police services.
- ▶ Independent governance body – not a subcommittee of municipal council.
- ▶ Connects the needs of the community with provision of policing services.
- ▶ Size and composition governed by the PSA.
- ▶ The board and its members are subject to independent monitoring and oversight by the Ministry of the Solicitor General and the Ontario Civilian Police Commission.
- ▶ **Roles and responsibilities come from the PSA and its regulations.**



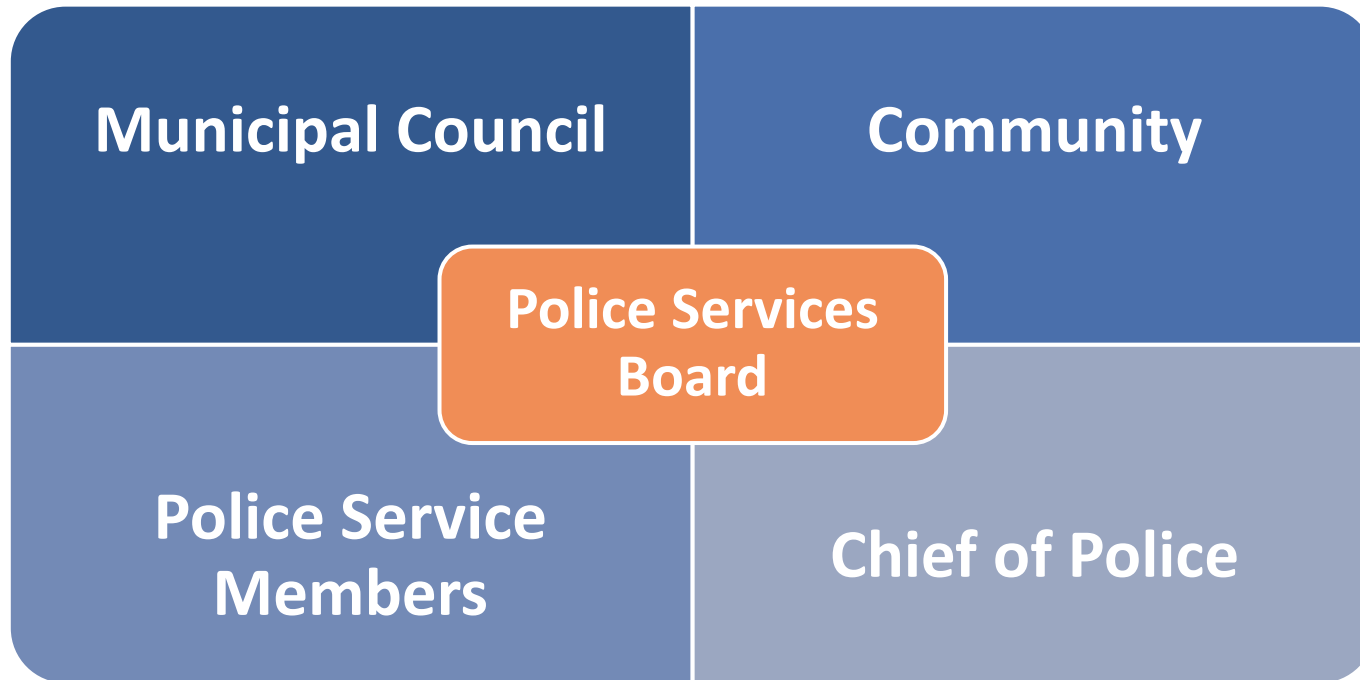
Civilian Police Governance in Ontario

Section 31 Police Services Boards



Civilian Police Governance in Ontario

- ▶ In discharging its roles and responsibilities, the board must adhere to parameters governing its **relationship** with:



Civilian Police Governance in Ontario

Board's relationship with:

Municipal Council

- Independent from municipal council
- Connection between council and police service
- Fiscal stewardship of municipal funding

Community

- Integrating community-defined needs into police service delivery
- Ensuring accountability for actions taken by police service

