

Police Governance Reform – Advocacy Mandate

Part 1 – General Functions

23 June 2015

The Mandate-building Process

The purpose of this report is to present the initial, consensus-based OAPSB mandate regarding Advocacy for Police Governance Reform. This mandate was the culmination of the OAPSB 2015 Spring Conference, and addresses, in broad terms, the primary police services board (PSB) **function** that OAPSB delegates foresee in the future, and are prepared to support with certain caveats.

It is expected that this mandate will continue to evolve in the coming months, as we move from primary **function** to detailed/specific functions, then to what **form** boards will take, and ultimately to implementing reforms in legislation, regulation and practise. Ergo, this report represents “**Part 1**” of a multi-phased mandate for advocacy regarding police governance reform.

The OAPSB 2015 Spring Conference was held 27-30 May 2015 in Toronto. It was designed to provide delegates with 2½ of background material, presentations and surveys regarding topical policing and police governance issues, initiatives and opinions. It culminated on 30 May with a consensus-building session called “Developing the Framework for New Police Governance Legislation”

Some of the key references that informed the conference include:

- MCSCS vision for effective police governance (Matt Torigian, Ryan Teschner)
- Policing Modernization Report (AMO)
- Big 12 Chairs’ Recommendations on Governance Reform
- The Morden Report
- Expert Panel on the Future of Policing Models (Gouge Report)
- Models of Civilian Police Review (Kent Roach)
- Independent Citizen Governance (OAPSB)

They can all be found at: http://www.oapSB.ca/police_and_police_govern_reforms/.

For conference presentations see: http://www.oapSB.ca/members/events/2015_spring_conference/.

Governance Surveys

Delegates were surveyed regarding the following police governance issues at the beginning of the conference, and again near the end of the conference, regarding:

- What roles should constitute good police governance
- What Board-Chief relations should feature
- State of police governance across Ontario: consistency, effectiveness and need for improvement

Collated survey responses are attached as Appendix 1.

Good Governance

Regarding what good police governance roles should be, the top responses were:

- Establishing strategic priorities and objectives for policing in the community
- Ensuring the community receives optimal service for monies spent on policing
- Annually evaluating the police chief's leadership qualities
- Evaluating organizational performance, except operations
- Evaluating organizational performance, including operations
- Developing collaborative strategies with other public safety governance organizations (e.g. shelters, CAMH service providers, education boards, hospital boards, etc.)
- Staying clear of operational activities

Agreement with the following statements regarding good governance declined from the beginning to end of the conference:

- Keeping police costs as low as possible (declining agreement)
- Managing the police service (declining agreement)
- Directing the Chief/Detachment Commander regarding ongoing operations (declining agreement)
- Monitoring day-to-day police activities (declining agreement)
- Negotiating collective agreements (declining agreement)
- Establishing the bargaining mandate and delegating bargaining to others (declining agreement)
- Staying clear of establishing aggregate operational outcomes/expectations (e.g. annual crime rates) and priorities

Agreement with the following statements regarding good governance increased from the beginning to end of the conference:

- Evaluating organizational performance, including operations (increasing agreement)

Board-Chief Relationship

Regarding what the Board-Chief relationship should feature, all statements had some support. There was little change between the samples from beginning to end of the survey. Those with the greatest support were:

- The board members and the Chief/Detachment Commander are colleagues with different roles
- The board's role is to direct and evaluate the Chief/Detachment Commander

State of Police Governance

Regarding police governance across Ontario:

- Only 12% of respondents felt that police governance in Ontario is consistent
- 80 % of respondents felt that boards are somewhat effective. Put another way, only 10% of respondents felt that police governance in Ontario is fully effective
- 99% of respondents felt that police governance needs improvement or significant reform

Scope of Police Governance

Of the 120 OAPSB members present on 30 May to discuss legislated reforms, the vast majority (85%) felt that the scope of board jurisdiction should be limited to police service employees and sponsored special constables (like those in some transit agencies, universities and colleges), as is the current case.

Only 15% felt that police governance should be expanded in scope to include private security oversight and/or governance of other public safety service providers (i.e. Community Safety Table/Hub participants), at least at this time.

OAPSB Response to MCSCS Vision for Effective Police Governance (Council/Special Advisor Ryan Teschner)

Board Role

The 120 OAPSB members present on 30 May to discuss legislated reforms are in general agreement/can live with the following MCSCS statements regarding what should be the board's role, *given certain caveats*:

- Enhanced governance through clear and sound direction and evidence-based decision making
- Governance that is intelligent, high-functioning and consistent – both in its design and its operation
- The governing body – police boards – sets the strategic direction of the police service and monitors and evaluates the performance of the service against this strategic direction and legislated standards and responsibilities
- An effective police governance body must evaluate the [operational & non-operational] actions and activities of the police to ensure they are consistent with community needs and meet legislated requirements
- There is fiscal accountability to the municipality through efficient and effective management of resources and infrastructure
- The primary driver of police service delivery should be the needs of the community. The board serves as a connection between the community and the police and should reflect community needs in its strategic direction and policy.

