

MEMBER SURVEY RESULTS – POLICE SERVICES ACT REWRITE

EXECUTIVE SUMMARY

The purpose of this survey is to confirm the needs and expectations of members of the Ontario Association of Police Services Boards (OAPSB) regarding the upcoming rewrite of the Police Services Act (PSA). This legislative update is a once-in-a-generation opportunity to positively influence the legislative framework for community safety, and is OAPSB's Number One priority.

The OAPSB Member survey identifies the degree of support for 56 specific reform ideas based on members' previous PSA submissions. Of 138 police governing agencies within OAPSB, 107 participated in the survey (an 80% response rate).

Overall, respondents ranked "Strengthening Police Board Governance" as the number one need of the new PSA, followed by "Modernizing Police Labour Relations".

An overwhelming number of respondents felt that safety of our communities should be legislatively recognized as a foundation for social well-being and economic prosperity in Ontario.

Regarding Police Board Accountabilities and Authority, respondents felt strongly that:

- The PSA must provide greater precision and clarity regarding the roles of Police Boards and Police Chiefs, before prescribing board composition, member competencies, training, etc.
- 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
- In order to make evidence-based decisions, police boards need the timely provision of relevant information, and direct access to independent expert assistance and advice
- 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
- Human resource management should be delegated to the Chief/Detachment Commander

- Police boards need to evaluate how well the overall police service performs, not just the Chief
- Police budgeting needs to reflect programs, not 'lines'
- There should be performance standards for boards

Regarding Police Board Training, respondents felt strongly that:

- 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 direction for police service in their community
- The provincial government should accredit and fund board training developed and delivered by OAPSB on the government's behalf

Regarding OPP Governance, respondents felt strongly that:

- Geography should be a key factor in determining whether or not to amalgamate Section 10 (OPP) police boards, especially in Northern Ontario
- OPP cost estimates/budgets, and bills, should be approved by Section 10 boards who then submit them to the municipal government

Some respondents suggested there should be a provincial-level police board for the OPP.

Regarding Police Board Composition, Selection and Remuneration, respondents felt strongly that:

- 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
- Police board member remuneration should reflect the importance and gravity of their roles and responsibilities

Regarding Police Labour Reform, respondents felt strongly that:

- 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
- Police boards should have the authority to lay-off employees including police
- 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)

- 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)
- “Coordinated” bargaining amongst police employers should continue
- 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

Regarding Special Constables, respondents felt strongly that:

- Police boards should be the appointing authority for special constables
- A provincially-standardized MOU between a special constable employer police board is required
- Oversight of special constables should be similar to oversight of police officers

Clearly OAPSB membership feels strongly that:

- Police board governance needs to be legislatively designed to ensure that police efforts in their community reflect the needs, values and expectations of that community, and that the police board has the information and expert assistance to articulate those expectations as well as ensure those expectations are indeed being met
- Police board training needs to be mandatory, meaningful, proficiently developed and delivered by OAPSB, on behalf of, and funded by, the Government of Ontario
- Police labour reform must more closely resemble general labour practises in virtually every aspect, including arbitration

These survey results are the foundation of OAPSB’s advocacy efforts in this final stretch of the 4½-year PSA re-write process, and validates the positions taken in our previous participation in the Future of Policing process, submissions to Government, and media releases.

INTRODUCTION

Since the Province's Future of Policing Summit almost five years ago, the Ontario Association of Police Services Boards (OAPSB) has been participating in Future of Policing forums. Leading to the last election, OAPSB advocated for:

- Seeing the ongoing Future of Policing project through to its conclusion and implementation
- Adopting a whole-of-the-government approach to public safety, implementing policies and legislation that integrates public safety activities, realigns who-does-what among public safety agencies, and leverages effective, cost-efficient alternative service delivery options
- Strengthening citizen governance of local policing by making it universal across the province, relevant to community needs, and effective in fulfilling a robust governance mandate

In July, 2016, the OAPSB Board of Directors recognized the need to confirm its understanding of OAPSB members' needs and expectations for the new PSA. Accordingly, a survey was prepared and launched.

BACKGROUND

The current *Police Services Act* (PSA) was passed into law in 1990. Since then 14 associated regulations have also been enacted, and a further 9 have been repealed or spent. The Government of Ontario is committed to its "Strategy for a Safer Ontario". It is also committed to opening up the PSA, for the purpose of modernizing policing and police governance.

This is the first time in over 25 years that the PSA has been opened up in its entirety. As such, this is a once-in-a-generation opportunity to positively influence the legislative framework for community safety, and **OAPSB's Number One priority**.

SURVEY DESIGN AND PROCESS

Survey Design

The on-line survey was designed to:

- identify respondents by board type (municipal, OPP or First Nations) for analysis purposes, and to avoid potential skewing from a single source
- rank in priority five general PSA rewrite themes

- identify the degree of support for 56 specific reform ideas based on previous submissions from Durham Region PSB, London PSB, Peel PSB, York PSB, Toronto PSB, Temiskaming Shores PSB, and OAPSB. Respondents could answer questions in agreement, disagreement or not applicable. One duplicate question was added for control purposes.

The survey opened on 6 September 2016, and closed on 10 October 2016.

Participation

Of 138 police governing agencies within OAPSB, 107 participated in the survey (**an 80% response rate**), comprising:

- 45 municipal police boards (Section 31), including 2 hybrid boards
- 58 OPP-contract police services boards (Section 10)
- 2 First Nations police services boards
- 2 community policing advisory committees (CPAC)

A list of respondents is provided at Appendix 1.

