

***Notes for Remarks by
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Ontario Association of Police Services Boards

Good Policing through Good Governance

Toronto Marriott Downtown Eaton Centre Hotel

May 28, 2015

4 p.m.

CHECK AGAINST DELIVERY

Thank you for the opportunity to speak to you today.

I want to talk today about where we have been as a province and where we are going.

This morning, you heard from Minister Naqvi on the development of the Strategy for a Safer Ontario and transformation in police service delivery.

This afternoon, I will focus on the connection between that transformation and effective, outcomes-based police governance.

I have the enormous challenge of filling in for Deputy Minister Matt Torigian, who was to be your speaker at this session.

I have no illusions about being able to fill the shoes of Deputy Torigian. I would like, however, to introduce myself as one whose background and recent experience have given me a certain familiarity with the subject.

In my new life, I am Special Counsel and Advisor to the Deputy Minister, and lead certain pieces of the reform work the Minister was speaking of earlier today. One of those pieces is civilian governance in policing. This is an area I have spent some time in in my former life as a lawyer in private practice. From 2010 to 2012, I served as the lead counsel to the *Independent Civilian Review into Matters Relating to the G20 Summit*, which culminated in what has become known as the “Morden Report.” The Review involved one of the most comprehensive examinations of civilian police governance and the role of police services boards in Ontario that has ever been undertaken, and made 38 recommendations for improvements. I have worked with police services and boards over the years, and now, will apply myself to this important and exciting reform work in which our ministry is engaged.

As it should be, civilian police governance is one of the important areas of focus for the policing community, governments and administrations as well as civil liberties groups and the public at large. It is certainly a focus for Ontario.

I must note that Ontario is not alone in this; the challenges we face in Ontario are similar to the challenges being faced in jurisdictions all across the country.

For this reason, we continue to collaborate with our colleagues in other provinces and territories and with jurisdictions around the world. Their experiences serve as important lessons for us to learn from, as, I hope, they can learn from ours.

This afternoon, my remarks will flow from this fundamental question: how do we modernize our model of policing so as to enhance accountability, efficiency and sustainability while continuing to harness the strengths of our communities and public safety partners?

It is important, though, to hear my remarks in their appropriate context. There have been developments in the area of civilian police governance, particularly in Ontario through the release of the Morden Report I referred to earlier. We cannot ignore the utility of this Report – a utility that is not limited to Toronto or any one municipality. As Justice Morden noted, the statute that serves as the foundation of police services board’s responsibilities and functions is provincial in scope. Therefore, a consistent approach must be taken to how this statutory scheme is interpreted and implemented in the work that boards perform.

Modernizing civilian police governance is happening in a wider provincial context, where Ontario is on a path of program review, renewal and transformation.

The Honourable Deb Matthews, president of the Treasury Board of Ontario explained Ontario’s approach this way:

“We are going to do it by doing government differently. By focusing on outcomes and rigorous evidence... by enabling transformation... streamlining access to services and, using technology to drive better value.

And we are committed to working in partnership:

With the public who uses these services, with public servants and service providers, with the business community, with labour, educators, and the not-for-profit community – all of who have good ideas about how to make things work better.”

This is the approach that will guide our work in transforming civilian police governance.

It's also the approach we have taken to creating a strategy for a safer Ontario.

It's about finding smarter and better ways to do things, using evidence and experience to improve outcomes and measuring performance based on achievement of those outcomes.

In 2012, we created the Future of Policing Advisory Committee and asked our policing partners to review core police services and recommend ways to ensure sustainable police service delivery.

The idea was to clearly define the core services that police should deliver, where they could find efficiencies and how to ensure effective, accountable and transparent governance of police services.

At the same time, the ministry has been consulting with other stakeholders and participating in dialogue at the national level through the Economics of Policing and Community Safety Summit.

We have been working to identify the challenges with governance, to validate those challenges and to begin developing solutions. These solutions must not only be a Band-Aid for today's challenges – they must be comprehensive and forward-looking, so that can adapt to new challenges that may lie on the horizon.

