

# **Board Governance and the Role of the Police Services Board**

## **Greater Sudbury Police Services Board**

Glenn P. Christie, January 14, 2015

# Overview of the *Police Services Act*

The Statute:

Police Services Boards are created by statute

Members have the powers given by the legislature through the *Police Services Act* and any other applicable statute.

Individual members have no institutional authority of their own unless delegated

# Overview of the *Police Services Act*

Each Municipality is responsible for the provision of police services.

The *Police Services Act* and related regulations set the standards for police services and spell out who is responsible for police services and how they will operate.

# Overview of the *Police Services Act*

The Adequacy and Effectiveness of Police Service Regulation  
(Ont. Reg. 3/99):

Crime prevention

Law enforcement

Assistance to victims of crime

Public order maintenance

Emergency response

Municipality  Infrastructure

Vehicles

Boats

Buildings

Equipment

Communications (recently acquired new P25 system)

Supplies

# Overview of the *Police Services Act*

## Board limitations

Cannot direct any member except the Chief of Police

Cannot give direction about specific operational decision or day to day operations

The Chief is responsible for the administration of the Police Service in the context of Board policies

# The Guiding Principles:

Police services shall be provided throughout Ontario in accordance with the following principles:

1. The need to ensure the safety and security of all persons and property in Ontario.
2. The importance of safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Human Rights Code.

# The Guiding Principles:

3. The need for co-operation between the providers of police services and the communities they serve.
4. The importance of respect for victims of crime and understanding of their needs.
5. The need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society.

# The Guiding Principles:

6. The need to ensure that police forces are representative of the communities they serve.



# Responsibilities of the Board:

- 31(1) A Board is responsible for the provision of adequate and effective police services in the municipality and shall,
- (a) appoint the members of the municipal police force;
  - (b) generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality;

# Responsibilities of the Board:

- (c) establish policies for the effective management of the police force;
- (d) recruit and appoint the chief of police and any deputy chief of police, and annually determine their remuneration and working conditions, taking their submissions into account;
- (e) direct the chief of police and monitor their performance;

# Responsibilities of the Board:

- (f) establish policies respecting the disclosure by chiefs of police of personal information about individuals;
- (g) receive regular reports from the chief of police on disclosures and decisions made under section 49 (secondary activities);

# Responsibilities of the Board:

- (h) establish guidelines with respect to the indemnification of members of the police force for legal costs under section 50;
- (i) establish guidelines for dealing with complaints under Part V, subject to subsection (1.1);
- (ii) review the chief of police's administration of the complaints system under Part V and receive regular reports from the chief of police on their administration of the complaints system.

## Limitations of the Board:

31(4) The Board may give orders and directions to the chief of police, but not to other members of the police force, and no individual member of the Board shall give orders or directions to any member of the police force.

## Limitations of the Board:

31(5) The Board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force.

# The Board and Budgeting:

39. (1) The Board shall submit operating and capital estimates to the municipal council that will show, separately, the amounts that will be required,
- (a) to maintain the police force and provide it with equipment and facilities; and
  - (b) to pay the expenses of the Board's operation other than the remuneration of Board members.

# The Board and Budgeting:

- (2) The format of the estimates, the period that they cover, and the timetable for their submission shall be as determined by the council.
- (3) Upon reviewing the estimates, the council shall establish an overall budget for the Board for the purposes described in in clauses (1) (a) and (b) and, in doing so, the council is not bound to adopt the estimates submitted by the Board.



# The Board and Budgeting:

- (4) In establishing an overall budget for the Board, the council does not have the authority to approve or disapprove specific items in the estimates.

For example, council cannot direct the Board to reduce spending by \$35,000 by not replacing a police car.

Or, reducing the size of the Service. This would require a section 40.

# Reducing Police Service Size

## Ontario Civilian Police Commission:

(5) If the Board is not satisfied that the budget established for it by the council is sufficient to maintain an adequate number of police officers or other employees of the police force or to provide the police force with adequate equipment or facilities, the Board may request that the Commission determine the question and the Commission, shall, after a hearing, do so.

# Reducing Police Service Size

## Ontario Civilian Police Commission:

40(1) A Board may terminate the employment of a member of the police force for the purpose of abolishing the police force or reducing its size if the Commission consents and if the abolition or reduction does not contravene this Act.

(2) The Commission shall consent to the termination of the employment of a member of the police force under subsection (1) only if,

# Reducing Police Service Size

## Ontario Civilian Police Commission:

- (a) the member and the Board have made an agreement dealing with severance pay or agreed to submit the matter to arbitration; or
- (b) the Commission has made an order under subsection (3).

# Reducing Police Service Size

## Ontario Civilian Police Commission:

(3) If the member and the Board do not make an agreement dealing with severance pay and do not agree to submit the matter to arbitration, the Commission, if it is of the opinion that it would be appropriate to permit the abolition of the police force or the reduction of its size, may order the member and the Board to submit the matter to arbitration and may give any necessary directions in that connection.

# The Board and Council/The Board and Community:

"The Police Services Board is not subservient to a municipal council. The Board is independent from City Council."

Role of the Board to City Council

Role of the Board to the Community

"This is a significant and unqualified commitment imposing on Board members a responsibility to conduct themselves with the utmost circumspection and prudence and with the highest levels of honest and integrity."

"The role of a Board member is partly to de-escalate tensions related to policing."



**Thank you ..... Questions**

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