

Report to:

POLICY & GOVERNANCE COMMITTEE

25 March 2026

Submitted by:

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SUBJECT: POLICY ON THE USE OF BOARD RESOURCES FOR ELECTION PURPOSES

OBJET: POLITIQUE SUR L'UTILISATION DES RESSOURCES DE LA COMMISSION À DES FINS ÉLECTORALES

REPORT RECOMMENDATIONS

That the Ottawa Police Service Board's Policy and Governance Committee recommend that the Board approve the attached policy.

RECOMMANDATIONS DU RAPPORT

Que la Comité des politiques et de la gouvernance de la Commission de service de police d'Ottawa recommande l'approbation par la Commission de la politique ci-jointe.

BACKGROUND

Section 88.18 of the *Municipal Elections Act, 1996* (MEA) requires that local boards establish rules and procedures governing the use of their resources during the election campaign period before May 1 in a regular municipal election year. The Ottawa Police Service Board is a local board subject to that requirement. The 2026 municipal election is a regular election, and the formal Election Period commences May 1, 2026.

On March 12, 2026, the City of Ottawa's City Clerk issued a notice to local boards reminding them of their obligations under section 88.18 of the MEA and the deadline for establishing the required rules and procedures.

The Board last addressed this requirement in 2022, when it adopted a time-bound motion applying the City of Ottawa's EERP to the Board for the purposes of that election:

That the Ottawa Police Services Board approve that the City's Election-Related Resources Policy apply to the use of the Board's resources during the 2022 municipal election campaign period.

That approach fulfilled the minimum MEA requirement at the time.

DISCUSSION

Consideration of the City's Election-Related Resources Policy

The 2022 decision to adopt the City's ERRP was a reasonable interim measure given the time pressure, and the Board's own framing of it signals that it was understood as such. The motion adopted at the March 28, 2022 Board meeting applied the City's ERRP specifically to the 2022 municipal election campaign period. It did not adopt the ERRP as a permanent Board policy. The time-limited framing of the 2022 motion suggests that a more permanent policy framework remained to be built.

More fundamentally, it is unclear whether the City's ERRP may function as Board policy within the meaning of the *Community Safety and Policing Act, 2019* (CSPA), for two reasons. First, the ERRP is so heavily anchored in the Council context that a significant portion of its provisions have no analogue in the OPS environment. The Chief, faced with an ERRP adopted by Board motion, would lack a clear basis for determining which provisions are binding on the Service and which may be disregarded as inapplicable. A Board policy that places the Chief in that position may create interpretive risk where clarity is most needed. The second reason is the nature of the instrument itself. Under the CSPA, Board policy is an exercise of the Board's own statutory authority. A document authored by another institution for a different purpose, applied by the Board through a motion of adoption rather than enacted as the Board's own instrument, may not satisfy that

description. An analogy from the predecessor *Police Services Act* is instructive: Boards could not adopt Ministry of the Solicitor General policy templates by reference; the templates had no legal effect of their own, and Boards were required to enact policies that incorporated the relevant standards as genuine expressions of Board authority. Whether a borrowed instrument can constitute Board policy under the CSPA is, at minimum, an open question.

Even on the assumption that the ERRP's adoption could constitute valid Board policy, another difficulty remains. Board policy does not bind Service members. Individual officers are, indeed, not required to be aware of Board policies, and in practice most are not, unless their roles involve procedure development. What binds Service members is the Code of Conduct for Police Officers established by Ontario Regulation 407/23, which only requires officers to comply with the Chief's procedures. Board policy reaches Service members only indirectly, through the obligation it creates on the Chief to establish implementing procedures that give effect to the policy at the operational level. The consequence is that Board policy which does not require the Chief to establish implementing procedures cannot bind Service members at all. The ERRP contains no such requirement. It was not designed to create the cascading mechanism that is typical of Board policies under the CSPA.

The City's ERRP would also import resolution mechanisms that are directly incompatible with the CSPA framework. The ERRP assigns complaints administration to the City Clerk and references the Integrity Commissioner as an enforcement backstop. Neither the City Clerk nor the Integrity Commissioner has any authority over the Chief of Police or Service members.