Analysis

The OAPSB Board of Directors choose the following analytical techniques:

- Only OPP board and CPAC responses would comprise the OPP local governance results, as they comprise the OPP local governors
- Only Section 31 municipal and First Nations police board responses would comprise the police employers' responses, as they comprise the municipal police employers
- Only Section 31 municipal police board responses would comprise the special constable responses, as they comprise the special constable appointment recommenders
- Results would be based on weighted averages (i.e. 'not applicable' responses would be factored out of 'agree/disagree' percentages)

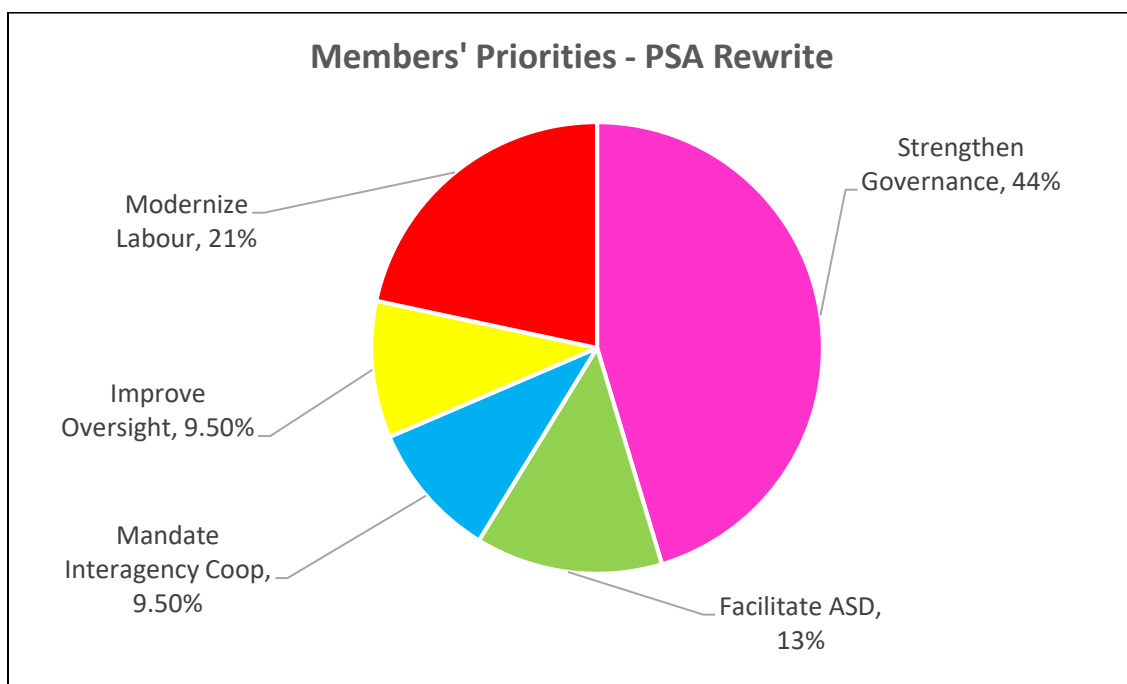
SURVEY RESULTS – MEMBERS' PRIORITIES

Members ranked the following priorities for the Provincial Government's PSA rewrite:

1. Strengthening Police Board Governance
2. Modernizing Police Labour Relations practises

3. Facilitating Alternate Service Delivery of some police service responsibilities
4. Mandating Interagency Cooperation between police and other agencies such as health and social services
5. Improving Police Oversight by third parties, i.e. the Special Investigations Unit (SIU), the Office of Independent Police Review Director (OIPRD) and the Ontario Civilian Police Commission (OCPC)

Members also indicated that all five areas were important.



SURVEY RESULTS – COMMUNITY SAFETY

An overwhelming number of respondents felt that safety of our communities should be legislatively recognized as a foundation for social well-being and economic prosperity in Ontario.

SURVEY RESULTS – POLICE GOVERNANCE REFORM

34 questions related to Police Governance Reform covered the following four areas:

- Police Board Accountabilities and Authority
- Police Board Training
- OPP Local Governance
- Police Board Composition, Selection and Remuneration

Police Board Accountabilities and Authority

Regarding how the PSA should be revised to legislatively instill better Police Board Accountabilities and Authority, respondents **felt strongly** that:

