



HAMILTON POLICE SERVICES BOARD

NOTICE OF MEETING PUBLIC AGENDA

Thursday, September 14, 2017
2:00 o'clock p.m.
Hamilton City Hall
Council Chambers

Lois Morin
Administrator

AGENDA

1. CALL TO ORDER

1.1 Changes to the Agenda

2. PRESENTATIONS & DEPUTATIONS

2.1 Members of the Month

2.2 Sexual Assault Community Review Team Update

3. GENERAL

3.1 Declarations of Interest

4. CONSENT AGENDA

4.1 Approval of Consent Items

That the Board approve and receive the consent items as distributed.

4.2 Adoption of Minutes – July 27, 2017

The minutes of the meeting held Thursday, July 27, 2017, be adopted as printed.

4.3 Auction Account Fund

Support / Upcoming Events

RECOMMENDATION(S)

- That the Board purchase tickets to attend 50 Years of Courage, Mission Services' Inasmuch House Fundraising Dinner, scheduled for Thursday, October 5, 2017, Liuna Station, at a cost of \$125 per ticket, to be paid from the auction account.
- That the Board purchase tickets to attend the 19th Annual Good Shepherd Harvest Dinner, scheduled for Thursday, October 12, 2017, Carmen's Banquet Centre, at a cost of \$125, to be paid from the auction account.
- That the Board purchase tickets to attend the African Caribbean Cultural Potpourri Inc. 22nd year of Youth Scholarship Awards, scheduled for Saturday, October 14, Sheraton Hotel, at a cost of \$65 per ticket, to be paid from the auction account.
- That the Board purchase tickets to attend the Aboriginal Health Centre, October Moon Extravaganza, scheduled for Tuesday, October 17, 2017, Sheraton Hamilton Hotel, at a cost of \$200 per ticket, to be paid from the auction account.
- That the Board purchase tickets to attend Interval House of Hamilton Fall Masquerade Ball, scheduled for Thursday, October 26, 2017, Sheraton Hamilton Hotel, at a cost of \$80 per ticket, to be paid from the auction account.
- That the Board purchase tickets to attend Catholic Children's Aid Society of Hamilton 28th Annual Serendipity Auction, scheduled for Thursday, November 23, 2017, Carmen's Banquet Centre, at a cost of \$95 per ticket, to be paid from the auction account.

4.4 For the Information of the Board:

- a) Hamilton Police Services Board Submission(s) with respect to *Police Services Act* Changes
- b) Auction Account Expenditures – For Board Approval: July / August 2017 (PSB 17-102)
- c) Budget Variance Report as at July 31, 2017 (PSB 17-096)
- d) Executive Council of Ontario, Order in Council reappointing Member Donald MacVicar as a member of the City of Hamilton Police Services Board for a term of three years, effective September 8, 2017.
- e) Correspondence from Stephanie Paparella, Legislative Coordinator, Office of the City Clerk, City of Hamilton, with respect to the 2018 Budget Submission for the Hamilton Police Services Board.
- f) Correspondence from Mike Zegarac, General Manager, Finance and Corporate Service, City of Hamilton, with respect to Update to Multi-Year Business Planning and Budget Process.
- g) Correspondence from Reverend Todd Bender, Founder & Executive Director, CityKidz thanking the Hamilton Police Service for the gift of a "Summer to Remember".

- h) Correspondence from Gena Dureault, Senior Development Officer, Annual and Planned Giving, Mohawk Foundation with respect to awards (bursaries and scholarships) review.
- i) Correspondence from Joshua Weresch with respect to Letter to Hamilton Police Services Board.
- j) Outstanding Issues as of September 14, 2017

5. DISCUSSION AGENDA

5.1 Grant Agreement: Proceeds of Crime – Project: John Howard Society – Youth at Risk Development (YARD) Program (PSB 17-100)

- a) That the Hamilton Police Services Board enter into an Agreement with Her Majesty the Queen in Right of Ontario as represented by the Attorney General (the “AG”) whereby the AG provides to the Hamilton Police Service a Grant in the amount of \$100,000 to be used in partnership with the John Howard Society of Hamilton/Burlington in their YARD program.
- b) That the Chair be authorized and directed to execute such an Agreement, in a form satisfactory to Legal Counsel, to the Police Service.

5.2 Request from Mr. Robert Burgiss, to Provide a Deputation to the Board

That the request from Mr. Robert Burgiss to provide a deputation to the Board with respect his emails of 2017/06/15, be denied.

6. NEW BUSINESS

7. ADJOURNMENT

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| <p>THE POLICE SERVICES BOARD WILL ADJOURN THE PUBLIC PORTION OF THE MEETING AND RECONVENE IN CAMERA FOR CONSIDERATION OF PRIVATE AND CONFIDENTIAL MATTERS.</p> |
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**MINUTES OF THE HAMILTON
POLICE SERVICES BOARD**

4.2

Thursday, July 27, 2017
2:12pm
Hamilton City Hall
Council Chambers

The Police Services Board met.

There were present: Lloyd Ferguson, Chair
 Madeleine Levy, Vice Chair
 Fred Eisenberger
 Walt Juchniewicz
 Don MacVicar
 Terry Whitehead

Absent with regrets: Stanley Tick

Also Present: Chief Eric Girt
 Deputy Chief Dan Kinsella
 Acting Deputy Chief Nancy Goodes Ritchie
 Superintendent Will Mason
 Inspector Shawn Blaj
 Inspector Greg Hamilton
 Inspector Dave Hennick
 Inspector Scott Rastin
 Inspector Wendy Vallesi
 Acting Inspector Phil Fleming
 Staff Sergeant Andrea Torrie
 Constable Lorraine Edwards, Media Relations
 Marco Visentini, Legal Counsel
 Rosemarie Auld, Manager, Human Resources
 Dan Bowman, Manager, Fleet and Facilities
 John Randazzo, Manager, Finance
 Yakov Sluchenzov, Labour Relations
 Lois Morin, Administrator

Chair Ferguson called the meeting to order.

1.1 Additions/Changes to Agenda

- NEW BUSINESS: 6.1 – Correspondence from Mayor Eisenberger with respect to Signage and Enforcement Concerns at Albion Falls

After discussion, the Board approved the following:

Moved by: Vice Chair Levy
Seconded by: Member MacVicar

That the Agenda for the Hamilton Police Services Board Public meeting be adopted, as amended.

Carried.

Presentations

None

General**3.1 Declarations of Interest**

None

**Consent
Agenda****4.1 Approval of Consent Items**

Moved by: Member MacVicar
Seconded by: Member Whitehead

That the Board approve and receive the consent items as distributed.

Carried

4.2 Adoption of Minutes – June 16, 2017

The minutes of the meeting held Friday, June 16, 2017, be adopted as printed.

4.3 Auction Account Fund

Support / Upcoming Events

RECOMMENDATION(S)

- That the Board provide support to the Wesley Urban Ministries 25th Annual Wesley Open, in the amount of \$200, to be paid from the auction account.
- That the Board provide sponsorship to Hamilton Police Service Hell in the Harbour in support of Law Enforcement Torch Run for Special Olympics, in the amount of \$250, to be paid from the auction account.

4.4 For the Information of the Board:

- a) Auction Account Expenditures – For Board Approval: June 2017 (PSB 17-083)
- b) City Clerk's Division, Council Follow-up Notice with respect to Council Follow-up – July 14, 2017.
- c) Correspondence from Mylan M. Masson, Awards Committee Chair, International Association of Women of Police informing the Hamilton Police Service that Constable Sara Beck being selected as the recipient of the Excellence in Performance Award for the 2017 International Association of Women in Police.
- d) Correspondence from Frederick Dryden, Founder & Executive Director, Liberty for Youth thanking the Hamilton Police Service for support of the 13th Annual Liberty & Justice Unity Basketball Event.

- e) Correspondence from Dominic Verticchio, Executive Director, Children's Aid Society of Hamilton and Gary Sims, President, Grape Expectations Gala Chair extending appreciation for support of the 14th Annual Grape Expectations Spring Gala.
- f) Correspondence from Kathryn Cameron, PhD, Associate Dean, Faculty of Applied Health and Community Studies, Sheridan thanking Chief Girt for the time and though that he so generously gave to make the graduation celebrations a wonderful experience for the students.
- g) Outstanding Issues as of July 27, 2017

**Discussion
Agenda****5.1 Multi- Year Budget Planning Sub-Committee Report 16-001, November 16, 2016 (Item 8.18)**

After discussion, the Board approved the following:

Moved by: Member Eisenberger
Seconded by: Vice Chair Levy

That the Hamilton Police Services Board agree to participate in the multi-year business planning budget process as requested by the City of Hamilton.

Carried Unanimously.

5.2 Grant Agreement: Civil Remedies for Illicit Activities Project Crime Analysis Software (PSB 17-083)

As recommended by Chief Girt in PSB 17-083 dated July 27, 2017, the Board approved the following:

Moved by: Vice Chair Levy
Seconded by: Member Juchniewicz

- a) That the Hamilton Police Services Board enter into an Agreement with Her Majesty the Queen in Right of Ontario as represented by the Attorney General (the "AG") whereby the AG provides to the Hamilton Police Service 3 Grants totalling \$85,614 to be used towards the purchase of surveillance equipment, software licenses and training opportunities.
- b) That the Chair be authorized and directed to execute such an Agreement, in a form satisfactory to Legal Counsel, to the Police Service.

Carried.

5.3 Request from Mr. Shekar Chandrashekar, to Provide a Deputation to the Board

After discussion, the Board approved the following:

Moved by: Member Whitehead

Seconded by: Member Juchniewicz

That the request from Mr. Shekar Chandrashekar to provide a deputation to the Board with respect to City of Hamilton Multi-Year Budget Planning, be tabled, and

That Mr. Chandrashekar be provided the opportunity to meet with the budget subcommittee comprised of Member Juchniewicz, Member MacVicar and Member Whitehead to discuss the Multi-Year Budget Planning Process.

Carried.

5.4 Request from Mr. Robert Burgiss, to Provide a Deputation to the Board

After discussion, the Board approved the following:

Moved by: Member Whitehead

Seconded by: Member MacVicar

That the request from Mr. Robert Burgiss to provide a deputation to the Board with respect his emails of 2017/06/15, be denied.

Carried Unanimously.

New Business**6.1 Correspondence from Mayor Eisenberger with respect to Signage and Enforcement Concerns at Albion Falls**

After discussion, the Board approved the following:

Moved by: Member MacVicar

Seconded by: Member Juchniewicz

That the board receive the correspondence as presented.

Carried.

6.2 NEW Investigative Services Building

Mr. Dan Bowman provided an update on the progress of the new Investigative Services Building.

6.3 Release of Legal Accounts

After discussion, the Board considered the following:

Moved by: Member Whitehead
Seconded by: Member Juchniewicz

Whereas the Hamilton Police Services Board deals with legal accounts and reports at the in camera meetings, and

Whereas the Board has the discretion to approve or not approve the reports, and

Whereas cover pages of the reports cover actual costs spent,

Therefore Be It Resolved That when the report is approved by this Board at the In Camera session on an individual basis, that the release of the report in public would be completed the following month.

Defeated.

After discussion, the Board approved the following:

Moved by: Member Eisenberger
Seconded by: Vice Chair Levy

That the Board refers the motion to staff and outside Legal Counsel for a direct opinion on the release of legal expense reports on the public agenda.

Carried.**6.4 Summer Solstice**

Member Juchniewicz congratulated Chief Girt, Staff and Ms. Sandra Wilson for participating in the Summer Solstice noting that it was a proud moment in partnership with our community.

6.5 Opening of the *Police Services Act*

Member Whitehead noted that the Ministry is currently holding additional consultation on the reopening of the *Police Services Act* and requested that the Board should have a further look at submitting information with respect to governance.

The Administrator was requested to compile the comments and documents with respect to the changes to the *Police Services Act* that have been submitted to date.

Chair Ferguson provided the following comments:

- On behalf of the Board I would like to congratulate the Service and highlight the new online Sexual Assault and Crime Reporting. Information on criteria and how to report can be found at www.hamiltonpolice.on.ca or you can call 905-546-4925. Congratulations Chief and staff on these new programs.
- On behalf of the Board I would like to thank the Chief and staff for continuing "Citizens' Police College". This program provides classes on a variety of policing topics such as Traffic Safety, Drugs & Vice, Forensics, Victim Services, Homicide and the Role of Police and Courts in Canada. Classes start on Thursday, October 5. Hamilton Police were one of the first police services in Ontario to offer this type of program and have had thousands of citizens participate. Once again thank you and congratulations. Great work!!

Next Meeting of the Board

Chair Ferguson announced that the next meeting of the Board is scheduled for Thursday, September 14, 2017, 2:00pm, at Hamilton City Hall, Council Chambers.

Adjournment

Moved by: Member Whitehead
Seconded by: Member Juchniewicz

There being no further business, the public portion of the meeting then adjourned at 3:06pm.

Carried.

The Board then met in camera to discuss matters of a private and confidential nature.

Taken as read and approved

Lois Morin
Administrator

July 27, 2017
lem:

Lloyd Ferguson, Chair
Police Services Board

Auction Account Fund

Support / Upcoming Events

RECOMMENDATION(S)

- That the Board purchase tickets to attend 50 Years of Courage, Mission Services' Inasmuch House Fundraising Dinner, scheduled for Thursday, October 5, 2017, Liuna Station, at a cost of \$125 per ticket, to be paid from the auction account.
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4.4(a)

HAMILTON POLICE SERVICES BOARD - INFORMATION -

DATE: 2017 September 14

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Lois Morin
Administrator

SUBJECT: *Hamilton Police Services Board Submission(s) with respect to
Police Services Act Changes
(PSB 17-106)*

BACKGROUND:


At its meeting of July 27, 2017 the Board requested the Administrator to compile the comments and documents with respect to the changes to the *Police Services Act* that have been submitted to date.

Following the meeting, research into what the Board has responded to and or submitted with respect to *Police Service Act* changes was completed. The documentation has been attached for your review.

Also, Board Members attended the Ministry Consultation for a New Strategy into a Safer Ontario and the Independent Police Oversight Review, and provided input into both processes. ONLINE submissions were also available for all members and the public to access.

In addition, the Ontario Association of Police Services Boards (OAPSB) submitted a substantial amount of information which was collected from various Police Services Boards including Hamilton. Further the Hamilton Police Services Board put forward an extensive argument and motion for Suspension without Pay which was approved by the OAPSB Membership at their Annual General Meeting and subsequently forwarded to the Ministry for implementation.

The Board has as well provided input on various other initiatives including, but not limited to the implementation of CEW's, Bias Free Policing, Ontario Registered Pension Plan and the Collection of Identifying Information in Certain Circumstances – Prohibition and Duties.


Lois Morin
Administrator

/L. Morin

Attachments:

- Appendix "A" – Tuesday, April 22, 2014 – Public Presentation - Suspension without Pay
- Appendix "B" – March 28, 2014 – Suspension without Pay – Motion to the Ontario Association of Police Services Boards
- Appendix "C" – Correspondence to the Honourable Yasir Naqvi
- Appendix "D" – Correspondence to Ontario Police Services Boards
- Appendix "E" – Ontario Association of Police Services Board Member Survey – *Police Services Act* Rewrite
- Appendix "F" – Correspondence to the Honourable Michael H. Tulloch

Suspension Without Pay



White Paper
An Update to the Hamilton Police Services Board

Hamilton Police Service
'Suspension Without Pay Working Group'
Supt. Nancy Goodes-Ritchie

Submitted by: Chief Glenn De Caire
Hamilton Police Service

March 2014

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Introduction

The Ontario Association of Chiefs of Police (OACP) has adopted three documents pertaining to Suspension Without Pay in Policing;

- an OACP Resolution in 2007,
- a White Paper from the Suspension Without Pay Working Group in 2010, and
- a position paper in support of the previous two in May 2013.

In whole and with supporting documents, the OACP has called for an amendment to the Police Services Act, to permit Police Chiefs to suspend police officers without pay in certain circumstances, namely; the police officer is charged with a serious criminal, CDSA or other federal offence and, when an officer is charged with an offence and held in custody or subject to court ordered conditions that prevent an officer from carrying out their policing duties. The driving premise was, and continues to be, public trust and its subsequent erosion when police officers commit serious offences that are not related to their oath of office or required duties.

The purpose of this document is not to restate but to adopt all previous recommendations, key issues and messages from the three submissions above, and further state that it is additionally necessary to permit a Police Chief to suspend an officer without pay for serious Police Service Act misconducts. Allegations of serious Police Service Act misconduct also represents a fundamental breach of public trust and necessarily, suspension without pay would be reserved for only serious misconduct allegations in which dismissal is sought.

