

Hamilton Police Services Board

Legal Indemnification Policy

Whereas Section 29 and 30 of the *Police Services Act* makes reference to a Board's protection from personal Liability; and

Whereas Section 37 of the *Police Services Act* provides that Police Services Board shall establish its own rules and procedures in performing its duties under this Act; and

Whereas the Board deems it necessary to enact a policy to protect Board members from liability for legal expenses incurred in connection with the defense of certain actions referred to in this policy pursuant to the provision of the *Municipal Act*, S.O. 2001, ch.25, s.279 and amendments thereto, and the *Municipal Conflict of Interest Act*, R.S.O. 1990, ch.60, s.14 and amendments thereto, and further to protect Board members from pecuniary loss or liability in respect to those actions.

NOW THEREFORE THE HAMILTON POLICE SERVICES BOARD ENACTS AS FOLLOWS:

DEFINITIONS

- 1 "Board" means the Hamilton Police Service Board;
- 2 "Board Member" means a member of the Hamilton Police Services Board.

GUIDELINES

1. In the event that 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 his or her 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 that the Board has determined that the acts or omissions were done or made in good faith.

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2. In the event that 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 his or her capacity as a Board member, including while acting in the performance of any statutory duty, and in the event that the Board member is found not to have contravened section 5 of the *Act*, the Board shall pay on behalf of or reimburse the Board member for any such legal expenses, provided that the Board has determined that the acts or omissions were done or made in good faith.
3. This policy applies to all current Board members from time to time, 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 that 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 \$15,000.
6. This policy is hereby enacted by the Hamilton Police Services Board on the 18th day of January, 2018. This policy will be retroactive to January 1, 2017.



Chair Lloyd Ferguson