

Governance Reform Advocacy

Part 2 – Detailed Functions



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Scope of Proposals



- Board link to community
- Board roles
- Board-service link
- Delegating authority
- Board HR responsibilities
- Special Constables

Board Link to Community



Citizen governance of police exists:

- to ensure that local police activity is consented by the community being policed, and
- to exert citizen control over local police (in the broadest sense)

Board Link to Community



At the community level, police governance is the means of ensuring that police actions and inactions are consistent with that community's needs, values and expectations.

Those needs values and expectations are influenced by the community's public safety and socio-economic environment, and the provincial and federal statutory and regulatory framework.

Board Link to Community



A community's police services board represents all its citizens.

To best ensure full representation, community input must be made primarily through scientific sampling (e.g. mail, on-line or telephone surveys), and supplemented by deputations, rather than the other way around.

Board Responsibilities



Governance determines:

- who has power
- who makes decisions
- how other players make their voice heard
- how account is rendered

Institute of Governance <http://iog.ca/defining-governance/>

Board Responsibilities



Governance relates to processes and decisions that seek to:

- define expectations,
- grant power, and
- verify organizational performance

These roles are inter-related

<http://en.wikipedia.org/wiki/Governance>

In a Word....

Generic Governance	Morden	Current PSA
1. Define expectations	The <i>Governance Component</i>	Set objectives & priorities
2. Empower CEO	Inform Board <ul style="list-style-type: none">• Consultation protocol• Identify critical• What, not how	<ul style="list-style-type: none">• Policies for efficiency• Budget
3. Verify organizational performance	The <i>Accountability Component</i>	Monitor performance of Chief

Board Roles



- **Role 1 – Community Representation –**
Maintaining a comprehensive understanding of the community's public safety needs, values and expectations regarding policing in the broader public safety arena

Board Roles

- **Role 2 – Delegated Direction** – Translating their comprehensive understanding of the community's needs, values and expectations into outcomes and unacceptable conditions regarding policing, through the establishment of policies and plans which delegate authority and direction to the Chief of Police, on behalf of the community being policed .

In other words, the board identifies what outcomes the police service is to achieve (e.g. change in crime rates/trends) and within what limitations (e.g. within the law, within a timeframe, within budget) – not how those outcomes are to be achieved.

Board Roles



- **Role 3 - Ensuring Organizational Performance** – Ensuring that their police service's actions and inactions are compliant with legislation, regulations, and board policies, through evaluation of organizational performance, and that corrective action is undertaken where there is non-compliance

Board-Service Link

The Chief of Police is the link between a police service board and a police service. Accordingly:

- The chief is an employee of the board and is responsible to the board as a whole
- The board speaks to the service through the Chief and not through anyone else
- The board directs the Chief (and ultimately the entire service) broadly through policy regarding target outcomes and limitations, rather than specific actions (with the sole exception of HR issues – see below)

Board-Service Link



- Board authority is only exercised by resolution by the board as a whole; there is no other Board authority. Neither the chair or any other member or committee have any authority over the Chief, the service or any of the members
- Neither the board nor any of its members may interfere with any ongoing police operation or investigation. To do so should be a criminal offence
- No board member shall ask any police officer 'for a favour'
- Board direction to the Chief must be lawful

Delegating Authority

Future legislation and regulation should:

- Clarify board roles and tasks, and focus them on governance (rather than, for instance, labour management)
- Facilitate board selection of service delivery options, including hybrids of public, private and not-for-profit means
- Allow the board to delegate any of its planning and organizational-assessment activities to board committees, board members, board staff or third parties, but not to the police chief/service.
- The board should not be allowed to delegate any of its decisions

- Hire the Chief and Deputies and CAOs, and may delegate hiring the deputies to the Chief
- Develop policy(s) on
 - Employment, compensation, and benefits
 - the treatment of employees (e.g. consistent with existing laws and regulations)
- Develop the bargaining mandate or otherwise delegate the planning task to the Chief, but not the approval authority regarding the bargaining mandate(s), the collective agreement(s), or any part of either
- The Board must approve the collective agreements, rather than bargain or administer them



- Board's should not be placed or otherwise allow themselves to be placed between the Chief and workforce.
- The board should be able to delegate a hearing body for grievances, accommodations for injuries/illnesses, or any other HR management function – except in the case of the Chief.
- The service labour relations staff and senior officers should be non-unionized; and the board should have the right to outsource HR advisors, negotiators, etc.

Special Constables



- Special constable appointments should be made by boards/ OPP Commissioner, without MCSCS final approval
- MCSCS should develop legislated standards regarding:
 - The basis/justification for granting special powers and use-of-force options
 - Mandatory record keeping regarding use-of-force, training, appointments, approvals, renewals and revocations

Special Constables



- A standardized MOU between special constable employer and the approval authority (board or OPP Commissioner) should be mandatory; the MOU should contain:
 - Supervision
 - Discipline
 - Roles and responsibilities
 - Training
 - Process for dealing with complaints
 - Working conditions
 - Reporting requirements
 - Legal liabilities

Special Constables



- MCSCS should develop a standardized system of oversight of special constables. It should be similar to that regarding police officers, particularly regarding the investigative process and witness officer obligations (unions not supportive of the second sentence)
- MCSCS should develop a code of conduct for special constables
- MCSCS should institute a regulatory-compliance inspection program

Summary

