

Ontario Police Service Board Education & Training

And Performance Standards & Evaluations

“The Need”

15 January 2019

Summary

Safety is a fundamental right. Every day, the citizens of Ontario rely on the front-line men and women that serve in our police services and do an amazing job. We believe that communities need to feel confident in their police, and know that they are getting great value for their taxes. This is where police boards fit in. Police boards are the mechanism for ensuring that our police have the direction, support, funding, respect and accountability and oversight that they need to keep Ontario communities, and themselves, safe and thriving.

There are many reasons that police boards need education and training, and performance evaluations and feedback. Here are some of them:

1. In order for police to function effectively, they must have the trust and cooperation of community they are policing. Police boards foster that trust and cooperation by:
 - orienting policing towards the community’s needs, values and expectations through board strategic plans and policies; and
 - evaluating police service performance and holding the chief accountable for that performance.
2. Police board members are not selected based on competencies, and rarely have any public safety experience. Ergo, there is a skills and knowledge gap almost by design, that can be addressed through education and training.
3. Just as our world is becoming increasingly complex, so is policing. Choices are growing exponentially, and risks are becoming greater. Police board governance is also becoming

increasingly complex, and boards need more help than ever understanding how best to navigate in this difficult environment.

4. Police governance is important, and almost every serious policing issue can be traced back to it. Several serious policing issues have prompted media response and provincial government investigations and interventions. These failures have a detrimental impact on policing and community safety and confidence. It is logical to equip police boards for success, and help police services succeed. Fundamental to equipping police boards for success is board education and training, and performance evaluations and feedback.
5. Many independent reviews have highlighted the importance of police boards and the need for police board education and training, and performance evaluations and feedback.

The Current State

“The responsibility of directing and overseeing the policing services in a community, while protecting police service’s independence under the law and ensuring that community interests, composition and priorities are reflected in police operations, requires both boldness and balance.” (Senator Sinclair, 1 November 2018)

Police boards are the mechanism for ensuring that our police have the direction, support, funding, respect and accountability that they need to keep Ontario communities, and themselves, safe and thriving. Yet, “the biggest challenges facing police agencies in this country is not crimes, gangs, guns, drugs or restrained budgets. It is the real potential for rapidly declining level of public confidence.” (OPP Inspector Phil Whitton, at Zone 3 meeting 19 October 2018)

In Ontario, police board members require no specific competencies, and appointments are not based on public safety governance experience or knowledge. Many police boards do indeed possess the competencies needed to perform well and consequently are effective police governors and their police services are high achieving. However, this is not guaranteed and is not universal in practise. In realistic terms, police governance in Ontario relies more on individual diligence and personality to succeed rather than on legislative design, empowerment and support.

Clearly, police board competence and success are not guaranteed by the board member selection process. Education and training, and performance evaluation and feedback, can mitigate this risk.

Media Reaction to Policing Problems and Related Board Performance

“When you get down to it, this is the democratic civilian oversight body making the recommendation to the equivalent of a CEO of an organization, and (**Peel Police** Chief Evans) ignoring it,” he said. “What’s the point of having a board, if they’re going to be ignored?” Toronto Star, *The role of Ontario's police boards*, 26 September 2015

“If **Hamilton's police services board** was a family, you'd have to say it is a severely dysfunctional one.” (Hamilton Spectator, 13 November 2018)

“Police brass found themselves equally frustrated by a board that, from their point of view, had little understanding of policing or the legislation that governs it. As issue after issue arose it became clear to me that the majority on this board were quite willing to put political expediency ahead of civilian oversight.” The Hamilton Spectator, *The \$870,000 offer he couldn't refuse: The behind the scenes story of the retirement of Niagara Police Chief Jeff McGuire*, 1 February 2018

“These complaints raise serious concerns about the workplace environment of the WPS, the administration of the WPS, and the oversight provided by the **Windsor Police Services Board** – OCPC Terms of Reference”, *Windsor Police Services Board under investigation for potential 'poisoned work environment'*, CBC News, 13 June 2018

Clearly these comments indicate many boards are challenged in their governance roles, and some are failing. While a certain degree of criticism is to be expected, as is a need for continuous improvement, this trend suggests that there is a fundamental and recurring problem among many police boards – a lack of the understanding, support and feedback to succeed. A key method of ensuring boards, **and their police chiefs**, have the requisite understanding of effective police governance is through robust board education and training, and regular evaluations against established performance standards, to ensure they are equipped to perform successfully and continue do so, and thereby maintain public support for police in their communities.