Police Service Member

- Provides some employer functions (e.g., collective bargaining)
 - May not order or direct members of a police service, other than the chief
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Civilian Police Governance in Ontario

Board's relationship with:

Chief of Police

- ▶ Chief is accountable to the board
- ▶ Reciprocal relationship with respect to the flow of information, policy development and implementation
 - ▶ Essence of this relationship captured in sections 31(1)(b) and (c); 41(1)(a); and 41(2)
- ▶ Chief consults and reports to the board on matters that enable the board to meet its mandate
- ▶ Board provides structure, environment and direction for the chief to make administrative and operational decisions **independent of political or other interference**
 - ▶ No individual member of the board shall give orders or direction to the chief (s.31[3])
 - ▶ The board shall not direct the chief on specific operational decisions or day-to-day operations (s.31[4])



Civilian Police Governance in Ontario

Police Service Oversight

Ministry of the Solicitor General

- Monitor local and provincial issues and trends
- Provide information and advice to boards and chiefs
- Conduct inspections based on relevant legislation and regulations
- Deliver orientation sessions to board members

Ontario Civilian Police Commission (OCPC)

- Investigate conduct of board members and members of police service
- Investigate and inquire into the administration of a police service
- Settle budget disputes between the board and municipal council
- Approve disbandment or reduction of municipal police service

Office of the Independent Police Review Director (OIPRD)

- Receives and oversees public complaints about police in Ontario and the conduct of specific police officers, or the services or policies of a police service



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Adequate and Effective Policing



Adequate and Effective Police Services

- ▶ **The board is responsible for the provision of adequate and effective police services.**
- ▶ Police services must include, at a minimum, all of the following police services:
 1. crime prevention;
 2. law enforcement;
 3. victims assistance;
 4. public order maintenance; and
 5. emergency response services.



Adequate and Effective Police Services

O.Reg. 3/99: Adequacy and Effectiveness of Police Services

- ▶ Further defines:
 - ▶ requirements of core functions;
 - ▶ required services;
 - ▶ delivery mechanisms; and
 - ▶ core competencies and training.
- ▶ Directs, and gives guidance to, a board and the chief of police on the provision of adequate and effective police services.
- ▶ The ministry maintains the Policing Standards Manual as a support tool in meeting the adequacy requirements.



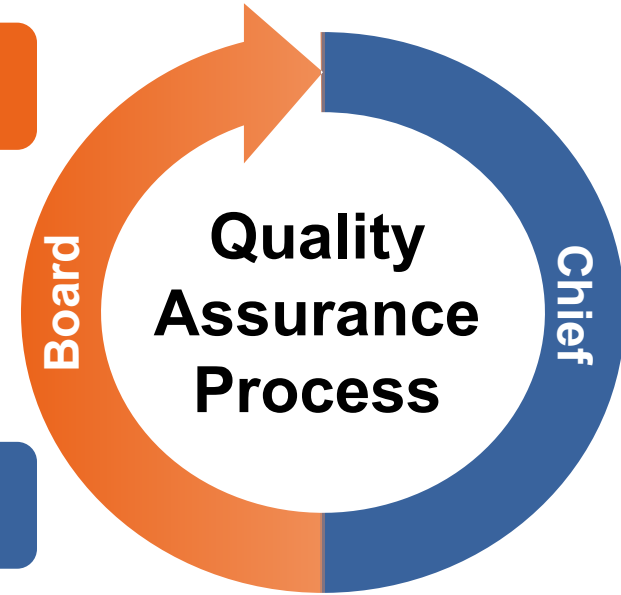
Adequate and Effective Police Services

Police Services Board

- Planning
- Policy Setting
- Fiscal Stewardship
- Monitoring and Accountability

Chief of Police

- Administer Board's Lawful Direction
- Administer Police Service and Oversee Operations
- Administer Complaints System
- Reporting



Business Plan

O.Reg. 3/99, Section 30

- ▶ Board must prepare a business plan at least once every three years that addresses:
 - a) Objectives, core business and functions of the police service including how it will provide adequate and effective service
 - b) Quantitative and qualitative performance objectives and indicators noted in the regulation
 - c) Information technology
 - d) Resource planning
 - e) Police facilities



Business Plan

O.Reg. 3/99, Section 32(2)

- ▶ The board must consult with its municipal council, and the school boards, community organizations and groups, businesses and members of the public in the municipality it serves during the development of the business plan.