The Police Services Act should be amended to provide for police chiefs the discretionary ability to suspend police officers without pay who meet any of these three criteria.

Background

As outlined in the OACP's White Paper from the Suspension Without Pay Working Group in February 2010, the following is the position put forth in a call for an amendment to the Police Services Act. This position was further endorsed in May 2013.

- Section 89(1) of the *Police Services Act* should be amended to allow Chiefs of Police to suspend their officers without pay in certain, very serious cases, including:
 - 1) When a police officer is charged with a serious offence contrary to the Criminal Code of Canada, the Controlled Drugs and Substances Act or other federal Act, not related to their performance of duty; and
 - 2) When a police officer is charged with an offence and held in custody, or when subject to a judicial release order with conditions that prevent the officer from carrying out their policing duties.
- The O.A.C.P. position recognizes that an allowance for suspension with pay helps protect police officers in the good faith performance of their duties, but this allowance was never intended to shield police officers from the consequences of serious criminal conduct unrelated to the performance of their duties.

Additional Considerations:

In addition to the recommendations contained in the OACP White Paper on Suspension Without Pay in 2010, it is further recommended that suspension without pay should not be limited only to those charged with a criminal offence or those in custody or on bail. Tax dollars should not be spent to pay the salaries and benefits of police officers who have committed misconduct so egregious that it represents a fundamental breach of the public trust and will significantly affect their continued performance of the duties of a police officer. In such exceptional circumstances, the Chief of Police must have the power to suspend without pay. Therefore, these circumstances should also include:

3. When a police officer is charged with a serious misconduct contrary to the Police Services Act.

Consideration must be given to:

- the Police Service would seek dismissal of the police officer and could establish that the allegations, would likely result in dismissal; and
- when failure to suspend without pay would likely bring the reputation of the Police Service as a whole, into disrepute.

It is recognized that each case must be assessed independently, based on the seriousness of the allegations and individual officer's circumstances. Suspension without pay should not be automatic. Vesting the authority to suspend without pay in a Chief of Police is the appropriate response because the chief is responsible for the operation of the police service and the maintenance of discipline as legislated in Part V of the PSA.

In terms of process, in exceptional circumstances (i.e. serious misconduct which does not result in criminal charges), once the Notice of Hearing is served on the police officer in accordance with the *Police Services Act*, the chief of police should have the ability to suspend the police officer without pay. It is recommended that the suspension without pay would come into effect sixty (60) days from the date of service of a Notice of Hearing and the Notice of Suspension without Pay. The Notice of Suspension without pay would also set out the reasons for the suspension without pay.

It is recommended that the police officer would have the ability to seek review of the decision to the Ontario Civilian Police Commission (O.C.P.C.) within 30 days of receiving the Notice of Suspension Without Pay. This would be an administrative hearing (not an adjudicative process) and the police officer would have the right to be heard and to make oral submissions to the Commission. The Commission would either confirm the suspension without pay or reinstate the officer's pay during the period of suspension. This review will only deal with the compensation issue.

Where a police officer is suspended from duty without pay and:

1. the criminal charge is not proceeded with or the police officer is found not guilty of the criminal charge or any included offence; and
2. is found not guilty of all charges on the Notice of Hearing under the *Police Services Act*;

the police officer shall be entitled to all pay, benefits and other rights and privileges to which they would have been entitled if he or she had not been relieved from duty or suspended.

Stakeholder input:

Any amendment to the Act would necessarily require all stakeholders to have input on the process. In particular, the Police Association of Ontario (PAO) would put forward the position of police officers from an Association perspective. It is anticipated however that this premise will not be endorsed by the PAO. In a *Letter to the Editor* on the PAO web-site dated July 11, 2013, President Dave McFadden, states, "*The notion that one person, a Police Chief, should have the power to play judge and jury is a dangerous one. To suspend someone without pay before a finding of guilt delivers a devastating and unwarranted punishment.*" Of note, the PAO are discussing the issue of paid or unpaid

suspensions, as outlined on their website, at the 23rd Annual Police Employment conference, slated for March 3 and 4, 2014.

Provincial / Municipal Legislation:

The issue of suspension without pay is not a new one and there is a recognized need across the country to address this issue. Several provincial legislatures have police-related legislation to allow for the suspension of police officers without pay in certain circumstances:

1. Alberta – Section 8 (Relief from Duty), Police Service Regulation, Alta. Reg. 356/1990
2. British Columbia – Section 110 of the *Police Act*, RSBC, Chapter 367.
3. New Brunswick – Section 26.9 of the *Police Act*, SNB 1977, Chapter P-9.2
4. Nova Scotia – Section 67, Police Regulation, NS Reg 230/2005
5. Quebec – Section 64 of the *Police Act*, CQLR, Chapter P-13.1
6. Winnipeg, Manitoba – Winnipeg Police Service Regulation By-Law No.7610/2000

Case Example:

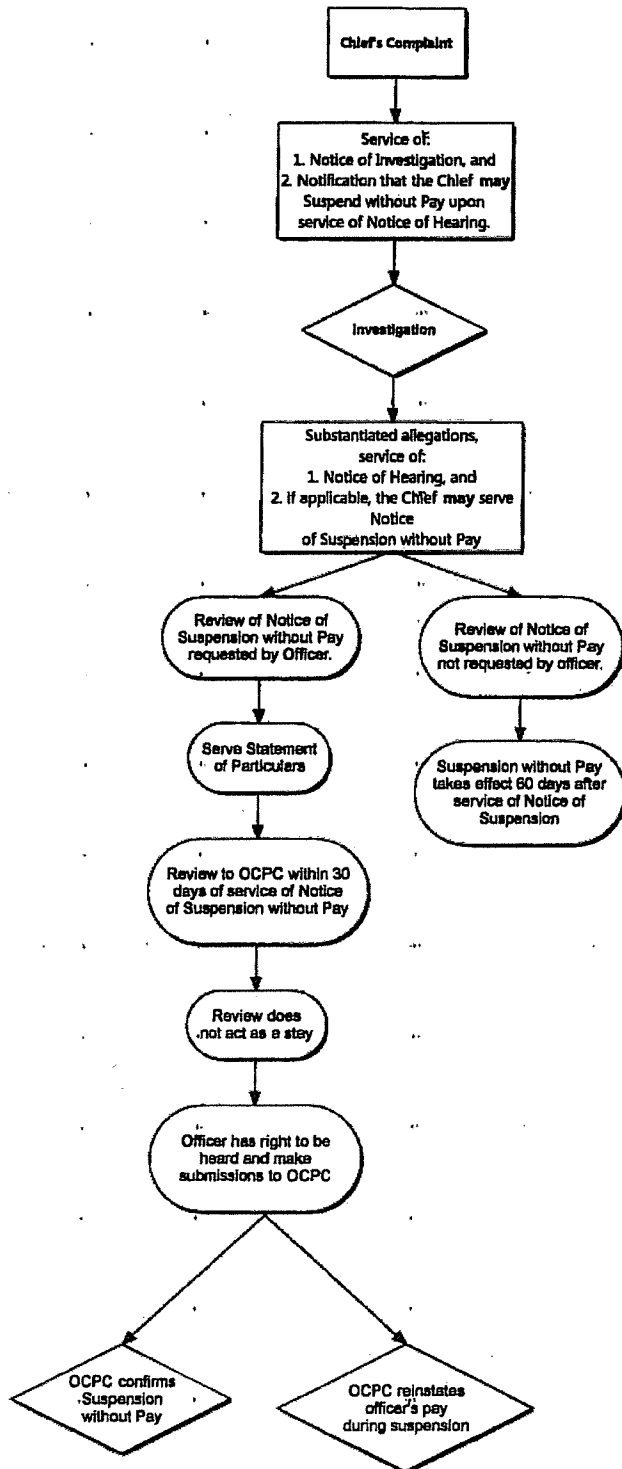
In October 2009, a Hamilton Senior Police Officer was suspended with pay for numerous serious Police Services Act (PSA) offences. In February 2010, he was charged under the PSA for harassment (X2), having sex on duty, having pornography on his police computer, CPIC violations (X3), accessing telephone equipment for personal use, using police cameras for personal use, installing electronic equipment on police computers for personal use, accessing members Activity Reports for personal use, accessing members personal information for personal use and conducting personal investigations while on duty.

After numerous delays, all precipitated by the defence, the Senior Officer tendered his resignation on the first day of the Hearing. During the time that he was suspended, he received approximately \$552,626.00 in salary – an issue which brought tremendous negative feedback from the community. This total amount does not include the cost of the outside Prosecutor, the Hearing Officer, the rented hotel room for Hearing dates or the investigator's time. None of the allegations related to his assigned duty, job description or work performance expectations. All allegations offended his oath of office and offended the public trust.

Conclusion

As stated in the *OACP White Paper – Suspension without Pay in Policing and Opening the Police Services Act/Suspension without Pay*, the fundamental bond of trust between the community and the police is sacred. When police officers breach this trust, the community has deservedly high expectations that the police officer will be held accountable appropriately.

The Hamilton Chief of Police is entrusted to maintain and enhance that trust with the public and call upon the Ontario Government to open the Police Services Act to permit suspension without pay. This discretionary authority is required for police officers charged with committing serious Criminal Code, CDSA or other federal Acts, not related to the performance of their duty, and if the officer is held in custody or has court ordered conditions which prevent the officer from carrying out the duties of a police officer. Additionally, it is recommended that when a police officer is charged with a serious misconduct offence under the Police Service Act where the charges are not related to the officers oath or required performance of duties that the police officer may be suspended without pay if it is a dismissal case.





Resolution 2007-08

Appendix B

Suspension Without Pay June 27, 2007

WHEREAS the Police Services Act requires Chiefs of Police to maintain discipline within their respective organizations, and

WHEREAS public confidence in our police services is dependent upon maintaining the trust of the public we serve, and

WHEREAS maintaining that trust is dependent upon all police officers adhering to the highest standards of public confidence, and

WHEREAS as police leaders, we recognize and support that the law must protect our police officers in the good faith performance of their duties, and

WHEREAS it was never intended that such protection would shield police officers from the consequences of serious criminal conduct not related to the performance of said duties,

WHEREAS the public have a reasonable expectation that a member of a police service who is unable to perform the duties for which they are appointed by virtue of the fact that they are in custody will not be paid for duties they are unable to perform.

THEREFORE BE IT RESOLVED that the Ontario Association of Chiefs of Police calls upon the Government of Ontario to amend Police Services Act to allow for the suspension without pay of police officers charged with serious Criminal Code of Canada, Controlled Drug Substances Act, and other federal offences not related to their performance of duty, and

BE IT FURTHER RESOLVED that the Ontario Association of Chiefs of Police calls upon the Government of Ontario to amend Police Services Act to allow Chiefs of Police to suspend without pay police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a Police Officer.

An OACP White Paper



Suspension Without Pay In Policing

***A White Paper from the Ontario Association of Chiefs of Police
Suspension Without Pay Working Group***

**Chief William Blair, Toronto Police Service
Chair**

February 2010

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Introduction

Ontario police services are among the finest in the world. Professionally-minded, community-oriented, and governed by clear and credible legislation, they provide high-quality police services to the citizens of Ontario. The people of this province expect and demand nothing less.

A key element of a successful system of policing that achieves the many – and sometimes difficult – objectives of law enforcement in a modern, multicultural democracy is the creation and maintenance of genuine public trust. Although Ontario police services are fortunate to have a history of such trust and to enjoy the confidence of the citizens we serve, this is not a situation ever to take for granted.

There are occasions and events which test the bond of trust between police and the citizens we serve and which have implications far beyond their immediate scope. The issue of police officers' involvement in serious criminal activity and the response of police services to their alleged criminality is one such issue.

The purpose of this paper is to bring to the attention of the Government of Ontario the strong conviction of Ontario's police leaders, represented by the Ontario Association of Chiefs of Police (OACP), that the *Police Services Act (PSA)* should be amended to allow for the suspension of officers without pay in certain, very serious, circumstances.

Discussion

Police Chiefs in Ontario are intimately aware of the challenges and hazards of policing. Due to the nature of the work and the types of individuals encountered in it, police officers sometimes find themselves facing criminal charges as a result of the duties they perform on behalf of their fellow citizens. Without reasonable protection in law against such risks, the ability of police officers to effectively discharge their duties can be seriously compromised. As well, police officers are office holders, not just employees of the particular organization they work for. Both of these realities are reflected in the provisions of the *PSA* which allow for the suspension of officers with pay. The authority to suspend an officer is set out in section 67(1) of the *Act* as follows:

67(1) If a police officer, other than a Chief of Police or Deputy Chief of Police, is suspected of or charged with an offence under a law of Canada or of a province or territory or is suspected of misconduct as defined in section 74, the Chief of Police may suspend him or her from duty with pay.

Section 67 is referred to as an administrative suspension. It is imposed at a time when an officer is suspected of or charged with an offence or misconduct.

Ontario's police leaders fully recognize and support that the law, in the form of an allowance for suspension with pay, must protect our police officers in the good faith performance of their duties. However, we vigorously contest any notion that such protection was ever intended to shield police officers from the consequences of serious criminal conduct unrelated to the performance of their duties.

Thus, the primary argument against the current state of affairs is that the legitimate and worthwhile intent of Section 67 is perverted whenever an officer who is charged with a serious crime, unrelated to his or her performance of duty, continues to receive full pay and benefits. In effect, a provision designed to protect officers honourably engaged in the fight against crime is being abused by a very small number of other officers themselves accused of serious crimes.

Consequences

The fact that the Ontario Police Chiefs presently lack the legal authority to take reasonable and appropriate steps in dealing with allegations of serious criminality within their ranks has direct and negative consequences on policing in this province. The first and foremost of these consequences is the erosion of public trust.

In cases where officers' actions are clearly beyond their legal authority, have nothing to do with their official role, or are of an egregious nature, the public expectation is that the responsible authorities will act quickly and competently to address the transgressions. It is an unfortunate but undeniable truth that segments of the population do not readily believe that police organizations can be trusted to investigate and discipline their own members, while still others do trust the professionalism of Ontario police services and in their ability to manage their members to high standards. Neither group, however, nor any one else, can draw any comfort from the current situation.

As very few members of the public are familiar with the *Police Services Act* and, therefore, know that it is not open to a Chief of Police to suspend an officer without pay, they may come to the damaging conclusion that the police are protecting their own when officers accused of serious crimes continue to be paid while suspended and on trial. The protracted nature of many judicial proceedings only aggravates this situation. The end result is that community standards are offended and the public trust jeopardized.

A particularly invidious result of this loss of trust is that it impacts most seriously those who least deserve it. The officers who strive day in and day out to serve their communities according to their oaths of office and the citizens who believe in their police and work with them in creating safe communities are, by turns, diminished and disillusioned when officers accused of serious crimes are allowed to hide behind their badges.

Chief William Blair of the Toronto Police Service has correctly pointed out that this issue is not about money, but rather, the fundamental importance of public trust. When the public learns that officers involved in serious crimes are suspended with pay, it brings the entire profession of policing into disrepute.

It is, however, also the position of the OACP that the citizens of Ontario have a more than reasonable expectation that members of police services who are unable to perform the duties for which they are appointed (by virtue of the fact that they are in custody) should not be paid for duties they cannot perform.

When police officers are charged with serious offences contrary to the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act*, and other federal offences unrelated to the performance of their duty, the public should expect that their tax dollars not be used to pay the salaries and benefits of such officers. Similarly, police officers who are charged with offences and held in custody, or who are subject to a judicial interim release order with conditions that prevent them from carrying out the duties of a police officer, should not receive pay and benefits.

Therefore, the OACP maintains that a Chief of Police ought to have the discretion to suspend a police officer without pay when a police officer:

- a) is charged with a serious offence contrary to the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act* or other federal Act, not related to their performance of duty, and
- b) is charged with an offence and held in custody or when subject to a judicial interim release order with such conditions that prevent the officer from carrying out the duties of a police officer.

A balanced and accountable approach to this issue mandates the adoption of a system that allows a Chief of Police to suspend police officers without pay when circumstances so require. Vesting this authority in a Chief is the appropriate response because the Chief is responsible for the operation of the police service and the maintenance of discipline therein.

Additionally, providing the Chief of Police with the right to suspend without pay means that it will not occur automatically but will depend on an assessment of each case, taking into consideration factors such as the seriousness of the allegations and the individual officer's circumstances.

Legislative Reform Across Canada

In 1988, The Royal Canadian Mounted Police External Review Committee submitted a Consultation Report entitled *Suspensions – Consultation Report* which canvassed police services across Canada on this issue.¹ The Committee received replies from law enforcement agencies representing 63 percent of all police officers in Canada. The majority of police services supported a system that would allow the Chief of Police discretion to suspend without pay in certain circumstances.

