



Regional Municipality of York Police Services Board

17250 Yonge Street, Newmarket, Ontario, Canada L3Y 4W5
(905) 830-4444 or 1-877-464-9675 ext. 7906
Fax: (905) 895-5249 e-mail: psb@yrp.ca www.yrpsb.ca

To Make a Difference in Our Community

May 22, 2015

Chair
Frank Scarpitti
Mayor
City of Markham

The Honourable Yasir Naqvi
Minister of Community Safety and Correctional Services
25 Grosvenor Street
Toronto, ON
M7A 1Y6

Vice Chair
Barbara Bartlett
Regional Council
Appointee

Dear Minister Naqvi:

Members
Wayne Emmerson
Regional Chairman
And C.E.O

I am writing on behalf of the Chairs of the Big 12 Police Services Board, which represent the governing bodies for the 12 largest municipal police services in Ontario.

Mayor Virginia Hackson
Regional Council
Appointee

The Big 12 Chairs held their most recent meeting on April 14, 2015. As the York Regional Police Services Board was the host agency, I chaired the meeting and have been asked to communicate on the various action items considered by me and my colleagues. A significant part of our discussion was dedicated to the issue of civilian governance of municipal police services.

Sam Herzog
Provincial Appointee

We are aware that your Ministry is undergoing a review of the civilian governance of police services in Ontario. We had before us the report dated November 4, 2014 prepared by Mr. Ken East, President, and Mr. Fred Kaustinen, Executive Director, Ontario Association of Police Services Boards. Many of us also attended a session on April 7, 2015 hosted by the Canadian Association of Police governance at which Deputy Minister Matt Torigian spoke about the Ministry's review stating:

John Molyneaux
Provincial Appointee

The Ministry of Community Safety and Correctional Services is leading efforts to examine how to effectively calibrate civilian police governance to provide a foundation for service delivery that reflects and serves the needs of communities in Ontario.

Bang-Gu Jiang
Provincial Appointee

As the Big 12 Chairs, we believe that we have significant insight into the civilian governance of police services as well as having a unique perspective on the issues being examined. For this reason we have opted to provide our input at this early stage so our collective view can inform and contribute to the Ministry's work as it moves forward.

Executive Director
Mafalda Avellino

For convenience, we have grouped our comments into the 'five buckets' referenced by Deputy Minister Torigian as well as Ministry staff in various forums. We have identified actions that can be taken now as well as the potential for legislative reform.

Administrative Assistant
Jaclyn Kogan

Board Governance Environment

As the Big 12 Chairs, we assumed that this speaks to the potential changes to the mandate of police boards, a recommendation from the recent 'Goudge' report (*Policing*

Canada in the 21st Century: New Policing for New Challenges), among others. This would be a major shift in responsibilities for municipal police services boards (PSBs) as currently set out in the *Police Services Act*. If the Ministry does intend to move in that direction, we believe it will require significant dialogue with all stakeholders and we would certainly welcome the opportunity to participate.

Board Member Roles & Responsibilities

We believe considerable improvement can be made in clarifying Board member roles and responsibilities. We recommend the following:

Recommendation One

- The Ministry provide clarification on PSB responsibilities and its relationship with the duties of a Chief of Police;
- That the clarification take into account recent reviews, OCPC decisions and judicial decisions;
- That the Ministry provide a '*standard or consistent*' view on this important relationship to ensure all PSBs and Chiefs of Police have the same approach and understanding.

Recommendation Two

- That should the Ministry open the *Act* the clarification sought above be enshrined in the new *Act* to provide as much guidance as possible.

Board Members – Skills & Competencies

We are aware of the different perspectives on which bodies should have the authority to appoint to PSBs. The Big 12 Chairs' view on this is clear and emphatic. At our meeting, the following motion was adopted:

'That the Big 12 Chairs advise the OAPSB that we support the current representation from Municipal Councils on Boards.'

We are also cognizant of positions taken on the skills and competencies for Board members. In the Association of Municipalities of Ontario '*Police Modernization Report*' dated April 27, 2015, it states under the title of 'Partnership':

"The quality of the governance and civilian oversight system need to be improved. This includes ensuring governance board members are qualified against a set of competencies and mandatory training is provided"

The previously mentioned Goudge report states: '*Appropriate governance is central to generating policing according to societal values.*'

Other reports have made similar comments. We agree. However, rather than focus on '*which agency*' appoints, our position focuses more on '*who gets appointed*'. Similar to the experience in the private sector, we believe skills, competencies and experience, unique to each jurisdiction, should be considered.

On a related point, we are aware that provincial appointees are required to undergo a background check. This is understandable given the fact we are appointed to govern police organizations. Municipal appointees do not have such a requirement. We are aware that this anomaly was recently addressed by the Alberta government and that each prospective police board member must complete the same background check. We believe the same requirement should be instituted and exist in Ontario.

The question of exclusions should also be considered. As an example, while serving police officers are prohibited from being appointed to a PSB, we are advised no such prohibition exists for other current police service members including Special Constables, civilian members, auxiliary members and volunteers. An update on excluded individuals should form part of any review of the *Act*. We also suggest that consideration be given to excluding former or retired police officers, particularly those who served on the same police service within the last 10 years.