Policy Setting

- ▶ The police services board is responsible for establishing and maintaining a **policy framework** to guide decision-making and achieve desired outcomes.



The diagram illustrates the structure of the Policy Framework. It consists of a top-level orange bar labeled 'Policy Framework' which encompasses three blue boxes below it: 'Board Administration', 'Management', and 'Policing Services'. The entire structure is set against a light orange background with a white shadow effect.

Policy Framework

Board
Administration

Management

Policing
Services

Policy Setting

Board Administration

PSA, Section 37

- ▶ A board shall establish its own rules and procedures in performing its duties under the act
 - ▶ Meeting structure (frequency, schedule, place and time)
 - ▶ Role of the chair
 - ▶ Decision making process
 - ▶ Minute taking
 - ▶ Agenda setting
 - ▶ Board supports

Policy Setting

Management

PSA, Section 31(1)(c)

- ▶ The board shall establish policies for the effective management of the police service
 - ▶ Human resources
 - ▶ Labour relations
 - ▶ Inclusion, equity and equality in the workplace



Policy Setting

Policing Services

Examples:

- ▶ Establishing policies on matters referred to in:
 - ▶ *O.Reg 3/99 – Adequacy and Effectiveness of Police Services*
 - ▶ *O.Reg 58/16 – Collection of Identifying Information in Certain Circumstances*
 - ▶ *O.Reg 354/04 – Major Case Management*



Policy Setting

Considerations in establishing and maintaining policies:

- ✓ Clear objectives aligned with any prescribed requirements.
- ✓ Assessment of risks, resources, priorities and data, as appropriate.
- ✓ Accountability measures, including but not limited to:
 - ▶ Reporting requirements of the chief, or sub-committee, as appropriate;
 - ▶ Performance measures;
 - ▶ Timelines for the review of policies; and
 - ▶ Performing revisions as necessary.

Public complaints about policies and services are within the purview of the **Office of the Independent Police Review Director.**



Estimates and Budget

PSA, Section 39

- ▶ The board must submit operating and capital estimates to municipal council showing the amounts required to:
 - ▶ (a) maintain the police service and provide it with equipment and facilities; and
 - ▶ (b) pay the expenses of the board's operation other than the remuneration of board members.
- ▶ The format of the estimates, the period that they cover and the timetable for their submission are determined by the council.



Estimates and Budget

PSA, Section 39

- ▶ Upon reviewing the estimates, the council shall establish an overall budget for the board.
- ▶ The council is not bound to adopt the estimates submitted by the board – it can accept, increase or reduce.
- ▶ In establishing an overall budget for the board, the council does not have the authority to approve or disapprove specific items in the estimates.
- ▶ **Budget disputes** may be referred to the **Ontario Civilian Police Commission** to review and rule on the matter.



Monitoring and Accountability

- ▶ The chief of police may be required to report on matters as directed by the board, or as required under legislation/regulation.
 - ▶ Reporting requirements are key accountability measures available to the board

O.Reg. 3/99, Section 31

- ▶ Every chief of police shall prepare an **annual report** for the board relating to the activities of the police service during the previous fiscal year, including information on:
 - a) Its performance objectives, indicators and results;
 - b) Public complaints; and
 - c) The actual cost of police services.



Monitoring and Accountability

O.Reg. 3/99, Section 32(1)

- ▶ The board must enter into a **protocol with its municipal council** that addresses:
 - ▶ the sharing of information with municipal council, including the type of information to be shared and the frequency for sharing such information;
 - ▶ the dates by which the business plan and annual report shall be provided to municipal council;
 - ▶ the responsibility for making public the business plan and annual report, and the dates by which the business plan and report must be made public; and
 - ▶ if the municipal council chooses, the joint determination, and participation in, the consultation processes for the development of the business plan.