For its part, the OACP passed a resolution in 2007 on its position with respect to suspension without pay.² The OACP recognizes that public confidence is maintained when police officers are required to adhere to the highest standards. Although police officers should be protected by the law when operating in the good faith performance of their duties, the law should not shield police officers from the consequences of serious criminal misconduct unrelated to the performance of their duties. Police officers who are in custody can not perform their duties and the public has a reasonable expectation that such a police officer should not be paid in such circumstances.

The OACP resolution called upon the Government of Ontario to amend the *PSA* to allow for suspension without pay for police officers charged with serious offences under the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act*, and other federal statutes, unrelated to the performance of duty.

Furthermore, the OACP resolution called upon the Government of Ontario to amend the *PSA* to allow a Chief of Police to suspend without pay police officers charged with offences and held in custody or subject to a judicial interim release order with conditions that prevent the officer from carrying out the duties of a police officer.

¹ Honourable René J. Marin, "Suspensions – Consultation Report", Royal Canadian Mounted Police External Review Committee (1988), online: <<http://www.erc-cee.gc.ca/publications/discussion/dp1-a-eng.aspx>>.

² Attached as Appendix "A".

Amended Legislation

One municipal government and four provincial legislatures have amended their police-related legislation to allow for the suspension of police officers without pay in certain circumstances. The following summarizes the amendments made in other Canadian jurisdictions:

(i) Alberta

The *Alberta Police Act*³ and the Regulations⁴ allow for a Chief of Police to suspend a police officer without pay for up to seven days and, if not charged within the seven days, the officer shall be returned to work.⁵ However, where a Chief of Police is of the opinion that exceptional circumstances exist respecting the alleged contravention of the *Alberta Code of Conduct* by a police officer, a Chief of Police may relieve the police officer from duty without pay.⁶

(ii) British Columbia

In British Columbia, the discretion to suspend without pay is vested in the police services board. A police services board may, at any time, discontinue the pay and allowances of a municipal Constable, Chief, or Deputy Chief, if the allegations against the individual (if proved) would constitute a criminal offence.⁷

(iii) Manitoba

The City of Winnipeg has addressed the suspension without pay issue through a municipal by-law. City of Winnipeg by-law number 7610/2000 allows for suspension without pay of members of the Winnipeg Police Service.⁸ The by-law provides discretion for the Chief of Police to put an officer on an administrative leave, with or without pay, if the police officer committed a breach of the code of conduct.⁹

(iv) New Brunswick

In New Brunswick, a Chief of Police can suspend a police officer without pay if the officer is convicted of an offence under a provincial or federal statute, even if the conviction is under appeal.¹⁰

³ R.S.A. 2000, c. P-17.

⁴ Alta. Reg. 356/1990.

⁵ *Ibid.* s. 8(6).

⁶ *Ibid.* s. 8(10).

⁷ R.S.B.C. 1996, c. 367.

⁸ City of Winnipeg, By-law No. 7610/2000, *A By-law of the City of Winnipeg to establish and adopt Regulations governing the Winnipeg Police Service* (May 24, 2000).

⁹ *Ibid.* s. 61.01.

¹⁰ S.N.B. 1977, c. P-9.2, s. 26.9 (1).

(v) Quebec

In Quebec, the *Police Act* allows for suspension of police officers without pay where the Director General investigates the conduct of a member and has reasonable grounds to believe that the member's conduct may compromise the exercise of the member's functions.¹¹

Case Studies

Outlined below are four case studies which illustrate the types of incidents police services are confronted with and the financial costs associated with the payment of police officers suspended with pay.

Toronto Police Service

On March 20, 2002, the Ontario Provincial Police laid a number of charges against Toronto Police Constable Y in relation to a domestic situation. On March 22, 2002, based upon observations by the OPP, the Toronto Police Service Professional Standards Unit executed a search warrant at the home of Police Constable Y at which time a quantity of drugs were seized.

On March 28, 2002, Police Constable Y was suspended with pay from the Toronto Police Service. Police Constable Y, pled guilty to pointing a firearm, assault causing bodily harm, and uttering death threats. The remaining charges were withdrawn as a result of the guilty plea. While Police Constable Y remained suspended with pay for the above domestic related charges, a Professional Standards Task Force continued their investigation into the drug squad team of which Police Constable Y had been a member.

On January 5, 2004, as a result of the drugs seized on March 22, 2002, Police Constable Y was charged with possession of cocaine, possession of heroin, and possession of ecstasy. On January 7, 2004, Constable Y was charged as a result of the Professional Standards investigation into the drug squad. The charges that were laid included: conspiracy to attempt to obstruct justice, attempt to obstruct justice, perjury, assault causing bodily harm, and extortion. Police Constable Y remained suspended with pay from the Toronto Police Service.

On January 11, 2006, Police Constable Y attended downtown Toronto where he approached an undercover officer involved in a "John Sweep". He was arrested and charged with communicating for the purpose of obtaining the sexual services of a prostitute and failing to comply with recognizance. Constable Y was found guilty of both charges on January 9, 2008.

The total costs (including benefits) incurred by the Toronto Police Service during the term that Police Constable Y was suspended with pay amounted to \$426,855.48

¹¹ R.S.Q. c. P-13.1, s. 64.

Peel Regional Police Service

Police Constable S was arrested for his off-duty conduct. He was charged criminally with sexual exploitation, procuring the sexual services of a person under 18, sexual assault, and possession of child pornography. On August 4, 2004, Police Constable X was suspended with pay. He is still on suspension.

The total costs (including benefits) thus far incurred by the Peel Regional Police Service while Police Constable S remains suspended with pay amount to approximately \$325,950.

Greater Sudbury Police Service

In February 2006, the Greater Sudbury Police Service received a complaint of sexual assault by Police Constable T and the Province's Special Investigations Unit was notified. The incident occurred in 2004. On March 1, 2006, Police Constable T was suspended with pay. He is still on suspension. In August 2006, Police Constable T was charged criminally. Information was received regarding additional incidents and further criminal charges were laid.

The total costs (including benefits) to date while Police Constable T remains suspended amount to \$194,582.56.

Niagara Regional Police Service

On October 7, 2002, while off duty, Constable U attended the district headquarters to which he had been assigned and retrieved his service issue .40 calibre Glock pistol from his locker. From an unknown location, Constable U threatened to take his own life during conversations over a mobile phone. Constable U then called 9-1-1 and made various demands. While speaking with 9-1-1 operators, Constable U threatened to kill the next innocent person he came across.

Shortly thereafter, Constable U drove to a local landfill site and took three men hostage. During this incident, he had pointed his firearm at the men and fired the weapon in their direction. The three hostages were ultimately released unharmed. Constable U was shot following a confrontation with police officers. He was arrested and taken to a local hospital for treatment of a non-life threatening injury.

As a result of this incident, Constable U was charged with a number of serious criminal offences and suspended with pay. Misconduct proceedings under the *Police Services Act* were also instituted. On March 6, 2007, following a trial at the Ontario Court of Justice, Constable U was found guilty of assault with a weapon, hostage taking, and using a firearm during the commission of an offence. Upon being convicted, Constable U was suspended without pay. He finally resigned from the service on June 11, 2007.

The total costs (including benefits) incurred by the Niagara Regional Police Service while Police Constable U remained suspended with pay amounted to \$392,140.

Conclusion

The members of the Ontario Association of Chiefs of Police recognize that the citizens we serve rightly demand police accountability and transparency. We also recognize that, as Ontario's police leaders, we are entrusted with delivering these safeguards to our citizens. Ontario's police leaders further recognize that the foundation stone of effective policing and community safety is a relationship of genuine trust, a relationship that must be nurtured and protected.

The OACP, therefore, calls upon the Government of Ontario to undertake measures necessary to enhance public trust and the proper functioning of the police services of this province by allowing for the suspension of police officers without pay in the kind of special, serious circumstances discussed above.

Appendix A

OACP Resolution on Suspension Without Pay Adopted on June 27, 2007

WHEREAS the Police Services Act requires Chiefs of Police to maintain discipline within their respective organizations, and

WHEREAS public confidence in our police services is dependent upon maintaining the trust of the public we serve, and

WHEREAS maintaining that trust is dependent upon all police officers adhering to the highest standards of public confidence, and

WHEREAS as police leaders, we recognize and support that the law must protect our police officers in the good faith performance of their duties, and

WHEREAS it was never intended that such protection would shield police officers from the consequences of serious criminal conduct not related to the performance of said duties, and

WHEREAS the public have a reasonable expectation that a member of a police service who is unable to perform the duties for which they are appointed by virtue of the fact that they are in custody will not be paid for duties they are unable to perform.

THEREFORE BE IT RESOLVED that the Ontario Association of Chiefs of Police calls upon the Government of Ontario to amend the *Police Services Act* to allow for the suspension without pay of police officers charged with serious *Criminal Code of Canada*, *Controlled Drugs and Substances Act*, and other federal offences not related to their performance of duty, and

BE IT FURTHER RESOLVED that the Ontario Association of Chiefs of Police calls upon the Government of Ontario to amend the *Police Services Act* to allow Chiefs of Police to suspend without pay police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a Police Officer.



Appendix D

Opening the Police Services Act/Suspension without Pay

May 29, 2013

OACP Position

The *Police Services Act* (Section 67-1) should be amended to allow Chiefs of Police to suspend their officers without pay in certain, very serious cases, including:

1. when a police officer is charged with a serious offence contrary to the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act* or other federal Act, not related to their performance of duty; and
2. when a police officer is charged with an offence and held in custody, or when subject to a judicial interim release order with conditions that prevent the officer from carrying out their policing duties.

The OACP passed a resolution on June 27, 2007 calling on the Government of Ontario to act on this position. A *White Paper on Suspended Without Pay* was issued by the OACP in 2010 detailing why it's time for legislative change. To date, the government has chosen to ignore the issue despite on-going public concerns about the financial and ethical implications of the current situation.

The OACP recognizes that an allowance for suspension with pay helps protect police officers in the good faith performance of their duties, but this allowance was never intended to shield police officers from the consequences of serious criminal conduct *unrelated to the performance of their duties*. It is important to note that our position is related to criminal offences not related to an officer's duty. In our view, there is simply no credible argument for continuing to pay officers charged with such serious criminal offences, particularly when doing so gravely damages public trust in their police service.

Key Messages

- The key factor driving this issue is public trust. Without it, the reputation of the entire policing profession is jeopardized.
- Current legislation requires Chiefs of Police to maintain discipline, but it doesn't give them the authority to suspend an officer without pay, even in situations where officers are charged with serious *Criminal Code* offences not related to their duties.
- The public is likely unaware that a Chief of Police cannot currently suspend an officer without pay. This misconception could lead to the false impression that police leaders are "protecting their own" when, in fact, their hands are tied by inadequate legislation.
- Citizens should reasonably expect that their tax dollars aren't used to pay the salaries and benefits of police officers who can't perform their duties because they are behind bars or because they are out on bail awaiting the outcome of a serious charge or charges unrelated to their duties.
- Every case must be handled sensitively and sensibly. They would be first assessed by the Chief of Police, who would consider the seriousness of the allegations and the individual officer's

circumstances. It might, for instance, see a Chief maintain an officer's benefits so that the officer could access needed help to deal with physical or mental issues.

Background

The authority to suspend an officer is set out in section 89(1) of the *Police Services Act* as follows:

- *89(1) If a police officer, other than a Chief of Police or Deputy Chief of Police, is suspected of or charged with an offence under a law of Canada or of a province or territory or is suspected of misconduct as defined in section 80, the Chief of Police may suspend him or her from duty with pay. Section 89 is referred to as an administrative suspension. It is imposed at a time when an officer is suspected of or charged with an offence or misconduct.*
- Ontario's police leaders fully recognize and support that the law, in the form of an allowance for suspension with pay, must protect our police officers in the good faith performance of their duties. However, such protection was never intended to shield police officers from the consequences of serious criminal conduct unrelated to the performance of their duties.
- Very few members of the public are familiar with the *Police Services Act*, so they would not be aware that Chiefs of Police cannot suspend an officer without pay. This could lead to the damaging conclusion that the police are "protecting their own" when officers accused of serious crimes continue to be paid while suspended and on trial. The protracted nature of many judicial proceedings only aggravates this situation. The end result is that community standards are offended and the public trust jeopardized.
- The officers who strive day in and day out to serve their communities according to their oaths of office and the citizens who work with them to create safer communities are disillusioned when officers accused of serious crimes are allowed to hide behind their badges.
- Vesting the authority to suspend without pay in a Chief of Police is the appropriate response because the Chief is responsible for the operation of the police service and the maintenance of discipline.
- Additionally, providing the Chief of Police with the right to suspend without pay means that it will not occur automatically but will depend on an assessment of each case, taking into consideration factors such as the seriousness of the allegations and the individual officer's circumstances.

Resources Available

White Paper on Suspension without Pay in Policing

Suspension Without Pay Resolution

**SUSPENSION WITHOUT PAY
March 14, 2014**

Appendix E

Resolution Submitted to: Ontario Association of Chiefs of Police – AGM June 25th, 2014

Resolution Submitted by: Glenn De Caire, Chief of Police, Hamilton Police Service

Resolution Submitted by: Zone 4 Approved March 6, 2014

RESOLUTION

WHEREAS the Police Services Act requires Chiefs of Police to maintain discipline within their respective organizations, and

WHEREAS the public confidence in the delivery of police service is dependent upon maintaining the trust of the public that we serve, and

WHEREAS maintaining that trust is dependent upon all police officers adhering to the highest standards of conduct which will enhance public confidence in policing, and

WHEREAS as police leaders, we recognize and support that suspension with pay provisions are designed, in law, to protect our police officers while they are in the good faith performance of their duties, and

WHEREAS as police leaders, we recognize that suspension with pay provisions were never intended to act as protection or to shield police officers from the consequences of serious criminal conduct not related to the performance of their duties, and

WHEREAS the public have a reasonable expectation that a member of a police service who is unable to perform the duties for which they are appointed by virtue of the fact that they are suspended should not be paid for duties they are unable to perform, and

WHEREAS the Ontario Association of Chiefs of Police, by way of approved Resolution 2007- 08 of June 27, 2007, called upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with serious Criminal Code of Canada, Controlled Drugs and Substance Act, and other federal offences not related to their performance of duty, and

WHEREAS the Ontario Association of Chiefs of Police, by way of approved resolution 2007- 08 of June 27, 2007, called upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a police officer, and

WHEREAS the Ontario Association of Chiefs of Police remain fully committed to Resolution 2007-08 of June 27, 2007,

THEREFOR BE IT RESOLVED that, in addition to the requests contained in approved Resolution 2007-08 of June 27, 2007, the Ontario Association of Chiefs of Police calls upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with serious Police Services Act violations where the Chief of Police will seek dismissal of the officer.



Appendix F

OFFICE OF THE MAYOR
CITY OF HAMILTON

December 12, 2013

The Honourable Kathleen Wynne
Premier of Ontario
Room 281
111 Wellesley Street West
Toronto, ON M7A 1A1

The Honourable Madeleine Meilleur
Minister of Community Safety and Correctional Services
18th Floor, George Drew Building
25 Grosvenor Street
Toronto, ON M7A 1Y6

Dear Madam Premier and Madam Minister:

City Council, at its meeting held on October 23, 2013, approved Motion 7.5 which reads as follows:

7.5 Request for Amendment to the *Police Services Act*

Whereas the *Police Services Act* imposes on municipal council the responsibility of establishing the overall budget for the police services board; and

Whereas the *Police Services Act* requires the Chief of Police to maintain discipline within their respective organizations; and

Whereas public confidence in our police services is dependent upon maintaining the trust of the public; and

Whereas maintaining that trust is dependent upon all police officers adhering to the highest standards of conduct; and

Whereas we recognize and support that the law must protect police officers in the good faith performance of their duties; and

Whereas it was never intended that such protection would shield police officers from the consequences of serious misconduct not related to the performance of said duties; and

Whereas the City of Hamilton citizens have paid, through their taxes, the ongoing salaries of suspended officers while they face serious criminal and *Police Services Act* Charges.

Therefore Be It Resolved:

That the City of Hamilton call upon the Government of Ontario to amend the *Police Services Act* to allow for the suspension of pay of police officers charged with serious *Criminal Code of Canada*, *Controlled Drug and Substances Act*, and other federal offences or serious misconduct under the *Police Services Act*, not related to the performance of duty or in compliance with the Oath of Office.

Your consideration of Council's request is greatly appreciated.

Yours truly

A handwritten signature in cursive script, appearing to read "R Bratina".