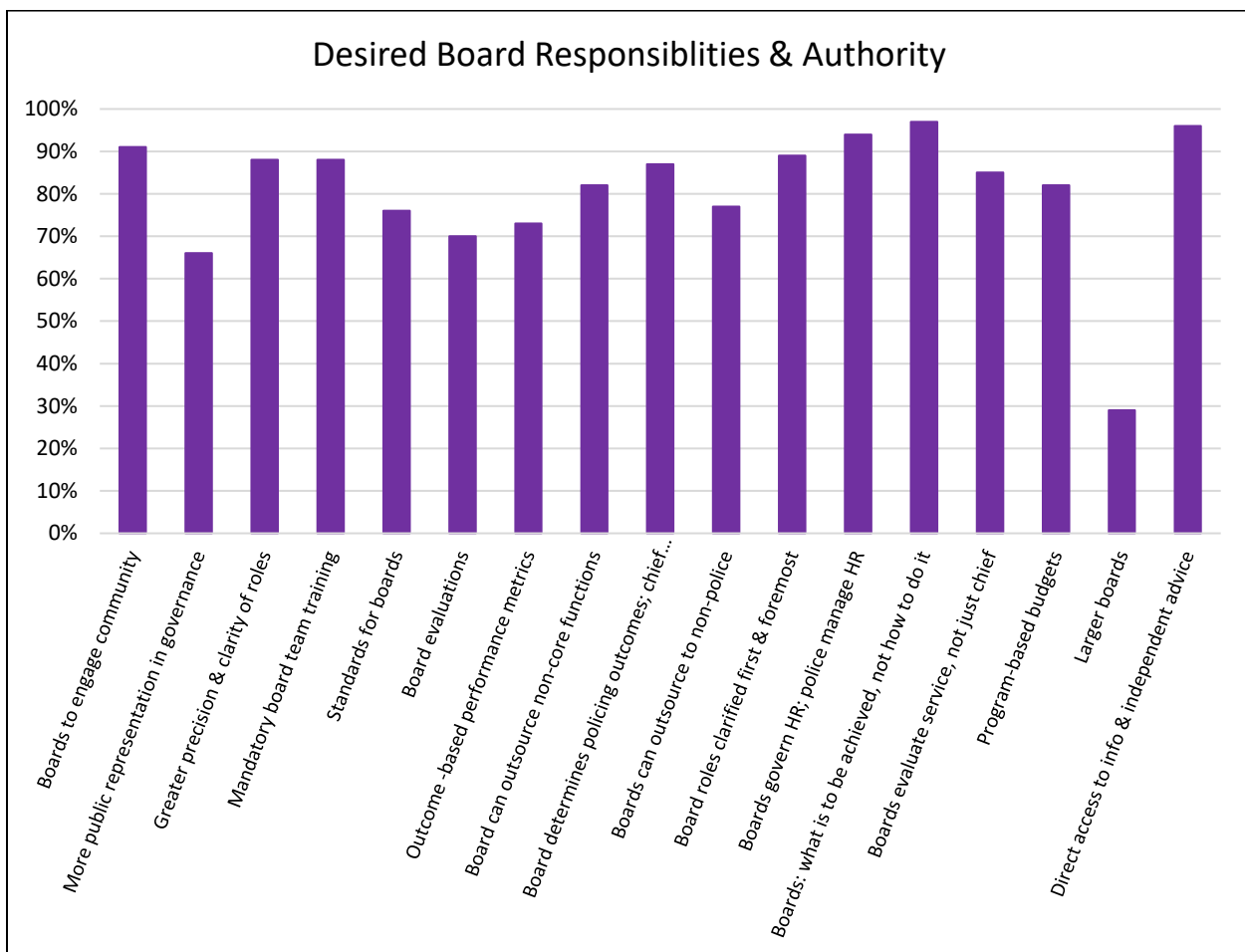
- The PSA must provide greater precision and clarity regarding the roles of Police Boards and Police Chiefs, before prescribing board composition, member competencies, training, etc.
- Board policies need to specify what the police service/detachment is to achieve, not how it functions
- Police boards need to directly engage their communities on an ongoing basis, in order to determine the strategic outcomes and limitations for policing in their community; police chiefs should be developing the action plans to achieve those outcomes within those limits
- Evidence-based decision-making requires the timely provision of relevant decision-information. Accordingly, police boards need direct access to information plus independent expert assistance and advice.
- The Provincial Government must specify what police functions must be performed by a police officer, and allow police boards the flexibility and authority to select a composite of service providers - police and non-police – for the fulfillment of other police board community responsibilities.
- Human resource management should be delegated to the Chief/Detachment Commander
- Police boards need to evaluate how well the overall police service performs, not just the Chief

- Police budgeting needs to reflect programs, not 'lines', in order to be able to show the value to the community
- There should be performance standards for police boards

Respondents also indicated:

- There should be more public representation in police governance
- Outcome-based performance metrics for police need to replace today's process/resource/activity-based Adequacy Standards
- Police boards should be evaluated against governance performance standards

Survey responses regarding Police Board Accountabilities and Authority are shown in the chart below. Specific responses are contained in Appendix 2.

