



Alignment of Advocacy Mandate with New Legislation & Regulations

as of 4 Feb 2021

The OAPSB advocacy mandate for *Police Services Act* reform was established via a comprehensive survey of the membership in 2016. Of 138 member boards, 107 responded to the survey – an 80% response rate. The results of the survey are posted on the website. The tables below details how each element of the advocacy mandate has since been reflected in the new legislation and regulations.

1. Police Board Accountabilities and Authority

#	Members' Desire	Legislative/Regulation Change
A	The PSA must provide greater precision and clarity regarding the roles of Police Boards and Police Chiefs, <u>before</u> prescribing board composition, member competencies, training, etc.	CSPA 2019 details and clarifies a police board's role, tasks, authorities and limitations in sections 37-41 (municipal boards) and sections 67-41 (OPP detachment boards)
B	Police boards need to directly engage their communities on an ongoing basis, in order to determine the strategic outcomes and limitations for policing in their community	<p>CSPA 2019 section 39 details who a municipal board must consult, what it must consider, and what it must address in preparing its strategic plan, including a tie-in to the municipality's Community Safety & Well-being plan.</p> <p>Sections 68-70 address how the OPP detachment board's objectives, priorities and policies interact with the OPP strategic plan and the detachment commander's action plan (which must explain how the views of specified community stakeholders have been taken into account, including the municipality's Community Safety & Well-being plan).</p> <p>CSPA 2019 sections 248-253 details who a municipality must consult (including police boards, police chiefs and/or detachment commanders), what it must consider, and what it must address in preparing its Community Safety & Well-being Plan</p>
C	In order to make evidence-based decisions, police boards	CSPA 2019 does not preclude boards from requesting the timely provision of relevant information, and direct access to



	need the timely provision of relevant information, and direct access to independent expert assistance and advice	independent expert assistance and advice, from the Chief or other parties as necessary.
D	Police boards should have the flexibility and authority to select a composite of service providers - police and non-police – for the fulfillment of some responsibilities	CSPA 2019 sections 10-21 outline the variety of methods and means by which police boards can ensure the provision of adequate and effective policing in their jurisdictions. More details are expected in Regulations.
E	Human resource management should be delegated to the Chief/Detachment Commander	CSPA 2019 section 79 requires the Chief to manage the members and administer the service, in accordance with the board’s strategic plan and policies.
F	Police boards need to evaluate how well the overall police service performs, not just the Chief	CSPA 2019 Section 41 requires municipal boards to annually report on the service’s progress on the strategic plan and the community safety & well-being plan, and the affairs of the service.
G	Police budgeting needs to reflect programs, not ‘lines’	CSPA 2019 Section 50 requires municipal boards to annually submit estimates (budgets) that provide adequate and effective policing in the municipality, having regard for the various ways that the board can discharge this obligation
H	There should be performance standards for boards	CSPA 2019 Section 102 tasks the Inspector General with monitoring, consulting, advising and inspecting municipal boards and OPP detachment boards regarding compliance with the Act and its regulations

Police Board Training

#	Members’ Desire	Legislative/Regulation Change
A	Police boards need mandatory individual and team training on responsibilities, the code of conduct, critical thinking, analysis and decision-making skills and public safety issues – in order to provide strategic	CSPA 2019 sections 35 & 67 requires all board members to successfully complete training on the role of the board and the responsibilities of members, as well as diversity-related training, before participating as board or committee members.



	direction for police service in their community	Ministry staff have indicated that additional competency-based training requirements will be addressed in regulations.
B	The provincial government should accredit and fund board training developed and delivered by OAPSB on the government's behalf	<p>An OAPSB strategic plan objective is "Create a comprehensive, accredited police board training program covering both legislated and best practices police governance education, administered by OAPSB"</p> <p>OAPSB's On-line Learning Portal will be leveraged to secure Ministry support and funding to realize this strategic objective</p>