R. Bratina
Mayor

SUSPENSION WITHOUT PAY

March 24, 2014

Resolution Submitted to: Hamilton Police Services Board

Resolution Submitted by: Glenn De Caire, Chief of Police, Hamilton Police Service

Resolution Submitted by: Hamilton Police Service Suspension Without Pay Working Group

RESOLUTION

WHEREAS the Police Services Act requires Chiefs of Police to maintain discipline within their respective organizations, and

WHEREAS the public confidence in the delivery of police service is dependent upon maintaining the trust of the public that we serve, and

WHEREAS maintaining that trust is dependent upon all police officers adhering to the highest standards of conduct which will enhance public confidence in policing, and

WHEREAS we recognize and support that suspension with pay provisions are designed, in law, to protect our police officers while they are in the good faith performance of their duties, and

WHEREAS we recognize that suspension with pay provisions were never intended to act as protection or to shield police officers from the consequences of serious criminal or Police Services Act misconduct not related to the performance of their duties, and

WHEREAS the public have a reasonable expectation that a member of a police service who is unable to perform the duties for which they are appointed by virtue of the fact that they are suspended should not be paid for duties they are unable to perform, and

WHEREAS the Ontario Association of Chiefs of Police, by way of approved Resolution 2007- 08 of June 27, 2007, called upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with serious Criminal Code of Canada, Controlled Drugs and Substance Act, and other federal offences not related to their performance of duty, and

WHEREAS the Ontario Association of Chiefs of Police, by way of approved resolution 2007- 08 of June 27, 2007, called upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a police officer, and

WHEREAS the Ontario Association of Chiefs of Police remain fully committed to Resolution 2007-08 of June 27, 2007, and

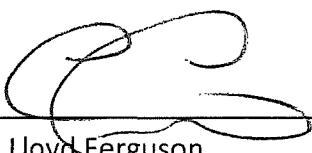
WHEREAS the Hamilton Police Services Board on March 15, 2010 fully endorsed, and remain fully committed to, Resolution 2007-08 of June 27, 2007 from the Ontario Association of Chiefs of Police,

THEREFOR BE IT RESOLVED that, in addition to the requests contained in approved Resolution 2007-08 of June 27, 2007 of the Ontario Association of Chiefs of Police, the Hamilton Police Services Board calls upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with serious Police Services Act violations where the Chief of Police will seek dismissal of the officer, and

THEREFOR BE IT RESOLVED that, the Hamilton Police Services Board advance this expanded Resolution to the Ontario Association of Police Service Boards for consideration at the Annual General Meeting to be held in Toronto in May 22, 2014.

This Resolution was considered and supported by the Hamilton Police Services Board on

28 day of march, 2014.



Mr. Lloyd Ferguson
Chair, HPSB

SUSPENSION WITHOUT PAY

March 28, 2014

Resolution Submitted to: Ontario Association of Police Service Boards
Resolution Submitted by: Hamilton Police Services Board
Chair Lloyd Ferguson, Hamilton Police Services Board

Mrs. Nancy Di Gregorio, 1st Vice President, Ontario Association of
Police Service Boards

Supported by: Chief Glenn De Caire, Hamilton Police Service
Research by: Supt. Nancy Goodes-Ritchie, Hamilton Police Service Suspension
Without Pay Working Group

RESOLUTION

WHEREAS the Police Services Act requires Chiefs of Police to maintain discipline within their respective organizations, and

WHEREAS the public confidence in the delivery of police service is dependent upon maintaining the trust of the public that we serve, and

WHEREAS maintaining that trust is dependent upon all police officers adhering to the highest standards of conduct which will enhance public confidence in policing, and

WHEREAS we recognize and support that suspension with pay provisions are designed, in law, to protect our police officers while they are in the good faith performance of their duties, and

WHEREAS we recognize that suspension with pay provisions were never intended to act as protection or to shield police officers from the consequences of serious criminal or Police Services Act misconduct not related to the performance of their duties, and

WHEREAS the public have a reasonable expectation that a member of a police service who is unable to perform the duties for which they are appointed by virtue of the fact that they are suspended should not be paid for duties they are unable to perform, and

WHEREAS the Ontario Association of Chiefs of Police, by way of approved Resolution 2007- 08 of June 27, 2007, called upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with serious Criminal Code of Canada, Controlled Drugs and Substance Act, and other federal offences not related to their performance of duty, and

WHEREAS the Ontario Association of Chiefs of Police, by way of approved resolution 2007- 08 of June 27, 2007, called upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a police officer, and

WHEREAS the Ontario Association of Chiefs of Police remain fully committed to Resolution 2007-08 of June 27, 2007, and

WHEREAS the Ontario Association of Police Service Boards passed Resolution 2010-01 entitled 'Increased Chiefs of Police Discretion Regarding the Suspension of Officers Without Pay' and with this resolution fully supported the White Paper of the Ontario Association of Chiefs of Police regarding 'Suspension Without Pay In Policing' dated February 2010 by Resolution 2010-01, and

WHEREAS the Hamilton Police Services Board on March 15, 2010 fully endorsed, and remain fully committed to, Resolution 2007-08 of June 27, 2007 from the Ontario Association of Chiefs of Police, and

WHEREAS the Hamilton Police Services Board remains fully committed to Resolution 2010-01 of the Ontario Association of Police Service Boards,

THEREFOR BE IT RESOLVED that, in addition to the requests contained in approved Resolution 2007-08 of June 27, 2007 of the Ontario Association of Chiefs of Police, the Ontario Association of Police Service Boards calls upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with serious Police Services Act violations where the Chief of Police will seek dismissal of the officer.



Appendix "C"
Correspondence to the Honourable Yasir Naqvi

HAMILTON POLICE SERVICES BOARD

Board Members

Lloyd Ferguson, Chair
Madeleine Levy, Vice Chair
Fred Eisenberger
Walt Juchniewicz
Donald MacVicar
Stanley Tick
Terry Whitehead

Lois Morin, Administrator

April 1, 2016

The Honourable Yasir Naqvi
Ministry of Community Safety
and Correctional Services
18th Floor, 25 Grosvenor Street
Toronto, ON M7A 1Y6

Dear Minister Naqvi:

I am writing on behalf of the Hamilton Police Services Board in reference to correspondence sent to you by Mr. Roger Anderson, Chair of the Durham Regional Police Services Board dated February 24, 2016. His correspondence offered his Board's views regarding the proposed legislative amendments to the *Police Services Act*.

Mr. Anderson's correspondence was shared with members of the Hamilton Police Services Board at their March 31, 2016 meeting. As a result of Board's discussion, I have been authorized to write to you offering our full support of the comments contained in Mr. Anderson's correspondence. The comments have addressed all of the key issues and concerns that have been discussed at our monthly Board meetings over the past two years.

I would like to take the opportunity to thank you and your colleagues for taking the initiative to update the *Police Services Act*. I am confident the considerable work being undertaken will result in the delivery of more transparent and accountable policing for the residents of Ontario.

Thank you for your consideration. Feel free to contact me if you require further information.

Sincerely,

Chair Lloyd Ferguson
Hamilton Police Services Board

/lem

cc. Chairs, Big 12 Police Services Boards



DURHAM REGIONAL POLICE SERVICES BOARD

R. Anderson, Chair * R. Wilson, Vice-Chair
B. Drew, Member * A. Furlong, Member
S. Lal, Member * B. McLean, Member * R. Rockbrune, Member

February 24, 2016

The Honourable Minister Yasir Naqvi
Minister of Community Safety and Correctional Services
25 Grosvenor Street -18th Floor
Toronto ON M7A 1Y6

Dear Minister Naqvi:

On behalf of the Durham Regional Police Services Board, I am writing to offer our views on the proposed legislative amendments to the *Police Services Act*. We are aware of the Province's intentions to consult broadly on its legislative proposals as part of its Strategy for a Safer Ontario, and we sincerely appreciate the opportunity to participate in this process. Our input is offered in the spirit of constructive dialogue and partnership. We believe that this is a tremendous opportunity to ensure that our collective investments are effective, and that the appropriate legislative and regulatory tools are in place to support high quality service delivery. Given the considerable impact that such changes will generate at the local level, we are pleased at your commitment to consider the perspectives of Boards and municipalities as changes are proposed and considered.

At the outset, I would like to advise you that our viewpoints are informed by one Board member in particular. Mr. Stindar Lal, Q.C., was appointed by Regional Council to the Durham Regional Police Services Board for a term of four years in February 2015. As you may know, Mr. Lal had a distinguished career in the Ontario Public Service, serving as a deputy minister in six different ministries. Most notably, he was the Deputy Solicitor General at the time the current *Police Services Act* was enacted. He led the process which resulted in a consensus of the draft Bill among all segments of the police community. His knowledge and experience have been invaluable to our Board in many respects and in this exercise in particular, and we believe his contribution enhances the credibility of our submissions to you.

605 Rossland Road East, Box 911, Whitby, ON L1N 0B8
Phone: 905-579-1520, Ext. 4307 * Fax: 905-721-4249
Email: alongo@drps.ca

I would like to begin by stating that the Durham Regional Police Services Board values the safety of our communities as a foundation for social wellbeing and economic prosperity. We owe a large debt of gratitude to the professional police officers and civilians across Ontario whom we entrust to prevent crime, enforce the law, ensure public order, assist victims and respond to emergencies. Like many other Boards across the Province, however, we recognize that police services must be modernized to ensure that they remain accountable, relevant and sustainable to our citizens. Indeed this sentiment was reflected in the Premier's mandate letter to you dated September 25, 2014, in which she identified the development of a new strategic vision for community safety and policing and control over the rising cost of policing as priorities for your Ministry.

As you are aware, the costs of policing have risen dramatically over the last decade. As reported by the MacDonald Laurier Institute in its report "The Blue Line or the Bottom Line of Police Services in Canada?", police budgets have increased at a rate double that of GDP in the last ten years. In Ontario, the Province and municipalities now spend more than \$4 billion annually on policing, and taxpayers are saddled with the highest per capita policing costs in Canada. While a myriad of factors have contributed to police cost increases, the significance of our collective financial investment is indisputable.

While cost is an important factor in the development of a new policing model for the Province, we submit that there are many others that have precipitated the need for reform: decreases in crime, increasing complexity factors to public safety challenges, technological advancements, and higher expectations among the public for accountability. It is a well-documented reality that very significant and rapid changes are occurring in the makeup of Ontario society which will have a profound impact on how Police Services are delivered in the Province. The current *Police Services Act* identified the coming changes in its opening Statement of Principles when it referred to the 'need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario Society and the need to ensure that Police Forces are representative of the communities they serve.' It is a credit to the leadership of the policing community that most police services have some representation from the racialized community. However, with the rapid demographic changes occurring in Ontario today and in the very near future, concerted efforts need to be undertaken by the Police leadership to ensure that police services of tomorrow reflect the demographics of the society they serve.

The other reality in the Ontario Society of tomorrow is the significant increase in the ageing population of Ontario. This vulnerable segment of Ontario Society will require special skills and understanding from the Police community to meet their needs. Other service providers in Ontario have undertaken detailed studies to prepare themselves for tailoring their services to the unique challenges of an ageing society.

In addition to the ageing population, Ontario society is becoming increasingly aware of the devastating impact of mental illness. Recent events in Ontario have highlighted the need for the policing community to understand and handle situations arising from the impact of mental illness. Unfortunately it is a reality that requires all service providers and society generally to show compassion and understanding in dealing with these situations.

The practice of 'carding' and the use of force by the police have been issues at the forefront of our public discourse. We would encourage you to create a legislative imperative to address these and other critical realities which will have a significant impact on how police services are delivered in Ontario. It is equally important that the training programs undertaken by the Police College in Ontario are significantly enhanced to equip Police officers with the understanding of these critical issues and the ability to deal with them with compassion.

With this context in mind, we would suggest that amendments to the *Police Services Act* be guided by three overarching, mutually-reinforcing objectives:

1. Enhancing public trust and police legitimacy
2. Improving the quality of police service delivery
3. Providing opportunities for greater efficiency

I would like to expand on possible amendments to the *Act* and its associated Regulations that would support the achievement of these objectives.

1. Enhancing public trust and police legitimacy

It is well understood that in order for the police to be effective, they must earn the confidence and trust of the people they serve. Public trust is the foundation for effective policing, and in its absence, it is impossible for the police to attain their goals. Many citizens would assert that over the past several years, we have witnessed, to a certain degree, an erosion in the trust and esteem in which our police are held. This trend was noted in the recent publication by the Council of Canadian Academies, "Policing Canada in the 21st Century: New Policing for New Challenges". While the police do maintain strong public approval ratings overall, any diminution in trust and subsequent legitimacy cannot be left unchecked. At its core, amendments must seek to restore and maintain

high levels of public trust in our police. We would offer the following suggestions in order to foster this objective.

a) Strengthen civilian governance

An effective system of governance that places the citizen at the forefront is essential for the public to preserve trust in its police service. We believe that the legislative framework should clearly reflect this principle, so that the values and expectations of citizens are integrated more comprehensively into police service delivery. While the Adequacy and Effectiveness of Police Services Regulation (the Adequacy Regulation) prescribes the consultations that the Board must undertake as part of its Business Plan, engaging with the public and community groups on an ongoing basis should become a more entrenched feature of police governance. For example, consultative committees composed of citizens may generate greater public engagement and help to cultivate trust and build police legitimacy. While the current *Act* does not preclude such mechanisms, we believe that there is a need for the new *Act* to take innovative approaches to instill a greater degree of public representation into governance processes.

As you know, following Justice Morden's Independent Civilian Review Into Matters Relating to the G20 Summit Report in 2012, the role of the Police Board came under intense scrutiny. As part of the public dialogue on this issue, a central question arose about the appropriate level of direction a Board may give to its Chief of Police. While it is apparent that there is a lack of clarity in this area, we believe this is promulgated by a promotion of an inaccurate interpretation of the *Act*, rather than a lack of clarity in the *Act* itself. As Justice Morden astutely expressed in his report:

"It is sometimes said, in simple and general terms, that policies are for the Board and operations are for the chief of police and that the two must always be kept separate. Apart from being impossible to apply in its own terms, this statement does not represent what the statute provides" (page 54).

And further:

"The 1990 legislation... was intended to strengthen the role of the police services board and give a more precise definition of its role and responsibilities. The responsibilities of the Board under the *Police Services Act* with respect to determining "after consultation with the chief of police", objectives and priorities respecting police services in the municipality (section 31 (1)(b)), and establishing policies for the effective management of the police force (section 31 (1)(c)) dovetailed with the Chief's duty under section 41 (1)(a) to administer "the police force and oversee its operation in accordance with the objectives, priorities, and

policies established by the Board under subsection 31 (1)", are clearly inconsistent with any right on the part of the Chief not to discuss fully with the Board both contemplated and completed police operations." (page 55).

We agree with Justice Morden that the assumption that Boards may not be involved in operational matters represents an inaccurate reading of the law. The *Act* states the Board shall not direct the Chief with respect to "specific operational matters" or with respect to "the day-to-day operations of the Police Service." We believe that this interpretation is paramount, and that the Board's existence is premised on an informed understanding of the operations of the Police Service. Indeed, the policies of the Board are intended to affect the manner in which the police operate in the municipality, and it is the Board that determines priorities and objectives for policing in the community, after consultation with the Chief of Police. It is not reasonable that the Board assume this function in the absence of an operational context. We would therefore emphasize that the fact that the *Act* is not consistently interpreted by those who work within its parameters requires attention in the upcoming legislative review. We believe that Boards should retain the authority that is currently invested in them as representatives of the public, and we are pleased that the Province intends to offer greater precision and clarity that will communicate the appropriate roles of Boards and Chiefs and therefore foster greater accountability.

Given the significant role played by the Board, we would also advocate for mandatory education for new Board members, provided by the Province. A standard curriculum would enable Board members to understand their roles, the context in which they assume them, and the rules by which they must abide. We would also propose that the majority of members of the Board continue to be appointed by the local municipality, as we communicated to you in a letter from the Big 12 dated May 22, 2015, given it is the local taxpayer who pays for policing. It would be extremely difficult for us to accept a departure from this practice. Further, all appointees to a Board should be assessed according to a set of competencies and be subject to a background check. We believe that these measures would provide a strong foundation in which Boards can operate and contribute to greater public confidence in our police services.

b) Address shortcomings in the complaints and disciplinary system

Part V of the *Police Services Act* establishes the processes that must be followed for complaints and disciplinary hearings. As you know, this part of the *Act* was subject to a major overhaul in 2009 to create the Office of the Independent Police Review Director (OIPRD). It is our position that additional changes are needed to this area of the *Act* to improve the accountability framework for policing. Most egregious within the current system is the prohibition to suspend a police officer without pay. This has been a source of frustration

for Police Chiefs and Boards for many years, and in many communities has caused significant consternation among the public. We would add that Ontario remains the lone Province that prevents a Chief from having this authority. We believe strongly that the *Act* should be amended to enable officers to be suspended without pay and that this step would enable us to preserve the public trust to a higher degree. Furthermore, we would ask for consideration of a review of the OIPRD investigation of complaints to ensure the process is as efficient and responsive as possible.