Education and training, coupled with performance evaluations based on board performance standards, is a long-overdue performance enabling and risk mitigating strategy. The better that boards are focused and trained in the police governance role, the better the police service will perform and the better communities will be served.

Recommendations from Independent Reviews

In his review of the Police Complaints System in 2005, the Honourable **Justice LeSage** found that “many board members noted that they would like to see better training made available to them so that they are able to effectively carry out their mandate. Many told me that they are often faced with difficult issues that they feel ill-equipped to handle. One such issue was the often-difficult distinction between policy matters, which fall within the responsibility of the board, and operational matters, which fall within the responsibility of the chief of police.”

In his 2012 review of the Toronto Police Services Board regarding G20, **Justice Morden** called the Toronto police board a “voiceless entity ... a mere bystander in a process it was supposed to lead.” A major part of the problem, Morden found, was that the board underestimated its powers because it knew it could not direct policing operations. The result was that the board did not ask enough questions about policing plans for the G20.”

Morden went on to say: “There is little more that I can usefully say on the training of police service board members. The challenges that they face...are such that the maintenance of a high level of training is essential. No doubt on-the-job experience is an important and effective source of training, but if a board member’s training consisted only of this, his or her training would be seriously lacking. Many facets of a board member’s responsibilities, and the ways of discharging them, are too important to be learned only after the event by on-the job experience.” (p 79)

In his Independent Police Oversight Review in 2017, **Justice Tulloch** noted “First, police services boards are a vital component of the civilian police oversight system in Ontario. As I explain below, the system would be strengthened by establishing consistent selection criteria for board members and providing them with mandatory training on their roles and responsibilities...This training should be developed in partnership with the Ontario Association of Police Services Boards (OAPSB) and post-secondary institutions with expertise in the areas of public sector and not-for-profit governance.”

In his July 2017 report *Maintaining Public Confidence in the Peterborough Police Services Board*, **Attorney General-appointed Administrator Mark Sandler** stated: “Peterborough has gone through a tumultuous period during which the Board failed to meet its statutory obligations and contributed to an unfortunate public and political display that unfairly denigrated the character and performance of the Chief and Deputy Chief of Police.”

In his November 2018 report *The Thunder Bay Police Services Board Investigation*, **Senator Sinclair** stated:

- A simple reference to the MCSCS training material or material on the OAPSB website is not sufficient.
- The objective of the [board training] strategy must be to equip Board members with the knowledge, awareness and skills in governance, police practice, community priorities, business strategy and the law to fulfill their police governance mandate upon appointment and throughout their term of office.
- It is recommended that the Board, in co-operation with OAPSB and funded by the Province, develop a compulsory, standard orientation package for new Board members.
- It is recommended that newly appointed Board members not be able to vote until they have completed this training.
- It is recommended that the provincial government create a Police Board Governance Standard that would mandate the roles and necessary governance tools of each police service board.
- Develop a Performance Evaluation Protocol to provide boards with the tools to assess their performance and to enable the MCSCS to conduct, through an inspection process not now in place, periodic evaluations of the board's performance.

Conclusion

We ask that the government:

- Sponsor, fund and oversee the development of a competency-based education and training program for police boards, by OAPSB and post-secondary institutes/educators.
- Mandate that all police board members complete the education and training program before they are allowed to exercise their board member powers.
- Establish performance standards for police boards.
- Establish a program of evaluation of police boards, complete with remedial actions where warranted.