Public trust in policing as a foundation for this policy

The Codes of Conduct for police officers and Board members, established respectively by Ontario Regulations 407/23 and 408/23, provide a normative foundation for this policy. Both instruments identify the same protected interest.

Section 10(1) of Ontario Regulation 407/23 provides that a police officer "shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing."

Section 3(1) of Ontario Regulation 408/23 imposes an equivalent obligation on Board members with respect to public trust in the Board and the Service it maintains.

These provisions name the interest at stake: public trust in the institution. In the Codes of Conduct, however, they are framed as individual conduct standards, i.e. obligations on officers and Board members in their personal capacity. The attached policy transposes that same normative standard to the institutional level, establishing obligations that ensure the Board and the Service, as institutions, do not act in ways that may undermine public trust in the context of elections where that risk is most acute.

Comparable police service board policies

The development of this policy was informed by a review of election period resource use policies adopted by police services boards across Ontario, including the Peel Police Services Board, York Regional Police Service Board, Durham Regional Police Service Board, Niagara Regional Police Service Board, and the Orangeville OPP Detachment Board. These policies collectively represent a thoughtful and evolving body of practice, and several of their provisions informed the attached policy directly.

The comparator policies share a common core: a rigorous restriction regime governing the use of Board and Service resources – facilities, equipment, staff time, infrastructure, and corporate identifiers – during the formal election campaign period. That core reflects the MEA framework and is well-established across the province.

Beyond the common core, several boards have gone further in ways that are worth acknowledging. The Niagara policy addresses the use of police service social media platforms, recognizing that institutional communications channels carry institutional credibility and that their use during an election period requires specific governance. The Peel policy addresses a subtler risk: that candidates may derive a public profile advantage simply by associating their image with that of the police service. It includes a specific prohibition on candidates publishing photographs of themselves with uniformed officers or Board members for use in campaign materials. The York policy addresses the concept of profiling, i.e. the concern that police communications, through the choices made about

whom to feature, how prominently, and in what context, can function to raise the public profile of an individual in ways that confer electoral advantage even when no campaign purpose is intended. These three boards recognized that the institutional integrity risk in an election year is not limited to the explicit use of resources for campaign purposes, but extends to the subtler ways in which policing institutions can lend their credibility to individuals seeking elected office.

The comparator policies also vary in scope. Some meet the minimum requirements of the MEA and apply only to municipal elections. Others reflect a broader recognition that the institutional integrity risks engaged by an election period are not unique to the municipal level, and extend their restrictions to provincial and federal elections. The attached policy takes the broader approach, on the basis that the risk of Board resources being used in ways that confer electoral advantage does not necessarily diminish because the election is provincial or federal rather than municipal.

Communications-related restrictions during an election year

All five comparator policies, however, apply from the commencement of the formal campaign period for the relevant election. In the context of a municipal election in Ontario, that period begins May 1. The pre-campaign window – the period in an election year before the formal campaign period commences – falls outside the scope of every existing Ontario police service board policy.

However, limiting the application of election-period governance to the formal campaign period may reflect a conception of electoral risk that no longer corresponds to electoral practice. Prospective candidates routinely declare their intention to seek office and begin cultivating public support well before the campaign period opens and before filing a nomination. The institutional integrity risk that this policy is designed to address – the perception that the Board or the Service has placed its credibility and resources at the service of a candidate – is engaged from the moment the political activity begins, not from the moment the law formally recognizes the individual as a candidate.

The attached policy responds to this reality through a split temporal scope.

The core restrictions governing the use of Board and Service resources – facilities, equipment, staff time, infrastructure – apply during the formal campaign period, consistent with the approach taken by comparable Ontario police services boards and with the MEA framework within which those restrictions operate. The rationale for that boundary is that the most acute resource-use risks are tied to campaign finance rules that apply during the formal campaign, where the use of resources by or on behalf of a candidate may engage contribution and spending restrictions under the MEA.