In Durham we have had cases that languish through a litigious and costly disciplinary process that undermine public trust. When an officer is able to earn his full salary over eight years, despite a criminal conviction, there is something clearly wrong. We would suggest to you that the entire process for resolving conduct matters is overly rigid, and that a lack of accountability weakens the perception of the police as guardians of fairness and justice. Penalties for misconduct are based upon case law, and in the mind of the public, may not reflect the seriousness of the misconduct. The process to dismiss an officer is far too lengthy, and too often police officers are treated differently than they would if they were employed in an alternate field. This practice serves to reinforce the perception that police officers are subject to a different set of rules, to the detriment of public trust in their profession. As former OPP Commissioner Chris Lewis noted in a recent on line article, "If an applicant with a conviction for most criminal offences isn't going to be considered for employment in policing to begin with, that shouldn't change once hired". Offences for which conduct will result in dismissal should be articulated clearly in the law. We believe that this would set clear expectations and demonstrate to the public that uniform members who are entrusted to serve them will be held to a high standard of behavior, both on and off-duty.

2. Improving the quality of police service delivery

a) Clearly define what police roles are (and what they are not)

As noted earlier, the public expectations of the police, and the society in which they wield their powers, has changed considerably over the past quarter century when the *Police Services Act* was conceived. Quite simply, it is no longer practical for a fully armed and trained police officer to assume many of the roles that we now ask of them. Many roles could be undertaken by other agencies, or by civilians within a police agency. The recent study by the Council of Canadian Academies articulated the emergence of a security web, including many service providers, as its central theme.

"Both the demands on police and the context in which they work have changed considerably since police were initially institutionalized to provide public security in Canada. Foremost among these changes has been the growth of the safety and

security web. The web comprises an increasing number of non-police organizations — including private security, local health professionals, community and municipal groups, and other government organizations — that now interact with one another and with police in the provision of safety and security. The safety and security web presents both the central challenge and the central opportunity for Canada's police in the 21st century" (page xi).

When the Future of Policing Advisory Committee was struck in 2012, its primary goal was to determine core and non-core police services in support of effective, efficient and sustainable police service delivery. We believe that the imperative of this task remains and that this exercise is crucial to our reform efforts. While we appreciate that the Strategy for Safer Ontario envisages a much broader framework, the importance of clearly articulated police duties, activities and functions should not be overlooked. You will recall that the Commission on the Reform of Ontario's Public Services Report in 2012 (the Drummond Report) also recommended a review of the core responsibilities of police to eliminate their use for non-core duties, and an examination of alternative models of police service delivery. We believe that there remains significant opportunity to pursue alternative ways to provide community safety, and we expect that this will be a key feature of the legislative modernization that you are embarking on.

b) Increase the professionalization of policing

Our current method of hiring a police officer and then sending him or her to training to qualify as a police officer is not entirely rational. We believe that the accreditation of police officers would strengthen the quality of recruits and the delivery of the services that they provide. Successful completion of an accredited program prior to being hired would go a long way toward creating a more professional model of policing, and augment the level of knowledge, skill and ability a police employee will bring to their career. Indeed, such a system is already in place for the vast majority of professions, from engineers to nurses, to teachers and accountants. There is no compelling argument for why policing should be different. A higher level of professional sophistication, education and experience is required of police officers to meet the complex challenges that they will face during their careers. The Quebec model for police training may be an example that the Province could look towards as it explores this possibility.

Our position is that a departure from the generalist model of police organization to greater specialization would also strengthen police practices and improve service delivery. Threats such as cybercrime require unique skill sets, ones that vary significantly from those required for other forms of police work, such as specialized

investigation or general patrol. The Association of Municipalities of Ontario (AMO) 2015 report on Policing Modernization expands upon this theme in greater detail, and concludes that greater civilianization would benefit policing by offering cost savings and by enabling greater specialization of labour. It is noted that in Mesa, Arizona, civilian investigators are responsible for home and car burglaries that are no longer in progress. We believe that changes to how labour is organized in the police setting will support better decision making and service delivery, and we ask that sufficient flexibility be built into the new legislative regime.

c) Support evidence-based decision making

An enhanced approach to performance measurement is necessary for the police sector to make more evidence-based decisions. This need has been well articulated in various studies, including the AMO report, the study by the Council of Canadian Academies, and the MacDonald Laurier Institute report. The adoption of uniform measures will support innovation and apply a more "business savvy" lens to evaluating the effectiveness of police programs and services. We recognize the challenge associated with measuring the impact of police work; assessing the value of human service is fundamentally different than quantifying the value of a private company, whose motivation is profit. Nonetheless, we believe that this area has been neglected for too long and that a standardized measurement framework would be a valuable tool that would assist police services across the Province in providing safer communities. We hope that your Ministry places priority upon the current performance measurement deficit as it renews the current legislation.

3. Providing opportunities for greater efficiency

a) Enable greater local autonomy

While we appreciate the Province's interests in ensuring appropriate levels of police service across Ontario communities, we believe that there are areas of the *Act*, and in particular, in the Adequacy Regulation, which are overly prescriptive and affect our ability to manage local policing. For example, the Adequacy Regulation requires that a Board develop a Business Plan at least once every three years. In other sectors, such as education and health care, five year plans (or longer) are generally the norm. The ability to decide upon our own timeframe, according to our own local needs, in matters such as this would be beneficial. This Regulation also stipulates a lengthy number of requirements for processes and procedures, and we would question their utility as we advance towards more outcome focused objectives that are supported by rigorous performance measurements.

Other areas of the *Act* that infringe upon local independence include the requirement that the Ontario Civilian Police Commission to approve a layoff of a police member should a decision be made to reduce the size of the Service. While we are certainly not contemplating this option at this point in time, we would hold that this obligation is unnecessarily constraining and does affect our ability to operate efficiently.

b) Facilitate alternative Means of Service Delivery

There are sections of the *Act* that dictate that a Board is responsible for the provision of service when alternatives would be far more viable. For example, the Board is required to provide court security under the *Act*. While we appreciate that the Province has uploaded a portion of the cost of these services, the current system is far less efficient than if a centralized model existed across the Province. The emergence of public safety officers, who are not fully trained and armed police officers, is another area we would like to see explored more fully. Such officers have been deployed in communities such as Winnipeg and Vancouver, and more recently in Sudbury. While we understand that the *Act* may not prohibit such positions, an expression within the statute of what their duties may be and the accountability regime governing the conduct of such officers may generate a greater willingness to implement these positions locally.

c) Modify the labour relations scheme set out in the *Act*

We have previously expressed our dissatisfaction with the arbitration system, and the need for reform to arrest the pattern of leapfrogging that pervades collective bargaining in our sector. Quite simply, arbitrators are not held accountable for how they apply the criteria in the *Act*. Because of the replication factor, an imbalance at the bargaining table has occurred and police members have enjoyed salary increases that far outpace those received by other municipal employees, at significant cost to the taxpayer. Legislative amendments that would provide municipal police services greater flexibility in managing human resources would also enable us to operate more efficiently. More specifically, the exclusion of certain police members, beyond the chief and deputy chiefs, from membership in a bargaining unit to minimize the effects of conflict of interest situations would be an important consideration. As it currently stands, the Board is obligated to negotiate a collective agreement with a Senior Officers' Association that includes its own Director of Human Resources and the Director of Finance, the very people who control the information the Board relies upon to conduct collective bargaining effectively. We question the reasonableness of the requirement to conduct collective bargaining with our senior managers, and hope that an alternative can be conceived. We would also suggest that there would be value to examining changes to the *Act* that would expand the ability of Boards to rely upon the expertise and knowledge

of civilian staff, for example, at the level of deputy chief. Boards should also be able to delegate the bargaining function to municipal staff, should they so desire.

In closing, while the current *Police Services Act* has served its purpose well for the last quarter century, the evolution of our society, combined with changes to the types of public safety challenges that confront us, require the development of new approaches. We are enthusiastic about the future of policing and we are keen to work with all stakeholders to ensure we build a new model that places greatest value upon trust, fairness and sustainability.

We intend to work with our Big 12 colleagues and the Ontario Association of Police Services Boards in the coming months to advance these and other proposals further. We would welcome the opportunity to meet with you or your representatives to discuss these ideas. Once again, thank you for your commitment to consultation on this very important initiative.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Anderson', with a stylized, flowing script.

Roger Anderson
Chair

c.c.: Chief Martin
President Bain, Ontario Association of Police Services Boards
Big 12 Chairs
Local MPPs



Appendix "D" Correspondence to Ontario Police Services Boards

HAMILTON POLICE SERVICES BOARD

Board Members

Lloyd Ferguson, Chair
Chad Collins
Nancy DiGregorio
Walt Juchniewicz
Madeleine Levy
Irene Stayshyn
Terry Whitehead

Lois Morin, Administrator

8 April 2014

Chair «Chair»
«Member_Organization»
«Address»
«Address_2»
«City», ON
«Postal_Code»

Chair «Chair»:

RE: Suspension Without Pay – Expanded Request to Include Serious *Police Service Act* Misconduct

The Hamilton Police Services Board (HPSB) has long supported the position that the *Police Service Act of Ontario* be amended to allow the Chiefs of Police to have discretionary authority to suspend members, without pay, in circumstances related to serious criminal conduct not related to the performance of their duties.

Further, the Hamilton Police Services Board has endorsed the position of the Ontario Association of Chiefs of Police (OACP) related to suspension without pay and supported the Ontario Association of Police Services Board (OAPSB) position.

What the HPSB and OAPSB have previously fully endorsed is that:

“As outlined in the OACP’s White Paper from the Suspension Without Pay Working Group in February 2010, the following is the position put forth in a call for an amendment to the Police Services Act. This position was further endorsed in May 2013.

.... 2

Section 89(1) of the Police Services Act should be amended to allow Chiefs of Police to suspend their officers without pay in certain, serious cases, including:

- 1) When a police officer is charged with a serious offence contrary to the Criminal Code of Canada, the Controlled Drugs and Substances Act or other federal Act, not related to their performance of duty; and*
- 2) When a police officer is charged with an offence and held in custody, or when subject to a judicial release order with conditions that prevent the officer from carrying out their policing duties.*

The O.A.C.P. position recognizes that an allowance for suspension with pay helps protect police officers in the good faith performance of their duties, but this allowance was never intended to shield police officers from the consequences of serious criminal conduct unrelated to the performance of their duties."

The Hamilton Police Service (HPS) established a 'Suspension Without Pay Working Group' under the direction of Supt. Nancy Goodes-Ritchie. The mandate of the HPS Working Group was to update the OACP White Paper of February 2010 entitled, 'Suspension Without Pay In Policing'. This work has now been completed and was presented to the Hamilton Police Services Board.

It was recommended that the HPSB endorse the recommendation of the Working Group and support a further endorsement of amending the *Police Service Act* to allow Chiefs of Police the discretionary authority to suspend without pay when a police officer is charged with serious misconduct contrary to the *Police Services Act*.

The Working Group recommended that:

"In addition to the recommendations contained in the OACP White Paper on Suspension Without Pay in 2010, it is further recommended that suspension without pay should not be limited only to those charged with a criminal offence or those in custody or on bail. Tax dollars should not be spent to pay the salaries and benefits of police officers who have committed misconduct so egregious that it represents a fundamental breach of the public trust and will significantly affect their continued performance of the duties of a police officer. In such exceptional circumstances, the Chief of Police must have the power to suspend without pay. Therefore, these circumstances should also include:

- 3. When a police officer is charged with a serious misconduct contrary to the Police Services Act.*

Consideration must be given to:

- *the Police Service would seek dismissal of the police officer and could establish that the allegations, would likely result in dismissal; and*
- *when failure to suspend without pay would likely bring the reputation of the Police Service as a whole, into disrepute.”*

This recommendation seeks suspension without pay authority for those egregious matters of misconduct that do not reach the criminal standard and yet would result in the Chief seeking dismissal of the officer for offences committed that are unrelated to the performance of their duties.

The HPSB has fully endorsed the recommendations of the Hamilton Working Group and has passed the attached resolution.

The HPSB has recommended the expanded position to the Ontario Association of Police Services Boards for discussion and consideration at the Annual General meeting.

The Hamilton Police Service presented the recommendation of the Hamilton Working Group at the OACP Zone 4 meeting on March 6, 2014. The motion to support the expanded recommendation of the Hamilton Working Group was passed with resounding support in a recorded vote. The updated White Paper of the Hamilton Working Group will now be advanced to the OACP by way of Resolution for consideration at the Annual General Meeting in June 2014.

As Chair of the Hamilton Police Services Board, I wish to inform you that our Board fully supported and endorsed the recommendation of the Hamilton Working Group and would request the support of all Police Services Boards in Ontario.

Sincerely,

Mr. Lloyd Ferguson
Chair, Hamilton Police Services Board

LF/lem

Attachments: Suspension Without Pay Resolution
Suspension Without Pay White Paper – An Update to the Ontario Association
of Police Services Boards – March 2014

| Member Organization | Contact - Surname | Contact - First Name |
|----------------------------------------------------|--------------------------|-----------------------------|
| Admaston/Bromley Township Police Services Board | McGregor Briscoe | Sarah |
| Alnwick Haldimand Police Services Board | McBridge | Debbie |
| Amaranth Police Services Board | Doherty | Cathy |
| Amherstburg Police Services Board | Leavoy | Nancy |
| Atikokan Police Services Board | Spilchuk | Christine |
| Aylmer Police Services Board | Irwin | Bobbi |
| Barrie Police Services Board | Hrynyk | Shirley |
| Beckwith Township Police Services Board | Moyle | Cynthia |
| Belleville Police Services Board | Boyle | Susan |
| Blandford-Blenheim | Brittain | Cretia |
| Blind River Police Services Board | Scott | Katie |
| Bonfield, Township of, Police Services Board | Laplane | Doug |
| Bonnechere Valley Police Service Board | Barr | Sandra |
| Bradford West Gwillimbury/Innisfil Police Services | Boudreau | Lori |
| Brantford Police Services Board | Eves | Margaret |
| Brighton Police Services Board | Allore | Diane |
| Brockton Police Services Board | Scharback | Genevieve |
| Brockville Police Services Board | Baker | Jim |
| Carleton Place Police Services Board | Reynolds | Les |
| Casselman Police Service Board | Lortie | Gilles R. |
| Cavan-Monaghan Police Services Board | Arthurs | Elana |
| Chatham-Kent Police Services Board | Takahashi | Florence |
| Cobourg Police Services Board | Knox | Faye |
| Cochrane Police Services Board | Chartrand | Gilles |
| Collingwood Police Services Board | Almas | Sara |
| Cornwall Community Police Services Board | McDonald | Raymonde |
| County of Brant Police Services Board | Boyd | Heather |
| Cramhe Police Services Board | Doiron | Candice |
| Deep River Police Services Board | McLaughlin | Louise |
| Douro-Dummer Police Services Board | Nelson | Carol Anne |
| Dryden Police Services Board | Kincaid | Debra |
| Durham Regional Police Services Board | Beeson | Karen |
| East Luther Grand Valley Police Services Board | Culshaw | Sarah |
| East Zorra-Tavistock Police Services Board | Junker | Brenda |
| Elgin Group Police Services Board | McConnell | Susan |
| Espanola Police Services Board | ROQUE | LINDA |
| Essex Police Services Board | Brett | Jill |
| Fort Frances Police Services Board | Holt | E. Loreen |
| Gananoque Police Services Board | Harries | Karl |
| Georgian Bluffs PSB | Fraser-McDonald | Christine |
| Goderich Police Services Board | McCabe | Larry |
| Greater Napanee Police Services Board | Callery | Raymond |
| Greater Sudbury Police Services Board | Latendre | Joanne |
| Grey Highlands Police Services Board | Holt | Karen |
| Guelph Police Services Board | Parton | Carol |
| Haldimand County Police Services Board | Scott | Peggy |
| Halton Regional Police Services Board | McDonald | Dorothy |
| Hamilton Police Services Board | Morin | Lois |
| Hamilton, Township of | Plamondon | Jary |
| Hanover Police Services Board | MCKAY | Catherine |