And, of course, we have been working with all of you. I want to thank your Association for your very thoughtful and ongoing leadership in this area, and important contribution to this discussion.

Your paper: *Independent Citizen Governance of Police - Reasons & Principles* identifies five principles of independent citizen governance of police:

- ❖ Relevant Responsibilities and Authority
- ❖ Stewardship
- ❖ Independence
- ❖ Universality
- ❖ *Competent, Supported and Accountable*

These are among the principles that will inform our work going forward.

The Policing Modernization Taskforce of the Ontario Association of Municipalities has also weighed in with their recently released report: *Building a New Public Safety Model in Ontario*.

One of its three priority recommendations identifies the need to “improve the quality of the existing governance and civilian oversight system.

And our own Future of Policing Advisory Committee, on which the OAPSB is represented, has offered useful suggestions on the issue of civilian governance.

Robust and effective civilian police governance will be a key factor in the success of the Strategy for a Safer Ontario. And, this is yet another reason why we must also examine the role that civilian police governance plays in our overall policing reform and determine to what extent reform in this area may be required.

The Strategy for a Safer Ontario is this province’s approach to the challenges associated with sustainable police service delivery, improved civilian police governance and planning for community safety and well-being.

The strategy is an ambitious project to expand and unify our approach to community safety and well-being and make it a truly collaborative effort on the part of all sectors – public and community-based – that have a role to play in service delivery.

The Strategy will expand linkages with other ministries and public sector organizations, focussing exclusively on promoting community safety and well-being.

In many communities there is now a focus on collaborative partnerships that is producing results. These partnerships include police and other sectors such as education, health care and social services working together to make communities safer. Of course, it also and necessarily includes the police services boards that act as the representative voice of the community on local policing issues.

That is the way forward.

This integrated approach recognizes that multi-disciplinary partnerships produce better results at lower costs to each organization.

These are the same goals that Premier Kathleen Wynne mandated for Minister Naqvi and the ministry.

The mandate specifically identified the need to:

- *Develop a new strategic vision for community safety and policing;*
- *Accelerate the development of a package of reforms to policing service delivery;*
and,
- *Maintain a strategic focus on community safety through a made-in-Ontario community safety and well-being strategy that builds on past work and complements other key government initiatives.*

As part of the process of achieving these objectives, the Future of Policing Advisory Committee has worked with us to develop a Roadmap for the Future of Policing.

This Roadmap will guide proposals for legislative, regulatory and policy change, including proposals to enhance civilian police governance. It outlines a vision, a mission and goals for the future of policing in Ontario.

As we focus more closely on outcomes-based policing and performance, governance assumes an even more critical role in assuring that the goals that are set, are achieved.

Strong local governance is highlighted in the vision, and is also one of the three principal goals driving the Future of Policing Project, the two other goals being strategic use of resources and shared commitments.

Specifically, Goal 1 of the Roadmap is “enhanced governance through clear and sound direction and evidence-based decision making”. But, we cannot expect boards to discharge these important functions if there is not a clear understanding of roles, responsibilities and accountabilities, as well as the appropriate tools in the toolbox to deliver on a commitment to the important principles of good governance.

Put differently: not governance as a check-box or governance for governance’s sake – but, real governance. Civilian governance that is intelligent, high-functioning and consistent – both in its design, and its operation.

PRINCIPLES OF CIVILIAN POLICE GOVERNANCE

The function of police services boards comprises two essential components: the governance component, and the accountability component.

As Justice Morden noted in his report:

“*Governance* in policing refers to the authority and responsibility for the development of policies that become the framework within which decisions will be made and actions will be taken by the police service.”

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.

The other component is accountability.

An effective civilian police governance body must *evaluate* the actions and activities of the police to ensure they are consistent with community needs and meet legislated requirements.

This accountability can be broken down into three aspects. The first is accountability to the *community*. In Ontario, this is done largely through the business planning process.

