

July 30th, 2014

Honourable Yasir Naqvi
Minister of Community Safety and Correctional Services
George Drew Building, 18th Floor
25 Grosvenor Street
Toronto, ON
M7A 1Y6

Dear Minister Naqvi:

Re: Suspension Without Pay

The issue of suspension without pay is not a new one and there is a need across the country to address the issue. As such, in May of this year, the Ontario Association of Police Service Boards (OAPSB) passed the following resolution at its Annual General Meeting (AGM):

2014 – 04 **Therefore be it resolved** that OAPSB calls upon the Government of Ontario to amend the *Police Services Act* to allow for the suspension without pay of police officers in any of the following situations:

- police officers charged with serious Criminal Code of Canada, Controlled Drugs and Substances Act, and other federal offences not related to their performance of duty,
- police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a Police Officer, and
- police officers charged with serious Police Services Act violations where the Chief of Police will seek dismissal of the officer.

I am writing to seek your and the Liberal government's action in implementing such a process.

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Please find attached a copy of the full resolution with preamble and supplemental information presented to the voting delegates at our AGM. Do not hesitate to contact me or our Executive Director, Fred Kaustinen, should you require any additional information or wish to discuss this resolution further.

Thank you for your consideration of this request. I look forward to hearing from you on this matter.

Sincerely,



Ken East
President

c.c. Glenn Murray, Assistant Deputy Minister, MCSCS
Stephen Waldie, Director, External Relations Branch, MCSCS
Kate Richardson, Manager, Policing Standards Section, MCSCS

2014-04 Suspension Without Pay

From: Hamilton Police Services Board

Whereas the Police Services Act requires Chiefs of Police to maintain discipline within their respective organizations,

And whereas the public confidence in the delivery of police service is dependent upon maintaining the trust of the public that we serve,

And whereas maintaining that trust is dependent upon all police officers adhering to the highest standards of conduct which will enhance public confidence in policing,

And whereas we recognize and support that suspension with pay provisions are designed, in law, to protect our police officers while they are in the good faith performance of their duties,

And whereas we recognize that suspension with pay provisions were never intended to act as protection or to shield police officers from the consequences of serious criminal or Police Services Act misconduct not related to the performance of their duties,

And whereas the public have a reasonable expectation that a member of a police service who is unable to perform the duties for which they are appointed by virtue of the fact that they are suspended should not be paid for duties they are unable to perform,

And whereas the Ontario Association of Chiefs of Police, by way of approved Resolution 2007- 08 of June 27, 2007, called upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with serious Criminal Code of Canada, Controlled Drugs and Substance Act, and other federal offences not related to their performance of duty,

And whereas the Ontario Association of Chiefs of Police, by way of approved resolution 2007- 08 of June 27, 2007, called upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a police officer,

And whereas the Ontario Association of Chiefs of Police remain fully committed to Resolution 2007-08 of June 27, 2007,

And whereas the Ontario Association of Police Services Boards passed Resolution 2010-01 entitled 'Increased Chiefs of Police Discretion Regarding the Suspension of Officers Without Pay' and with this resolution fully supported the White Paper of the Ontario Association of Chiefs of Police regarding 'Suspension Without Pay In Policing' dated February 2010 by Resolution 2010-01,

And whereas the Hamilton Police Services Board on March 15, 2010 fully endorsed, and remain fully committed to, Resolution 2007-08 of June 27, 2007 from the Ontario Association of Chiefs of Police,

And whereas the Hamilton Police Services Board remains fully committed to Resolution 2010-01 of the Ontario Association of Police Services Boards,

Therefore be it resolved that OAPSB calls upon the Government of Ontario to amend the *Police Services Act* to allow for the suspension without pay of police officers in any of the following situations:

- police officers charged with serious Criminal Code of Canada, Controlled Drugs and Substances Act, and other federal offences not related to their performance of duty,
- police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a Police Officer, and
- police officers charged with serious Police Services Act violations where the Chief of Police will seek dismissal of the officer.

Supplementary Information:

At the 2010 AGM, the following resolution was adopted by the membership:

THEREFORE, BE IT RESOLVED that the Ontario Association of Police Services Boards (OAPSB) strongly supports the position taken by the Ontario Association of Chiefs of Police (OACP) in their White Paper entitled "Suspension Without Pay In Policing" dated February 2010; and further

THAT the OAPSB calls upon the Government of Ontario to introduce amendments to the *Police Services Act* to allow Chiefs of Police the discretion to suspend a Police Officer without pay when a Police Officer:

- a) is charged with a serious offence contrary to the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act* or other federal Act, that is not related to the performance of the Officer's duties, or
- b) is charged with an offence and is held in custody, or is charged with an offence and is subject to a judicial interim release order with such conditions that prevent the Officer from carrying out the duties of a Police Officer.

An OACP survey last year identified 129 police suspensions with pay in Ontario, ranging from Constable to Chief Superintendent. Half of the incidents occurred on duty; half off-duty. Two-thirds of the incidents involved criminal charges; one-third police act charges.

In 2012, the cost of wages for suspended officers was \$6.4M.

According to a Police Association of Ontario survey results: on average 2/3 of suspended officers are returned to duty, 1/3 are dismissed or resign.

Meanwhile, OAPSB is currently participating in talks with the OACP, PAO, TPA and OPPA. A joint proposal from the latter 3 (union) organizations is forthcoming.

Resolutions Committee Recommendation: **RECOMMENDED**

Conference Action: **APPROVED**