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|----------------------------------------------|------------------|-----------|
| Hawkesbury Police Services Board | Lemay-Sabourin | Lynn |
| Hearst Police Services Board | LAFLAMME | CLAUDE |
| Ignace Police Services Board | Obie | Lorie |
| Ingersoll Police Service Board | Dayman | Sherri |
| Kapuskasing Police Services Board | Major | Barbara |
| Kawartha Lakes Police Services Board | English | Christina |
| Kenora Police Services Board | Grouda | Paulette |
| Kincardine Police Services Board | Beckberger | Patty |
| Kingston Police Services Board | Harrington | Donna |
| Kingsville Police Services Board | Brown | Scott |
| Kirkland Lake Police Services Board | Ducharme | Jo Ann |
| Lanark Highlands Police Services Board | Wittkie | Rob |
| LaSalle Police Services Board | Towle | Caron |
| Laurentian Hills Police Services Board | Kirby | Wayne T. |
| Leamington Police Services Board | Bavetta | Jennifer |
| London Police Services Board | Foster | Jennifer |
| Marathon Police Services Board | Lees | Louise |
| Meaford Police Services Board | Pearl | Kathy |
| Merrickville-Wolford Police Services Board | Eagle | Jill |
| Middlesex Group Police Services Board | Troyer-Boyd | Stephanie |
| Midland Police Services Board | Cozac | Shelley |
| Mississippi Mills Police Services Board | Smithson | Diane |
| Mono Police Services Board | Smith | Tess |
| Montague Police Services Board | Valentin | Katie |
| Mulmur Police Services Board | Shillum | Kerstin |
| Municipality of East Ferris | Fior | John B. |
| Nation Municipality Police Services Board | McCuaig | Mary |
| Niagara Regional Police Services Board | Morton | Deb |
| Norfolk County Police Services Board | Chunick | Maureen |
| North Bay Police Services Board | Lalande | Gerald |
| North Grenville Police Services Board | Pominville | Cahl |
| North Huron Police Services Board | Adams | Kathy |
| North Kawartha Police Services Board | Solman | Alana |
| North Perth Police Services Board | Givens | Judy |
| Norwich Township Police Services Board | Cope | Colin |
| Nottawasaga Police Services Board | Rugman | Nancy |
| Orangeville Police Services Board | Glazier | JoAnne |
| Orillia Police Services Board | Preston | Kristine |
| Ottawa Police Services Board | Fedec | Wendy |
| Owen Sound Police Services Board | Calver | Kelly |
| Pembroke Police Services Board | Briscoe | Barbara |
| Penetanguishene Police Services Board | Bryce | Holly |
| Perth Police Services Board | Smith | Sally |
| Petawawa Police Services Board | Recoskie | Dawn |
| Peterborough Lakefield Police Services Board | Pritchard Pataki | Niquel |
| Point Edward Police Services Board | Burns | Jim |
| Port Hope Police Services Board | McFarlane | Jane |
| Prescott Police Services Board | Helmer | Randy |
| Prince Edward Police Services Board | Stanfield | Cathy |
| Quinte West Police Services Board | Mielke | Jane |
| Rama Police Services Board | St. Germaine | Melanie |

| | | |
|-----------------------------------------------------|-----------|-------------|
| Red Lake Police Services Board | Kocis | Shelly |
| Red Rock Police Services Board | Harvey | Bernice |
| Regional Municipality of Peel Police Services Board | Biro | Fred |
| Renfrew Police Services Board | Stafford | Melanie |
| Rideau Lakes Police Services Board | Smith | Paul |
| Sarnia Police Services Board | McEachran | Scott |
| Saugeen Shores Police Services Board | Elliott | Georgina |
| Sault Ste. Marie Police Services Board | TenBrinke | Ruth |
| Shelburne Police Services | Morden | Sharon |
| Shuniah Police Services Board | Matychuk | Laurie |
| Smith Ennismore Police Services Board | Kirk | Suzanne |
| Smiths Falls Police Services Board | Tomlinson | Janice |
| Smooth Rock Falls Police Services Board | Perras | Sue |
| South Bruce Peninsula Police Services Board | Wyonch | Cherry |
| South Huron Police Services Board | Fields | Jo-Anne |
| Southgate Police Services Board | Martell | Raylene |
| Spanish Police Services Board | Bray | Mary |
| Stirling-Rawdon Police Services Board | Bremner | Cassandra |
| Stormont, Dundas & Glengarry Police Services Board | Thomson | Helen |
| Stratford Police Services Board | Shantz | Pat |
| Strathroy-Caradoc Police Services Board | MacKenzie | Sonya |
| Tay Valley Township Police Services Board | Mabo | Amanda |
| Tecumseh Police Services Board | Preuschat | Ellen |
| Temagami Police Services Board | Lepage | Tammy |
| Temiskaming Shores Police Services Board | Oslund | Christopher |
| Terrace Bay Police Services Board | Morley | Karen |
| Thames Centre Police Services Board | Lewis | Margaret |
| The Blue Mountain Police Services Board | Keast | Stephen |
| Thunder Bay Police Services Board | Hannam | John |
| Tillsonburg Police Services Board | Wray | Susie |
| Timmins Police Services Board | Torlone | Joe |
| Toronto Police Services Board | Campbell | Joanne |
| Town of Lakeshore | Renick | Sherry |
| Township of Otonabee-South Monaghan | Scott | Heather |
| Township of Russell Police Services Board | Brisson | Hélène |
| Trent Lakes Police Services Board | Angione | Bob |
| UCCM Anishnaabe Police Service | McGregor | Andrea |
| Waterloo Regional Police Services Board | Widmeyer | Madeliene |
| Wawa Police Services Board | Mann | Linda |
| Wellington County Police Services Board | Wilson | Scott |
| West Grey Police Services Board | Webb | Heather |
| Windsor Police Services Board | Heimann | Donna |
| Woodstock Police Services Board | Pearson | Marilyn |
| York Regional Police Services Board | Kogan | Jaclyn |

EXCERPT of September 22, 2016 Public Minutes

5.2 Email from the Ontario Association of Police Services Board Member Survey – Police Services Act Rewrite

After discussion, the Board approved the following:

Moved by: Member Juchniewicz

Seconded by: Member MacVicar

That the Board direct the Chair and Vice Chair to complete the survey on behalf of the Board.

Morin, Lois

From: OAPSB <admin@oapsb.ca>
Sent: September-06-16 9:20 AM
To: 'OAPSB'
Subject: OAPSB Member Survey - PSA Rewrite

Importance: High

Greetings Members,

In our continuing efforts to best serve our entire membership, please find attached a survey intended to help create our consolidated voice regarding changes to the Police Services Act.

The survey starts with a short message from President Eli El-Chantiry, which further explains our purpose and process.

We ask that each member Board/CPAC completes the survey **by 30 September**, perhaps during your September Board meeting.

This is an important opportunity for everyone to voice their opinions on this once-in-a-generation legislative opening.

We will subsequently share the consolidated results with everyone.

Thanks in advance,

Fred

Fred Kaustinen
Executive Director OAPSB

Ontario Association of Police Services Boards
Police Services Act Survey

- A. Generally speaking, rank in order of importance the following priorities for PSA legislative reform (1 is most important, 5 is least important.)**

| | 1 | 2 | 3 | 4 | 5 | n/a |
|-----------------------------------------------------------------------------------------|---|---|---|---|---|-----|
| 1 Strengthening police governance | | | | | | |
| 2 Facilitating alternate service delivery options, including outsourcing | | | | | | |
| 3 Mandating police cooperation with other health and social agencies | | | | | | |
| 4 Improving police oversight (OIPRD, OCPC, SIU) | | | | | | |
| 5 Modernizing labour relations (for example: arbitration, suspensions without pay, etc. | | | | | | |

- B. Please specify your Board's views on these proposals for PSA legislative reform:**

| | Agree | Disagree | N/A |
|-------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-----|
| 1 The safety of our communities should be legislatively recognized as a foundation for social wellbeing and economic prosperity. | | | |
| 2 Engaging the public and community groups on an ongoing basis should become a more entrenched feature of police governance. | | | |
| 3 The Police Services Act needs to instill a greater degree of public representation into governance processes. | | | |
| 4 The Police Services Act must provide greater precision and clarity regarding the roles of Boards and Police Chiefs. | | | |
| 5 There should be mandatory training for new Board members on what is expected of them, and what constitutes misconduct. | | | |
| 6 There should be mandatory training for Boards on how to govern as a team. | | | |
| 7 There should be performance standards for Boards. | | | |
| 8 Boards should be evaluated against governance performance standards (rather than today's Adequacy Standards for Boards). | | | |
| 9 OPP cost estimates/budgets should be approved by Section 10 Boards who then submit them to the municipal government. | | | |
| 10 The majority of Board members should continue to be appointed by the local municipality (rather than the Provincial Government.) | | | |

| | | Agree | Disagree | N/A |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-----|
| 11 | All appointments to Police Boards should be subject to a background check that provides evidence of suitability (standards of which must be established province-wide.) | | | |
| 12 | The Police Chief should be able to suspend, without pay, Officers charged with egregious offenses/misconduct. | | | |
| 13 | <u>Processes</u> regarding police officer misconduct need to be simplified and more reflective of general labour practices in Ontario. | | | |
| 14 | <u>Penalties</u> for officer misconduct, up to an including dismissal, need to be simplified and more reflective of general labour practices in Ontario. | | | |
| 15 | Post secondary education (i.e. college and/or university) should be a prerequisite to becoming a police officer. | | | |
| 16 | Police Officers should be professionally accredited, like lawyers, accountants, engineers, etc.) | | | |
| 17 | Today's generalist model of police organization (general patrol, general investigation) needs to become more specialized, in order to address new and emerging threats such as cybercrimes. | | | |
| 18 | Police Board decision-making needs to be evidence-based, and Boards must be ensured the timely provision of relevant decision information. | | | |
| 19 | Outcome-based performance metrics for police need to replace today's process/resource/activity-based/Adequacy Standards. | | | |
| 20 | Police Boards should have the authority to lay-off police and civilian employees, not OCPC. | | | |
| 21 | The government must specify what police functions must be performed by a police officer, and only a police officer. Police Boards must be legislatively authorized to determine who will fulfill non-core functions in their community. | | | |
| 22 | Human Resources, Finance and Legal advisors should be excluded from bargaining unit (Association) membership, like Chiefs and Deputy Chiefs. | | | |
| 23 | All uniformed and civilian police management should be excluded from bargaining unit (Association) membership, like Chiefs and Deputy Chiefs. | | | |
| 24 | Boards should be <u>allowed</u> to delegate the bargaining process to professionals not on the Board. | | | |
| 25 | Boards should be <u>expected</u> to delegate the bargaining process to professionals not on the Board. | | | |

| | | Agree | Disagree | N/A |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-----|
| 26 | Arbitrators should be compelled to consider non-police comparators, such as a municipality's non-police employee groups, in their determinations. | | | |
| 27 | Arbitrators should be compelled to explain how and to what extent mandatory factors were considered in rendering their decisions, and mandated to duly consider all legislated decision factors. | | | |
| 28 | Police Boards should approve bargaining mandates and ratify collective agreements; collective bargaining itself should be conducted by (police) management, with external assistance as required (like every other sector in Canadian society). | | | |
| 29 | Police Boards, through community engagement and surveys, should be determining the strategic outcomes and limitations for policing in the community; police chiefs should be developing action plans to achieve those outcomes within those limits. | | | |
| 30 | Police Board member selection should be based on fulfillment of required governance competencies as determined by the Ministry. | | | |
| 31 | Police Board member selection should be based on fulfillment of required governance competencies as determined by each police board. | | | |
| 32 | Police recruits should complete an accredited post-secondary program prior to selection as a police recruit (like teachers, nurses, etc.) | | | |
| 33 | Mandatory board training should be the responsibility of the provincial government. | | | |
| 34 | The provincial government should accredit and fund Board training developed and delivered by OAPSB on the government's behalf. | | | |
| 35 | Board members must have sufficient understanding of public safety issues to collectively make decisions regarding strategic direction for the police service. | | | |
| 36 | Progression through the constable classes (4th, 3rd, 2nd, 1st) needs to be slowed down, and not just based on "time served". | | | |
| 37 | Boards should appoint special constables within their jurisdiction, rather than just 'recommend' for Provincial Government approval. | | | |

| | | Agree | Disagree | N/A |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-----|
| 38 | Boards should have the flexibility and authority to select a composite of service providers from a variety of suppliers - police and non-police, public and private sector-based. | | | |
| 39 | There should be a standardized MOU between a special constable employer (e.g. college, transit system, etc.) and the police board that appoints them. | | | |
| 40 | Oversight of special constables should be similar to oversight of police officers, as both may use force against other people in certain circumstances. | | | |
| 41 | Board roles must be clarified before prescribing board composition, member competencies, training, etc.) | | | |
| 42 | Boards exist to govern resources, not manage them; human resource management should be delegated to the Chief/Detachment Commander. | | | |
| 43 | Board policies need to specify what the police service/detachment is to achieve, not how it functions. | | | |
| 44 | Boards need to evaluate how well the overall police service performs, not just the Chief. | | | |
| 45 | Police budgeting needs to reflect programs, not "lines", in order to be able to show the value to the community. | | | |
| 46 | Boards need to be larger, in order to perform all their governance duties, and better reflect community diversity. | | | |
| 47 | Board training needs to be developed and delivered by people that understand governance, and can teach. | | | |
| 48 | Boards must have direct access to the information and independent expert assistance/advice they need to fulfill their roles and responsibilities. | | | |
| 49 | Reading legislation to new Board members is not adequate training. | | | |
| 50 | Board training needs to develop critical thinking, analysis and decision-making skills. | | | |
| 51 | OPP Boards should have a say in the Provincial Government's mandate for OPP collective bargaining. | | | |
| 52 | "Coordinated" bargaining amongst police employers should continue. | | | |
| 53 | Bargaining police collective agreement should be " <u>centralized</u> " in Ontario | | | |

| | | Agree | Disagree | N/A |
|----|---------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|-----|
| 54 | Section 10 (OPP) Boards should be amalgamated at the county/district level, and larger, for greater influence, to best serve the community. | | | |
| 55 | Section 10 (OPP) Boards should be amalgamated at the Detachment level, to simplify oversight for the Detachment Commander. | | | |
| 56 | Geography should be a key factor in determining whether or not to amalgamate Section 10 (OPP) Boards, especially in Northern Ontario. | | | |
| 57 | Board members need to be compensated in accordance with the importance and gravity of their roles and responsibilities. | | | |

C. Are there any additional Police Act issues that you think needs to be addressed?

D. Please verify that your entire Board participated in this survey, as requested.

Yes they did

No they did not.



Appendix "F"
Correspondence to the
Honourable Michael H. Tulloch

HAMILTON POLICE SERVICES BOARD

Board Members

Lloyd Ferguson, Chair
Madeleine Levy, Vice Chair
Fred Eisenberger
Walt Juchniewicz
Donald MacVicar
Stanley Tick
Terry Whitehead

Lois Morin, Administrator

November 18, 2016

The Honourable Michael H. Tulloch
Independent Civilian Police Review
MacDonald Block, Box 160
77 Wellesley Street West
Toronto, ON
M7A 1N3

Dear Justice Tulloch:

Re: Independent Police Oversight Review

I am writing in response to the questions you provided to Police Services Boards across the Province through the Ontario Association of Police Services Boards on September 29, 2016. Our Vice Chair, Madeleine Levy, expressed her pleasure to meet you and members of your team at the public consultation held in Hamilton on November 8, 2016.

The attached responses provide the Board's position on the questions you provided. Our Board believes it is essential for the police to build and retain the trust of its citizens in order to be effective. The modernization of the *Police Services Act* provides a significant opportunity to introduce transformative changes to the delivery of police services in Ontario, and to ensure that they are effective, efficient, sustainable and continue to earn the confidence of citizens. Your recommendations, informed by the extensive consultations that you are leading, will assist the Province in developing a legislative framework for policing that enhances accountability and transparency. We are pleased at your commitment to a reasonable and balanced approach and your willingness to engage in meaningful dialogue as you undertake this important task. Our Board fully supported the recommendations for legislative reform as outlined in a letter sent to the Minister of Community Safety and Correctional Services by the Durham Regional Police Services Board in February 2016.

..... 2

Although your questions do not address the issue of police officer discipline specifically, we wish to reinforce our position that the statutory framework currently in place, and the case law upon which it relies, restricts the Board and the Chief's ability to ensure accountability when misconduct occurs. In essence, the current disciplinary process does not enable the imposition of meaningful consequences upon police officers where their actions do not meet community expectations. In cases where officers receive a temporary demotion or a trivial monetary penalty, there is a perception that the police abide by a different set of rules than other citizens, and a corresponding violation of the trust that is the foundation of effective police-community relations. The process to terminate an officer is far too onerous, even in cases where the misconduct is egregious and criminal, taking years to cycle through the various proceedings with accumulated legal costs. We appreciate the need for fairness, consideration of mitigating factors and the essence of due process, but we believe improvements can be made to the disciplinary framework that will strengthen public trust while respecting officers' rights.