Those caveats were:

- Governance responsibilities need to be achievable
- “Legislated requirements” need to be clearly defined, with examples
- The Province must also meet the governance standards it sets for local boards
- Expanded roles need to be accompanied by expanded resources (training, skills sets, staff support, time & funding)
- Variances between municipal police services boards (today's section 31s) and OPP police services boards (today's section 10s) need to be accommodated

Board-Chief Relationship

The 120 OAPSB members present on 30 May to discuss legislated reforms were not in complete agreement regarding the following MCSCS statement:

Boards and Chiefs must truly start to view each other as partners working towards the same community safety goals. Understanding one another's' perspectives is necessary, and open communication is key. For boards, this will mean gaining access to the operational information required to understand the context in which it will need to set priorities, objectives and policies.

Clearly the Board-Chief relationship needs clarification. Everyone recognizes the need to cooperate, most acknowledge the board's dependence on the Chief for information, and many feel the Chief must be subordinate to the board as a whole (especially where an employee contract exists).

Next Steps – Advocacy in Action

Part 1 – Police Governance Functions

Given the members' mandate articulated above, OAPSB will advocate for these reforms and resolution of the caveats. The primary medium will be FPAC. Media opportunities, stakeholder networking opportunities and other government advocacy opportunities (including opposition parties) will be made use of as they arise.

Part 2: Police Governance Functions in Detail

Working collaboratively with MCSCS and stakeholders (e.g. AMO, City of Toronto, OACP, OPP), OAPSB will develop positions and advocate for reform regarding the following board job details:

- Clarifying the board's link to the community
- Details regarding the board role, functions and limitations; particularly with regard to (1) strategic operational objectives and (2) service evaluations
- Identifying what should be the board's powers of (and freedom of) delegation to (a) one of its committees, (b) the Chief/Detachment Commander, or (c) externally to an outside party (such as the municipality, law firm, or audit/consulting agency)
- Identifying what HR/labour relations responsibilities should be undertaken by the board, and which can/should be delegated
- Addressing areas where legislation and/or regulation speaks directly to the Chief/OPP, inappropriately bypassing boards and emerging accountability model
- Addressing budgetary and other potential pressure points between boards and councils
- Developing a proposed model for overseeing boards

Part 3: Board Form- Composition & Selection

The following will be developed at the Governance and Labour Seminar (1-2 October 2015):

- Identifying the board capabilities required to meet these reformed governance roles, and options for ensuring those capabilities are resident or accessible capabilities (i.e. what knowledge and skills are required among board members, what expertise needs to reside in board support staff, what expertise could be provided by outside agencies)
- Options for board composition and selection

Part 4: Board Supports – Training, Evaluation & Remuneration

Working collaboratively with MCSCS and stakeholders (e.g. AMO, City of Toronto, OACP, OPP), OAPSB will develop positions and advocate for reform regarding board supports:

- Training – board education and training requirements, and options for delivery
- Mechanisms for ensuring board job performance in accordance with legislation, regulation and community needs, values and expectations
- Remuneration

Appendix 1 – Governance Survey Results (2015 Conference)

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Fred Kaustinen, Executive Director
23 June 2015

