

**Report to / Rapport au:**

**OTTAWA POLICE SERVICES BOARD  
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

**23 April 2018 / 23 avril 2018**

**Submitted by / Soumis par:  
Executive Director, Ottawa Police Services Board / Directrice exécutive,  
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**SUBJECT: REVIEW OF BOARD POLICIES**

**OBJET: EXAMEN DES POLITIQUES DE LA COMMISSION**

### **REPORT RECOMMENDATIONS**

**That the Ottawa Police Services Board approve the amendments to policies contained in this report as endorsed by the Policy and Governance Committee.**

### **RECOMMANDATIONS DU RAPPORT**

**Insert French**

### **BACKGROUND**

Under the *Police Services Act*, police services boards are charged with ensuring the delivery of adequate and effective police services through providing governance and oversight to the Ottawa Police Service. To assist in fulfilling these responsibilities, the Ottawa Police Services Board maintains a Policy Manual with over 100 policies divided into the following four chapters:

1. Governance and Administration
2. Board / Chief Linkages
3. Chief's Requirements

#### 4. Ministry Policing Standards and Regulations.

Each policy has a routine review date associated with it; the Board's general practice is that, unless otherwise stated, policies are to be reviewed every three years to ensure they remain current and relevant. In 2018, three policies in Chapter 1, the majority of policies in Chapter 3, and four confidential Ministry policies were due for review. This report contains the results of that review, as well as a list of all policies reviewed (see Document 1). The changes to confidential Ministry policies are contained in a separate report that will be discussed in-camera.

In addition, the Board's Chapter 1 policy on Legal Indemnification GA-15 has also been amended following an arbitration award from William Kaplan. The amended policy has been included in this report for the Board's information.

Going forward and as approved by the Board at its monthly meeting on February 27, 2017, the Board will be staggering its policy review schedule as follows:

- Chapter 1: 2020
- Chapters 2 and 3: 2021
- Chapter 4: 2022.

This schedule pertains to the routine review and does not preclude amendments being made as required should it be necessary as a result of changing legislation or updates the Board may identify. The pending changes to the Province's Police Services Act will also necessitate further revisions to the Board's policies.

#### **DISCUSSION**

Existing policies can be amended for a number of reasons such as: new or amended legislation; aligning policies with actual practice; consistency; and administrative or housekeeping updates. Of the policies reviewed, most are still current and fulfilling the objectives they were designed to meet. However, amendments are proposed for the policies noted in the chart below, which also contains the rationale for the proposed changes. The policies with the amendments illustrated are attached as Document 2.

<b>Policy</b>	<b>Recommended Amendments</b> <i>(new wording is bolded)</i>
GA-3 Board Training	Under "Other Learning Opportunities", add <b>8. Those Board members with the most time and experience on the Board will endeavour to help mentor new Board</b>

	<p><b>members.</b></p> <p><u>Rationale:</u> As part of the 2017 Board Performance Review, a recommendation was made to update the Board’s Training Policy to ensure opportunities for mentorship are reflected.</p>
CR-1 Positive Workplace	<p>Remove “as amended by Bill 168” from 4<sup>th</sup> bullet in legislative reference/authority section.</p> <p><u>Rationale:</u> Bill 168 has come into force and changes have been enacted therefore are no longer in the form of a Bill.</p>
CR-6 Public Consultation	<p>Correct numbering under 5.1.</p> <p><u>Rationale:</u> Current numbering currently skips a bullet.</p>
CR-7 Workforce Management	<p>Change “Tenure Program” to “<b>Sworn Transfer Selection Program</b>” throughout.</p> <p><u>Rationale:</u> A new sworn transfer selection program was put in place in 2017.</p>
CR-8 The Acceptance of Donations, Gifts, Loans and Sponsorships	<p>Update reporting requirement to read, “<b>To be included in Annual Financial Report</b>”.</p> <p><u>Rationale:</u> Change reflects current practice.</p>
CR-11 Official Languages – Police Service	<p>In the paragraph that follows bullet 5, change “Staffing Policy” to “<b>Workforce Management Policy</b>”</p> <p><u>Rationale:</u> Change reflects current name of policy.</p>
CR-13 Workplace Violence and Harassment Prevention	<p>There are substantial amendments to this policy. Rather than reproduce them in this chart the entire amended policy is attached in Document 2 and changes are highlighted.</p> <p><u>Rationale:</u> Bill 168 has come into force and changes have been enacted (i.e., proposed changes no longer in Bill form). Remaining changes reflect current legislation resulting from Bill 132.</p>
GA-15: Legal Indemnification	<p>There are substantial amendments to this policy. Rather than reproduce them in this chart the entire amended policy is attached in Document 2. As the tracked revisions are not easy to read, the attached amended policy does not show the tracked revisions; the revisions are incorporated into the</p>

	document.  <u>Rationale:</u> On November 1, 2017, the Board proceeded to an arbitration hearing with the Ottawa Police Association regarding the application of the sworn officer collective agreement's indemnification language. The arbitrator, William Kaplan, included in his award changes to the Board's Policy on Legal Indemnification.
Confidential Ministry Policies	To be discussed in-camera.

### **CONSULTATION**

The policies identified in the table above were reviewed by the Board's Executive Director and OPS staff.

### **FINANCIAL IMPLICATIONS**

There is no cost associated with the review of the Board policies.

### **SUPPORTING DOCUMENTATION**

Document 1 – List of policies scheduled for review in 2018.

Document 2 – Policies with proposed amendments.

### **CONCLUSION**

The Ottawa Police Services Board maintains a comprehensive set of policies to assist it in providing effective governance and oversight for the Ottawa Police Service. Such policies are necessary to successfully fulfill the Board's legislative responsibilities in providing adequate and effective police services in the City of Ottawa. The Board has committed to regular review of its policies to ensure they remain relevant and up-to-date. This review of policies addressed in this report will ensure the Board's policies remain current.