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OPP Governance

#	Members' Desire	Legislative/Regulation Change
A	Geography should be a key factor in determining whether or not to amalgamate Section 10 (OPP) police boards, especially in Northern Ontario	<p>Key considerations in the active development of OPP Detachment Board regulation are:</p> <ul style="list-style-type: none"> • Minimum of 5 board members • At least 1 board member for each community served by the OPP detachment • "one sizes fits all" approach is not workable: municipalities decide size of their OPP detachment board
B	OPP cost estimates/budgets, and bills, should be approved by Section 10 boards who then submit them to the municipal government	CSPA 2019 section 71 requires OPP detachment boards to provide estimates for their governance operations only. Section 64 requires municipalities to pay the provincial government for OPP services received; these monies do not flow through the detachment board or the OPP.
C	There should be a provincial-level police board for the OPP	CSPA 2019 sections 72-75 establishes an OPP Governance Advisory Council to advise the Minister on OPP governance



Police Board Composition, Selection and Remuneration

#	Members' Desire	Legislative/Regulation Change
A	The majority of police board members should continue to be appointed by the local municipality, and all appointments to police boards should be subject to a background check	<p>CSPA 2019 section 31 maintains that the majority of municipal board members will continue to be appointed by the municipality, and the total board size may increase to 9 members.</p> <p>Key considerations in the active development of OPP Detachment Board regulation are:</p> <ul style="list-style-type: none"> • Minimum of 5 board members • At least 1 board member for each community served by the OPP detachment • “one sizes fits all” approach is not workable: municipalities decide size of their OPP detachment board • the number of provincial appointees will be consistent with municipal boards <p>section 33 mandates that appointing authorities consider the results a background check made in the past 12 months, prior to appointing any board member</p>
B	Police board member remuneration should reflect the importance and gravity of their roles and responsibilities	CSPA 2019 section 34 states that board member remuneration will be specified in regulation (which is not yet under development)

Police Labour Reform

#	Members' Desire	Legislative/Regulation Change
A	Police chiefs should be able to suspend, without pay, officers charged with egregious offenses/misconduct. Processes and penalties for police officer misconduct need to be simplified and more reflective of general labour practises in Ontario	CSPA 2019 section 210 outlines when a police chief can, for the first time in Ontario, suspend a police officer without pay



B	Police boards should have the authority to lay-off employees including police	CSPA 2019 section 53 allows for a municipal board to reduce the size of its police service with the concurrence of the Inspector General, provided adequate and effective policing is maintained and acceptable severance pay is provided through agreement of arbitration
C	All uniformed and civilian police management should be excluded from bargaining-unit (Association) membership, especially Human Resources, Finance and Legal advisors should be excluded from bargaining-unit (Association) membership (who are advisors to the board in collective bargaining)	CSPA 2019 section 220 states that where there could be a conflict of interest in labour relations matters, an employee will be excluded from police association membership
D	Boards should be allowed to delegate the bargaining process to professionals not on the board. Police boards should approve bargaining mandates and ratify collective agreements; collective bargaining itself should be conducted by police management (like every other sector in Canadian society)	CSPA 2019 section 225 states that a municipal board's lawyers and advisors may participate in or conduct bargaining for the board. it is no longer required that 1 or more board members participate in bargaining.
E	"Coordinated" bargaining amongst police employers should continue	Legislation does not preclude or impede coordinated bargaining. OAPSB-led coordinated bargaining continues, with active Treasury Board (OPP) participation. OAPSB collective agreement on-line library continues, and now also features chief and deputy contracts
F	Arbitrators should be compelled to consider non-police comparators, and to explain how and to what extent mandatory factors were considered in rendering their decisions	CSPA 2019 section 227 (13) now requires arbitrators to make comparators with comparable employees in the public and the private sectors.



Special Constables

#	Members' Desire	Legislative/Regulation Change
A	Police boards should be the appointing authority for special constables	CSPA 2019 section 92 identifies municipal boards and the OPP Commissioner as the appointing authorities for all special constables
B	A provincially-standardized MOU between a special constable employer police board is required	CSPA 2019 section 97 states that the Minister authorizes special constable employers. Regulations are under active development to standardize special constable powers, equipment, training, uniforms, and reporting, for 5 categories of special constable
C	Oversight of special constables should be similar to oversight of police officers	CSPA 2019 Section 102 tasks the Inspector General with monitoring, consulting, advising and inspecting special constable employers. Niagara Parks special constables are subject to SIU, Public Complaints and Inspector General oversight. Special constable code of conduct and public complaints system are under active development in regulations.