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April 4, 2016

The Honourable Yasir Naqvi, Minister of Community Safety and Correctional Services
Ministry of Community Safety and Correctional Services
George Drew Building, 25 Grosvenor Street, 18th Floor
Toronto, ON
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Dear Minister Naqvi:

Re: Police Services Act and Strategy for a Safer Ontario - Ministry Request for Feedback

Thank you for the opportunity to provide input to the anticipated amendments to the Ontario Police Services Act (PSA) and the Ministry's Strategy for a Safer Ontario. The following comments are informed by discussions within our board and attendance at one of the regional consultation sessions.

Comments with Respect to Amendments to the Police Services Act

Our comments with respect to the PSA are guided by the belief in a governance model in which the board hires the chief executive officer – the police chief – and confers upon the chief the powers to execute but also be accountable to the board for operational matters. Beyond this, we highlight three roles we believe are crucial for the board governing any organization, namely: (1) ensuring the organization has sufficient resources to achieve its goals, (2) providing advice and input into long-range planning and goal setting, and (3) monitoring operations to measure progress toward these goals. We comment on PSA sections related to the general matter of governance versus operations. We then address each of the three governance issues of interest.

Governance versus Operations and PSA Section 31

We ground our recommendations around the boundaries between governance and operational matters on the assumption that a police chief and those under her / his command possess the most relevant knowledge about the operations of the police service, what resources are required to meet the designated goals of the operation, and how and

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where those resources can and should be deployed on a daily basis. The role of boards should be to provide input to and approve plans prepared by the chief of police to meet the needs and expectations of the community. In that regard, our comments with respect to Section 31(1) are the following.

A board is responsible for the provision of adequate and effective police services in the municipality and shall:

- (a) Replace with: provide overall governance of the municipal police service and appoint members as recommended by the chief;
- (b) Replace with: approve the objectives, operating priorities and policies of the police services in the municipality;
- (c) Retain original wording: establish policies for the effective management of the police force;
- (d) Replace with: recruit and appoint the chief of police and approve any deputy chief, superintendent or inspector; and annually approve their remuneration and working conditions as so required;
- (e) Replace with: provide overall direction and guidance to chief of police and evaluate the overall performance of the police service
- (f) Delete, covered in (b)
- (g) Keep if necessary
- (h) Keep if necessary
- (i) Keep if necessary
- (j) Keep if necessary
- (k) Add: approve the operating and capital estimates provided to the board by the chief and submit these estimates to council per section 39(1)
- (l) Add: provide a comprehensive training program to new board members on the roles, responsibilities and requirements of the municipal police service;
- (m) Add: approve contracts as required;
- (n) Add: directly engage the public regarding community needs.

With respect to Section 31(3) we suggest replacing "the board may give orders and direction to the chief of police...." with "the board shall provide overall direction to the chief of police..."

With respect to Section 31(5) we suggest replacing "...undergo any training..." with "the board shall ensure that its members undergo all training that the board and/or Solicitor General may require within one year of assuming their seat on the board. We ask that the Ministry itself provide these training programs to ensure their consistency across the province, and in a format that allows all board members to complete them on-line and / or via web cast, to ensure the timely training of board members regardless of their location in the province or the timing of their appointment.

Adequate Resources and PSA Section 39

We would emphasize that the role of all police service board members is to act in the best interests of the community by approving budgets they believe are required to provide adequate services to the community and then submitting this budget request to the appropriate municipal council. In this regard, Section 39 (3) states:

Upon reviewing the estimates, the council shall establish an overall budget for the board for the purposes described in clauses (1) (a) and (b) and in doing so, the council is not bound to adopt the estimates submitted by the board.

We do not have issue with the above section, however, based on the assumption these budgets are prepared by police services in good faith, with considerable justification, and in the detail required by council, we request that council offer the same consideration to the police service should the amount awarded be other than the amount requested. To this end we suggest the following addition to Section 39.

If council chooses to adopt an amount that it is different from the board's estimates, then council must provide to the board in writing the reasons why it has adopted a different amount.

