

March 1, 2018

Submitted to the Standing Committee on Justice Policy

Attention: Clerk Christopher Tyrell comm-justicepolicy@ola.org

Ontario Association of Police Services Boards - Submissions on Bill 175

This submission compliments and supplements our oral presentation to the Committee made February 22nd, 2018.

Overall, we find that Bill 175 represents a reasonably fair and balanced reflection of public and stakeholder interests that, with minor amendments, will serve Ontarians extremely well. This view is based on our participation in over 200 Future of Policing meetings, from hosting several conferences and seminars about police reform, and from surveying our 500 members.

Areas of Bill 175 that deserve special recognition include:

- The progressive reforms regarding police oversight, which are consistent with Justice Tulloch's findings in the Independent Review of Police Oversight
- The introduction of a special constable code of conduct and oversight, and standards for special constable employers
- Mandatory community safety & well-being plans, as a catalyst to interagency cooperation for improving overall results
- Flexibility to outsource some community safety tasks to non-police including private companies, which supplements and compliments policing capacity and helps police to focus on community engagement as well as duties requiring a fully trained, fully armed police officer
- Clarifications on the board's responsibility to strategically govern police operations, without interfering with any specific, individual police action
- Identifying the Minister as responsible for police board training

- Offering inclusion in this legislative framework to First Nations' communities

Meanwhile, there are four areas of Bill 175 where we believe correction is needed, in the public interest.

- Section 67 – while the creation of OPP detachment boards is supported (largely because it extends police governance to every community, including approximately 200 communities that currently have no such voice), we suggest that the disbandment of any existing Section 10 OPP contract boards should be a municipal decision, rather than a provincial one
- Section 164, 42(4) – police boards should be allowed to be represented in collective agreement negotiations by professional staff of their choosing, without having to accompany them in the process – just like other employer in Ontario. AMO, OACP, ESSC and PAO all support this proposal. OPPA bargain with the province, who is represented by professional labour relations staff not accompanied by board members (or in this case cabinet ministers). This reform will help professionalize the bargaining process, without relinquishing the board's overall responsibility to direct its bargaining representative(s) and ratify the resultant agreement.
- Section 38 (5) and 40(4) regarding Restrictions on Police Board Policies and Decisions – police boards should be able to make policies about police deployment, while being prohibited from making any decisions about the deployment of an individual officer or in response to an individual event. This is common sense. The current wording is the opposite.
- Section 50(9) regarding Arbitrating of Budget Disputes between municipalities and police boards – currently the arbitrator is obliged to agree with any alternative service option proposed by the municipality, provided that provincial adequacy and effectiveness standards will be met. The police board's strategic plan for policing in its jurisdiction should carry the same weight as provincial adequacy standards, in budget arbitration decisions. Otherwise the police board's strategic plan is irrelevant, and by extension - so is the police board.

Recognizing that implementation of the Act will not happen overnight, we offer the following additional suggestions:

- The creation of OPP Detachment boards should be a consultative process involving local stakeholders

- Implementation of changes to investigations under the Complaints Review Director should be phased in
- Former police officers serving on the police board who was their past employer, should be grandfathered from ineligibility
- We recognize that much needs to be done in Regulations, including much needed board performance standards and board training

We acknowledge the submissions of other stakeholders as well. In particular:

- We support for the underlying principals behind AMO's Bill175 submission, namely: local empowerment and decision-making, greater flexibility in determining who provides what services, and more provincial support to local needs to accompany/balance provincial imperatives
- We support the submissions of the Emergency Services Steering Committee (ESCSC) regarding arbitration reform and allowing professional labour relations staff to fully represent police boards in bargaining
- We support the OACP submission, particularly their request that management with potential conflict of interest should be excluded from mandatory union-like association membership

In closing, Bill 175 is an excellent attempt at modernizing legislation, in the public interest. With minor amendments, it should become law.

Respectfully submitted,



Eli El-Chantiry
Chair



Fred Kaustinen
Executive Director