We support the scrutiny and oversight of municipal Police Services and Police Boards as our civilian oversight bodies represent critical checks and balances in our democracy. However, public trust depends on their effectiveness, and transformative change is required to foster confidence in policing in this province. We look forward to the legislative reform of the *Police Services Act* and expect the revisions to place greater emphasis on effective board governance.

We sincerely appreciate the opportunity to express our perspectives and look forward to your final report and the contribution it will make to improving policing in Ontario. If you have any questions or concerns that may arise please do not hesitate to contact me at the number below.

Sincerely,

A handwritten signature in black ink, appearing to be 'Lloyd Ferguson', with a stylized, flowing script.

Lloyd Ferguson, Chair
Hamilton Police Services Board

Attachment (1)

cc. Police Services Board Members

LF/lem

Response to the eight questions posed by Justice Tulloch:

1. What role does your organization play in relation to police oversight?

Boards play a broad oversight role by ensuring that the legislated functions assigned to the Board, as set out in the *Police Services Act* and its associated Regulations, are carried out by the Police Service. This responsibility is fulfilled through regular monitoring and reporting to the Board by the Chief of Police.

At a more specific level, there are several provisions of the *Police Services Act* that require the Board's direct involvement as part of the system of civilian oversight such as Sections 31(1), 69, 63(6), 83(17) and 85(8).

2. Ideally, what role should your organization have in relation to police oversight?

As the body responsible for the provision of police services, the Board should seek to preserve and enhance public trust in the performance of all its functions. The Board should direct and monitor the Chief's administration of the complaints system to help preserve public confidence, as currently required by the *Police Services Act*. The Board should be kept informed of disciplinary and conduct issues and address matters at a strategic, organizational level when the need arises. However it is questionable whether the Board should play any direct role in the public complaints process, as it pertains to the Chief and Deputy Chief.

Under the current provisions of the *Police Services Act* Section 69(1), a police services Board is required to review every complaint about a Chief of police or Deputy Chief of police that is referred to it by the OIPRD. More specifically, the Board must determine whether the conduct of the Chief of police or Deputy Chief of police may constitute an offence under a law of Canada or of a province or territory, or misconduct as defined in section 80 or unsatisfactory work performance, and if it concludes that the conduct may meet one of these thresholds, the Board must ask the OIPRD Director to have the complaint investigated. In conducting its review the Board is prohibited by the OIPRD Rules of Procedure from inviting, or receiving submissions from any party other than the complainant during its review; this prohibition extends to the Chief or Deputy Chief. Nor is the Board permitted to investigate the complaint during its review.

The concern is that Boards are expected to make an important decision without having any facts, background, or details other than what has been provided by the complainant. It only has one side of the story. This runs contrary to normal sound decision-making practices in which an emphasis is placed on ensuring a decision-making body has all the information it needs in order to make a defensible and informed decision. As Board members lack the expertise, or access to expertise to properly investigate these complaints, it is recommended that Boards be left out of this decision-making process.

By eliminating this step, the processes that apply to all other police officers would apply equally to a Chief of police or Deputy Chief of police.

Further the requirement for the Board to make a determination under section 83(17) of the *Police Services Act* as to whether the delay in serving notice of hearing is responsible should be further examined. The Commissioner of the OPP makes such a determination regarding members of the OPP, and there does not appear to be any reason why this decision could not also be made by Chiefs of Police in municipal Police Services.

3. What interaction does your Board have with the three police oversight bodies: the Special Investigations Unit, the Office of the Independent Police Review Director, and the Office of the Civilian Police Commission?

The Board does not have any direct interaction with the SIU, however, at the completion of the SIU investigation, the Board receives a report from the Chief of Police outlining any issues found by the Chief in his own review, pursuant to section 11 of Regulation 267/10.

The Board's interaction with the OIPRD is limited to circumstances when there is a complaint against a Chief of police or Deputy Chief of police. With regard to a policy or service complaint, where a requester for review is received from the complainant, the Board notifies the OIPRD of its disposition in writing. Both of these situations occur infrequently.

With respect to our interaction with OCPC, they provided counsel for board oversight and the complaints process

4. What is the role of these oversight bodies in relation to the oversight provided by the Boards? What should it be?

The oversight provided by Boards relates to the overall performance of the Police Service and the fulfilment of legislated responsibilities, and is far broader than the mandates of three oversight agencies currently being reviewed. There is currently a clear delineation between the role of Board and the other civilian oversight bodies, and this separation should be maintained. The involvement of the other oversight bodies should be limited to circumstances when there are complaints or where issues arise of a nature that warrant a wide review of comparative policing practices and processes across jurisdictions.

5. Are the police oversight bodies transparent and accountable? Do they preserve fundamental rights?

Our civilian oversight bodies represent critical checks and balances in our democracy. However, public trust depends on their effectiveness, and transformative change is required to foster confidence in policing in this province.

With respect to the SIU, there have been concerns raised over the timeliness of investigations. Recognizing the impact that outstanding investigations have upon involved officers and their families, the families of the victim, and the potential impact on community trust, the Board would emphasize the importance of completing investigations as expeditiously as possible.

Further the Board believes that the OIPRD and OCPC bodies take far too long for their investigations to be completed.

Our Board would like to see the quality (ie experience, qualifications) of the individuals who conduct the investigations to be of the highest standard of integrity and ensure a bias free lens.

6. Following a section 11 review by a Chief of Police where SIU mandate has been triggered, should the identity of a subject officers or any part of the Chief's report be released?

The Board's position is that current legislative model preserves accountability for the conduct of police officers subject to SIU investigations. Identifying an officer investigated by the SIU, when no criminal charge is laid, is unnecessary. If a criminal charge is laid, the identity of the subject officer is on the public record. The Board has not heard compelling arguments that the identification of the officer is necessary, and the calls for this identification appear to be motivated by a desire to shame an officer.

Under the *Police Services Act*, the Chief of Police is accountable to the Board for administering and overseeing the operation of the Police Service. The Board is required to direct the Chief and monitor his performance. If the members of the Police Service are not meeting the community's expectations, the Chief and the Board must weigh this in fulfilling their responsibilities. It is the responsibility of the Board and the Chief of Police to address the community's concerns, and to exercise leadership and take action to rebuild and instil trust when the circumstances so demand.

The Board recommends that a standard form section 11 report be created that will standardize the reporting by the Chief to the Board following SIU investigations. As such, the Board also recommends that this standardized form for section 11 reports be made public in every case.

7. Are the mandates of the police oversight bodies effective and clear?

The mandates of the three oversight bodies are generally clear and outlined on each of the websites.

8. Are there areas of overlap and inefficiency between the oversight bodies?

The mandates of the agencies are distinct. In spite of this there is a lack of understanding of the various agencies' responsibilities, which can have a negative effect on public confidence in policing and the oversight of policing.

There are changes that need to take place from a structural perspective in these three bodies, and there needs to be a higher accountability of their results and the outcomes that they have.

The Board would suggest that the organizations improve information sharing coordination and public understanding of their roles.

HAMILTON POLICE SERVICES BOARD
- INFORMATION -

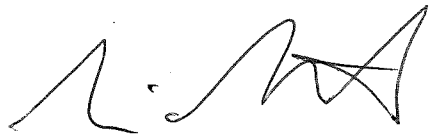
DATE: 2017 September 14
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Eric Girt
Chief of Police
SUBJECT: *Auction Account Expenditures – For Board Approval*
July / August 2017
(PSB 17-102)

BACKGROUND:

The Hamilton Police Service is one of several municipal police organizations that utilize the services of Police Auctions Canada, an internal based company that holds public auctions on line to sell property that is acquired by police services in compliance with the *Police Services Act*.

The monthly report capturing all expenditures that have not yet been approved by the Board is attached.

For Board Approval, the expenditures from the Auction Account from July 1 to August 31, 2017, totaled \$498.33.



Eric Girt
Chief of Police

EG:AT

**FOR BOARD APPROVAL EXPENDITURES
FROM HAMILTON POLICE SERVICE AUCTION ACCOUNT
JULY / AUGUST 2017**

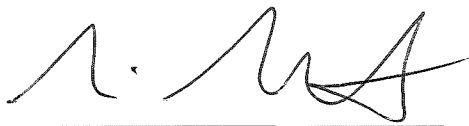
| DATE | NAME | DETAIL | TOTAL | DESCRIPTION |
|------------|------------------------|-------------------------------------------------------------------|-----------|--------------|
| 08/02/2017 | Rose's Crafts & Things | Rose's Crafts & Things; Invoice: July 25 2017; Bereavements X8 | \$ 498.33 | NON-APPROVED |
| TOTAL | | | \$ 498.33 | |

HAMILTON POLICE SERVICES BOARD
- INFORMATION -

DATE: September 14, 2017
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Eric Girt
Chief of Police
SUBJECT: *Budget Variance Report as at July 31, 2017*
(PSB 17-096)

BACKGROUND:

As at July 31, 2017, net expenditures are \$89,418,544 or 56.83% of the 2017 Operating budget of \$157,333,370. The budget variance summary is provided in the attached Appendix. Overall, revenues and expenditures are on budget.



Eric Girt
Chief of Police

EG/J. Randazzo

Attachment: *Appendix A*

Hamilton Police Service
Budget Variance Report
Period Ended July 31, 2017

Appendix A

YTD Budget % : 58.33%

| | Annual Budget | YTD Budget | YTD Actual | Available Balance | % Spent | Comments |
|-------------------------------|-----------------------|----------------------|----------------------|----------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Revenues | | | | | | |
| Grants and subsidies | \$ 7,563,824 | \$ 4,423,888 | \$ 4,467,254 | \$ 3,096,570 | 58.91% | In line with budget. |
| Fees and general revenues | 2,706,844 | 1,567,321 | 1,431,165 | 1,275,679 | 53.27% | Revenues is less than anticipated due to cyclical demand as well as timing of collection in Gen Occur/Photo ID Sales, Tow Fees, Sale of Accident Reports and Special Duty revenues. This is offset by increase in Police Fees revenues, as well as ProAction Cops/Kids event. |
| Reserves/Capital recoveries | 799,200 | 466,207 | 466,207 | 332,993 | 58.33% | In line with budget. |
| Total revenues | 11,069,868 | 6,457,416 | 6,364,626 | 4,705,242 | 57.50% | |
| Expenses | | | | | | |
| Employee Related Costs | 150,960,457 | 88,059,517 | 86,670,101 | 64,290,356 | 57.41% | The YTD Budget includes Collective Agreement budgeted % increase to be determined at the end of the year. |
| Materials and supplies | 5,887,543 | 3,435,684 | 2,685,496 | 3,202,047 | 45.61% | Some expenditures are less than YTD Budget. Though they are expected to be incurred over remaining months, they are anticipated to be within Budget. |
| Vehicle expenses | 1,997,000 | 1,164,926 | 1,035,577 | 961,423 | 51.86% | |
| Buildings and grounds | 2,426,494 | 1,415,435 | 1,376,555 | 1,049,939 | 56.73% | |
| Consulting expenses | 27,600 | 16,100 | - | 27,600 | 0.00% | |
| Contractual expenses | 793,590 | 462,945 | 342,621 | 450,969 | 43.17% | |
| Agencies and support payments | 34,300 | 20,006 | 20,006 | 14,294 | 58.33% | |
| Reserves/Recoveries | 4,297,084 | 2,506,651 | 2,506,651 | 1,790,433 | 58.33% | |
| Cost allocation | 660,250 | 385,147 | 385,147 | 275,103 | 58.33% | |
| Capital Financing | 1,027,200 | 599,200 | 599,200 | 428,000 | 58.33% | |
| Financial/Legal Charges | 291,720 | 170,184 | 161,816 | 129,904 | 55.47% | |
| Total expenses | 168,403,238 | 98,235,795 | 95,783,171 | 72,620,067 | 56.88% | Overall, expenditures are within Budget. |
| Total Net Expenditure | \$ 157,333,370 | \$ 91,778,379 | \$ 89,418,544 | \$ 67,914,826 | 56.83% | Net Budget is on target for the year. |



Ontario

Executive Council of Ontario Order in Council

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

Conseil exécutif de l'Ontario Décret

Sur la recommandation de la personne soussignée, la lieutenant-gouverneure de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit:

WHEREAS by Order in Council numbered O.C. 1192/2015, dated the 8th day of September 2015, Donald F. MacVicar was appointed as a member of the City of Hamilton Police Services Board for a period of two years, effective from September 8, 2015;

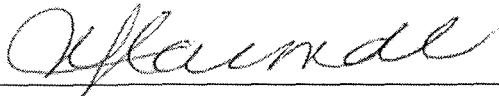
AND WHEREAS Donald F. MacVicar has agreed to be reappointed as a member of the City of Hamilton Police Services Board;

THEREFORE pursuant to section 27 of the *Police Services Act*, as amended, Donald F. MacVicar is hereby reappointed as a member of the City of Hamilton Police Services Board for a term of three years, effective September 8, 2017.

ATTENDU QUE Donald F. MacVicar a, en vertu du décret numéro 1192/2015, daté du 8 septembre 2015, été nommé membre de la Commission de services policiers de la cité de Hamilton pour une période de deux ans ayant pris effet le 8 septembre 2015;

ATTENDU QUE Donald F. MacVicar a accepté d'être de nouveau nommé membre de la Commission de services policiers de la cité de Hamilton;

PAR CONSÉQUENT, en vertu de l'article 27 de la *Loi sur les services policiers*, dans sa version modifiée, Donald F. MacVicar est par les présentes nommé de nouveau membre de la Commission de services policiers de la cité de Hamilton pour un mandat de trois ans prenant effet le 8 septembre 2017.



Recommended: Minister of Community Safety and Correctional Services

Recommandé par: Ministre de la Sécurité communautaire et des Services correctionnels



Concurred: Chair of Cabinet

Appuyé par: Le président/la présidente du Conseil des ministres,

Approved and Ordered:
Approuvé et décrété le:

JUL 26 2017



Administrator of the Government
L'administrateur du gouvernement

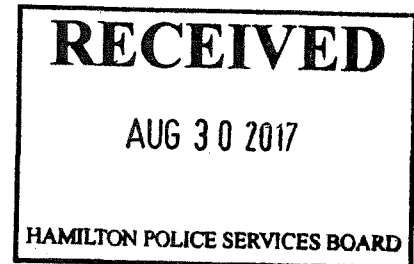


City of Hamilton
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Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

4.4(e)

Phone (905) 546-2424 Ext. 3993
Fax # (905) 546-2095
stephanie.paparella@hamilton.ca

August 29, 2017



Ms. Lois Morin
Administrator
Hamilton Police Services Board
155 King William Street
Hamilton, ON
L8N 4C1

Subject: 2018 Budget Submission for the Hamilton Police Services Board

Dear Ms. Morin:

This letter is to request that your Board submit a draft budget to the City of Hamilton; along with a copy of your organization's most recent audited financial statements, to the **attention of Cyrus Patel, Budget and Finance Division, 71 Main Street West, Hamilton, Ontario L8P 4Y5, by November 24, 2017.**

As well, please be advised that at its meeting of August 18, 2017, Council approved sub-section (b) of Item 4 to the General Issues Committee Report 17-017, which reads as follows:

4. 2018 Budget Guidelines, Preliminary Outlook and Process (FCS17063) (City Wide) (Item 7.2)

- (b) That the Boards and Agencies be requested to submit their 2018 operating budget based on a guideline increase of 1.5%, and that any increase beyond the guideline, be forwarded for consideration with an appropriate explanation.

If you have any questions respecting your budget submission, please contact Cyrus Patel at (905) 546-2424 Ext.7698 or at cyrus.patel@hamilton.ca.

Lastly, your organization has been scheduled to provide a presentation respecting their 2018 budget submission on **Thursday, January 25, 2018 at approximately 10:15 a.m., Council Chambers, Hamilton City Hall at 71 Main Street West.**

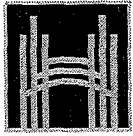
Please provide an electronic copy of your **final presentation no later than 12 noon on Monday, January 8, 2018** to my attention at Stephanie.paparella@hamilton.ca.

Should you have any questions respecting the meeting process or your presentation, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Paparella', with a stylized flourish at the end.