Board Meetings



PSA, Section 28

- ▶ The members of a board shall elect a chair at the board's first meeting in each year.
 - ▶ The board may also elect a vice-chair (s.28[2]).

PSA, Section 35

- ▶ Meetings and hearings conducted by the board shall be open to the public.
 - ▶ Exceptions: 1) matters involving public security; or 2) intimate financial or personal matters.
 - ▶ Under both circumstances, avoiding disclosure must outweigh the principle that proceedings be open to the public.
- ▶ The board shall hold, at minimum, four meetings each year.
 - ▶ However, within the board's rules and procedures, the board should establish a sufficient number of meetings to effectively carry out its mandate.





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Board Member Code of Conduct



Board Members Code of Conduct

ONTARIO REGULATION 421/97

1. Board members shall attend and actively participate in all board meetings.
 2. Board members shall not interfere with the police service's operational decisions and responsibilities or with the day-to-day operation of the police service, including the recruitment and promotion of police officers.
 3. Board members shall undergo any training that may be provided or required for them by the ministry.
 4. Board members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public.
 5. No board member shall purport to speak on behalf of the board unless he or she is authorized by the board to do so.
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Board Members Code of Conduct

6. A board member who expresses disagreement with a decision of the board shall make it clear that he or she is expressing a personal opinion.
7. Board members shall discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law, as provided in their oath or affirmation of office.
8. Board members shall uphold the letter and spirit of the Code of Conduct set out in this Regulation and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.
9. Board members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the *Human Rights Code* and the *Charter of Rights and Freedoms* (Canada).



Board Members Code of Conduct

10. Board members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated.

11. Board members shall not use their office to obtain employment with the board or the police service for themselves or their family member*.

*family member means the parent, spouse or child of the person, as those terms are defined in section 1 of the *Municipal Conflict of Interest Act*.

12. A board member who applies for employment with the police service, including employment on contract or on fee for service, shall immediately resign from the board.

13. Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the board or the police service.



Board Members – Code of Conduct Complaints

14. (1) A board member whose conduct or performance is being investigated or inquired into by the Commission under section 25 of the Act or is the subject of a hearing before the Commission under that section shall decline to exercise his or her duties as a member of the board for the duration of the investigation or inquiry and hearing.

 15. If the board determines that a board member has breached the Code of Conduct set out in this Regulation, the board shall record that determination in its minutes and may,
 - (a) require the member to appear before the board and be reprimanded;
 - (b) request that the Ministry of the Solicitor General conduct an investigation into the member's conduct; or
 - (c) request that the Commission conduct an investigation into the member's conduct under section 25 of the Act
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Board Members – Code of Conduct Complaints

PSA, Section 25 – Ontario Civilian Police Commission (OCPC)

- ▶ The OCPC may inquire into and report on, on its own motion or at the request of the ministry, the Independent Police Review Director, a municipal council or a board, **investigate, inquire into and report on the conduct of a member of the board.**
- ▶ OCPC has the power to:
 - ▶ Suspend a chief of police, board member, entire board
 - ▶ Remove a chief of police, board member, entire board
 - ▶ Disband a police service and direct the OPP to provide policing



Next Steps

- ▶ Board members should familiarize themselves with:
 - ✓ Responsibilities of Boards – *Section 31, PSA*
 - ✓ Meetings – *Section 35, PSA*
 - ✓ Estimates – *Section 39, PSA*
 - ✓ Duties of Chief of Police – *Section 41, PSA*
 - ✓ Members of Police Services Boards Code of Conduct – *PSA, O.Reg. 421/97*
 - ✓ Adequacy and Effectiveness of Police Services – *PSA, O.Reg. 3/99*
 - ✓ *Community Safety and Well-Being – PSA, Part XI*
 - ✓ The board's existing business plan, policies and procedures



Questions