## Document 1

## OTTAWA POLICE SERVICES BOARD POLICY MANUAL: POLICIES DUE FOR REVIEW IN 2018

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### CHAPTER 1: GOVERNANCE & ADMINISTRATION

GA-3	BOARD TRAINING
GA-10	ACTING APPOINTMENTS FOR SENIOR EXECUTIVE POSITIONS
GA-14	ACCESSIBILITY POLICY (ALSO UNDER CR-14)

### CHAPTER 3: CHIEF'S REQUIREMENTS

CR-1	POSITIVE WORKPLACE
CR-2	FINANCIAL PLANNING AND OPERATIONS
CR-4	ASSET MANAGEMENT
CR-5	COMMUNICATION AND COUNSEL TO THE BOARD
CR-6	PUBLIC CONSULTATION
CR-7	WORKFORCE MANAGEMENT
CR-8	THE ACCEPTANCE OF DONATIONS, GIFTS, LOANS AND SPONSORSHIPS
CR-10	PUBLIC REWARDS
CR-11	OFFICIAL LANGUAGES – POLICE SERVICE
CR-13	WORKPLACE VIOLENCE & HARRASSMENT PREVENTION
CR-14	ACCESSIBILITY POLICY (ALSO UNDER GA-14)
CR-15	OCCUPATIONAL HEALTH AND SAFETY

### **Confidential Ministry Policies**

**Document 2**

Table 1 – Policy Number: GA-3 – Board Training

<b>GA-3 BOARD TRAINING</b>	
LEGISLATIVE REFERENCE / AUTHORITY	<i>Police Services Act</i> , section 31(5) <i>Accessibility for Ontarians with Disabilities Act</i> , S.O. 2005 and Integrated Accessibility Standards Regulation, O. Reg. 413-12
DATE APPROVED	27 February 2006, 26 October 2015
DATE REVIEWED	2007, 2010, 2012, 2013, 2015, 2016
DATES AMENDED	24 September 2007, 01 November 2010, 22 October 2012, 28 October 2013, 26 October 2015, 25 January 2016
DATE TO BE REVIEWED	2018
REPORTING REQUIREMENT	Annual Report to Board

**LEGISLATIVE REFERENCE / AUTHORITY**

Section 31(5) of the *Police Services Act* requires the Police Services Board to ensure that its members undergo any training that the Solicitor General may provide or require.

The Integrated Accessibility Standards Regulation (IASR), O. Reg. 413-12 enacted under the *Accessibility for Ontarians with Disabilities Act*, S.O. 2005, requires all persons who deal with the public on behalf of the Ottawa Police Services Board or who are involved in Board policy development to receive training on accessibility standards as set out in the IASR.

The Ottawa Police Services Board recognizes the importance of pursuing excellence in governance through an ongoing commitment to training, education and development, and has adopted this policy to formalize training and ongoing learning requirements for its members.

**BOARD POLICY**

**REQUIRED TRAINING**

1. Each member of the Ottawa Police Services Board during his or her first year of appointment is required to attend:
  - a) Any training sessions provided or required by the Ontario Ministry of Community Safety & Correctional Services.
  - b) Any orientation sessions for new members provided by the Chief of Police, Board Executive Director and Board Solicitor
2. Within the first two years of being appointed to the Board, each member is encouraged to attend the annual conferences of both of the following organizations at least once:
  - a) Ontario Association of Police Services Boards (OAPSB)
  - b) Canadian Association of Police Governance (CAPG).
3. The Board shall be represented by at least one member at each of the following:
  - a) meetings of OAPSB Zone 2 boards;
  - b) annual OAPSB conferences;
  - c) annual CAPG conferences;
  - d) meetings of Ontario large boards ("Big 12").
4. Each member of the Board must complete training on the AODA and Integrated Accessibility Standards Regulation as outlined in the training program of the City of Ottawa.
5. Each member of the Board shall complete the online training modules on the Ontario Association of Police Services Boards website.

***Other Learning Opportunities***

6. Having satisfied the requirements set out in 1 and 2 above, and provided sufficient funds remain in the annual budget, board members are encouraged to attend other learning opportunities related to governance or policing such as those offered by (but not limited to):
  - a) the Canadian Police College
  - b) the Police Association of Ontario
  - c) the Ontario Association of Chiefs of Police
  - d) the Canadian Association of Chiefs of Police

- e) the Canadian Police Association
  - f) the Canadian Association of Civilian Oversight of Law Enforcement.
7. When learning opportunities outside of the City of Ottawa are offered by webinar as well as by attendance in person, members are encouraged to participate by webinar.
  8. Those Board members with the most time and experience on the Board will endeavour to help mentor new Board members.

#### **BOARD TRAINING AS A WHOLE**

9. Board training as a whole will take place through inviting guest speakers to make presentations or deliver workshops on issues pertinent to board governance, board responsibilities or emerging trends in policing, with an emphasis placed on issues of a strategic nature.

#### **ANNUAL REPORTING**

10. Individual Board member training and Board training as a whole will be reported on as part of an annual report on Board Activity, Training and Performance in the first quarter of each year.



Table 2 – Policy Number: CR-1 – Policy Name: Positive Workplace

<b>CR-1 POSITIVE WORKPLACE</b>	
LEGISLATIVE REFERENCE / AUTHORITY	<i>Police Services Act</i> , sections 31(1)(c) and 41(1)(b) Ministry Standard AI-003 <i>Occupational Health and Safety Act</i> , R.S.O. 1990, c. O.1
DATE APPROVED	June 1999, 25 October 2015
DATE REVIEWED	2007, 2009, 2012, 2015
DATES AMENDED	24 September 2007, 22 June 2009, 22 October 2012, 26 October 2015
DATE TO BE REVIEWED	2018
REPORTING REQUIREMENT	Annual compliance reporting

#### **LEGISLATIVE REFERENCE / AUTHORITY**

- Section 31(1)(c) of the *Police Services Act* states that a board shall establish policies for the effective management of the police force. This policy provides direction with regard to creating and maintaining a positive work environment for members of the Ottawa Police Service.
- *Section 41(1)(b) of the Police Services Act addresses Duties of the Chief of Police in relation to maintaining discipline.*
- Ministry Standard AI-003 – Equal Opportunity, Discrimination and Workplace Harassment (see Board Policy AI-003 in Chapter 4).
- The Ontario *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, **as amended by Bill 168** (see Board Policies CR-13: Workplace Violence & Harassment and CR-15: Occupational Health & Safety)

#### **BOARD POLICY**

It is the goal of the Ottawa Police Services Board to ensure a positive workplace that exemplifies the organization's vision, mission and values. In this workplace members can expect an environment that promotes and offers:

- a) Personal and professional support
- b) Equal and accessible treatment
- c) Valuing the contribution of members
- d) A safe and healthy environment
- e) High ethical and professional standards
- f) Diversity and non-discrimination.

