

Report to / Rapport au:

Policy and Governance Committee
Comité des politiques et de la gouvernance

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Submitted by / Soumis par:
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SUBJECT: REVIEW OF BOARD RESOURCING REQUIREMENTS

OBJET: EXAMEN DES BESOINS EN DOTATION DE LA COMMISSION

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board's Policy and Governance Committee receive this item for information and discussion, as referred by the Human Resources Committee.

RECOMMANDATIONS DU RAPPORT

Que le Comité des politiques et de la gouvernance de la Commission de services policiers d'Ottawa prenne connaissance et discute de ce point, tel que renvoyé par le Comité des ressources humaines.

BACKGROUND

On March 28, 2022, the Ottawa Police Services Board (Board) requested that the Office of the Auditor General (OAG) consider conducting an audit of the Ottawa Police Service's (OPS) response to the convoy protest, including the Board's roles and responsibilities to handle major events and crisis management. The Auditor General accepted both requests on March 29, 2022.

On February 9, 2023, the OAG presented two reports at a special meeting of the Board:

- Audit of the Ottawa Police Service's Response to the Convoy Protest – The Role of the OPSB; and
- Audit of the Ottawa Police Service's Response to the Convoy Protest – Collaboration with the City

In the report that focused on the role of the Board, the OAG provided the Board with 11 recommendations.

Section 3.4 of the OAG's report spoke to the limited staff that currently supports the Board – namely its Executive Director and Board Assistant. The OAG audit identified that, *“a significant amount of the Executive Director's time is occupied with board administration/operational activities, and as a result, there is insufficient time to focus on strategic matters and related guidance to the Board. Due to the existing workload, it was noted that the Executive Director has been unable to consistently undertake strategic activities including community engagement and consultation and policy review and interpretation. This could result in ineffective strategic planning and decision-making.”*

Recommendation 11 of the OAG's report focused on “Board Staff” and recommended:

“The Board, in collaboration with the Executive Director, should review the resourcing requirements of the OPSB staff to ensure there is adequate resourcing to support the Board in the execution of their statutory responsibilities.”

In a public statement issued on February 9, 2023, the Board noted it was in agreement with all of the recommendations and had outlined concrete actions it would take, including specific timelines, to address each of the recommendations.

With respect to Recommendation 11, the Board agreed with the recommendation and committed to completing it by end of Q3 2023.

The Board noted that through its Human Resources Committee, and in collaboration with the Executive Director, it would further review the resourcing requirements of the Board to ensure there is adequate resourcing to support the Board in the execution of its statutory responsibilities. This would include conducting a needs assessment and reviewing the staffing complement at other large boards, such as the Toronto Police Services Board.

The Human Resources Committee has since met to discuss this report and has provided direction to the Executive Director to list this item as part of the next Policy and

Governance Committee meeting for further discussion, as resourcing is fundamental to how the Board carries out its governance and oversight functions.

The Human Resources Committee also directed that the Executive Director draft a short- and medium-term staffing plan to be brought to the Board for approval, as well as a temporary staffing plan to assist the Executive Director with existing capacity issues.

The Board had requested funding through the 2023 draft budget for an additional resource however a resourcing review has not yet taken place and no additional FTEs have been hired. Board staff are currently in discussions with staff in the City's Human Resources Department to explore temporary staffing solutions.

The Board's direction and support will be critical for the implementation of any changes to its resourcing requirements.

DISCUSSION

The Policy and Governance Committee is being asked to review this report, as referred by the Human Resources Committee.

While this review has been initiated as a result of the findings from the OAG's audit of the Ottawa Police Service's Response to the Convoy Protest, there are other factors which make this review particularly timely and necessary.

Missing and Missed, Report of The Independent Civilian Review into Missing Person Investigations, The Honourable Gloria J. Epstein, Independent Reviewer (April 2021)

The Board must ensure it has the necessary supports to discharge its statutory police governance and oversight responsibilities. These responsibilities are becoming increasingly significant and complex, as noted by Justice Gloria J. Epstein in her independent review of the Toronto Police Service's handling of missing person cases, "Missing and Missed." One of Judge Epstein's 151 recommendations centred around ensuring the Board is, "...allocated sufficient funding to ensure it can perform its extensive governance and oversight responsibilities under the Police Services Act and the new Community Safety and Policing Act, 2019." Judge Epstein went on to describe the ongoing public discussions around the role of the police and their relationship with the communities they serve, in light of the death of George Floyd and other highly publicized disturbing interactions with police in Canada and the United States. She noted these discussions were long overdue and have been dramatically heightened. She noted the Police Services Board being of critical importance in ensuring and overseeing needed changes arising from the movements in support of reallocating police responsibility.

