

# Civilian Governance of Police Services



**Operations Unit**  
*Ministry of Community Safety and Correctional Services*

# Policing in Ontario

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## Municipalities

***PSA s.4(1) - Every municipality to which this subsection applies shall provide adequate and effective police services in accordance with its needs.***

- ▶ Municipalities have the different options for providing police services:

s.5(1) par 5 - Council may enter into an agreement, alone or jointly with one or more other councils, to have police services provided by the Ontario Provincial Police.



# Roles and Responsibilities – Section 10 Board

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***PSA s.10(2) - In order for a municipality to enter into an agreement under this section, the municipality must have a board.***

## **Police Services Boards**

- ▶ Board is an independent governance body for the police force - not a subcommittee of municipal council or the province.
- ▶ Size and composition of the board is governed by the PSA.
- ▶ Roles and responsibilities set out in the PSA and regulations.

## **Duty of the OPP**

- ▶ PSA s.10(6) - When the agreement comes into effect, the Ontario Provincial Police detachment assigned to the municipality or municipalities shall provide police services for the municipality or municipalities, and shall perform any other duties, including by-law enforcement, that are specified in the agreement.



# Roles and Responsibilities – Section 10 Board

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**PSA s.10(9)** - Advise the Ontario Provincial Police detachment commander assigned to the municipality, or his or her designate, with respect to police services in the municipality and shall:

- ▶ participate in the selection of the detachment commander;
- ▶ generally determine objectives and priorities for police services, after consultation with the detachment commander or designate;
- ▶ establish any local policies with respect to police services after consultation with the detachment commander or designate. The board is prohibited from establishing provincial policies of the OPP;
- ▶ monitor the performance of the detachment commander;
- ▶ receive regular reports from the detachment commander or designate on disclosures and decisions made under section 49 (secondary activities);
- ▶ review the detachment commander's administration of the complaints system under Part V and receive regular reports from the detachment commander or designate on administration of the complaints system.



# Responsibilities – Service Agreement

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## Objectives and Priorities:

- ▶ Commissioner shall ensure that the Detachment Commander responds appropriately to the Board's objectives and priorities for police services, developed after consultation with the Detachment Commander.

## Detachment Commander Selection:

- ▶ Detachment Commander selected from a short-listed pool of candidates as determined by the OPP in accordance with its relevant provincial policies. Following the formulation of the short-list, a joint committee consisting of Board members and persons nominated by the Commissioner, shall select the successful candidate in accordance with the process set out in the OPP's provincial policies.

## Reporting:

- ▶ Commissioner shall cause the Detachment Commander or designate to report to the Board at mutually agreed upon intervals in accordance with the Police Services Act regarding the provision of police services in and for the municipality. The OPP will determine the information to be contained in the reports and the format in which they will be provided.
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# Responsibilities – Service Agreement

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## Service Delivery:

- ▶ OPP shall undertake and be responsible for ensuring that all mandatory standards of adequate and effective police services as required by *Ontario Regulation 3/99* under the *Police Services Act* are met and maintained.
- ▶ Board responsible to monitor the delivery of police services to ensure that the provisions of Regulation 3/99 are satisfied on an ongoing basis.
- ▶ Detachment Commander shall provide the Board with reasonable documentation, as agreed upon between the Board and the OPP, to allow the Board to evaluate the services and satisfy itself that adequate and effective standards and policies are in place.

## Cost of Police Services:

- ▶ On or before October 1st in each year, Ontario shall prepare and deliver to the Board for review and to the Municipality for review and approval, the Annual Billing Statement for the following year, together with sufficient documentation and information reasonably necessary to explain and support the billing.
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# Board Process

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***PSA s.37 - The board shall establish its own rules and procedures in performing its duties under this Act.***