### **POLICY REQUIREMENTS**

The Chief shall ensure that there are procedures or practices in place that contribute to a positive workplace, specifically in the areas of:

- 1. Respectful workplace
- 2. Outreach and diversity
- 3. Salary and benefit administration
- 4. Performance management
- 5. Recognition of meritorious service, community service, long service and valour
- 6. Absence management and support
- 7. Discipline
- 8. Health and Safety
- 9. Collective Agreement Administration.

### **MONITORING REQUIREMENTS**

During each business cycle, the Chief shall:

- 1. Assess the effectiveness of the Police Service's Respectful Workplace Program.
- 2. Conduct a compliance audit for salary and benefits and a review of working conditions of any sworn officers, civilian members or any individual staff member, including him or herself, to ensure consistency with the appropriate contract as negotiated and signed by the Board.
- 3. Assess the effectiveness of the Performance Review Program.

### **REPORTING REQUIREMENTS**

- 1. On an annual basis, the Chief of Police shall:
  - a) Provide a summary of usage and outcomes of the Respectful Workplace

Program.

- b) Report the compliance rate and other outcomes of the Performance Review Program.
- c) Report the number of complaints filed by members with the Ontario Human Rights Commission.

Table 3 – Policy Number: CR-6 – Policy Name: Public Consultation

<b>CR-6 PUBLIC CONSULTATION</b>	
LEGISLATIVE REFERENCE / AUTHORITY	N/A
DATE APPROVED	24 November 1997, 26 October 2015
DATE REVIEWED	2008, 2009, 2012, 2015
DATES AMENDED	28 April 2008, 22 June 2009, 22 October 2012, 26 October 2015
DATE TO BE REVIEWED	2018
REPORTING REQUIREMENT	Annual compliance reporting

## **BOARD POLICY**

### **1. INTRODUCTION**

The Ottawa Police Services Board recognizes the importance of well conceived external communications and consultation in promoting public understanding of Ottawa Police policies, programs and services, and providing the Board and Service with a critical insight into public attitudes and expectations. It values public consultation as a means to address the expectations of the citizens of Ottawa, and to achieve improved policies, programs and initiatives in serving the public. The Ottawa Police Services Board is committed to ensuring that administrative and policy processes are open and accessible, respectful of the public's right to be involved, and responsive to the public need for information and feedback.

This policy provides direction to the Chief of Police and a framework for a process of engagement with the public in order to solicit their views as an integrated part of the decision-making process at the Ottawa Police Service.

The Public Consultation policy supports the Police Service's vision statement and is fundamental to acquiring public trust, understanding and support for the actions of the Police Service and Police Services Board.

### **2. GOALS**

The goals of the Board's Public Consultation policy are:

- a) To provide an opportunity to every citizen who wishes to be heard on issues

within the Board's jurisdiction.

- b) To recognize citizens as a source of information and education for decision-making.
- c) To provide the public with sufficient and comprehensible information about the Service's mandate, services and programs.
- d) To provide a timely and comprehensive response to public requests for information.
- e) To address the impacts of Police Service decisions on the community.
- f) To ensure the Police Service is kept informed about public opinion and community aspirations.
- g) To develop and maintain a trusting, positive, cooperative relationship between the Police Service and its citizens.
- h) To improve the quality of Police Service decisions and actions.

### 3. **BENEFITS**

The benefits of public consultation include:

- a) Being responsive to the community's right to know and to be involved, as well as the Police Services Board's obligation to make decisions on behalf of the community;
- b) Recognizing the value of the opinions and expertise offered by members of the public;
- c) Acknowledging public sensitivity to change in the community and its desire to participate effectively in policy and program development processes;
- d) Ensuring information and knowledge is shared with and/or received from the public;
- e) Providing opportunities to build consensus around issues or changes; and
- f) Encouraging active public promotion regarding implementation of Police Service initiatives.

### 4. **PRINCIPLES**

The Chief of Police shall ensure that the following general practices and principles are adopted throughout the organization:

- a) A climate is created in which public consultation is utilized as a management

function;

- b) Consultation and communications planning is integrated within the overall organization and strategic planning;
- c) Cooperation and liaison exists between consultation staff and communication staff both within the Service and with other partners and outside agencies;
- d) The consultation process involves the right level of accountability and participants for the consultation process;
- e) An environment is fostered that encourages and values feedback to and from individuals, the public and employees by communicating the results of consultation to interested participants.

## 5. POLICY REQUIREMENTS

The Chief of Police shall ensure that the following principles and practices are included in organizational activities and processes:

### 5.1. Values that Support Public Consultation

The following values that support public consultation are fostered and in place throughout the Police Service:

- a) *Consultation is instilled as a way of organizational life* - the Service will consult the community as a normal part of its work.
- b) *Consultation occurs early in the process* - consultation is much more fruitful and less demanding of resources when it occurs early in the process.
- c) *Two-way communication* - communication with the public not only flows both ways, but also can be initiated by either side. The Service should consult the community, and the community should consult the Service.
- d) *Uniqueness is recognized* - each problem and situation is unique. The Service should be innovative, flexible, and sensitive to local conditions, all of which require close contact with both the affected community and community at large.
- e) *Multi-faceted input is sought* - by considering each problem from many points of view, the Service is more likely to achieve a preferred solution.
- f) *Community leadership is recognized as valuable* - community leaders are a valuable resource to the Service.