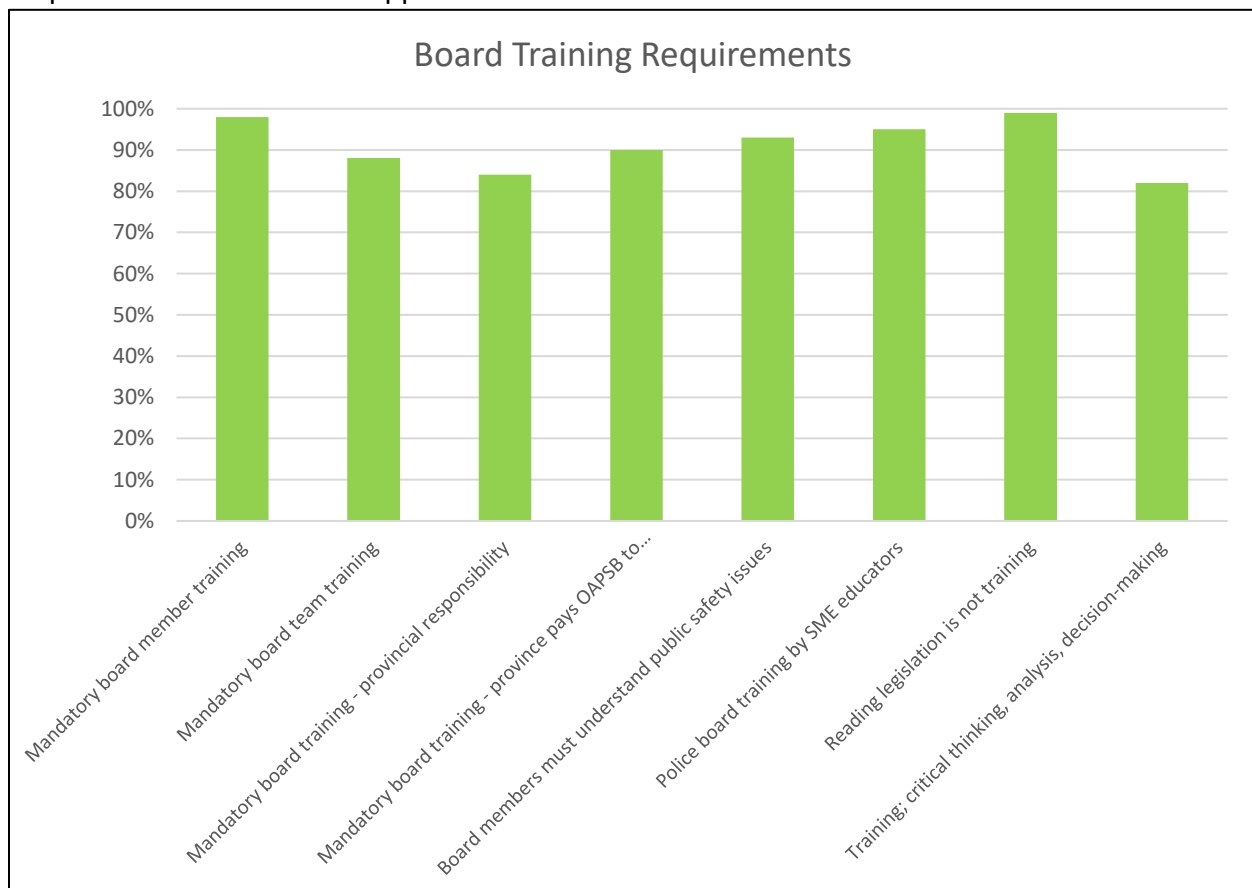


Police Board Training

Regarding how the PSA should be revised to legislatively address Police Board Training, respondents **felt strongly** that:

- New police board members must receive training on what is expected of them and what constitutes misconduct, and police boards must receive training on how to govern as a team
- Board members must have sufficient understanding of public safety issues to collectively make decisions regarding strategic direction for the police service
- Board training needs to develop critical thinking, analysis and decision-making skills
- Police board training needs to be developed and delivered by people that understand police governance, and can teach
- The provincial government should accredit and fund board training developed and delivered by OAPSB on the government's behalf

Survey responses regarding Police Board Training are shown in the chart below. Specific responses are contained in Appendix 2.

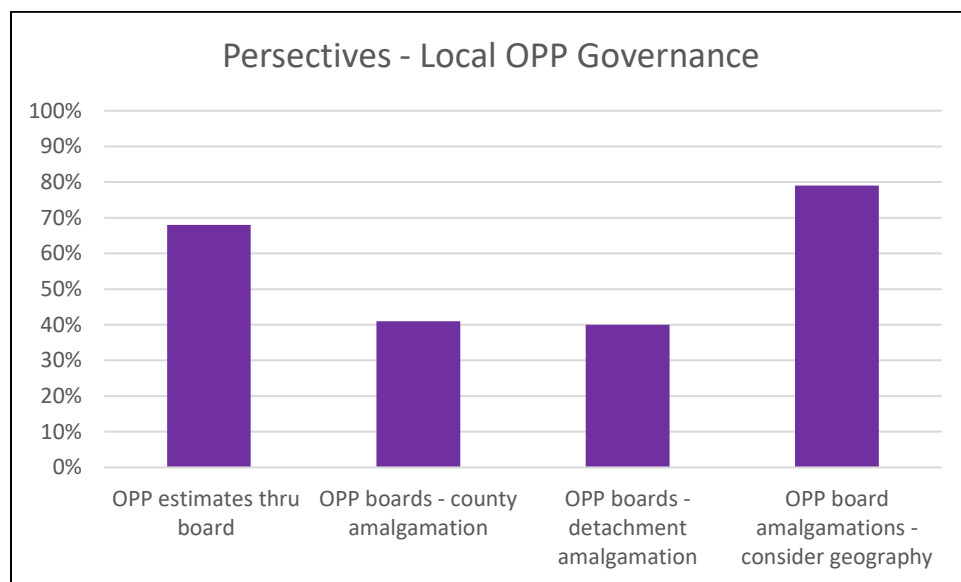


OPP Local Governance

Respondents felt strongly that geography should be a key factor in determining whether or not to amalgamate Section 10 (OPP) boards, especially in Northern Ontario. Less than half of Section 10 and Section 5.1 CPAC respondents were in favour of board amalgamations on the County/District or Detachment basis.

Respondents also felt that OPP cost estimates/budgets, and bills, should be approved by Section 10 police boards who then submit them to the municipal government.