Long-Range Planning, Monitoring Operations and PSA Section 41

Roles for the board and police chief with respect to the development, approval and monitoring of annual goals and objectives can be covered under Section 41(1) and the duties of the chief of police. We suggest the following additions.

The duties of a chief of police include,

Add (e) establishing and submitting to the board an annual business plan that should include:

- a review of past success and areas of improvement, including appropriate outcome measures;
- a summary of emerging trends in public safety, in general and at the local level;
- a summary of emerging threats/risks to the public, in general and at the local level;
- a list of objectives, strategies and tactics;
- all personnel and equipment requirements;
- all operating and capital estimates for submission to council;
- all expected outcomes;

and implementing such plan upon its approval by the board.

(With respect to the above addition, we note the responsibility of the local police board to determine the length of a longer term business plan of which the annual planning document becomes a part.)

Add (f) recruiting and retaining the roles of deputy chiefs, superintendents and inspectors and recommend the appointment of all members to the board.

Add (g) conducting contract negotiations on behalf of the board and recommending their approval.

As an additional comment, we see two levels at which the police service should be accountable with respect to outcomes achieved. The first, as captured in the above suggestions for Section 41 (1), is the need to measure outcomes related to the goals established in local business plans. These goals and outcomes may be different from the goals established for other police services. Second, is the need for all services to identify and engage in best practice. This can only be achieved by measuring their effectiveness and efficiency in the context of and in comparison to peer police services. We believe future measures should be established at the provincial (if not the federal) level to allow for such benchmarking and sharing of best practice. In this regard, we would encourage the Ministry to support research to identify the most appropriate measures and to then coordinate or fund the sharing of data among police services.

Comments with Respect to Strategies for a Safer Ontario

Many topics were covered at these consultations and we provided our input at that time. We comment here on two areas where we believe the Ministry needs to reframe the questions being asked.

Policing and Vulnerable Persons

The complex nature of issues faced by police services related to vulnerable persons, such as the escalating number and complexity of mental health calls for service, deserves two comments. First, questions at the consultations seemed to infer these issues are policing issues. They are not. Police should be partners in finding solutions. These issues must be addressed by cross-jurisdictional collaboration at the level of the province and the local community. In keeping with the belief that police should not own these issues, our local police administration has worked tirelessly with the local LHIN and other agencies to find solutions that triage calls for service to the most appropriate health care provider. Second, on this and similar issues, we echo the calls by those who attended the regional consultation for the Ministry of CSCS to work with other provincial ministries on such complex issues.

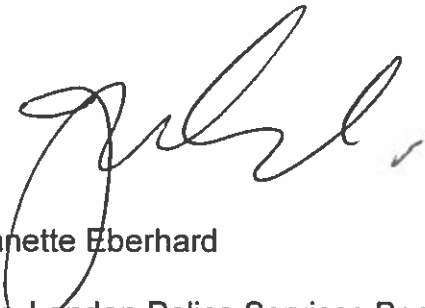
Civilianization of Police Duties

With respect to civilianization of tasks and the topic of special constables we have the following comments. We would ask the Ministry to consider the purpose for considering alternatives to fully trained, uniformed officers. If it is just for cost saving, the pay equity issues might arise. It should be for reasons of providing better service or having someone with more appropriate training in the job. We give the example of more appropriately skilled civilian crime analysts as one fitting the criteria of the best training for the job.

We continue this logic by suggesting the need to consider the other criteria that should be used to identify positions where we do not need a uniformed officer. We suggest the need to consider risk of harm, the need for use of force training and access to the full range of methods it implies, and the potential need and ability of the attending personnel to invoke the full authorities of a sworn police officer. Further, we need to consider who gets to make this assessment and whether this should be left to the province (through the PSA) or the local police service. On this latter point, and if we turn the above question around, we might ask what - if anything - in the PSA restricts the local police service from considering this issue around risk and making these choices. If nothing, let them make local decisions. If they are inappropriately restricted but capable of making these choices, then make the appropriate amendments.

Again, we thank you for the opportunity to submit these comments and look forward to participating in the ongoing discussion on these matters.

Regards,



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