Recommendation Three

- Prior to making an appointment to the PSB, every appointing body should consult with the Board as to its requirement for the required competencies and experience, so as to round out the '*composite skills*' of the entire Board.

Recommendation Four

- That should the *Act* be opened it should:
 - a) be amended to provide for background checks for all prospective PSB members;
 - b) review the existing list of exclusions to ensure this list is current and complete.

Board Members: Professional Development & Learning

The *Act*, Section 31(5) states:

'The board shall ensure that its members undergo any training that the Solicitor General may provide or require.'

This section is reiterated in Section 3 of the Code of Conduct for members of PSBs.

Despite this wording, as a group we are unaware of any current and sustained training that has been developed, delivered or mandated uniformly across the province. As a consequence, there is an inconsistency in how some Board members discharge their responsibilities.

We fully endorse local orientation when a new Board member is appointed. An informal questioning among ourselves indicated each of the Big 12 Boards provide this to some degree.

What is lacking is standardized, mandated '*Professional Development and Learning*' created and/or mandated by the Ministry despite the language in the *Act*.

The OAPSB in its report concluded:

'Board member training should be relevant, robust, empowering, and mandated province-wide. This will help ensure consistency in independent citizen governance among communities across the province.'

We agree with OAPSB's comment.

Recommendation Five

- That the Ministry provide standardized, mandated professional development and learning for all new Board members; and further that this should occur within a specified time period after appointment.

A list of possible topics for new Board members is attached as Appendix A.

At the April 7, 2015 session attended by Deputy Minister Torigian a suggestion came forward that just as new Board members would benefit from this type of professional development and learning, so too would newly promoted Chiefs and Deputy Chiefs of Police. Deputy Minister Torigian indicated he thought it was an idea worth considering. We concur.

Recommendation Six

- That the Ministry explore the concept of having Chiefs and Deputy Chiefs of Police attend elements of the professional development and learning provided new Board members in areas of common interest.

Finally, those of us that have served on PSBs for a number of years realize that the learning and education never ceases, hence our next recommendation.

Recommendation Seven

- That the Ministry provide opportunities for ongoing learning, preferably through the development and deployment of e-learning tools.

Board Resources

In his comments made on April 7, 2015, Deputy Minister Torigian stated:

'Police Services Boards (should) have access to appropriate and effective resources to fulfill their obligations and make the right decisions to ensure accountability.'

The Big 12 is fortunate in governing sufficiently large police services that we can avail ourselves of necessary resources, either through the retention of qualified Board staff, access to municipal officials, the contracting of professional services or a combination of all three.

The concern is with smaller police services where the dedication of such resources would be difficult to articulate or defend when contrasted to direct police needs. This is a quandary which we believe is being addressed by the OAPSB and also invite insight from the Ministry on this important issue.

Evaluation and Measurement of Police Service Performance

This is the '*fifth bucket*' spoken to by Deputy Minister Torigian.

As a group, we fully appreciate and respect the importance of this topic. However, as Big 12 Chairs we also understand that this is a subject that has been considered and debated in numerous forums for many, many years. It is also the focus of ongoing reviews at the national and provincial level. Given its complexity, we do not have a specific recommendation to make at this time. Rather, we look forward to the Ministry's direction and again would welcome the opportunity to participate in further dialogue with the Ministry.

On behalf of the Big 12 Chairs, we appreciate your consideration of our input on this extremely important subject. As the '*front line*' in civilian police governance, we are committed to continual improvement in our own activities on behalf of the communities we serve.

Sincerely,



Frank Scarpitti, Chair
York Regional Police Services Board
Mayor, City of Markham

Copy to: Chair Roger Anderson, Chair, Durham Regional Police Services Board
Mayor Rob Burton, Chair, Halton Regional Police Services Board
Dr. Alok Mukherjee, Chair, Toronto Police Services Board
Gerry Lougheed, Chair, Sudbury Police Board
Eli El-Chantiry, Chair, Ottawa Police Services Board
Laurie Williamson, Chair, Peel Regional Police Services Board
Lloyd Ferguson, Chair, Hamilton Police Services Board
Bob Gale, Chair, Niagara Regional Police Services Board
Jeannette Eberhard, Chair, London Police Services Board
Mayor Drew Dilkens, Chair, Windsor Police Services Board
Tom Galloway, Chair, Waterloo Regional Police Services Board
Ken East, President, OAPSB

Possible Topics for PSB Development and Learning

- Board and Chief Relationship – performance review
- Labour Relations/collective bargaining
- Mandatory occupational health and safety
- AODA
- Business planning process
- Budgets
- Complaints procedures
- Discipline processes
- Code of Conduct
- Confidentiality – Conflicts of interest
- Procedural policy
- Stakeholders and their role in the delivery of Service
- Board member role vs. role of the Board
- Media Relations
- Delegation of authority
- Use of Force (nature of the business)
- Policy (Governance vs. Management)
- Police Service Performance review