Survey responses regarding Local OPP Governance are shown in the chart below. Specific responses are contained in Appendix 2.



Police Board Composition, Selection & Remuneration

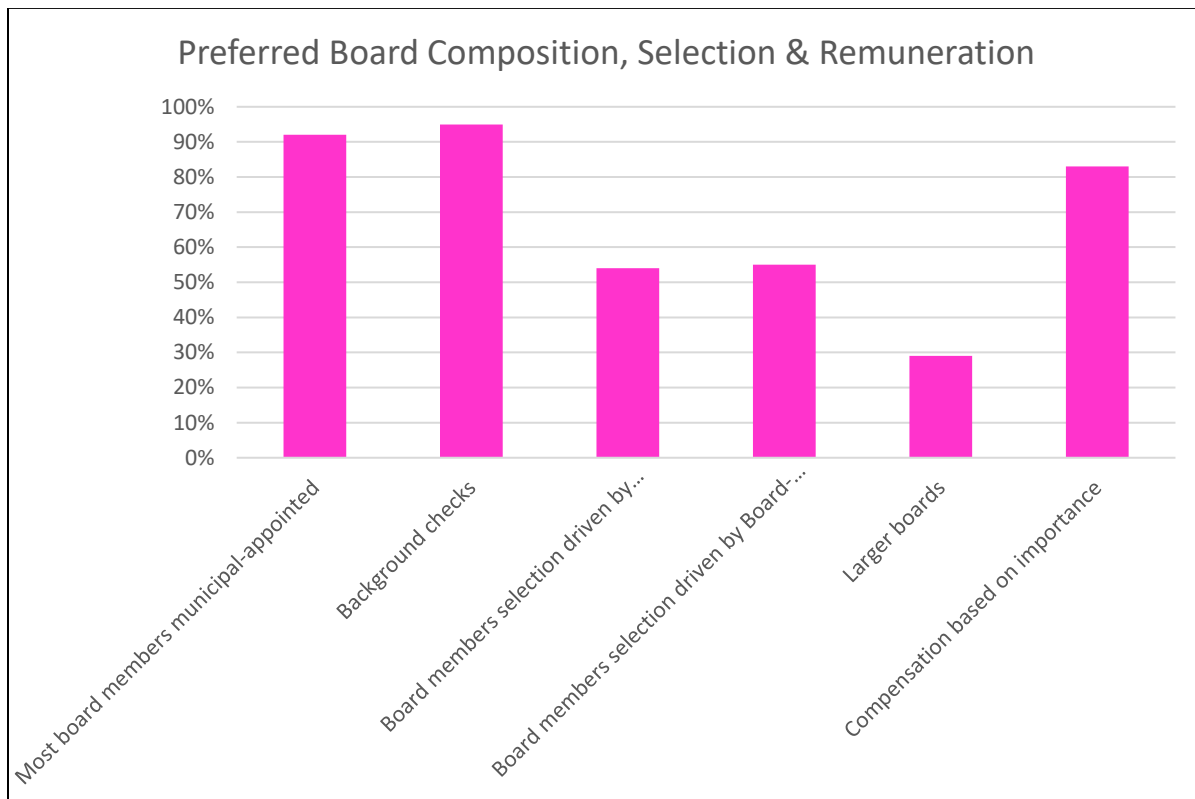
Regarding how the PSA should be revised to legislatively address Police Board Composition, Selection and Remuneration, respondents **felt strongly** that:

- The majority of police board members should continue to be appointed by the local municipality
- All appointments to police boards should be subject to a background check
- Police board member remuneration should reflect the importance and gravity of their roles and responsibilities

Respondents were divided on the question of whether selection to police boards should be based on competencies, or not, regardless of the appointing authority.

Respondents were generally not in favour of larger boards.

Survey responses regarding Police Board Composition, Selection & Remuneration are shown in the chart below. Specific responses are contained in Appendix 2.



SURVEY RESULTS – POLICE LABOUR REFORM

21 questions related to Police Labour Reform covered the following four areas:

- Police Qualifications
- Police Employers' Labour Issues
- OPP Local Board input to Collective Bargaining
- Special Constables