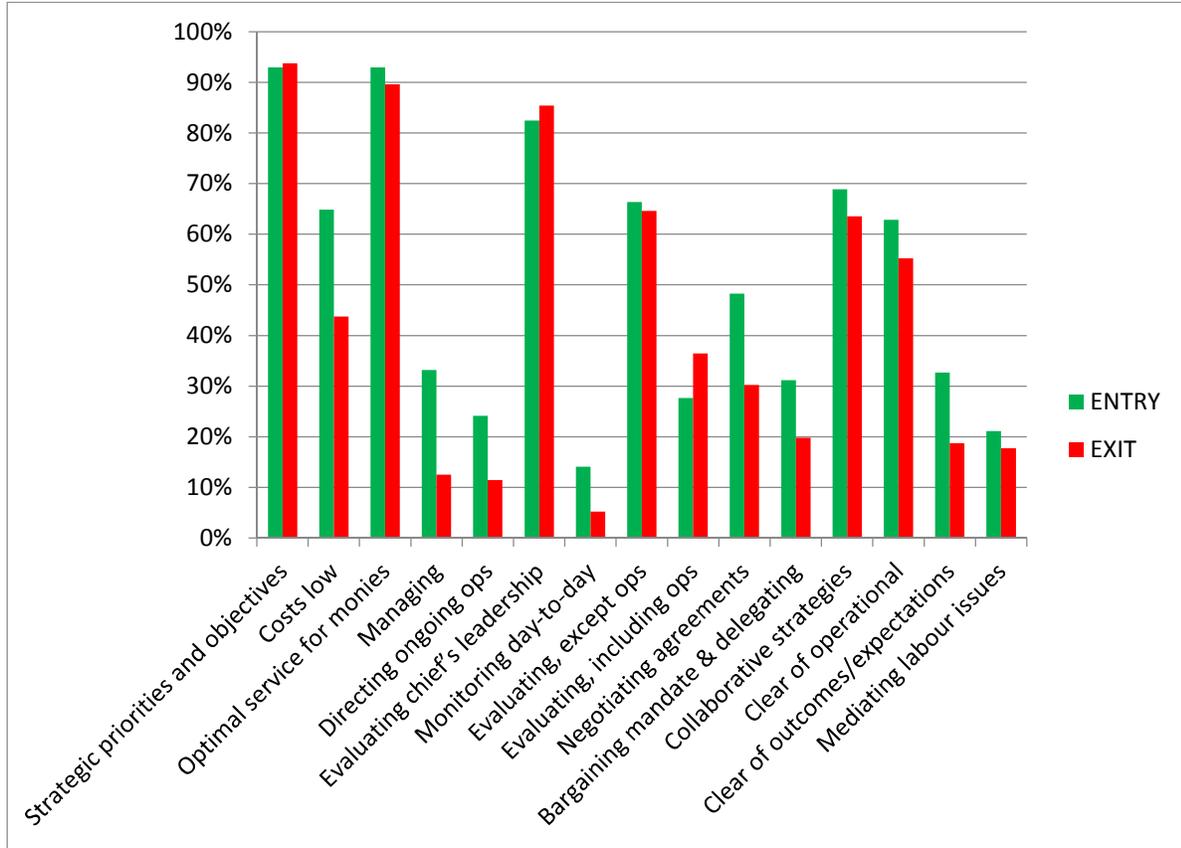


Good Policing through Good Governance

Appendix 1 –Governance Survey Results (2015 Conference)

199 entry respondents, 97 exit respondents

“Good police governance means”:



Top responses:

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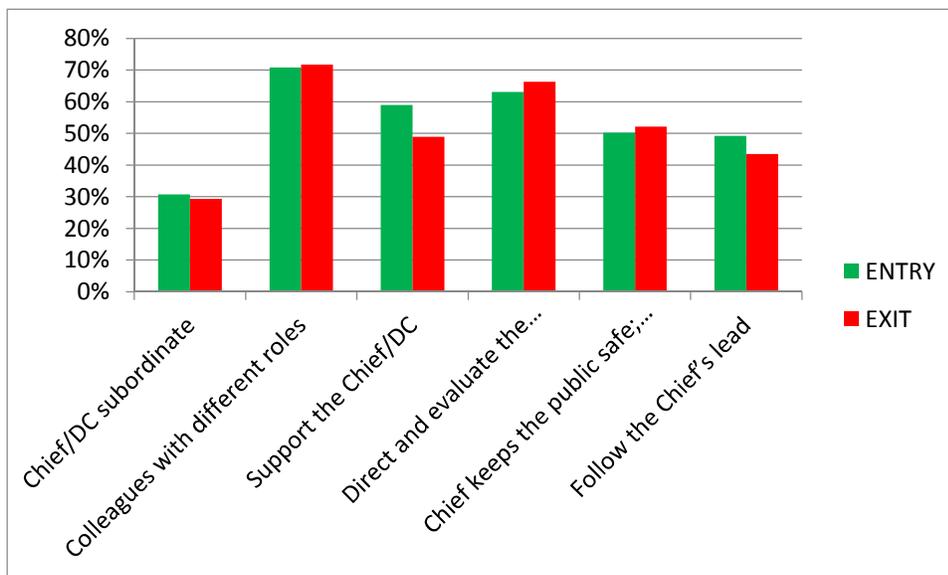
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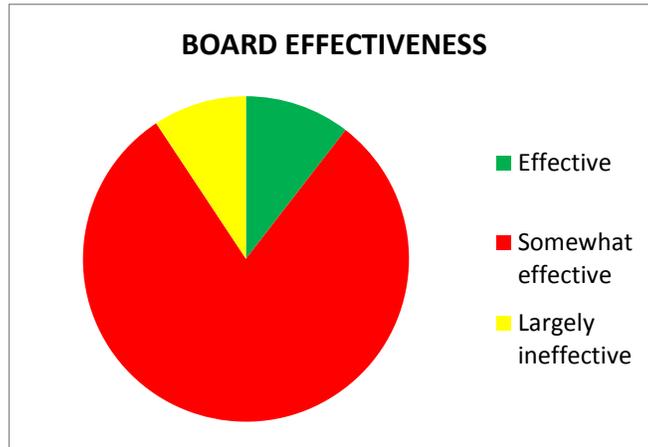
“Board-Chief/DC relations should feature”:



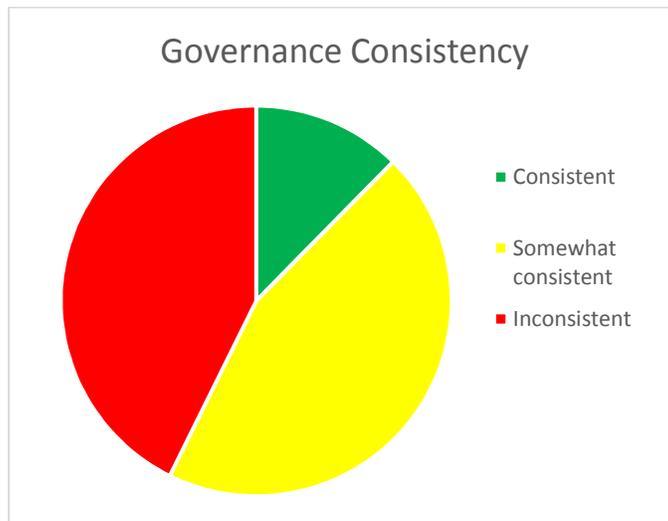
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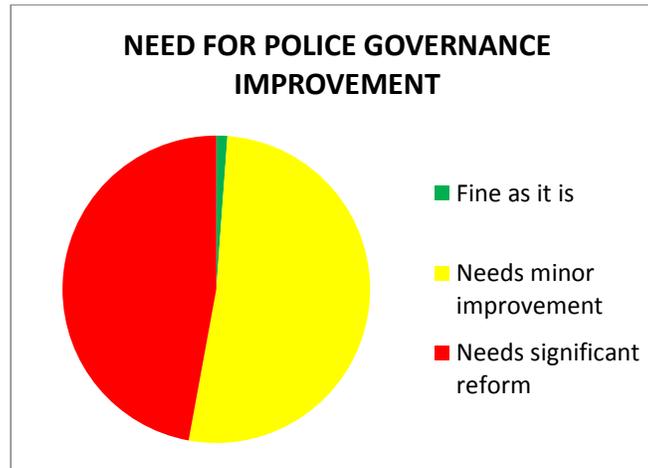
Board Effectiveness, Consistency & Need for Improvement



80 % of respondents felt that boards are somewhat effective. Put another way, only 10% of respondent felt that police governance in Ontario is fully effective.

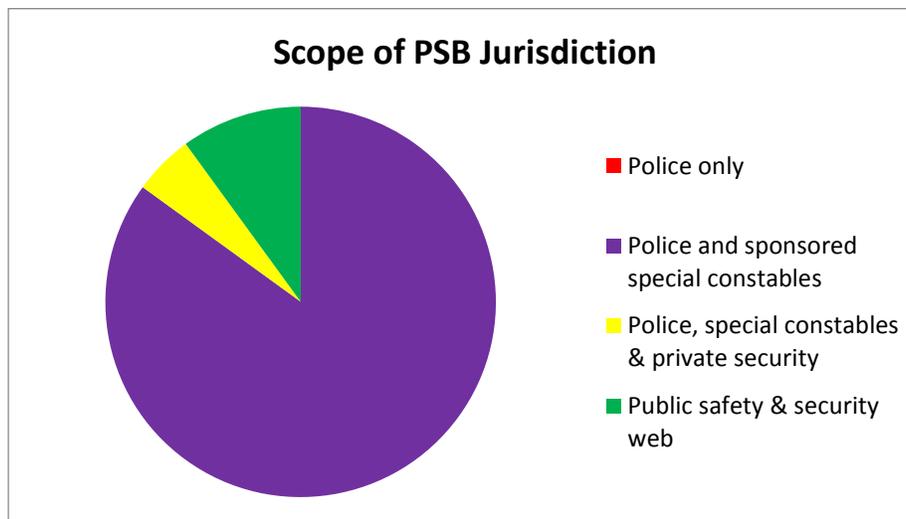


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Scope of Board Jurisdiction



The vast majority (85%) of respondents felt that the scope of board jurisdiction should be limited to police service employees and sponsored special constables (like those in some transit agencies, universities and colleges), as is the current case.

Analysis. It seems evident that, from the perspective of current PSB members, board responsibilities and authorities should be limited to police and sponsored special constables. At the very least, they are not ready for responsibilities and authorities regarding private security and/or other public safety service providers. It could be inferred, given the survey results regarding board effectiveness, governance consistency, and need for governance improvements/reform, that improvements to the police governance system and performance within its current jurisdiction, needs to occur before expanding that jurisdiction.