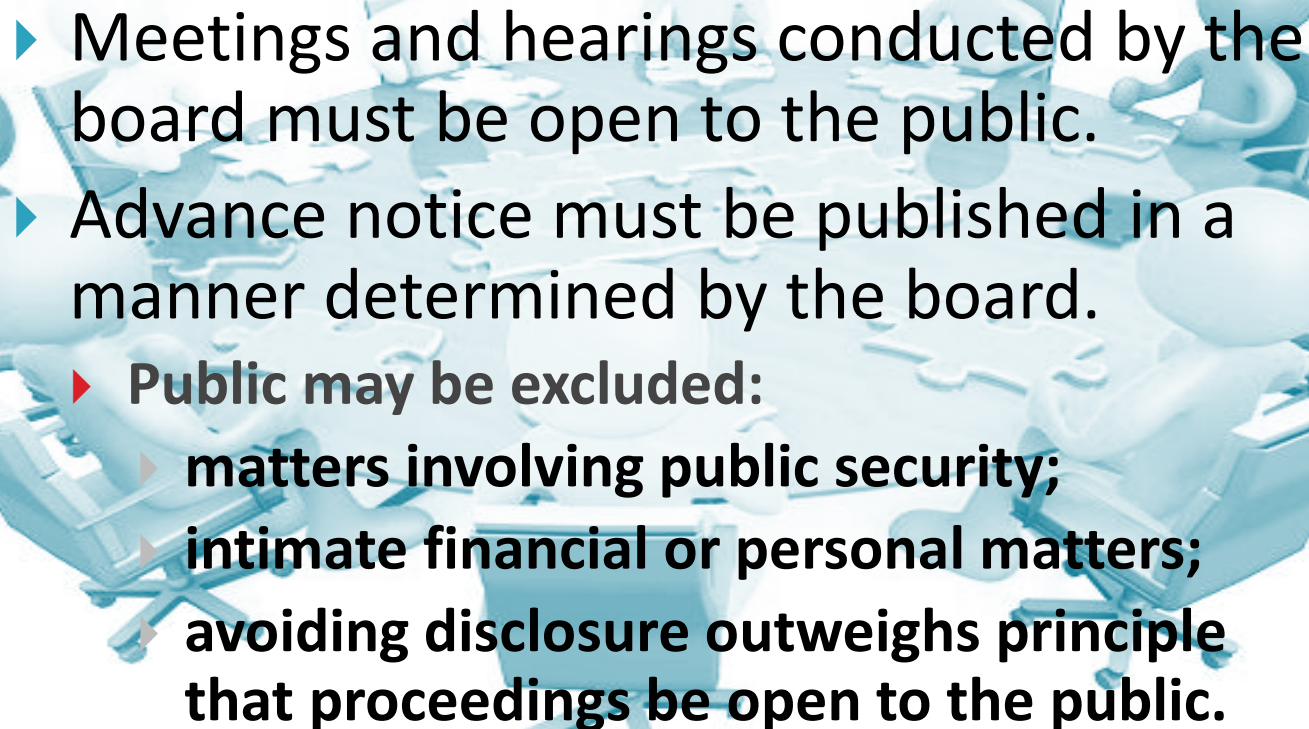
- ▶ Process is key.
- ▶ Ensure accurate recording of minutes.
- ▶ Regularly review local policies and processes to ensure they continue to be effective.



# Board Process

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## *PSA s.35(3) – Open Meetings*

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- ▶ Meetings and hearings conducted by the board must be open to the public.
  - ▶ Advance notice must be published in a manner determined by the board.
  - ▶ **Public may be excluded:**
    - ▶ **matters involving public security;**
    - ▶ **intimate financial or personal matters;**
    - ▶ **avoiding disclosure outweighs principle that proceedings be open to the public.**





# Business Planning

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O.Reg 3/99 s.30(1): Every board shall prepare a business plan at least once every three years.

- ▶ The OPP develop strategic plans at the corporate and detachment levels.
- ▶ A s.10 board is responsible for generally determining objectives and priorities for police services after consultation with the detachment commander or his or her designate



# Relationships – Board/Municipal Council

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O.Reg 3/99 s.31(1) – Each board is required to have a protocol with its municipal council that addresses the sharing of information with council, including the type of information to be shared and the frequency.

Mechanism for boards to assure councils that adequate and effective policing is being delivered in accordance with the terms of the agreement.



# Board Members – Code of Conduct

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## 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 force's **operational decisions** and **responsibilities** or with the **day-to-day operation** of the police force, 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.**



# Board Members – Code of Conduct

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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).
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.



# Board Members – Code of Conduct

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

(2) For the purpose of subsection (1),

“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 force, 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 force.

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# Board Members – Code of Conduct Complaints

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**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



# Board Members – Code of Conduct Complaints

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## Section 25 (PSA)

The Commission 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,

- (a) the conduct or the performance of duties of a police officer, a municipal chief of police, an auxiliary member of a police force, a special constable, a municipal law enforcement officer or a **member of a board**;
- (b) the administration of a municipal police force;
- (c) the manner in which police services are provided for a municipality;
- (d) the police needs of a municipality.





# DISCUSSION