In the pre-campaign period, the risk that is more prominent is not primarily a resource-use risk but a communications risk: the risk that the Board or the Service, through their public communications, provide profile benefit to an individual who is building toward a candidacy before the formal campaign begins. That risk is addressed through the policy's communications and content provisions, which apply throughout the Election Year from January 1. Those provisions prohibit the Board and the Service from featuring an Elected Official or prospective candidate in their communications in a manner that could reasonably confer personal profile benefit.

The policy treats incumbent elected officials as prospective candidates for the purposes of its communications provisions throughout the election year. Incumbents may not declare an intention to seek re-election early but are nonetheless routinely perceived by the public and the media as likely candidates from the moment an election year begins. Recent municipal election cycles have demonstrated that media coverage of incumbents in an election year is frequently framed in electoral terms, reporting on their activities, public appearances, and policy positions through the lens of their anticipated candidacy regardless of any formal declaration. Incumbents may also engage in conduct that is functionally indistinguishable from campaigning.

The institutional integrity risk that arises when the Board or the Service features an incumbent in their communications during an election year is equivalent to the risk that arises with a declared candidate. Treating incumbents as prospective candidates ensures that the policy's communications provisions are not rendered ineffective by the timing of a declaration.

Institutional association

Section 4 of the policy addresses a risk that is specific to policing institutions. The police service commands a degree of public trust and institutional credibility that may make association with it politically valuable. A candidate who appears alongside uniformed officers or is publicly associated with a policing initiative may derive a profile benefit from that association. That benefit accrues regardless of the intent of the candidate, the Service, or the Board. From the public's perspective, the association is may be perceived as an endorsement.

To mitigate that risk, the policy prohibits the Board and the Service from lending their institutional presence, brand, or communications resources to any activity involving a candidate that could reasonably be perceived as conferring electoral advantage, while preserving the ability of the Board and the Service to discharge their legitimate governmental functions alongside elected officials where a genuine policing or governance purpose requires it.

The policy, indeed, recognizes that the Board and the Service operate in a intergovernmental environment in which participation alongside elected officials is often required by the nature of their institutional relationships and responsibilities, including police operations. Permitted exceptions cover participation required by a funding or contribution agreement and participation in public safety or policing announcements where Board or Service attendance is reasonably expected. In both cases, participation is limited to what is reasonably necessary to inform the public of the substance of the matter. Where a funding agreement requires donor recognition by the Board and Service, that obligation continues during the Election Period but may not go beyond what the terms of the agreement require.

In doing so, the policy aims to protect the Board and Service from perceived political pressure while preserving the substantive working relationships with partner institutions and the elected officials who lead them – relationships that should remain grounded in shared public safety objectives rather than electoral considerations.

Board members who are candidates

The policy includes a specific framework for Board members who are themselves candidates during an election year. Board members do not forfeit their governance responsibilities by seeking elected office, and the policy does not affect their ability to discharge them. A Board member who is a candidate retains the full exercise of their governance role, including attending meetings, participating in deliberations, and fulfilling their ceremonial duties, in their capacity as a member of the Board.

CONSULTATION

The development of this policy was informed by a comparative review of election period resource use policies adopted by the Peel Police Services Board, York Regional Police Services Board, Durham Regional Police Services Board, Niagara Regional Police Services Board, and the Orangeville OPP Detachment Board, and by a review of the City of Ottawa's Election-Related Resources Policy and the City Clerk's notice to local boards regarding the 2026 election dated March 12, 2026.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this policy.

CONCLUSION

The Board has a statutory obligation to establish rules and procedures governing the use of its resources during the election campaign period before May 1, 2026. The attached policy fulfills that obligation. It also addresses a risk that the existing legislative framework leaves unaddressed: the use of police communications resources to provide electoral profile benefit to elected officials before the formal Election Period begins. The policy is designed within the governance architecture of the CSPA, is consistent with the Code of Conduct for Police Service Board Members and for Police Officers, and establishes durable standards that will serve the Board across future elections without requiring reconsideration in each election year.

SUPPORTING DOCUMENTATION

Document 1 – Appendix A: Draft Policy AI-XX Use of Board Resources for Election Purposes