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk



Hamilton

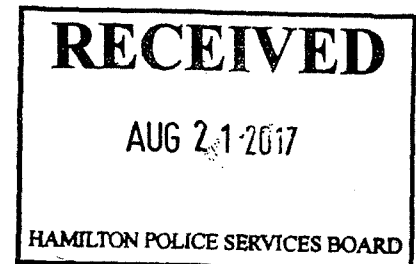
City of Hamilton
City Hall, 71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

General Manager, Finance and
71 Main
Email: mike.

4.4(f)

August 17, 2017

Lois Morin, Administrator
Hamilton Police Services Board
155 King William Street
Hamilton, ON L8N 4C1



Subject: Update to Multi-Year Business Planning and Budget Process

Dear Ms. Morin:

At its meeting of July 14, 2017, Hamilton City Council passed Item 15 of the General Issues Committee Report 17-015, which reads:

15. Multi Year Budget Planning Sub-Committee Report 17-001, June 27, 2017 (Item 8.10)

Update to Multi-Year Business Planning and Budget Process (FCS17066) (City Wide) (Item 7.1)

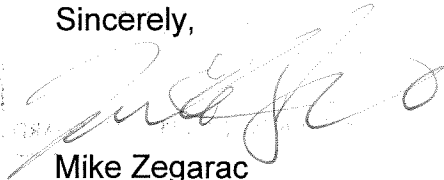
- (a) That Report FCS17066, Update to Multi-Year Business Planning and Budget Process, be forwarded to the Hamilton Police Service, Hamilton Public Library and Farmers' Market Boards, for consideration;
- (b) That City staff be directed to follow-up with Hamilton Police Service, Hamilton Public Library and Farmers' Market Boards to confirm participation in the Multi-Year Business Planning and Budget process, prior to July 31, 2017; and,
- (c) That the Multi-Year Business Planning and Budget Policy, as contained in Appendix "G", attached to Report 17-015, as amended, be approved.

Please place this matter on the next appropriate Hamilton Police Services Board agenda for their consideration. Once available, please provide me with written confirmation from the board that it will be participating in the Multi-Year Business Planning and Budget Process, beginning with the 2018 budget cycle.

For additional information regarding the multi-year process, please contact me at (905) 540-6150 or Mike.Zegarac@hamilton.ca, or Brian McMullen at (905) 546-2424 ext. 4549 or Brian.McMullen@hamilton.ca.

We look forward to your response.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Zegarac", with a stylized flourish at the end.

Mike Zegarac
General Manager
Finance and Corporate Service

- c.c. John Randazzo, Manager of Finance/Chief Accountant, Hamilton Police Service
- c.c. Brian McMullen, Director, Financial Planning, Administration and Policy,
Corporate Services Department

RECEIVED

JUL 21 2017

HAMILTON POLICE SERVICE

Eric Girt
Chief of Police
155 King William St.
Hamilton ON L8N 4C1

July 4, 2017

Eric,

Thank you for giving the gift of a "Summer to Remember" to the children of CityKidz! I only wish that you could see the excitement on the faces of children, and the joy in the eyes of parents, when they find out they're going to summer camp.

Because of the high cost of a camp experience today and the limited resources of the families we serve, your gift has opened a window of opportunity in the lives of our children. For many of these children, this may be the first extended time away from home. They and their parents may be anxious and excited at the same time. And when they return from camp, we get to hear the most wonderful stories of their experiences!

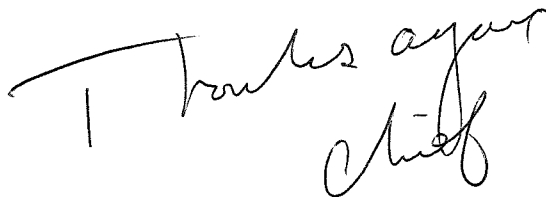
Because I have lived this myself, I know that camp is a formative experience; my camping experiences were a big factor in making me the person I am today.

When Emma, one of our CityKidz' kids, was offered a place at a horse camp, her reaction was pure joy and excitement, as was her mothers. Thank you for responding to our Summer to Remember campaign and giving kids like Emma the experience of a life time. You have shown deserving kids that they are loved and so important!

I am most thankful for your support and encouragement to our kids and to us as we strive to transform Hamilton, one child at a time.

Thank you for giving life changing opportunities to deserving kids this summer!

In search of the one,



Rev. Todd Bender
Founder & Executive Director

P. S. A receipt suitable for your 2017 income tax purposes will be sent to you early in 2018

Transforming lives, one child at a time.

CityKidz® 601 Burlington St E, Unit A, Hamilton ON L8L 4J5
T 905-544-3996 • F 905-544-4077 • info@citykidz.ca • citykidz.ca
Registered Charitable No: 89498 2479 RR0001

AUG 14 2017

HAMILTON POLICE SERVICE

August 8, 2017

Chief Eric Girt
Hamilton Police Services
155 King William St
Box 1060, LCD1
Hamilton, ON L8N 4C1

Copy to PSD.

*ERIC GIRT
21 Aug 2017*

Dear Chief Girt,

Many of the awards (bursaries and scholarships) that our students receive are made possible through the support provided by you – our donors – and for that, we thank you.

With the recent increase in our Mohawk College student population, we have made several changes to the programs we offer to our students. These changes have come about as a result of feedback from faculty and staff to better serve our students. Going forward, we have re-structured our programs to be more closely aligned with a better balance in the number of programs among schools, deans and associate deans.

The implementation of these changes has also impacted some of our student awards in terms of how they were aligned within a specific academic area. Even though the actual programs themselves have not changed, the academic area that they are associated with may have changed. To facilitate this re-structure, the Foundation is reviewing all awards to ensure that they continue to align with the original intent and can be effectively awarded. In some cases, where awards are directed to more than one program, we may be in touch to determine the best way to revise the award.

Once again, on behalf of the students that have benefitted from your support, we thank you and look forward to continuing to ensure our students receive the financial means to complete their academic journey.

Warmest regards,



Gena Dureault
Senior Development Officer,
Annual and Planned Giving

P.S. If you have any questions, please feel free to contact me at 905-575-2208 or gena.dureault@mohawkcollege.ca

Charitable Registration No. 11924 5744 RR0001

T. 905-575-2186 | F. 905-575-2371
Fennell Campus | Room C117
135 Fennell Avenue West
Hamilton, ON L9C 0E5

mohawkcollegefoundation.ca @MOHAWKFDN

Morin, Lois

4.4(i)

From: Joshua Weresch
Sent: July-31-17 5:34 PM
To: Morin, Lois
Subject: Letter to Hamilton Police Services Board
Attachments: letter - hpsb re anthony divers siu report delay - 31 jul 2017.rtf

Dear Ms Morin:

Attached, please find a letter for consideration at the next Hamilton Police Services Board's meeting, regarding the Special Investigation Unit's investigation of the death of Anthony Divers during an 'interaction' with Hamilton Police Services. Thank you for your time and attention in these regards.

Regards,
Joshua Weresch

Music must create concern.

Playing live and for free at the corner of art (Fennell Ave) and politics (Upper James St) on Haudenosaunee and Anishnaabeg Nations' land (in so-called Hamilton, Ontario)

Sent with ProtonMail Secure Email.

31 July 2017

To Lois Morin, Administrator of the Hamilton Police Services Board:

My name is Joshua Weresch, a Canadian citizen, born and living on Haudenosaunee and Anishnaabeg Nations' land in so-called Hamilton, Ontario, a husband, father of three children, and member of Central Presbyterian Church, Hamilton, Ontario. I write in regards to the article published on 31 July 2017 in the Hamilton Spectator, written by Jacques Gallant and re-printed from the Toronto Star, entitled, Family of man shot dead by police, anxious for SIU report. I have written to the Board already regarding the disarmament of all Hamilton Police Service personnel but, like the long-delayed Special Investigations Unit report about which this letter is concerned, have not been satisfied in that respect, either, with the response of the Board.

As Gallant recounts, it was ten months ago that Anthony Divers was shot—according to eye-witnesses, an unarmed man—on the thirtieth of September, 2016, by Hamilton's police. Since then, an SIU lead investigator has implied to the family that his report is awaiting approval on Director Tony Loparco's desk and that the SIU had made a decision in December. The last communication that the Divers' family has had with the SIU was in June. These conditions are intolerable for a family in the midst of grief. As a chaplain at a local long-term care home, I can attest to the fact that grief after a death bears questions and anger and all the emotions that we carry as people with it, day after day. Not knowing why something happened, or even how it happened, is torturous.

It is with these thoughts in mind that I demand that changes be made and support be given immediately to the Divers' family and, frankly, to the families of all those whose deaths at the hands of Hamilton's police remain unanswered and unaccountable to this day. This support should manifest itself in several important ways. Firstly, the officer responsible for discharging his firearm at Anthony Divers on the thirtieth of September should be suspended, immediately, without pay for the duration of the entirety of the SIU's investigation. Secondly, the Hamilton Police Service should, publicly and privately, apologize for its ill treatment of the Divers' family by refusing to communicate with them in a prompt, courteous, professional, and transparent manner. Thirdly, related to transparency, both the Hamilton Police Services and the SIU should disclose immediately all records and information related to its case in regards to Anthony Divers to the Divers family at a time, place, and manner that is convenient for the family. Lastly, I would re-iterate that front-line personnel of the Hamilton Police Service immediately disarm, as the response of their personnel to people who have mental-health issues is almost uniformly violent in nature and other police services in other countries do not arm their front-line personnel. Ample evidence attesting to these assertions is available in the Hamilton Spectator and the Toronto Star as well as in other media.

I look forward to the response of the Hamilton Police Services Board in regards to these areas of support for the Divers' family; more, I look forward to the Board's prompt action in these regards.

Sincerely,

Joshua Weresch,
B. A., B. Ed., M. Div.
(2007, McMaster Divinity College, Hamilton ON)



HAMILTON POLICE SERVICES BOARD

OUTSTANDING ISSUES as of September 14, 2017

| ITEM | ORIGINAL DATE | ACTION REQUIRED | STATUS | EXPECTED COMPLETION DATE |
|-------------------------------------------------------------------------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------|
| 1. Other Business | May 26, 2016 | That Member Whitehead work with the Board Administrator to implement the use of Electronic devices for monthly agendas. | PSB 16-001 – Ongoing | 3 rd Quarter of 2016 |
| 2. Board Policy – Board Member Training & Travel and Expense Reimbursement Policies | December 15, 2016 | That the Administrator, Vice Chair, Member Whitehead and the Administrator, prepare for approval policies with respect to Travel and Expense Reimbursement and Board Training. | | 2 nd Quarter of 2017 |
| 3. Body-Worn Camera Steering Committee Second Year Report (PSB 16-127) | December 15, 2016 | That the Board request staff to report back and provide a proposal, which will include options for scope and size (small, medium and large), policy and expected costs, on the feasibility of entering into a pilot project with respect to Body-Worn Cameras. This report is to be provided by the 3 rd quarter of 2017. | | 3 rd Quarter of 2017 |
| 4. Statistics on Sexual Assault Data Collection | February 9, 2017 | The Hamilton Police Services to review all unfounded sexual assault cases dating back to 2010, and that Chief Girt be requested to report back to the Board as soon as possible on the findings | | |

4.4 (j)

HAMILTON POLICE SERVICES BOARD**- RECOMMENDATION -**

DATE: 2017 September 14

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Grant Agreement: Proceeds of Crime
Project: John Howard Society - Youth at Risk Development
(YARD) Program
(PSB 17-100)*

RECOMMENDATIONS:

- a) That the Hamilton Police Services Board enter into an Agreement with Her Majesty the Queen in Right of Ontario as represented by the Attorney General (the "AG") whereby the AG provides to the Hamilton Police Service a Grant in the amount of \$100,000 to be used in partnership with the John Howard Society of Hamilton/Burlington in their YARD program.
- b) That the Chair be authorized and directed to execute such an Agreement, in a form satisfactory to Legal Counsel, to the Police Service.



Eric Girt
Chief of Police

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

FINANCIAL - The Ministry of the Attorney General, through the Office of Civil Remedies for Illicit Activities, has approved a Grant to the Hamilton Police Service, in the amount of \$100,000, to be used in partnership with the John Howard Society of Hamilton/Burlington in their YARD program. The terms of the Grant Agreement are specific and require that the specified items listed in the Schedule to the Agreement be purchased. Any expense beyond the \$100,000 Grant will be absorbed by the John Howard Society of Hamilton/Burlington.

STAFFING – N/A

LEGAL – The Grant Agreement is consistent with other Grants entered into by the Hamilton Police Service. The Agreement sets out the items approved for purchase (“Schedule B” – see below) and sets out reporting timelines. The implementation of the Grants’ funds will be overseen by the Superintendent of the Investigative Services Division.

BACKGROUND:

Proceeds of Crime – Front Line Policing Grant uses assets seized by the provincial and federal governments during criminal prosecutions to help the police carry out specific crime prevention projects in the community. This grant will provide much needed funding to the John Howard Society YARD Hamilton program.

YARD Hamilton is modeled after similar programs used by the Calgary Police Service and the US Department of Justice as a gang reduction intervention tool. YARD Hamilton is a comprehensive and integrated approach that uses the best research based program components to focus on locally identified risk factors applied specifically and inclusively across young people aged 12 to 24 in Hamilton. The program identifies an approach that integrates the Hamilton Police Service into the programming model. This will be completed by monthly information sessions which will be provided to the Hamilton Police Service by members of the John Howard Society.

YARD Hamilton identifies the distinct nature of the gang issues in Hamilton and identifies the need to address the known group of individuals engaged in gangs, the peripheral group, individuals re-entering into the community from a period of

incarceration, and at risk young people engaging in anti-social behaviour and identified as having risk factors that create a risk of gang involvement.

YARD Hamilton provides service and program delivery in Community Mobilization, Gang Reduction Coordination, Prevention, Intervention, Suppression, and Re-Entry. This proposed "enhancement" to YARD Hamilton will allow the JHS to add an additional Youth Worker to their program who will engage in outreach, case management, program facilitation, community education and training. The John Howard Society will be responsible for the \$8302.00 required to cover the expected budget over the FLP Grant supplied.

EG/D. Kinsella

cc: Dan Kinsella, Deputy Chief, Community Policing

Ryan Diodati, Superintendent, Investigative Services Division

John Randazzo, Chief Accountant

SCHEDULE B – BUDGET

| Funding Requirements | Description | Amount |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Staffing | | |
| FTE Youth Worker | Includes salary, benefits, MERCs and non-MERCs | \$57,500 |
| Project Expenses | | |
| Equipment and Workplace | Cell phone (\$1,230) Laptop (\$1,650) Staff travel (\$900) Van lease, insurance and maintenance (\$12,500) Rent, utilities, insurance and furniture (\$26,500) | \$42,780 |
| Administration | | |
| Program Administration Cost | 8% of Program Costs | \$8,022 |
| Total | | \$108,302 |



Hamilton Police Services Board
Deputation Request Form
 (Request to appear before the Police Services Board)

****Please note**** - The information on this form will be published on a public agenda and therefore released to the public and media.

Your Name: ROBERT BURGESS

Firm / Organization:
(if applicable) _____

E-mail Address: RBURGESS@INJUSTICEINONTARIO.CA

Home Phone: 789 768 4236

Fax No.: _____

Business Phone: _____

Mailing Address: 949 KING ST EAST HAMILTON, ONT
L8N 1E1

Details of Deputation to be discussed including a summary and the objective(s) of the presentation:

TO GET AN EXPLANATION TO WHY
THE OF POLICE DID NOT RESPOND TO
MY EMAILS OF 2017/06/15

Will you require a LCD Projector: ☐ Yes ☒ No
 (Please note, you must bring your own computer)

Have discussions or correspondence taken place with a member of the Hamilton Police Services Board or the Administrator? If so, with whom and when?

No

Please submit the completed form either in person, via fax or e-mail to:

Administrator
 Hamilton Police Services Board
 155 King William Street
 P.O. Box 1060, LCD1
 Hamilton, ON
 L8N 4C1

Fax: 905-546-4720
 E-Mail: lmorin@hamilton.ca

Deputation Request

Details of Deputation to be discussed including a summary and the objectives of the presentation.

To talk about criminal acts by the Hamilton police including the Chief of police. Like the police covering up crimes instead of filing chargers. Because the courts are swamped and police are under pressure not to add to it. So they cover up crimes instead of filing chargers.

Objective

To get the criminal acts stopped and file criminal charges against some Hamilton police for obstruction of justice for covering up crimes. Which cannot be done by the OIPRD because the OIPRD does not deal with criminal complaints against police. There is no limitation period on criminal chargers in Canada, but there is a six month limitation period on filing a complaint with the OIPRD. So if the OIPRD dealt with criminal complaints against police that would mean that there is a six month limitation period on filing criminal complaints against police. And to get an update to my perjury case that I sent to the Chief. I have emailed him for an update but have not heard back from him.