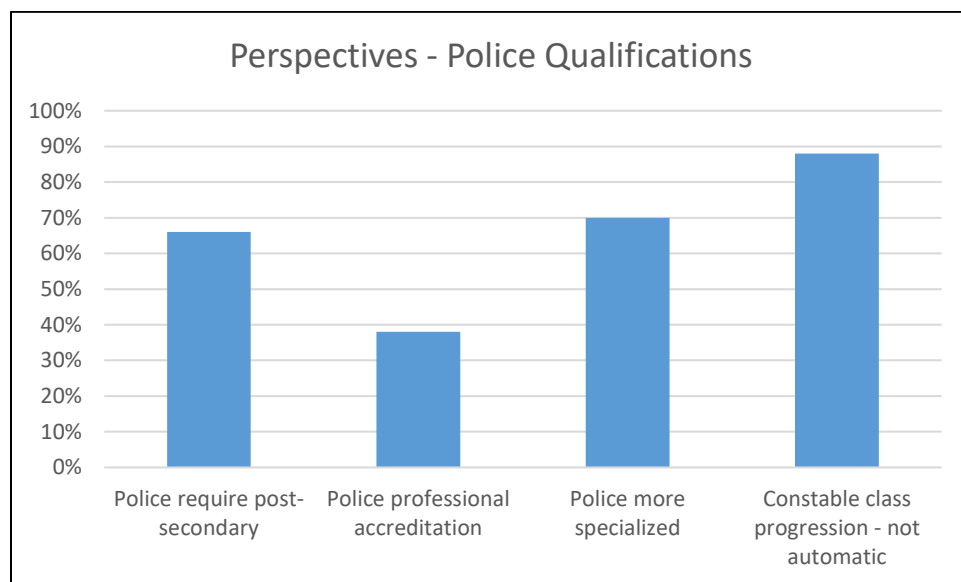
Police Qualifications

Regarding how the PSA should be revised to legislatively address Police Qualifications, respondents **felt strongly** that progression through the constable classes (4th, 3rd, 2nd, 1st) should be slowed down and based on more than ‘time served’.

Most respondents also felt that post-secondary education should be a prerequisite to becoming a police officer, and that police need to become more specialized, in order to address new and emerging threats such as cybercrimes.

Respondents did not feel that police officers should be professionally accredited.

Survey responses regarding Police Qualifications are shown in the chart below. Specific responses are contained in Appendix 2.



Police Employers' Labour Issues

Regarding how the PSA should be revised to legislatively address Police Qualifications, respondents **felt strongly** that:

- 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
- Police boards should have the authority to lay-off employees including police

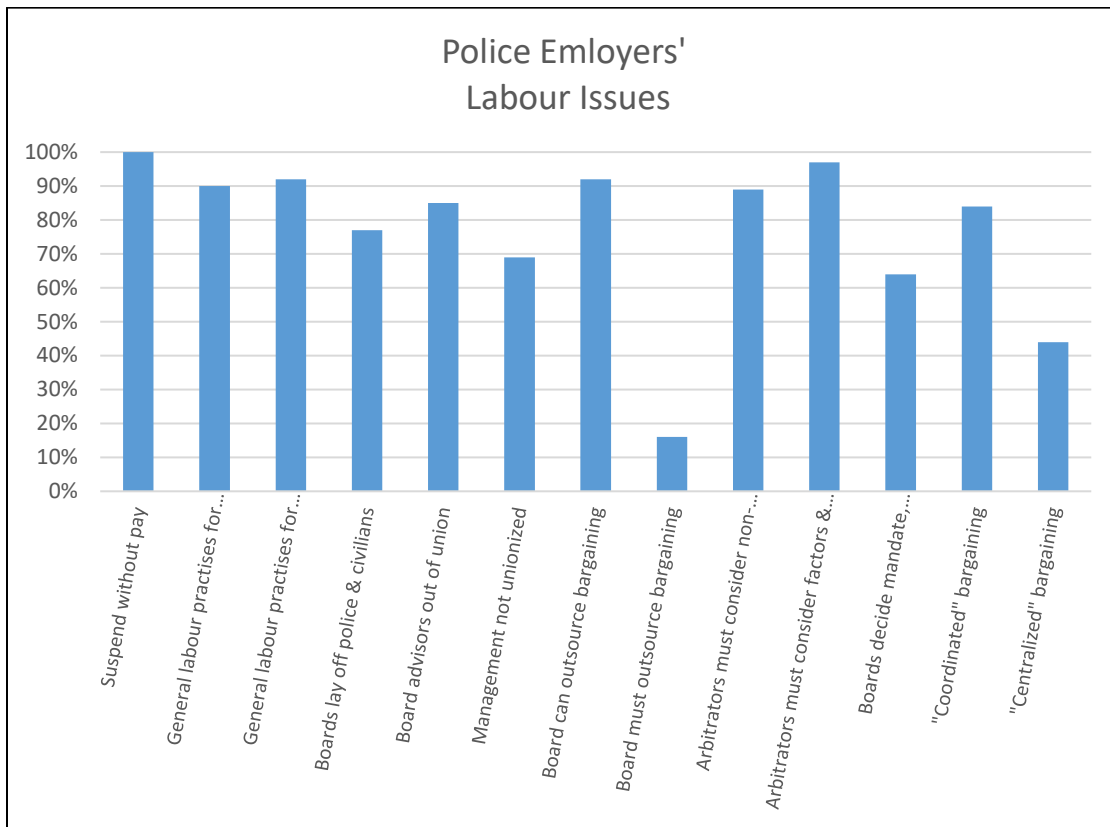
- Police Human Resources, Finance and Legal advisors should be excluded from bargaining-unit (Association) membership (they are advisors to the board in collective bargaining)
- Boards should be allowed to delegate the bargaining process to professionals not on the board, but should not be compelled to do so
- “Coordinated” bargaining amongst police employers should continue
- Arbitrators should be compelled to consider non-police comparators, such as a municipal non-police employee groups, in their determinations. They should also be compelled to explain how and to what extent mandatory factors were considered in rendering their decisions

Respondents also indicated:

- All Uniformed and Civilian police management should be excluded from bargaining-unit (Association) membership
- 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)

Less than half of respondents were in favour of “centralized” police bargaining.

Survey responses regarding Police Employers’ Labour Issues are shown in the chart below. Specific responses are contained in Appendix 2.



OPP Local Board input to Collective Bargaining

Respondents **felt strongly** that OPP boards should have a say in the Provincial Government's mandate for OPP collective bargaining.