Bill 68, Comprehensive Ontario Police Services Act, 2019

On March 26, 2019, the Province of Ontario passed Bill 68, the *Comprehensive Ontario Police Services Act, 2019*. Yet to be proclaimed into force, the new *Act* will impose greater responsibilities on police services boards, including but not limited, shifting the responsibility for annual reports from the Chief to the Board, as well as introducing more robust and transparent requirements around strategic planning and special constable appointments. A number of regulations are still being drafted which will provide further clarity on the impacts of the new *Act* on police services and boards however the Board can expect the new reporting and planning requirements to be labour intensive activities.

Current Staffing of the Board

The Board is currently staffed by a full-time Executive Director and a Board Assistant. The Board has not increased its staffing levels in well over 20 years.

The Executive Director is responsible for managing all business of the Board including: implementation of the Board's strategies and policies; assisting in identifying strategic priorities; developing and implementing annual work plans for the Board and its four committees; ensuring the Board meets its legislated responsibilities; managing the strategic communication functions and production of communication products; researching and developing policies, and preparing reports for the Board; providing strategic advice to the Board Chair in the management of all issues; providing advice and direction to Police staff with regard to the Board's requirements; providing continuity of expertise for Board Chairs and members; providing support for labour relations functions including collective bargaining; directing the administrative operations of the Board office; and serving as primary liaison between the Board and other parties.

The Executive Director also manages the financial and human resources of the Board and is accountable for hiring, performance management and discipline of staff as necessary.

The Executive Director (ED) is supported by a Board Assistant who provides administrative support to the ED and the members of the Board and is responsible for making meeting arrangements; preparing agendas, minutes, reports to Council and memoranda; attending Board meetings; serving as back-up recording clerk; liaising with board members, the public, the media, Police and City staff, Councillors' assistants; document management and retention; and office administrative duties.

Needs Assessment

As mentioned earlier in the report, the Board's responsibilities are becoming increasingly significant and complex, both as a result of evolving discussions around the role of the police and their relationship with the communities they serve, as well as pending legislative changes through the introduction of the new *Act*.

The Board has also expressed a desire to take on more proactive communication and community engagement/consultation; make better use of its committees; and ensure it has access to specialized expertise in areas such as policy. Business continuity is also a factor given the limited staffing of the Board.

The Board does not have sufficient supports in place to manage the increased volume and complexity of its workload. This was confirmed by the OAG who noted in her report with respect to Board staff, "*Due to the existing workload, it was noted that the Executive Director has been unable to consistently undertake strategic activities including community engagement and consultation and policy review and interpretation. This could result in ineffective strategic planning and decision-making.*"

The Board requires a level of professional support and expertise that is commensurate with its statutory police governance and oversight responsibilities. While the Board can and does leverage support from the Service in carrying out some of its responsibilities, an overreliance on the Service can compromise the Board's independence in carrying out its governance and oversight functions.

The Board will also want to be forward-thinking in creating a resourcing plan and may want to contemplate its desired end-state and the required steps to achieve it. This could include a multi-year resourcing plan that remains flexible in order to evolve and adjust with time.

While no formal tool exists at the City to perform a needs assessment with respect to staffing, some immediate potential gaps for the consideration of the Committee are:

Policy Creation, Review, and Interpretation

Under the *Police Services Act*, the Board is responsible for establishing policies for the effective management of the police service.

The Board could benefit from additional support in researching, analyzing and developing policies, as well as providing strategic policy advice for short and long-range planning.

This support would provide the Board with more capacity to be forward-looking and help proactively identify policy issues and gaps. This could include conducting ongoing jurisdictional scans and best practice analysis.

Further, the Board has fallen behind in its routine review of its policies. Additional support would ensure all existing policies remain current and applicable.

Communications and Community Engagement and Consultation

The Board is meant to represent community interests and in order to do so effectively, the Board must invest in ongoing communication, engagement and consultation activities with the public.

In June of 2021, the Board engaged a community engagement firm to assist it in rethinking how the Board could establish a more constructive dialogue with racialized communities to ensure all members of those communities feel heard, respected, supported and accepted. The firm's final report recommended two engagement streams – a consultation stream that could be used to ensure the Board is aware of public views on an issue that is on a Board agenda; and a deliberation stream that would create a Public Deliberation Roundtable (PDR) that could be used to engage with the public on the substance of more complex and emotionally charged issues. The PDR would be supported by a secretariat.

In reviewing the resourcing requirements of the Board, the Committee will want to reflect on the communication and engagement activities it wishes the Board to undertake.

The Board could benefit from increased and dedicated communications support to assist with the development and implementation of strategic communications programs for the Board and coordination of media relations. Additional support could also create capacity for more strategic management of stakeholder relationships, including consultative strategies and focused efforts on driving collaboration.

Business Continuity and Succession Planning

The Board requires sufficient supports in place to ensure it can continue to perform its critical functions in the event one of its employees is absent for a prolonged period of time, resigns, retires, etc. Additional resources would provide the Board with a potential talent pipeline of trained employees it could leverage.

