

## OAPSB SUBMISSIONS – POLICE-RELATED LEGISLATION

15 JANUARY 2019

### Summary of OAPSB views on the Police Services Act 2018

1. The number 1 issue for our members is “strengthening police governance” by:
  - Focusing police boards on public safety, rather than human resource management, so they can be more relevant to the community
  - Clearly articulating police board responsibilities and limits, especially regarding police operations, so they can better understand their roles
  - Developing and providing effective, mandatory board training, so they learn how to fulfill their duties (also recommended by Justice Tulloch)
  - Evaluating boards against established performance standards, so they can improve.
  
2. We request that the following **minor changes** be made to the Police Services Act 2018:
  - Mandatory police governance training for all police board members
  - Established performance standards for police boards, and evaluations of police board performance relative to those standards
  - Compelling the arbitrator in a police budget dispute to consider the board’s strategic plan, in addition to the municipality’s least-cost-policing alternative (s50(9))
  
3. We request that the following aspects of the Police Services Act 2018 be **preserved**:
  - Ability for police boards to be represented in collective bargaining by agents (s171(2))
  - The powers and limitations on police board authorities as currently described (s37-40 & s68-70)

## Highlights of all OAPSB Submissions

### 26 February 2016 (Police Governance Reform – The Age of Enlightenment):

- Boards have 3 primary functions:
  1. Determine community needs, values & expectations
  2. Establish outcomes & limitations for policing the community
  3. Evaluate service performance
- Police board success requires:
  1. Clear, meaningful board roles that are relevant to the public
  2. Mandatory, effective board training
  3. Appropriate board support (information and independent advice)
  4. Performance evaluation of boards (using established performance metrics and providing feedback for improvement)

### 4 March 2016:

- Boards have 3 primary functions that should be emphasized in legislation:
  1. Determine community needs, values & expectations
  2. Establish outcomes & limitations for policing the community
  3. Evaluate service performance

### 31 January 2017 (Member Survey Results):

- The safety of our communities should be legislatively recognized as a foundation for social wellbeing and economic prosperity (96%)
- Engaging the public and community groups on an ongoing basis should become a more entrenched feature of police governance (91%)
- The Police Services Act must provide greater precision and clarity regarding the roles of Boards and Police Chiefs (88%)
- There should be performance standards for boards (76%)
- 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%)

- Boards exist to govern resources, not manage them; human resource management should be delegated to the Chief/Detachment Commander (94%)
- Board policies need to specify what the police service/detachment is to achieve, not how it functions (97%)
- Boards need to evaluate how well the overall police service performs, not just the Chief (85%)
- There should be mandatory training for new board members on what is expected of them, and what constitutes misconduct (98%)
- There should be mandatory training for boards on how to govern as a team (88%)
- Board training needs to be developed and delivered by people that understand police governance, and can teach (95%)
- Geography should be a key factor in determining whether or not to amalgamate Section 10 (OPP) boards, especially in Northern Ontario (78%)
- Human Resources, Finance and Legal advisors should be excluded from bargaining-unit (Association) membership, like Chiefs and Deputy Chiefs (85%)
- Boards should be allowed to delegate the bargaining process to professionals not on the board (92%)

#### **26 April 2017 Lobby Day presentation:**

- Survey highlights as per report of 31 January 2017 above
- Four key success factors for effective police governance from 26 February 2016:
  1. Clear, meaningful board roles and responsibilities (Determine community needs, values & expectations; establish policing outcomes & limitations; and evaluate police service performance)
  2. Mandatory, effective board training
  3. Appropriate board support
  4. Performance evaluation of boards

#### **22 August 2017:**

- Police services boards should be called “police boards”
- Boards’ 3 primary roles should be emphasized (as per 4 March 2017 submission)

- Boards should be able to delegate and/or outsource all management duties, including hearings into accommodation of injured/ill employees, grievances and collective bargaining – just like every other employer in Ontario
- Establishment of OPP Detachment Boards should be a consultative process

**12 September 2017:**

- Boards should be able to create policy on anything related to policing, including policing techniques and police deployment, while being restricted from interfering with any individual operation or investigation

**10 January 2018:**

- Police boards should not be compelled to participate in, or be present at, collective bargaining, especially since no other employer in Ontario is so compelled. Boards should be able to delegate or outsource this function.

**1 March 2018 (Submission to Standing Committee on Justice):**

- 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 all other employers in Ontario. AMO, OACP, ESSC and PAO all support this proposal. In collective agreement bargaining with the OPPA, the Provincial Government is represented by professional labour relations staff without 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.

**19 October 2018 & 16 November 2018:**

- Mandatory board training and performance standards
- Budget dispute resolution should consider the board's strategic plan, not just the least expensive policing alternative
- Continuation of grant monies in a manner that reflects government's progressive views on public safety