Special Constables

Regarding how the PSA should be revised to legislatively address Special Constables, respondents **felt strongly** that:

- Police boards should be the appointing authority for special constables
- A provincially-standardized memorandum of understanding (MOU) between a special constable employer and police board is required
- Oversight of special constables should be similar to oversight of police officers

RESULTS – ADDITIONAL RESPONDENT COMMENTS

The majority of comments expanded on the issues captured in the survey questions. New concepts that were raised were:

- There should be a provincial-level police board for the OPP (several respondents mentioned this)
- The cost of local police conduct hearings directed by the Province's OIPRD should be borne by the Province, especially when the outcome is no misconduct
- The Province should assume all responsibility for court security and prisoner transport
- There has to be a larger compensation package for Board members
- Police should not be responsible for bears; bears should be the sole responsibility of the Ministry of Natural Resources
- There needs to be more than one candidate in the Detachment Commander selection process

The OAPSB membership has not been surveyed regarding these concepts presented by respondents.

CONCLUSION

Clearly OAPSB membership feels strongly that:

- Police board governance needs to be legislatively designed to ensure that police efforts in their community reflect the needs, values and expectations of that community, and that the police board has the information and expert assistance to articulate those expectations as well as ensure those expectations are indeed being met
- Police board training needs to be mandatory, meaningful, proficiently developed and delivered by OAPSB, on behalf of, and funded by, the Government of Ontario
- Police labour reform must more closely resemble general labour practises in virtually every aspect, including arbitration



These survey results are the foundation of OAPSB's advocacy efforts in this final stretch of the 4½-year PSA re-write process, and validates the positions taken in our previous participation in the Future of Policing process, submissions to Government, and media releases.

APPENDICES

Appendix 1 – Participants

Appendix 2 – Specific Survey Question Results

Prepared by: Fred Kaustinen, Executive Director OAPSB

APPENDIX 1 – SURVEY PARTICIPATION

Participants - Section 31:

Amherstburg
Aylmer
Barrie
Belleville
Bradford West Gwillimbury /Innisfil
Brantford
Brockville
Chatham-Kent
Cobourg
Cornwall
Deep River
Dryden
Durham Region
Espanola
Gananoque
Greater Sudbury
Guelph
Halton Regional
Hamilton
Hanover
Kawartha Lakes
Kingston
LaSalle
London
Niagara Region
North Bay
North Huron
Ottawa
Owen Sound
Peel Region
Peterborough
Port Hope
Sarnia
Saugeen Shores
Shelburne
Smith Falls

Stirling-Rawdon
Stratford
Timmins
Toronto
Waterloo Region
West Grey
West Nipissing
Woodstock
York Region

Respondents - First Nations:

Rama
UCCM Anishnaabe

Respondents - Section 10 (OPP):

Alnwick Haldimand Township
Atikokan Township
Augusta Township
Blandford-Blenheim Township
Bonfield Township
Brant County
Brighton
Carleton Place
Central Huron
East Ferris Township
East Zorra-Tavistock Township
Elgin Group
Essex
Fort Frances
Georgian Bluffs Township
Grey Highlands
Haldimand County
Hamilton Township
Hawkesbury
Ignace Township
Kapuskasing
Kenora

Kirkland Lake
Lakeshore
Lambton Group
Lanark Highlands Township
Marathon
Merrickville-Wolford
Municipality of Brockton
Nation Municipality
Norfolk County
North Grenville
Nottawasaga
Orillia
Pembroke
Perth
Petawawa
Prescott
Prince Edward
Red Lake
Shuniah
Smith Ennismore
Smooth Rock Falls
South Bruce Peninsula
Southgate
Spanish
Tay Valley Township
Tecumseh
Temiskaming Shores
Thames Centre
Tillsonburg
Trent Lakes
West Nipissing

Respondents - Section 5.1 – Community Police Advisory Committees (CPAC):

Blue Mountain (OPP) - Section 5.1
Mississippi Mills - Section 5.1

APPENDIX 2 – SPECIFIC SURVEY QUESTION RESPONSES

Community Safety

- Q1 - The safety of our communities should be legislatively recognized as a foundation for social wellbeing and economic prosperity (96%)

Police Board Accountabilities and Authority

- Q2 - Engaging the public and community groups on an ongoing basis should become a more entrenched feature of police governance (91%)
- Q3 - The Police Services Act needs to instill a greater degree of public representation into governance processes (66%)
- Q4 - The Police Services Act must provide greater precision and clarity regarding the roles of Boards and Police Chiefs (88%)
- Q7 - There should be performance standards for boards (76%)
- Q8 - Boards should be evaluated against governance performance standards (rather than today's Adequacy Standards for boards) (70%)
- Q18 - Police board decision-making needs to evidence-based, and boards must be ensured the timely provision of relevant decision-information (95%)
- Q19 - Outcome-based performance metrics for police need to replace today's process/resource/activity-based Adequacy Standards (73%)
- Q21 - The government must specify what police functions must be performed by a police officer, and only a police officer. Police boards must be legislatively authorized to determine who will fulfill non-core functions in their community (82%)
- Q29 - Police boards, through community engagement and surveys, should be determining the strategic outcomes and limitations for policing in the community; police chiefs should be developing the action plans to achieve those outcomes within those limits (87%)
- Q38 - Boards should have the flexibility and authority to select a composite of service providers from a variety of suppliers - police and non-police, public and private sector-based (77%)