This is the process by which the strategic direction, objectives and priorities of the police service are set, after consultation with the community and the Chief of Police.

Secondly, there is accountability to the *province* for meeting legislative requirements, which also have an effect on objective and priority setting. Boards and board members are accountable for the performance of duties and for compliance with prescribed standards of service.

Finally, there is fiscal accountability to the *municipality* through efficient and effective management of resources and infrastructure.

It is through a board's accountability processes that decisions and actions can be evaluated with a view to learning applicable lessons. A board is then – and only then – in a position to build that learning into its policy framework.

Effective civilian police governance can forge a trusting police-community partnership that is essential for effective policing.

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. Whether through the formalized business planning process, public delegations or the policy-development process, ongoing engagement with the community is crucial to delivering effective policing. It is also essential that the board be empowered to act as an effective link between a community and the police who serve it.

As the community safety and well-being planning model continues to gain momentum in Ontario, communication between the board and the community (including other human services sectors, community-based service delivery entities, the public, levels of government, etc.) has never been more important.

Effective communication between the board and the municipality is key to ensuring not only that the police service has the necessary budget and infrastructure to deliver services that reflect community need, but also to ensuring that the services being delivered are consistent with the overall goals and priorities of the municipality and complement those of other service providers in achieving community safety and well-being.

And, on the subject of communication, I cannot overstate the importance of communication between the governing body and the Chief of Police. Effective communication between the board and the Chief is essential.

As you well know, there will be time where tension between boards and chiefs arise. Healthy, creative tension can be a good thing. Tension for tension's sake is not good for anyone, and does not serve the community boards are meant to give voice to.

Boards and chiefs must truly start to view one another as *partners* working for the same community safety goals; understanding of one another's perspectives is necessary, and open communication is key. Therefore, boards and chiefs must have in place the communication necessary to ensure a flow of relevant information occurs; otherwise, neither partner will have what they need to discharge their statutory responsibilities.

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. Obviously, boards don't know what they don't know. Therefore, boards and chiefs must have in place the communication necessary to ensure a flow of relevant information occurs, otherwise boards will not have what they need to discharge their statutory responsibilities.

And, of course, there are two vital safeguards that must be carefully preserved in this information flow. First, board members' duties to keep this operational information confidential must be paramount. Second, boards cannot step outside their role and provide a direction to the chief with respect to a specific operation. These are for the chief of police to make. Or, to put it another way, the board's business is the 'what' of policing, while the chief is responsible for the 'how.'

As Justice Morden called it, a reciprocal "information exchange" between boards and chiefs must exist. This will not only ensure that policies are created in areas they are needed, but will also permit the ongoing evaluation of these policies against the operational realities, so that adjustments can be made and policies can remain effective.

CURRENT CHALLENGES AND THE WAY FORWARD

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.

The aim is to modernize and strengthen the civilian police governance system, to provide consistent, effective oversight and accountability, and to facilitate strong partnerships between police, municipalities and other service providers such as fire, health, education and social services.

This discussion on civilian police governance must take into account the following components:

- First, the **purpose** of police services boards as the mechanism for civilian police governance. We must ensure that the environment in which police boards exist and operate permits them to carry out their duties in accordance with the principles of civilian police governance that I just spoke of. The overarching goal that will guide our work in this area is ensuring that boards stay true to their raison d'être – that they remain built to carry out their important governance function in the changing landscape in which policing is performed.

- Second, **roles and responsibilities** for police services boards and board members. This means ensuring that police services boards are clear and knowledgeable about their roles and responsibilities, and the distinction between their role and that of senior police leaders. This also means ensuring that the legislative environment in which boards do their work facilitate the exchange of information, insights, concerns, and analyses on the policing issues, and, if necessary, a healthy debate on those issues. In addition, this may involve looking at the current inventory of board responsibilities, and asking whether those responsibilities have a strong enough connection to the board's governance role, whether additional responsibilities are necessary to fulfil this role, and whether some responsibilities actually take boards too far away from this governance role.

