

# Police Services Board Orientation

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## INTRODUCTION

The legislated mandate and responsibilities of police services boards are set out in the Ontario *Police Services Act* (PSA) and regulations made under it including the Adequacy and Effectiveness of Police Services Regulation (O.Reg.3/99).

### Ministry of the Solicitor General

Section 3 of the PSA sets out statutory responsibilities of the Solicitor General and includes the following:

- monitor police forces to ensure that adequate and effective police services are provided at the municipal and provincial levels;
- monitor boards and police forces to ensure that they comply with prescribed standards of service;
- develop and promote programs to enhance professional police practices, standards and training;
- conduct a system of inspection and review of police forces across Ontario;
- assist in the coordination of police services;
- consult with and advise boards, community policing advisory committees, municipal chiefs of police, employers of special constables and associations on matters relating to police and police services;
- develop and maintain and manage programs and statistical records and conduct research studies in respect of police services and related matters;
- provide to boards, community policing advisory committees and municipal chiefs of police information and advice respecting the management and operation of police forces, techniques in handling special problems and other information calculated to assist;
- issue directives and guidelines respecting policy matters;
- develop and promote programs for community-oriented police services;
- operate the Ontario Police College.

## Operations Unit

The Operations Unit assists with the administration of the province's public appointments process including the preparation of briefs and Orders-in-Council for provincial appointees to police services boards. The approval and appointments processes for special constables and auxiliary members of police services and provincial offences officers are also administered by the Operations Unit. In addition to appointments, the Unit manages and markets the Constable Selection System: a bias-free, standardized, competency-based selection process for hiring police constables in Ontario.

A core responsibility for the Unit is supporting police services and boards in their delivery of adequate and effective policing. Police Services Advisors monitor local issues and board and police service activities regarding compliance with legislative and regulatory requirements. Information and advice is provided to boards and chiefs on a wide range of policing issues. Advisors also conduct inspections based on relevant legislation, regulations and guidelines contained within the Ministry's Policing Standards Manual.

The Advisors provide province-wide perspectives on emerging issues, and help boards and chiefs of police to identify and resolve problems. Advisors deliver training sessions across the province for police services board members regarding their roles and responsibilities under the PSA.

The Ministry promotes excellence in policing by supporting boards and police services in maintaining prescribed standards of service and stakeholder relationships.

## POLICE SERVICES BOARD RESPONSIBILITIES

### Overview

The PSA requires municipalities to provide adequate and effective policing services. Municipalities may maintain a municipal police service, work cooperatively with each other for the provision of police services, or contract with another municipality or the Ontario Provincial Police (OPP) for policing. Maintaining a police force or contracting with the OPP requires a police services board. The board responsibilities differ depending on service method. The following are some common responsibilities:

- hold at least four meetings each year;
- prepare a business plan at least once every three years;
- ensure that members undergo any training that the Solicitor General may provide or require;
- elect a chair at the first meeting in each year and may also elect a vice-chair; and
- compliance with the requirements of the code of conduct regulation (Ontario Reg. 421/97).

### Section 31 (Municipal Police Services Boards)

Where a municipality has established a police service, the police services board (a “section 31” board) is responsible for the provision of adequate and effective police services in a municipality. The board is also responsible to:

- appoint the members of the municipal police force;
- generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality;
- establish policies for the effective management of the police force;
- 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;
- direct the chief of police and monitor his or her performance;
- establish policies respecting the disclosure by chiefs of police of personal information about individuals;
- receive regular reports from the chief of police on disclosures and decisions made under section 49 (secondary activities);
- establish guidelines with respect to the indemnification of members of the police force for legal costs under section 50;
- establish guidelines for dealing with complaints under Part V (PSA);
- review the chief of police’s administration of the complaints system under Part V and receive regular reports from the chief of police on his or her administration of the complaints system; and
- manage labour relations as employer and engage in collective bargaining pursuant to Part VIII of the PSA.

Police services boards provide independent civilian oversight and governance. This includes establishing policies for the effective management of the police service within their jurisdiction. The delivery of policing pursuant to the policies and direction of the board for municipal police services is the responsibility of the chief of police.

Supporting provisions of the PSA for municipal police forces:

- s. 31(3) - Boards 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;
- s. 31(4) - Boards 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.
- s. 41(1)(a) - The duties of a chief of police include administering the police force and overseeing its operation in accordance with the objectives, priorities and policies established by the board.
- s. 41(2) - The chief of police reports to the board and shall obey its lawful orders and directions.

### **Chief of Police**

The chief of police is responsible for the administration and operation of the police service in accordance with the objectives, priorities and policies established by the board. This includes: establishing procedural direction consistent with policies established by the board; ensuring that members of the police service carry out their duties in accordance with the PSA and the regulations and in a manner that reflects the needs of the community; and administering the complaints system under the PSA.