Big 12 Police Boards

In the province of Ontario, the police boards of the largest municipal police services (known as the “Big 12”) consist of: Toronto, Peel, York, Ottawa, Durham, Waterloo, London, Halton, Niagara, Hamilton, Windsor, and Greater Sudbury. Ottawa represents the fourth largest police service among the comparators.

In keeping with the OAG's recommendation and the Board's action plan, a review of the staffing complement at the Big 12 police boards was completed, including the Toronto Police Services Board (TPSB).

The majority of Boards have a full-time staff complement of two, consisting generally of an Executive Director/Board Administrator and an Administrative/Board/Executive Assistant, similar to Ottawa. This includes York, London, Hamilton, Durham, Niagara, and Peel.

Sudbury, Waterloo and Windsor all have a staff of one with varying job titles including Board Administrator/Administrative Director/Executive Assistant.

In Halton, all of the Board's staff consist of consultants. Their Board is supported by a Chief Governance Officer and a Board Secretary and Strategic HR Advisor who are employees of the region. The Board also has a contract for a Media Consultant. On an as-needed basis, the Board will hire Policy Advisors or Legal Counsel.

Toronto has the most robust staffing complement of the Big 12. At the time of the release of the OAG's report, the Toronto Board had a staff of eight positions. Following their 2023 budget process, this increased to 10.5 positions. The positions at the Toronto Police Board include:

- Executive Director and Chief of Staff
- Board Administrator
- Senior Advisor, Strategic Policy and Stakeholder Relations
- Senior Advisor, Policy and Communications
- Senior Advisor, Strategic Analysis and Governance
- Analyst, Governance Quality Assurance (x2)
- Advisor, Indigenous Relations
- Executive Assistant to the Chair
- Executive Assistant to the Executive Director
- Administrative Assistant (part time)

A copy of the above job descriptions are on file with the Executive Director with the exception of the Analyst, Governance Quality Assurance (x2) and Advisor, Indigenous Relations, positions as these descriptions are still being developed.

While Toronto is the country's largest municipality with the largest municipal police service, as noted by the OAG when comparing the staffing complement to that of Ottawa:

"In stark contrast, the TPSB staff is supported by multiple advisors and administrative staff that assist their board in their work – a total of eight positions. While Toronto is a larger city than Ottawa, being the nation's capital, it is faced with many significant events and could require the same level of police services oversight as a city like Toronto." (emphasis added)

For the purposes of the Committee's resourcing review, a comparison with most other municipal boards in the Province is not overly helpful as the majority either have the same or a lower level of staffing. The oversight and governance responsibilities of police services boards do not change based on the size of the police service they govern or the population of the community they serve. Given that Ottawa is the Nation's Capital, and the fourth largest police service in the Province after Peel and York, the nature of the challenges faced by the Service and the Board are comparable to that of a municipality the size of Toronto.

Resourcing Options

In reviewing the resourcing requirements of the Board, the Committee needs to first assess where the Board needs further support in order to effectively perform its oversight and governance responsibilities.

For needs that are shorter term, have a limited timeframe, or are intermittent, the Committee may wish to consider whether ad hoc consultants or consultants on a retainer are preferable.

For longer term and ongoing needs, the Committee may wish to recommend permanent staffing solutions such as the addition of fulltime staff with specialized expertise.

Another option, as seen in Halton Region, may be to explore the possibility of leveraging further support and expertise at the municipality, through formalized agreements. This option would depend on the capacity of the City to enter into such a partnership with its existing resources and workload.

CONSULTATION

Board staff consulted with the Big 12 Police Services Boards in the Province.

Board staff also consulted with staff in Human Resources at the City of Ottawa.

FINANCIAL IMPLICATIONS

As part of the 2023 Board budget, \$125,000 of base funding was added to the Board's budget for the purposes of funding one additional FTE. This funding currently remains unspent though it is anticipated that part of the funding will be used in support of the Board's 2023 strategic planning process.

Depending on the recommended changes to resourcing requirements, the Board will need to allocate additional funding over and above the \$125,000 increase, for the purposes of funding additional FTEs in terms of salary and benefits or increasing its Professional Services budget in order to contract with service providers.

SUPPORTING DOCUMENTATION

Not applicable.

CONCLUSION

Following the release of the OAG's findings and recommendations pertaining to the OPS response to the convoy protest, the Human Resources Committee was tasked with undertaking a review of the resourcing requirements of the Board, in collaboration with the Executive Director. The purpose of the review is to ensure adequate resourcing to support the Board in the execution of its statutory responsibilities.

The Board does not have adequate resourcing in place to support it in discharging its statutory police governance and oversight responsibilities.

The Policy and Governance Committee is being asked to provide input on this report and its findings, in light of the Committee's mandate.

The Board's direction and support will be critical for the implementation of any changes to its resourcing requirements.