- g) *The Service knows the community* - be familiar with the community, their concerns, their goals, their strengths and their needs.
- h) *The importance of continuity is recognized* - the Service should recognize that change may disrupt the lives of its citizens. Change may be viewed negatively when it:
  - does not serve the needs of those experiencing the change;
  - occurs without time to adjust;
  - is not preceded by opportunities for consultation; or
  - seems to create impacts and benefits which are not fairly distributed.

## 5.2. Process Considerations

The process for consultation shall be undertaken as a matter of practice. In circumstances where it is not possible, a clear and justifiable reason shall be presented. The following considerations related to the process for consultation will be practiced by members of the Ottawa Police Service:

- a) The Service must routinely assess its activities, the impact of those activities on the citizens and the need for public consultation, and identify early in the process which issues require public consultation. Due to the diversity and complexity of activities undertaken by the Ottawa Police Service, the requirement for public consultation is not always clear. Not all activities in the day-to-day operation or administrative functioning of the Service require public consultation.
- b) The Service is frequently a partner or participant with other governments and agencies for joint projects. In these instances, the Service does not always have the authority to determine the process for public consultation. The Police Service will encourage and promote implementation of a public consultation process as a key component of any project/activity along with needs and approaches utilized by others, but a decision not to embrace a public consultation approach by the lead organization will not preclude the Police Service from participating in projects/activities.
- c) Consultation should be considered for every project that has a direct impact on the public and consideration given to the most effective and appropriate method of consultation. There is no single method for successful communication and consultation. Consultation may be as simple as informing people of a proposed change, or it may take the form

of an informal discussion, or a formal event such as an open house or public meeting.

### 5.3. Required Actions

- a) Reports to the Police Services Board must contain information on what consultation took place and how the staff recommendation reflects or does not reflect the input received;
- b) Staff required to conduct and manage effective consultation receive adequate resources, training and professional development;
- c) Consultation requirements are developed and reflected in employee assessments, and in policy, program design and service delivery;
- d) A training module is adopted by the Professional Development Centre;
- e) A process to ensure the ability to create a network to consult with potentially affected stakeholders (parties, entities). Public consultation literature is acquired and made accessible through a range of media (electronic and hard copy) and at all main police locations;
- f) Periodic evaluations of the results of the consultation process are conducted to ensure they reflect client needs;
- g) Evaluation of past consultations and establishment of best practices are done to achieve continuous service improvements; and
- h) This policy shall be communicated to all members of the Ottawa Police Service and the community regularly and in an ongoing manner through channels such as the Internet.

### **MONITORING REQUIREMENTS**

The police service shall develop procedures or practices that support this policy. The monitoring shall be in accordance with the procedures and practices, and support the annual reporting to the police services board.

### **REPORTING REQUIREMENTS**

The Chief of Police shall submit an annual report to the Board.



Table 4 – Policy Number: CR-7 – Policy Name: Workforce Management

<b>CR-7 WORKFORCE MANAGEMENT</b>	
LEGISLATIVE REFERENCE / AUTHORITY	<i>Police Services Act</i> section 31(1)(c); Ministry Standard AI-001
DATE APPROVED	June 1999
DATE REVIEWED	2007, 2009, 2012, 2015
DATES AMENDED	24 September 2007, 22 June 2009
DATE TO BE REVIEWED	2018
REPORTING REQUIREMENT	Annual compliance reporting

#### **LEGISLATIVE REFERENCE / AUTHORITY**

Section 31(1)(c) of the *Police Services Act* states that a board shall establish policies for the effective management of the police force. This policy provides direction with regard to managing the workforce within the Ottawa Police Service.

Ministry Standard AI-001 – Framework for Business Planning, includes a requirement for the Chief to carry out Resource Planning. The requirements of the Board's corresponding Policy AI-001 should be taken into consideration in fulfilling this policy on Workforce Management.

#### **BOARD POLICY**

It is the goal of the Ottawa Police Services Board that the workforce of the Service be managed in a manner that meets the operational requirements set out in the Board's Business Plan.

#### **POLICY REQUIREMENTS**

The Chief shall have in place:

- a) a learning plan
- b) a recruiting plan and process
- c) promotional processes
- d) transfer processes
- e) a job competition process

- f) a sworn transfer selection program
- g) a succession plan (non-executive)
- h) staffing practices that seek to have the Ottawa Police Service become over time, representative of the community.<sup>1</sup>
- i) A procedure or practice that ensures no appointments are made to any level of the organization, and in particular to the Senior Officer level, without giving preference to those applicants of equivalent competency and proven performance who in addition to being fully competent in English have achieved a reasonable level of fluency in French. *\*For discussion\**

### **MONITORING REQUIREMENTS**

Within each cycle of the Business Plan, the Chief of Police shall:

1. Review the effectiveness of the workforce management efforts in meeting operational needs;
2. Review the effectiveness of and adherence to the Sworn Transfer Selection Program and procedures;
3. Review the effectiveness of the promotion processes in meeting policy objectives;
4. Review the effectiveness of recruiting and hiring efforts specifically noting status, gender, visible minorities, and other categories representing diversity.

### **REPORTING REQUIREMENTS**

The Chief of Police shall provide:

1. A quarterly report on workforce management;
2. An annual report on the Sworn Transfer Selection Program;
3. An annual report on the status of the Succession Plan (non-Executive);
4. An annual report on promotion processes in meeting policy objectives.

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<sup>1</sup> Principle 6 of Section 1 of the *Police Services Act*.

Table 5 – Policy Number: CR-8 – Policy Name: The Acceptance of Donations, Gifts, Loans and Sponsorships

<b>CR-8</b>	<b>THE ACCEPTANCE OF DONATIONS, GIFTS, LOANS AND SPONSORSHIPS</b>
LEGISLATIVE REFERENCE / AUTHORITY	<i>Police Services Act</i> section 31(1)(c)
DATE APPROVED	23 October 2000
DATE REVIEWED	2007, 2009, 2010, 2012, 2015
DATES AMENDED	24 September 2007, 22 June 2009, 01 November 2010
DATE TO BE REVIEWED	2018
REPORTING REQUIREMENT	To be included in <b>Annual Financial Report</b>

#### **LEGISLATIVE REFERENCE / AUTHORITY**

Section 31(1)(c) of the *Police Services Act* states that a board shall establish policies for the effective management of the police force. This policy provides direction with regard to the acceptance of donations, gifts, loans and sponsorships by the Ottawa Police Service.