## Section 10 (Ontario Provincial Police Contract locations)

Municipalities provided policing by the OPP by agreement must establish a police services board. The duties and responsibilities are primarily set out in PSA s.10. Section 10 boards advise the assigned OPP detachment commander with respect to police services in the municipality. They must also:

- participate in the selection of the detachment commander of the detachment assigned to the municipality or municipalities;
- generally, determine objectives and priorities for police services, after consultation with the detachment commander (or designate);
- establish, after consultation with the detachment commander (or designate), any local policies with respect to police services (but the board or joint board shall not establish provincial policies of the OPP with respect to police services);
- monitor the performance of the detachment commander;
- receive regular reports from the detachment commander (or designate) on disclosures and decisions made under section 49 (secondary activities); and
- review the detachment commander's administration of the complaints system under Part V (PSA) and receive regular reports from the detachment commander (or designate) on his or her administration of the complaints system.

### OPP Detachment Commander

The OPP detachment commander is the chief law enforcement officer for the municipality and administers the resources in accordance with the terms of the policing agreement. The agreement also establishes the reporting relationship between the detachment commander and the board. The agreement commits the detachment commander to respond appropriately to the board's objectives and priorities for police services and to report to the board regularly regarding the provision of police services in and for the municipality.

## OVERSIGHT

### Ontario Civilian Police Commission

The Ontario Civilian Police Commission (OCPC) is a quasi-judicial agency reporting to the Ministry of the Attorney General (MAG). The OCPC acts as an appeal body for members of the public and police officers regarding decisions made during the process of dealing with complaints about the conduct of police officers made by members of the public or a chief of police.

Also, the OCPC has the authority to hold hearings and investigate policing-related matters, including the conduct or performance of duties of police officers, chiefs of police and members of police services boards. Board members and chiefs of police are held accountable through the OCPC's use of its oversight authority, which includes the power to suspend or remove a chief of police, board member or an entire board or disband a police service and direct the OPP to provide policing.

In addition to its involvement in the public complaints process, the OCPC may investigate and inquire into the administration of a municipal police service, the manner in which policing services are provided and the policing needs of a municipality. The OCPC also decides disputes between municipal police services boards and municipal councils about annual police budgets and approves the disbandment or reduction of municipal police forces.

OCPC website: <https://slasto-tsapno.gov.on.ca/ocpc-ccop/en/>

### Special Investigations Unit

The Special Investigations Unit (SIU) is a civilian law enforcement agency under the jurisdiction of MAG with the responsibility to independently investigate circumstances involving police and civilians that result in death or serious injury, including allegations of sexual assault. The SIU has the authority to lay criminal charges where there are reasonable grounds to do so.

SIU website: <https://www.siu.on.ca/en/index.php>

### Office of the Independent Police Review Director

The Office of the Independent Police Review Director (OIPRD) is responsible for receiving, overseeing, conducting and monitoring investigations regarding all public complaints about the conduct of specific police officers, or the services or policies of a police force. Staffed entirely by civilians, the OIPRD is an agency of MAG. The Director's decisions are independent from the Ontario government, the police and the community. After reviewing an investigation of a public complaint, the OIPRD may direct a chief of police to conduct a police disciplinary hearing.

OIPRD website: <https://www.oiprd.on.ca/>



## LABOUR RELATIONS

### Ontario Police Arbitration Commission

Collective agreement disputes (not including the OPP) which are not resolved by bargaining or grievance may result in conciliation or arbitration administered by the Ontario Police Arbitration Commission (OPAC). OPAC is an independent agency operating at arms-length with MCSCS. Conciliation officers work with boards and associations to resolve or reduce the issues which may lead to arbitration. The conciliation process is not binding. Arbitrators perform a quasi-judicial role and are independent. Their decisions are binding. In addition, OPAC offers a voluntary Workplace Relationship Improvement Program which includes the provision of facilitators who work with boards and associations to identify and jointly agree to the problems affecting their relationship.