- Third, that police services board members have the ability to perform their role. The board collectively needs to have the **skills, competencies and training** to effectively perform all aspects of their governance role. There are different ways this issue is approached in different contexts, and we are looking at these different examples – both from within and outside the world of police governance. In the end, an enhanced system must be one where boards are always equipped to discharge their important statutory responsibilities. This means that each board should have the full complement of skills and competencies to do their important work. It also means that, like any professional organization – particularly one with a mandate of such public importance – the training necessary for members to do their job effectively is provided.

- Fourth, police services boards have access to **appropriate and effective support** to fulfill their obligations and make the right decisions to ensure accountability. We understand that there is not consistency in the way that boards are currently resourced. We must examine how to better support boards in their day-to-day functions, so that there is a consistent, foundational level of support available for all boards across the province. Of course, individual boards must be able to add to those foundational support, but every board in this province must start from the same place. We recognize that the province has a role to play in helping to design this system, and we want to work with all of you to make sure it is effective.

- Fifth, that police services board members are **measuring and evaluating police service performance** and ensuring continued improvement, sustainability, and providing **appropriate information to the public** to build confidence in policing. Again, we cannot expect boards to measure and ensure adequate and effective policing without also putting in place the infrastructure and tools that are required to do this meaningfully.

- And, sixth, that the system of civilian police governance in Ontario is truly a “system” and not a patchwork. That is, regardless of what community you live in, or what particular policing arrangement may exist in your community, there is a mechanism to ensure that local objectives, priorities and community needs are incorporated into the strategic direction of that community’s policing.

Policing stakeholders have helped the ministry in the above discussions to identify areas for focus and related challenges. The ministry has been and continues to work with stakeholders and partners across Ontario and nationally, to validate these areas of focus.

In the coming months, we will identify and propose potential opportunities for legislative, regulatory and policy change to the current civilian police governance framework, based on the good work that has been done to bring the best ideas together.

While the province can propose and even mandate, the input from boards and their members is essential for the success of this process of transformation. We recognize that you are the experts in what works, and what could work better.

WHAT IS NEXT?

I believe it is time to advance our discussion concerning civilian police governance. We have to move past the traditional discourse of debating *whether* boards are entitled to information from the chief regarding the operation of the police service, to a discussion of how boards can identify *what* information it needs, and how to *use* this information to ensure adequate and effective policing.

Police boards must bring to bear the known preferences of their communities, must bring all of the existing evidence you can marshal regarding the success and failures of past experiences in building safe communities.... You must bring your own ideas about where we go from here.

You should be working with your local police service to assess and audit the impacts of the programs and initiatives that are in place and determine whether changes are needed. And, we need to ensure that boards are equipped – both in terms of the understanding of their mandate, and in terms of the tools they have to fulfil their mandate – to engage in these important activities.

Working with you, we will ensure that Ontario rises to the great challenges ahead. And, through the important stages that lie ahead, civilian police governance and the roles of boards will remain essential. Again, as Justice Morden put it: “Where the police board fulfills [its] functions, the legitimacy that is so important to policing by consent, rather than coercion, is maintained.”

So, as we continue to engage you, help us understand the ways in which boards can fulfil the promise of civilian governance that has been made to our citizens. Where additional tools are needed, tell us what those are. Where clarity as to roles and responsibilities would be beneficial, identify in what areas. Where a discussion concerning board's capacities is required, help inform it. Help us get this right.

Just as importantly, we as policymakers and administrators must listen to your input – And all of the partners with a stake in community safety and wellbeing must actively participate in a frank and ongoing dialogue if we are to deliver the transformation we all seek.

CONCLUSION

Thank you again for inviting me to speak about the government's vision to build safer, stronger communities.

This conference provides an opportunity for you to share best practices, evidence-based research, and create an environment for collaborative networking, with the ultimate goal of enhancing civilian police governance across the country.

We are at the doorstep of change, and we are asking all of you to drive this change with us. We look forward to working with you.

Thank you.