#### **DEFINITIONS**

**Donation or Gift** – the act of giving or bestowing an asset that becomes irrevocable upon acceptance by the recipient. A donation or gift becomes an asset of the donee and comprises a one-time transaction.

**Loan** - the temporary use of an asset which reverts back to the owner after a specific period of time.

**Sponsorship** - a person or organization that pays for, in part or in total, a program or activity. Sponsorship helps reduce the cost of an activity over a period of time and infers a relationship between the recipient organization and the police.

## **BOARD POLICY**

The Chief shall ensure that any donation, loan or sponsorship accepted by the Police Service is beneficial to the community as a whole and is handled in a transparent manner.

Accordingly, the Chief shall ensure that:

1. Any donation, loan or sponsorship accepted by the Service supports the objectives and priorities of the Police Services Board and will provide a direct benefit to the community in the form of improved police service, without causing Police Service priorities to be affected thereby.
2. The acceptance of any donation, gift, loan or sponsorship must not compromise or bring into question police impartiality or objectivity. In particular, except for rewards, offers of donations, gifts, loans or sponsorships for the purpose of assisting with criminal investigations are not to be accepted.
3. The donation, gift, loan or sponsorship is without conditions as to its use or preference to the donor.
4. A procedure is in place that: makes it clear that members of the Service must be, and must be perceived to be, impartial and objective in the performance of their duties; that outlines the parameters within which gifts may be accepted by members; and the administrative procedures to be followed.
5. No donation, gift, loan or sponsorship valued at more than \$50,000 is to be accepted without the express permission of the Board.
6. All donations, gifts, loans and sponsorships valued at over \$500 that are received by the Police Service or any of its members will be reported to the Board as part of the quarterly financial status report.
7. All donations, gifts, loans or sponsorships valued at over \$50 must be properly documented, including at least the source of the gift, its nature and its size or significance.
8. A procedure is established for the monitoring and approval of any activities undertaken on behalf of the police service where a special occasion permit or gaming licence will be acquired from the Alcohol and Gaming Commission of Ontario.

## **MONITORING REQUIREMENTS**

In the third year of the business cycle, the Chief shall provide a report on the effectiveness of this Policy by outlining the funds received, scope and nature of them, benefit to the community and public perception.

### **REPORTING REQUIREMENTS**

The Chief shall ensure that each **annual financial report** outlines the donations, gifts, loans or sponsorships received in that financial period valued at over \$500. If there were no donations, gifts, loans or sponsorships this should be reported.

Table 6 – Policy Number: CR-11 – Policy Name: Official Languages – Police Service

<b>CR-11 OFFICIAL LANGUAGES – POLICE SERVICE</b>	
LEGISLATIVE REFERENCE / AUTHORITY	<i>Police Services Act</i> section 31(1)(c)
DATE APPROVED	19 January 2009
DATE REVIEWED	2009, 2012, 2015
DATE AMENDED	22 JUNE 2009
DATE TO BE REVIEWED	2018
REPORTING REQUIREMENT	Annual compliance reporting

### **LEGISLATIVE REFERENCE / AUTHORITY**

Under Section 31(1)(c) of the *Police Services Act* the Board is responsible for the provision of adequate and effective police services in the municipality and shall establish policies for the effective management of the police force. This policy addresses the provision of services in both of Canada's official languages by the Ottawa Police Service.

### **BOARD POLICY**

### **INTRODUCTION**

The Ottawa Police Services Board recognizes Canada's two official languages, English and French, and is committed to ensuring that it and the Ottawa Police Service provide services to the public in the official language of their choice. The Board has adopted this policy to clearly articulate its awareness of the importance for the Ottawa Police Service to provide services in both of Canada's official languages, and to ensure the Chief has appropriate policies in place.

### **CHIEF'S POLICY REQUIREMENTS**

It is the policy of the Ottawa Police Services Board that the Chief of Police shall ensure there is an internal procedure in place that addresses the use of both of Canada's official languages by the Police Service and its members. At a minimum, the procedure shall include the following:

1. Service to the public will be available in both English and French at all times at

Headquarters and all divisional stations operated by the Ottawa Police Service.

2. While the working language of the operations of the Ottawa Police Service shall be English, a workplace will be maintained that is respectful and supportive of individuals and their language of choice.
3. Instructions for communicating with external parties in both official languages in the following formats:
  - a. verbal communications
  - b. written communications (including email)
  - c. telephone / voicemail
  - d. media releases
  - e. signage
  - f. forms used by the public
  - g. publications
  - h. website
  - i. other electronic communications.
4. Written communications (including email) directed to the Mayor and all members of Council collectively as a group shall be in both official languages.
5. Consideration for maintaining and enhancing organizational bilingual capability will be incorporated into the Service's human resource practices, including recruitment and availability of language training.

In addition to the policy requirements outlined above, in accordance with the Board's **Workforce Management Policy** #CR-7 no appointments may be made to any level of the organization, and in particular to the Senior Officer level, without giving preference to those applicants of equivalent competency and proven performance who in addition to being fully competent in English have achieved a reasonable level of fluency in French.

#### **MONITORING REQUIREMENTS**

During each business cycle, the Chief of Police shall assess the effectiveness of the Service's Official Languages procedures and this policy.

#### **REPORTING REQUIREMENTS**

1. On an annual basis, the Chief of Police shall report on:

- a. The approach and processes taken to ensure bilingual materials and products provided by the Police Service.
  - b. The number of complaints received about service in each of the official languages.
  - c. The number of bilingual members promoted.
2. Every business cycle, the Chief of Police shall report on the number of Police Service members who are bilingual.