OPAC website: <http://policearbitration.on.ca/>

## Appendix A

### Operations Unit Contact Information

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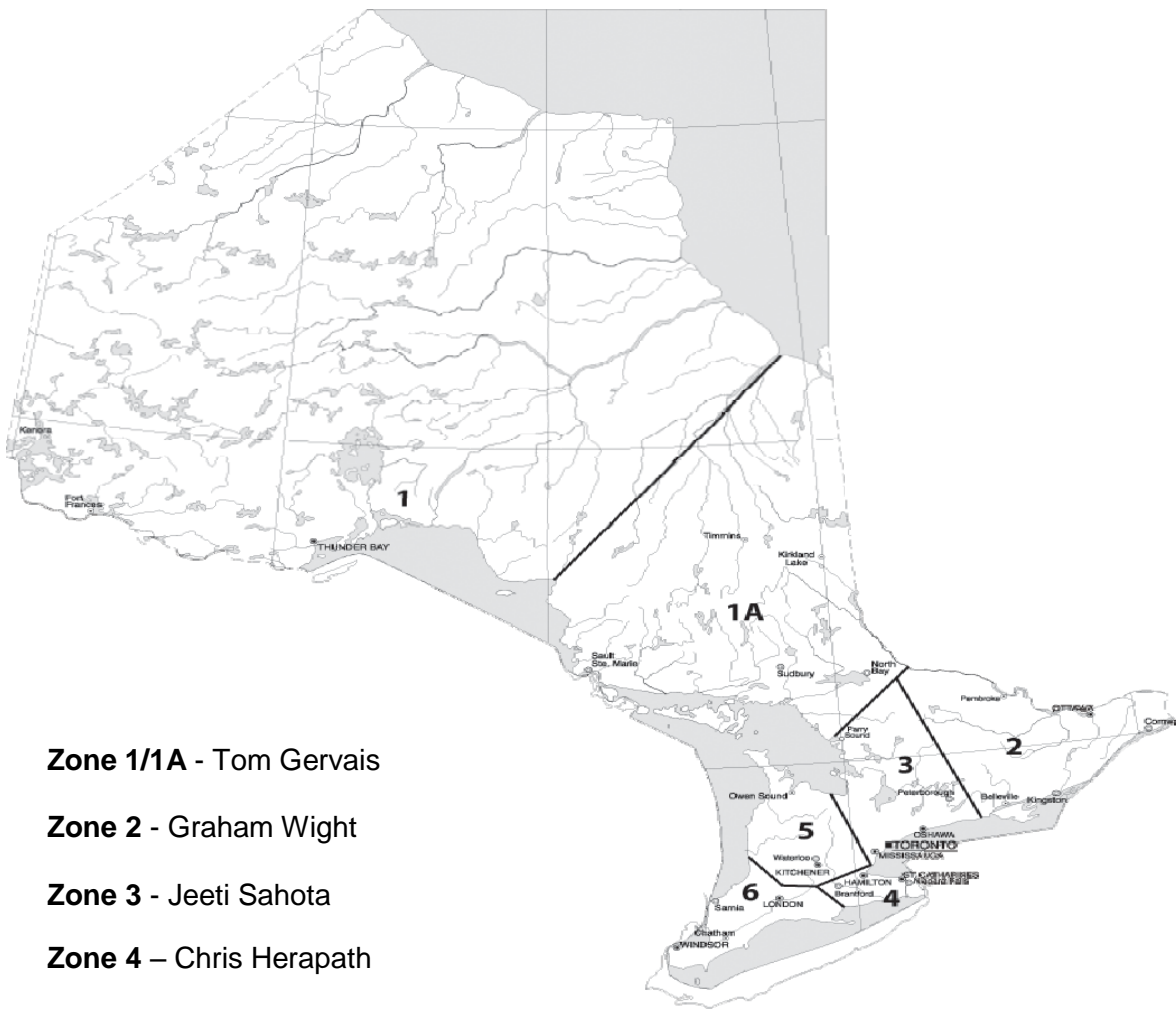
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## Appendix B

### Police Services Advisor Zone Assignments



Map reproduced with permission  
Ontario Association of Chiefs of Police

ZONE DESIGNATIONS

## Appendix C

### ONTARIO REGULATION 421/97 MEMBERS OF POLICE SERVICES BOARDS CODE OF CONDUCT

1. Board members shall attend and actively participate in all board meetings.
2. Board members shall not interfere with the police force's operational decisions and responsibilities or with the day-to-day operation of the police force, including the recruitment and promotion of police officers.
3. Board members shall undergo any training that may be provided or required for them by the Solicitor General.
4. Board members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public.
5. No board member shall purport to speak on behalf of the board unless he or she is authorized by the board to do so.
6. A board member who expresses disagreement with a decision of the board shall make it clear that he or she is expressing a personal opinion.
7. Board members shall discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law, as provided in their oath or affirmation of office.
8. Board members shall uphold the letter and spirit of the Code of Conduct set out in this Regulation and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.
9. Board members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the Human Rights Code and the Charter of Rights and Freedoms (Canada).
10. Board members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated.
11. Board members shall not use their office to obtain employment with the board or the police force for themselves or their family member. "Family member" means the parent, spouse or child of the person, as those terms are defined in section 1 of the Municipal Conflict of Interest Act.
12. A board member who applies for employment with the police force, including employment on contract or on fee for service, shall immediately resign from the board.
13. Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the board or the police force.

14. A board member whose conduct or performance is being investigated or inquired into by the Commission under section 25 of the Act or is the subject of a hearing before the Commission under that section shall decline to exercise his or her duties as a member of the board for the duration of the investigation or inquiry and hearing

If the application of the above results in a board not having enough members able to exercise their duties in order to constitute a quorum during an investigation, inquiry or hearing under section 25 of the Act, the chair of the Commission may appoint the number of persons necessary to constitute a quorum, who act in the place of the members who are unable to exercise their duties.

The chair of the Commission specifies in appointments that the appointee may only exercise such duties as are necessary for the effective operation of the board during the investigation, inquiry or hearing and, for such purpose, may specify the duties the appointee may or may not exercise.

The Commission chair must cancel an appointment as soon as a member of the board who declined to exercise his or her duties resumes exercising his or her duties or is replaced under subsection 25 (8) of the Act.

15. If the board determines that a board member has breached the code of conduct, the board shall record that determination in its minutes and may
- require the member to appear before the board and be reprimanded;
  - request that the Ministry of the Solicitor General conduct an investigation into the member's conduct; or
  - request that the Commission conduct an investigation into the member's conduct under section 25 of the Act.