



HAMILTON POLICE SERVICES BOARD

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June 14, 2023

SENT VIA EMAIL

To: The Ministry of Municipal Affairs & Housing
Attn: Hon. Steve Clark
Minister.mah@ontario.ca

Re: Concerns Regarding City of Hamilton Integrity Commissioner's Ruling on a Police Services Board Matter

Our Board is bringing to your attention a matter of concern that may impact police services boards across Ontario in jurisdictions that have Integrity Commissioners.

The City of Hamilton's Integrity Commissioner, Principles Integrity, provided a presentation to City Council of their investigation report into a complaint about a Hamilton police board member's conduct at a police services board meeting (see attached report for details).

Based on information provided by our legal counsel, it is our opinion the Integrity Commissioner does not have authority over a police services board member. The authority of an Integrity Commissioner is derived from Part V.1 of the *Municipal Act, 2001* (Municipal Act) – s. 223.3(1). Part V.1 of the *Municipal Act* does not apply to police service board members. The definition of "local board" excludes police services boards in section 223.1(d).

In light of the exclusion of police services boards from the definition of "local board" for the purposes of Part V.1, the following applies:

- The Integrity Commissioner has no authority over the conduct of a police services board member – this includes a councillor appointed to the Board and sworn in under the authority of the *Police Services Act*.
- A complaint cannot be made to the Integrity Commissioner for investigation regarding the actions of a councillor who sits on the police services board in relation to their actions while on the Board. Conduct issues are to be addressed by the Board under

the *Police Services Act* or a complaint made to the Ontario Civilian Police Commission or Inspector General when the new legislation is in effect.

- The Code of Conduct of the municipality does not apply to a member of the police services board. Codes of Conduct are enacted under Part V.1 – section 223.3(1).

Based on this information, we believe the decision of the Integrity Commissioner is unlawful. We are concerned the Integrity Commissioner has over-stepped their mandate and wish to inform you of this matter.

Regards,

A handwritten signature in cursive script that reads "Pat Mandy".

Pat Mandy
Chair, Hamilton Police Services Board
psbchair@hamilton.ca

cc. Ontario Association of Police Services Boards
lisadarling@oapsb.ca