Table 7 – Policy Number: CR-13 – Policy Name: Workplace Violence and Harassment Prevention

<b>CR-13 WORKPLACE VIOLENCE AND HARASSMENT PREVENTION</b>	
LEGISLATIVE REFERENCE / AUTHORITY	<p><u>Authorities:</u></p> <ul style="list-style-type: none"> <li>▪ Ontario <i>Occupational Health and Safety Act</i></li> <li>▪ Ontario <i>Police Services Act</i>, Regulation 123/98, Ministry Standard AI-003</li> <li>▪ Ontario Human Rights Code</li> </ul> <p><u>References:</u></p> <ul style="list-style-type: none"> <li>▪ <i>Municipal Freedom of Information and Protection of Privacy Act</i></li> <li>▪ Board Policy CR-1: Positive Workplace</li> <li>▪ Board Policy AI-003: Equal Opportunity, Discrimination and Workplace Harassment Prevention</li> </ul>
DATE APPROVED	31 May 2010, 26 October 2015
DATE REVIEWED	2012, 2015
DATE AMENDED	26 November 2012, 26 October 2015
DATE TO BE REVIEWED	2018
REPORTING REQUIREMENT	Annual reporting

**LEGISLATIVE REFERENCE / AUTHORITY**

- **The *Occupational Health and Safety Act* outlines expectations for protecting workers from violence and harassment in the workplace.** ~~became law in December 2009, with an implementation date of 15 June 2010. The Bill made legislative amendments to the *Occupational Health and Safety Act* to further protect workers from violence and harassment in the workplace.~~
- Ontario Ministry of Community Safety and Correctional Services Standard AI-003 – Equal Opportunity, Discrimination and Workplace Harassment Prevention, requires procedures on responding to and preventing discrimination and

harassment in the workplace. (See Board Policy AI-003 in Chapter 4 of Board Policy Manual.)

- Subsection 5(2) of the Ontario *Human Rights Code* states, “Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability.”
- Subsection 7(2) of the Ontario *Human Rights Code* states, “Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee.”
- Any management response to allegations related to this policy against sworn members of the police service must adhere to the procedural requirements of Part V of the *Police Services Act*, and to Regulation 123/98.

## BOARD POLICY

### PURPOSE

The Ottawa Police Services Board is committed to providing a safe and healthy work environment for its employees and for the members of the Ottawa Police Service, and is committed to the prevention of workplace harassment and violence. The Board recognizes that unwanted behaviours in the workplace must be addressed early to minimize the potential for workplace harassment and/or workplace violence. Workplace violence and harassment are serious conduct matters that may constitute a violation of Canada’s *Criminal Code*, the *Ontario Human Rights Code* or the *Occupational Health and Safety Act*.

This policy was created to provide direction to the Board and to the Chief of Police to ensure continued compliance with Ontario’s *Human Rights Code* and *Occupational Health and Safety Act*, as amended by Bill 168.

### DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

1. **Workplace Harassment** as prescribed by the *Ontario Occupational Health and Safety Act* means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. Workplace harassment may be, but is not limited to, an action or behaviour related to prohibited grounds of discrimination under the *Ontario Human Rights Code*. **A reasonable action taken by an employer or supervisor relating to**

the management and direction of workers or the workplace is not workplace harassment.

2. **Workplace Sexual Harassment** means:

- (i) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- (ii) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

3. **Workplace Violence** means:

- (i) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- (ii) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- (iii) A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

4. **Prohibited Grounds** under the *Ontario Human Rights Code* are: race, creed, colour, ancestry, place of origin, ethnic origin, language or dialect spoken, citizenship, sex, sexual orientation, age, marital status, family status, physical or mental disability.

5. **Member** means all employees of the Ottawa Police Service including temporary, contract, part-time staff and volunteers.

6. **Workplace** means any and all locations where business or social activities of the Police Service are conducted, including external training facilities such as the Ontario Police College.

A. WORKPLACE VIOLENCE AND HARASSMENT PREVENTION POLICY

The Chief of Police shall:

- 1. Take all reasonable steps to protect members from workplace harassment or violence.

2. Develop and implement a written workplace violence and workplace harassment prevention policy and shall review the policy annually.
3. Ensure that the policy is posted in a conspicuous place in the workplace.
4. Ensure that the members of the organization are educated with respect to the policy.
5. Ensure that the right to refuse work is subject to section 43(1) and 43(2)(a) of the Ontario *Occupational Health and Safety Act*, which stipulates that anyone employed in a police service cannot assert the right to refuse work when the particular job or task is: inherent in the employee's work; is a normal condition of the member's employment; or when a refusal to work would directly endanger the life, health or safety of another person.

B. WORKPLACE VIOLENCE AND HARASSMENT PREVENTION PROGRAM

The Chief of Police shall:

1. Develop and maintain a program to implement the policy with respect to workplace violence and harassment prevention as prescribed by law and shall:
  - i. Include measures and procedures for workers to report incidents or workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser;
  - ii. Set out how incidents or complaints of workplace harassment will be investigated and dealt with;
  - iii. Set out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law;
  - iv. Set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation; and
  - v. Include any prescribed elements.
2. Provide members with appropriate information and training on the contents of the workplace violence and harassment prevention policy and program.

3. Ensure that members with supervisory responsibilities are held accountable for promoting and implementing available health and safety programs, for complying with the *Occupational Health and Safety Act*, and for ensuring that workplaces under their supervision are maintained in a healthy and safe condition.
4. Ensure, with respect to protection of members from workplace harassment, that:
  - i. an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances.
  - ii. the member who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a member of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

#### C. WORKPLACE VIOLENCE – ASSESSMENT OF RISKS

The Chief of Police shall:

1. Ensure that a workplace violence risk assessment is undertaken. This assessment shall consider the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.
2. Ensure that the results of the workplace violence risk assessment are provided to the Joint Occupational Health and Safety Committee.
3. Reassess the risks of workplace violence as often as is necessary, and at a minimum on an annual basis, to ensure that the related policy and program continue to protect workers from workplace violence.

#### D. DOMESTIC VIOLENCE

The Chief of Police shall take every precaution reasonable in the circumstances for the protection of a member if a person in authority becomes aware, or ought reasonably to be aware, of domestic violence that would likely expose a worker to physical injury that may occur in the workplace.