- Q41 - Board roles must be clarified before prescribing board composition, member competencies, training, etc. (89%)
- Q42 - Boards exist to govern resources, not manage them; human resource management should be delegated to the Chief/Detachment Commander (94%)
- Q43 - Board policies need to specify what the police service/detachment is to achieve, not how it functions (97%)
- Q44 - Boards need to evaluate how well the overall police service performs, not just the Chief (85%)
- Q45 - Police budgeting needs to reflect programs, not 'lines', in order to be able to show the value to the community (82%)
- Q48 - Boards must have direct access to the information and the independent expert assistance/advice they need to fulfill their roles and responsibilities (96%)

Police Board Training

- Q5 - There should be mandatory training for new board members on what is expected of them, and what constitutes misconduct (98%)
- Q6 - There should be mandatory training for boards on how to govern as a team (88%)
- Q33 - Mandatory board training should be the responsibility of the provincial government (84%)
- Q34 - The provincial government should accredit and fund board training developed and delivered by OAPSB on the government's behalf (90%)
- Q35 - Board members must have sufficient understanding of public safety issues to collectively make decisions regarding strategic direction for the police service (93%)
- Q47 - Board training needs to be developed and delivered by people that understand police governance, and can teach (95%)
- Q49 - Reading legislation to new board members is not adequate training (99%)
- Q50 - Board training needs to develop critical thinking, analysis and decision-making skills (82%)

OPP Local Governance

- Q9 - OPP cost estimates/budgets, and bills, should be approved by Section 10 boards who then submit them to the municipal government (67%)
- Q54 - Section 10 (OPP) boards should be amalgamated at the county/district level, and larger, for greater influence, to best serve the community (37%)
- Q55 - Section 10 (OPP) boards should not be amalgamated at the Detachment-level, to simplify oversight for the Detachment Commander (60%)
- Q56 - Geography should be a key factor in determining whether or not to amalgamate Section 10 (OPP) boards, especially in Northern Ontario (78%)

Police Board Composition, Selection & Remuneration

- Q10 - The majority of board members should continue to be appointed by the local municipality (rather than the Provincial Government) (92%)
- Q11 - All appointments to police boards should be subject to a background check that provides evidence of suitability (standards of which must be established province-wide) (95%)
- Q30 - Police board member selection should be based on fulfillment of required governance competencies as determined by the Ministry (54%)
- Q31 - Police board member selection should be based on fulfillment of required governance competencies as determined by each police board (55%)
- Q46 - Boards need to be larger, in order to perform all their governance duties, and better reflect community diversity (29%)
- Q57 - Board members need to be compensated in accordance with the importance and gravity of their roles and responsibilities (83%)

Police Qualifications

- Q15, 32 - Post-secondary education (i.e. college and/or university) should be a prerequisite to becoming a police officer (66%)
- Q16 - Police officers should be professionally accredited, like lawyers, accountants, engineers, etc. (38%)

- Q17 - Today's generalist model of police organization (general patrol, general investigation) needs to become more specialized, in order to address new and emerging threats such as cybercrimes (70%)
- Q36 - Progression through the constable classes (4th, 3rd, 2nd, 1st) needs to be slowed down, and not just based on 'time served' (88%)

Police Employers' Labour Issues

- Q12 - The police chief should be able to suspend, without pay, officers charged with egregious offenses/misconduct (100%)
- Q13 - Processes regarding police officer misconduct need to be simplified and more reflective of general labour practises in Ontario (90%)
- Q14 - Penalties for officer misconduct, up to and including dismissal, need to be simplified and more reflective of general labour practises in Ontario (92%)
- Q20 - Police boards should have the authority to lay-off police and civilian employees, not OCPC (77%)
- Q22 - Human Resources, Finance and Legal advisors should be excluded from bargaining-unit (Association) membership, like Chiefs and Deputy Chiefs (85%)
- Q23 - All Uniformed and Civilian police management should be excluded from bargaining-unit (Association) membership, like Chiefs and Deputy Chiefs (69%)
- Q24 - Boards should be allowed to delegate the bargaining process to professionals not on the board (92%)
- Q25 - Boards should be expected to delegate the bargaining process to professionals not on the board (16%)
- Q26 - Arbitrators should be compelled to consider non-police comparators, such as a municipalities non-police employee groups, in their determinations (89%)
- Q27 - Arbitrators should be compelled to explain how and to what extent mandatory factors were considered in rendering their decisions, and mandated to duly consider all legislated decision factors (97%)
- Q28 - Police boards should approve bargaining mandates and ratify collective agreements; collective bargaining itself should be conducted by (police) management, with external assistance as required (like every other sector in Canadian society) (64%)

- Q52 - “Coordinated” bargaining amongst police employers should continue (84%)
- Q53 - Bargaining police collective agreements should be “centralized” in Ontario (44%)

Special Constables

- Q37 - Boards should appoint special constables within their jurisdiction, rather than just 'recommend' for Provincial Government approval (97%)
- Q39 - There should be a standardized MOU between a special constable employer (e.g. college, transit system, etc.) and the police board that appoints them (94%)
- Q40 - Oversight of special constables should be similar to oversight of police officers, as both may use force against other people in certain circumstances (100%)

OPP Local Board input to Collective Bargaining

- Q51 - OPP boards should have a say in the Provincial Government’s mandate for OPP collective bargaining (87%)