

Report to / Rapport au:

**POLICY AND GOVERNANCE COMMITTEE
COMITÉ DES POLITIQUES ET DE LA GOUVERNANCE**

5 December 2023 / 5 décembre 2023

Submitted by / Soumis par:

**Executive Director, Ottawa Police Services Board / Directrice exécutive,
Commission de services policiers d'Ottawa**

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**SUBJECT: UPDATED POLICY DRAFT: GA-16 DISSEMINATION OF
INFORMATION FROM CHAIR TO BOARD**

**OBJET: VERSION PROVISoire DE LA POLITIQUE MISE A JOUR: GA-16
COMMUNICATION DE L'INFORMATION PAR LA PRÉSIDENTE À LA
COMMISSION**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board's Policy and Governance Committee endorse the draft policy for approval by the Board.

RECOMMANDATIONS DU RAPPORT

Que le Comité des politiques et de la gouvernance de la Commission de services policiers d'Ottawa entérine la version provisoire de la politique pour approbation par la Commission.

BACKGROUND

In March of 2022, the Ottawa Police Services Board (Board) requested the assistance of the City's Auditor General in reviewing the response of the Ottawa Police Service to the convoy protest that took place in January and February 2022. The Auditor General accepted the request and in February 2023, delivered her reports to the Board, the Service, and the City, depicting key events and describing how all parties could improve from similar future events. The Board subsequently accepted her report and developed an action plan to address all eleven of the recommendations directed at the Board.

The final report, including the Board's action plan, is available [online](#).

One recommendation arising out of the Auditor General's (AG) review concerned the dissemination of information from the Chair to the Board (Recommendation 4).

In particular, the AG recommended:

"The Board should formalize, by written policy, its expectations related to dissemination of information by the Chair to the full Board. This should include the nature and extent of the information as well as the mechanism and timing of dissemination of that information." (p. 16 of the Audit of OPS' Response to the Convoy Protest – The Role of the Ottawa Police Services Board)

In response to the AG's recommendation, the Board committed to having its Policy and Governance Committee develop a new Board policy concerning expectations related to the dissemination of information by the Chair to the full Board, including the nature and extent of the information as well as the mechanism and timing of dissemination of that information. The Board also committed to undertaking a review of best practices of other boards of large police services as part of its policy development process.

At its meeting on October 5, 2023, the Policy and Governance Committee met and discussed the above recommendation, reviewing best practices of other large police services boards. The Committee learned that the only Board to have a policy related to communications and information sharing was the Toronto Police Services Board (TPSB). The Committee reviewed the TPSB policy and was generally supportive of the language and directed the Executive Director to prepare a draft policy and bring it forward to the Board for approval.

On October 23, a draft policy was presented to the Board for approval. The Board referred the policy back to the Policy and Governance Committee for further changes related to how Board members will determine when to share information and also to add additional sources that may provide information to the Board, such as legal counsel.

DISCUSSION

Attached as Document 1 is an update draft policy for review by the Committee which incorporates the feedback provided by the Board at its October 23 meeting. Any amendments made to the version presented on October 23 are highlighted.

The Committee is being asked to review the draft policy, suggest any further edits, and endorse the policy for approval by the Board.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

There are no financial implications.

SUPPORTING DOCUMENTATION

Document 1: Draft Policy: GA-16 COMMUNICATION AND INFORMATION SHARING
WITHIN THE BOARD

CONCLUSION

The Policy and Governance Committee is being asked to review the amended draft policy and endorse it for approval by the Board.

Table GA-16 – Policy Number GA-16 – Communication and Information Sharing within the Board

GA-16 COMMUNICATION AND INFORMATION SHARING WITHIN THE BOARD

LEGISLATIVE REFERENCE / AUTHORITY	<i>Police Services Act, R.S.O. 1990, c.P.15, as amended, s. 37</i> <i>Members of Police Services Boards – Code of Conduct, O. Reg. 421/97</i> <i>Audit of OPS' Response to the Convoy Protest – The Role of the Ottawa Police Services Board, Recommendation No. 4</i>
DATE APPROVED	Click here to enter text.
DATE REVIEWED	Click here to enter text.
DATES AMENDED	Click here to enter text.
DATE TO BE REVIEWED	Click here to enter text.
REPORTING REQUIREMENT	N/A

LEGISLATIVE REFERENCE / AUTHORITY

Section 37 of the *Police Services Act* stated that the board shall establish its own rules and procedures in performing its duties under the *Act*. This policy has been created to provide guidance to Board Members around expectations related to communications and information sharing within the Board, including the nature and extent of the information to be shared, as well as the mechanism and timing of dissemination of that information.

BOARD POLICY

INTRODUCTION

Board Members, which is defined as all Board Members, including the Chair and the Vice Chair, receive information from the Chief of Police through a variety of

mechanisms, including through formal reports at Board meetings. However, a substantial amount of communication occurs between individual Members of the Board and the Chief or other members of the Command through a number of informal methods, including impromptu meetings or discussions, *ad hoc* oral briefings at Board meetings, memoranda, telephone calls, or e-mails.

It is critical that any material information obtained by one Board Member that, in their judgment, is pertinent to the Board's consideration of matters before it, or likely to come before it, or that is related to a prior Board decision, or that is of public interest, is shared with the entire Board at the next available opportunity, so that the entire Board can discharge its governance and oversight responsibilities based on the same information.

GENERAL PRINCIPLES

It is, therefore, the policy of the Ottawa Police Services Board that:

1. A Board Member will share, at the earliest opportunity, material information that they receive through informal communication with the Chief, other members of the Executive Command or Service, **legal counsel, or any other relevant source of information**, that, in their judgment, is pertinent to the Board's consideration of matters before it, or likely to come before it, or that is related to a prior Board decision, or that is of public interest;
2. Such communication and information-sharing will be in the form of a formal Board report or briefing at the Board meeting following the receipt of such information;
3. Where the information received is, in the Board Member's judgment, related to an item of an urgent nature and should be considered before the date of the next regularly scheduled Board meeting, the Board Member in receipt of the information will consult with the Chair to determine whether a Special Board meeting should be called or the information can be provided to the full Board by some other means; in the case of the Chair receiving information related to an item of an urgent nature that should be considered before the date of the next regularly scheduled Board meeting, the Chair will consult with the Vice Chair and/or the Executive Director to determine how best to provide the information to the full Board;
4. **Board Members, when assessing information they have received to determine whether it reasonably ought to be shared in accordance with this policy, will use their best judgement; and,**
5. When the Board becomes aware that, in exercising **their** judgment, a Board Member did not communicate information that ought to have been provided to the full Board, the

Board will determine what the appropriate course of action should be, pursuant to *Ontario Regulation 421/97, Members of Police Services Boards – Code of Conduct.*