#### E. DISCLOSURE OF PERSONAL INFORMATION

The Chief of Police shall ensure that the disclosure of personal information related to a risk of workplace violence takes into consideration the requirements of both

the *Occupational Health and Safety Act* and the *Municipal Freedom and Protection of Privacy Act*.

### **MONITORING REQUIREMENTS**

The Chief of Police shall:

1. On an annual basis, review the Police Service's workplace violence and harassment prevention policy.
2. On no less than an annual basis, re-assess the risks of workplace violence to ensure that the related policy and program continue to protect workers from workplace violence.
3. During each business cycle, assess the effectiveness of the Police Service's Workplace Violence and Harassment Prevention Program.

### **REPORTING REQUIREMENTS**

1. On an annual basis, the Chief of Police shall report on the effectiveness of the Police Service's Workplace Violence and Harassment Prevention Program as part of the annual report on Board Policy CR-1 on Positive Workplace.
2. Any incidents where a person is killed, critically injured, or disabled from performing his or her usual work because of workplace violence shall be reported to the Joint Health and Safety Committee, a Health and Safety representative, and the applicable police association.

Table 15 – Policy Number: GA-15 – Policy Name: Legal Indemnification

<b>GA-15      LEGAL INDEMNIFICATION</b>	
LEGISLATIVE AUTHORITY / REFERENCE	<i>Police Services Act</i> sections 31(1)(h), 50 Collective Agreements
DATE APPROVED	24 June 2013
DATE AMENDED	1 November 2017
DATE TO BE REVIEWED	2020
REPORTING REQUIREMENT	As prescribed in the Reporting section of the policy

**LEGISLATIVE AUTHORITY / REFERENCES**

- Section 31(1)(h) of the *Police Services Act* states that a board shall establish guidelines with respect to the indemnification of members of the police force for legal costs under section 50 of the *Police Services Act*. This is applicable for the section of the policy on Auxiliary Volunteers and individuals not subject to a collective agreement.
  - Ottawa Police Association Collective Agreement (Police Personnel), article 26
  - Ottawa Police Association Collective Agreement (Civilian Personnel), article 28
  - Ottawa Police Senior Officers Association Collective Agreement, article 18.

**BOARD POLICY****PURPOSE**

In accordance with the *Police Services Act* and/or collective agreements between the Ottawa Police Services Board (“the Board”) and bargaining units representing members of the Ottawa Police Service (“the Service”), the Board approves the retention of legal counsel from time to time, to represent members of the Service in various matters. The Board is also responsible for approving and paying legal accounts submitted by members of the Service for necessary and reasonable costs incurred as a result of legal indemnification, as set out in the Uniform, Civilian or Senior Officers Collective Agreements for employees of the Service.

This policy establishes administrative procedures to be followed when requests for legal indemnification and payment of legal accounts are submitted for approval by members of the Service.

### **RESTRICTION**

Nothing in this policy is intended to contravene the provisions of any applicable collective agreement.

### **APPLICATION**

This policy applies to requests for legal indemnification and payment of legal accounts submitted to the Board pursuant to the Uniform, Civilian or Senior Officers Collective Agreements, as well as requests submitted by Auxiliary Volunteers of the Service.

In accordance with this policy in the case of Auxiliary Volunteers and the Uniform, Civilian or Senior Officers Collective Agreements for employees of the Service, the Board will provide legal representation through the Board Solicitor for an auxiliary volunteer or member of the Service who is a defendant in a civil or administrative claim for damages arising out of the attempted performance, in good faith, of his/her duties, unless it would result in a conflict of interest for the same legal representative to represent both the Board and the member. In such cases, the member will be required to retain his/her own legal representation, which will be subject to indemnification as per the applicable collective agreement.

Where the auxiliary volunteer or member is charged with a criminal or statutory offence arising out of his/her good faith performance of their duties with the Service, this policy will apply in addition to the applicable collective agreement provision for legal indemnification.

Reimbursement of legal costs for a member required to retain his/her own legal counsel will be determined in accordance with the applicable collective agreement and this policy.

### **POLICY REQUIREMENTS**

It is the policy of the Ottawa Police Services Board that the following procedures shall be followed with regard to legal indemnification. In the case of a dispute, the dispute resolution mechanism in the applicable collective agreement will apply (not applicable for auxiliary members).

#### **A. INDEMNIFICATION OF MEMBERS OF THE OTTAWA POLICE SERVICE**

1. Uniform and Civilian Members of the Ottawa Police Service may be entitled to legal indemnification in accordance with their respective Collective



Agreement. Such indemnification is subject to the conditions set out in the applicable agreement.

2. The following process for approval of legal indemnification will apply:

Step 1. In accordance with the applicable collective agreement, the employee seeking legal indemnification will apply to the Board for approval to retain counsel and approval of counsel to be retained within thirty (30) days of being charged or receiving notice of other legal proceedings covered by their collective agreement. The Board will require, in writing, the name of counsel(s), their contact information, and hourly rates. The Board will not pay for the difference between the hourly rate of a lawyer when the retainer is approved and any subsequent change in his or her hourly rate. The hourly rate at the time of approval will apply for the duration of the retainer.

Step 2. The Board will advise the applicant whether the application for legal indemnification and counsel has been approved. Upon approval of the application for legal indemnification, the Board will send the attached letter to counsel retained to make clear its expectations with respect to billing practices and necessary and reasonable costs.

Step 3. Once legal indemnification and counsel has been approved, the Board will require:

- a) Summary billing updates upon receipt of legal bills. Interim accounts should not be rendered until the amount of the fees and disbursements incurred totals \$2,500.00. Notwithstanding the foregoing, accounts should be rendered prior to December 31<sup>st</sup> of each year.
- b) A final statement of account for payment (upon conclusion of the matter), addressed to the Board Chair, which includes the following information:
  - i. the name of the matter
  - ii. the date the task was performed
  - iii. by whom the task was performed (if initials are used, the full name should appear elsewhere on the account)
  - iv. his or her hourly rate
  - v. the time spent for each task (by tenths of an hour, for example)
  - vi. a detailed description of the work performed specific enough to allow a person unfamiliar with the file to determine the function performed and its necessity. It is understood that the member is

the client and the Board is not seeking any information that would violate solicitor/client privilege.

