



Ontario Association of Police Services Boards
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March 14th, 2016

Honourable Yasir Naqvi
Minister of Community Safety and Correctional Services
George Drew Building, 18th Floor
25 Grosvenor Street
Toronto, ON
M7A 1Y6

RE: PROPOSED LEGISLATIVE LANGUAGE – POLICE BOARD RESPONSIBILITIES

Dear Minister Naqvi:

Please find attached our proposed legislative language regarding police board responsibilities in the revised *Police Services Act*.

We believe this submission is the best the way to articulate clear roles and duties, as you have called for on numerous occasions. We also believe that “*form*” must follow “*function*”. In other words, board responsibilities must be clarified **before** composition, training, etc. can begin to be addressed. To do otherwise would be rudderless.

We would also like to point out that these proposed responsibilities are consistent with the following principals identified in the paper *Independent Police Governance – Reasons and Principals* dated November 4th, 2014: relevance, stewardship, independence, universality, competence, appropriately supported and transparent, acting with integrity and accountability.

We consider the police board’s primary responsibilities to be:

- directly engaging the public regarding community needs, values and expectations;
- orienting and directing strategically the police service towards those community needs, values and expectations, by creating public safety outcomes and limitations which are binding on the police; and
- evaluating police organizational performance to ensure compliance with regulations and those local outcome and limitations policies. The board evaluation of the police organization is de facto the board evaluation of the police chief/detachment commander.



Of note, this proposal focusses on high-level, over-arching governance responsibilities. Details related to complaints and labour relations should be addressed in Parts V and VIII respectively.

We also suggest that the phrase “*police boards*” replace “*police services boards*”, as is the case in other jurisdictions, and that “*citizen governance*” replace “*civilian governance*”, as we have suggested on many occasions through the FPAC process. Both these amendments would more accurately reflect the role, authority and status of police boards.

We adamantly believe that police board responsibilities, spelled out in this specific language, will serve to:

- clarify police board responsibilities, authorities and limitations for all stakeholders;
- re-orient police boards towards fundamental governance responsibilities: representing the community, strategically directing the police, and evaluating results;
- facilitate the establishment of standards for police governance;
- lead to meaningful board training and board accountability;
- ultimately ensure effective police governance across Ontario, by legislative design.

We would be very pleased to discuss this proposal with you further. Should you so wish, please contact me or Executive Director Fred Kaustinen at admin@oapsb.ca or 1-800-831-7727.

Thank you for your interest and leadership in this regard.

A handwritten signature in blue ink, appearing to read 'Russ Bain', is written over a circular stamp. A long horizontal line extends from the end of the signature to the right.

Russ Bain
President

Attachments:

OAPSB Proposed Changes – PSA Section 10(9) – Role of [OPP Municipal] Boards

OAPSB Proposed Changes – PSA Section 31 – Responsibilities of Police Boards

Cc (by email): Deputy Minister Matt Torigian; Special Counsel Ryan Teschner; ADM Steve Beckett; Director Steve Waldie; OPP Commissioner Vince Hawkes; OPP Deputy Commissioner Gary Couture; OACP President Jeff McGuire; OACP Past President Jennifer Evans; OACP ED Ron Bain; Matt Wilson (AMO); Kevin Lee (City of Toronto); All OAPSB Members



Ontario Police Services Act – Part I – Responsibility for Police Services –Section 10(9)

Changes Proposed by the Ontario Association of Police Services Boards (OAPSB)

14 March 2016

Role of [OPP Municipal] Police Boards:

10 (9) Each police board is responsible for the provision of police services in their jurisdiction, in accordance with provincial standards and the needs, values and expectations of the community, and shall as its primary responsibilities:

- (a) Determine the public safety needs, values and expectations of the community as the collective consenters for local municipal policing, through direct connection to that community as a whole.
- (b) Establish policies which direct the local municipal policing service provider to achieve certain local municipal public safety outcomes, within any prescribed limitations including financial constraints, which are congruent with their community's public safety needs, values and expectations.
- (c) Ensure that police service's performance is congruent with both provincial standards for local municipal policing and the board's policy direction regarding local municipal public safety outcomes and prescribed limitations, through rigorous organizational performance evaluation, and public disclosure of those evaluation results.

(10) Furthermore, to help ensure fulfillment of its primary responsibilities, every board shall:

- (a) Select the chief of police/OPP detachment commander, or where a police service/OPP detachment serves multiple police boards, jointly select the detachment commander with the other applicable boards.
- (b) Ensure that board members participate in all individual and collective training as required in provincial regulations.
- (c) Comply with any and all provincial standards regarding police board performance, and participate fully in provincial evaluations of board performance.



Policies Re Police Operations:

(11) The board may establish general policies regarding local municipal policing operations and administration, but shall not direct the chief of police regarding any specific, underway policing operations or policing operational decisions.

Policies Re Management of Police Force:

(12) The board may establish policies for the effective management of local municipal policing within its jurisdiction.

(13) The board may give orders and directions to the chief of police/OPP detachment commander, but not to other members of the police force, and no individual member of the board shall give orders or directions to any member of the police force.

Background Check:

(14) Before entering on the duties of office, a member of a board shall undergo a criminal background check, and may be deemed ineligible for board membership as per provincial regulations.

Oath of Office:

(15) Before entering on the duties of office, a member of a board shall take an oath or affirmation of office in the prescribed form.

Prepared by: Fred Kaustinen, Executive Director OAPSB



Ontario Police Services Act – Part III – Municipal Police Services Boards – Section 31

Changes Proposed by the Ontario Association of Police Services Boards (OAPSB)

14 March 2016

Municipal Police Boards

Responsibilities of Police Boards:

31 (1) Each police board is responsible for the provision of police services in their jurisdiction, in accordance with provincial standards and the needs, values and expectations of the community, and shall as its primary responsibilities:

- (a) Determine the public safety needs, values and expectations of the community as the collective owners of the police service, through direct connection to that community as a whole.
 - (b) Establish policies which direct the police service to achieve certain public safety outcomes, within any prescribed limitations including financial constraints, which are congruent with their community's public safety needs, values and expectations.
 - (c) Ensure that police service's performance is congruent with both provincial standards for policing and the board's policy direction regarding public safety outcomes and prescribed limitations, through rigorous organizational performance evaluation, and public disclosure of those evaluation results.
- (2) Furthermore, to help ensure fulfillment of its primary responsibilities, every board shall:
- (a) As employer of the police service, appoint the members of their police service and special constables throughout their jurisdiction.
 - (b) Select the chief of police and deputy chiefs of police.
 - (c) Ensure that board members participate in all individual and collective training as required in provincial regulations.
 - (d) Comply with any and all provincial standards regarding police board performance, and participate fully in provincial evaluations of board performance.



Policies Re Police Operations:

(3) The board may establish general policies regarding police operations and administration, but shall not direct the chief of police regarding any specific, underway policing operations or policing operational decisions.

Policies Re Management of Police Force:

(4) The board may establish policies for the effective management of the police force.

Restriction:

(5) The board may give orders and directions to the chief of police, but not to other members of the police force, and no individual member of the board shall give orders or directions to any member of the police force.

Background Check:

(6) Before entering on the duties of office, a member of a board shall undergo a criminal background check, and may be deemed ineligible for board membership as per provincial regulations.

Oath of Office:

(7) Before entering on the duties of office, a member of a board shall take an oath or affirmation of office in the prescribed form.

Prepared by: Fred Kaustinen, Executive Director OAPSB