- vii. a detailed itemization of disbursements
- viii. the cumulative total of fees and disbursements on the file to date.

Accounts rendered to the Board that do not include all the required information will not be paid and clarification will be sought from the association or employee or individual, where appropriate. It is understood that the member is the client and the Board is not seeking information that would violate solicitor-client privilege, however, the Board requires sufficient information upon which to base its approval of legal accounts submitted to it for approval.

3. After approval of legal accounts, the Board will make its best efforts to pay the final account within 60 days of receipt. In accordance with the applicable collective agreement, the Board will reimburse those amounts which constitute necessary and reasonable legal costs. Any concerns should be raised within 60 days of receipt of the account. If concerns are not resolved, the dispute mechanism in the applicable collective agreement will apply (not applicable for auxiliary members).

## **B. INDEMNIFICATION OF AUXILIARY VOLUNTEERS**

1. Auxiliary Volunteers of the Ottawa Police Service may be entitled to legal indemnification in respect of actions or proceedings arising out of acts or omissions by the Auxiliary in his or her capacity as an Auxiliary Volunteer of the Ottawa Police Service. For the purposes of this policy "action or proceeding" includes all civil actions, provincial offences or administrative proceedings, except those arising under the *Highway Traffic Act*, municipal parking or traffic by-laws, or the *Criminal Code*.
2. Subject to the provisions of this policy, in an action or proceeding against an Auxiliary Volunteer with the exception of any criminal or quasi-criminal proceeding, the Board shall defend or represent the Auxiliary in such proceeding in the name of and on behalf of the Auxiliary.
3. An Auxiliary Volunteer may retain his or her own legal counsel for the defence or representation in an action or proceeding in lieu of the defence or representation provided by the Board, provided that the Board shall not reimburse the Auxiliary for his or her legal costs except where the Board has declined to defend or represent the Auxiliary because either:

- (a) The Board Solicitor has determined that it would be inappropriate for the Board to defend or continue to defend or represent the Auxiliary; or
  - (b) The Board Solicitor is satisfied that the interests of the Board and the Auxiliary conflict.
4. The Board shall not reimburse the Auxiliary Volunteer under this policy unless it has approved the selection of legal counsel retained by the Auxiliary. Such approval shall be conditional upon the requirements set out in this policy.
  5. Where an Auxiliary Volunteer is charged with and subsequently acquitted of an offence under the *Criminal Code* or a provincial statute or regulation because of any act done or any failure to act or allegations of same in the attempted performance or performance in good faith of his or her duties as an Auxiliary Volunteer, the Auxiliary shall be indemnified by the Board for the necessary and reasonable legal costs incurred in defence of such charges or allegations. The Auxiliary Volunteer may be entitled to receive payment from the Board for a retainer for interim legal costs incurred in the defence of such charges or allegations to a maximum of \$5,000, at the discretion of the Board.
  6. Where an Auxiliary Volunteer is the subject of an investigation in a matter which may result in charges being laid against the Auxiliary under the *Criminal Code* or other provincial statute or regulation, because of any act done or any failure to act or allegations of same in the attempted performance or the performance in good faith of his or her duties as an Auxiliary Volunteer, the Auxiliary may be entitled to receive payment from the Board for a retainer of and/or interim legal costs, not exceeding \$5,000, to obtain legal representation during the investigation, at the discretion of the Board.
  7. As a condition precedent to the Board making payments in respect of the costs pursuant to paragraphs 5 or 6 above, the Auxiliary Volunteer must agree in writing to repay the Board, if the Auxiliary is convicted of an offence, all sums paid by the Board including the legal retainer as provided for in paragraphs 5 and 6.

### **C. COMMUNICATIONS**

All communications, including requests for legal indemnification, shall be addressed to the Board Chair.

**D. REVIEW OF LEGAL INDEMNIFICATION REQUESTS AND ACCOUNTS**

Requests for legal indemnification and all related accounts will be submitted by the Board Chair to the Board Solicitor for review and approval.

The Board Solicitor shall have delegated authority to review and approve requests for legal counsel and the counsel to be retained. In the case of a dispute concerning the counsel to be retained, the matter shall be resolved in accordance with the dispute resolution mechanism outlined in the applicable collective agreement.

The Board Solicitor will review all legal accounts submitted for payment and has delegated authority to authorize their payment where appropriate.

**MONITORING REQUIREMENTS**

Not applicable.

**REPORTING REQUIREMENTS**

The Board Solicitor shall report to the Board as part of his/her regular report to the Board:

1. Approval of the provision of legal counsel and retention of said counsel.
2. Payment of accounts.

<date>

<name>

<address>

<address>

<address>

Dear <name>,

The Ottawa Police Services Board ("Board") is a party to a collective agreement with the Ottawa Police Association and the Senior Officers Association. As part of those collective agreements, there are circumstances where the Board is required to reimburse for necessary and reasonable legal costs (to either the member directly or to the association) incurred in the representation of members of the bargaining units.

The Board, as the civilian oversight body of the Ottawa Police Service, represents community interests and one of our responsibilities is the approval of the annual police budget. In this regard, we make our best efforts to ensure that expenses incurred by the Board are fiscally responsible and demonstrate value for public funds.

In the representation of your client, we therefore ask that you review staffing and work assignments with a view to minimize costs and duplication of effort. We also ask upon submitting the final statement(s) of account, that you include sufficient detail within task descriptions to allow for ease in reviewing and approving expenses.

When you were retained by your client, you indicated an hourly rate that would be charged for services rendered. This hourly rate is expected to apply for the duration of the retainer, barring exigent circumstances and approval by the Board.

For clarity, in requesting your consideration of the above, we are not taking a position on counsel's professional obligations as outlined by the Law Society of Upper Canada, representation and/or strategic decision making or other functions in the representation of clients.

Thank you for your consideration of the Board's concerns. Should you have any questions or require further clarification, please feel free to contact the Board's Solicitor, David White, at 613-580-2424, ext. 21933, or [David.White@ottawa.ca](mailto:David.White@ottawa.ca).

Yours truly,

Chair

Ottawa Police Services Board