



Staff Report

Administration – Town Clerk

Report To: Special Committee of the Whole
Meeting Date: June 17, 2024
Report Number: FAF.24.071
Title: Update to Council regarding the Community Safety and Policing Act, 2019 and Impacts to The Blue Mountains Police Services Board
Prepared by: Kyra Dunlop, Deputy Clerk

A. Recommendations

THAT Council receive Staff Report FAF.24.071, entitled “Update to Council regarding the Community Safety and Policing Act, 2019 and Impacts to The Blue Mountains Police Services Board”;

AND THAT Council repeal and rescind By-law 2002-69, being a By-law to establish a new Police Services Board.

B. Overview

The purpose of this report is to provide Council with an overview of the changes that The Blue Mountains Police Services Board has been, and will continue to experience, with the enactment of the *Community Safety and Policing Act, 2019* which came into effect on April 1, 2024.

C. Background

On March 26, 2019 Bill 168: Comprehensive Ontario Police Services Act, 2019 received Royal Assent, and under that legislation the *Community Safety and Policing Act* was created. The *Community Safety and Policing Act, 2019* (the “CSPA”), as well as all applicable regulations under this Act, came into effect on April 1, 2024, and replaced the former *Police Services Act, 1990*. The new legislation has significant impacts on how The Blue Mountains Police Services Board operates as well as the Board’s relationship with Council.

The Blue Mountains Police Services Board was established on September 9, 2002 through the enactment of By-law 2002-69, being a By-law to establish a new Police Services Board. The Board has generally relied on the municipality for its regular operations including meeting management, software/IT usage, staff support, conference registrations, and insurance coverage.

Prior to the enactment of the CSPA on April 1, 2024, the Board was comprised of 3 Members, including 1 Council Appointee (the Mayor), 1 Public Appointee and 1 Provincial Appointee. With the new legislation, the Board is now a 5 Member Board, comprised of Mayor Matrosovs and Councillor Ardiel as the 2 Council Appointees, Jim Oliver and Lynn Church as the 2 Public Appointees, and 1 Provincial Appointee position which is currently vacant. The term of the Board Members runs concurrent with the term of Council, except the Provincial Appointee whose term of office is set out by the Minister of the Solicitor General.

A number of steps have been taken by both staff and Board Members to ensure the Board complies with the new legislation. In order to come into full compliance with the CSPA, there are a number of items the Board must work on in 2024.

D. Analysis

Roles and Responsibilities of the Board under the *Community Safety and Policing Act, 2019*

Under the *Police Services Act, 1990*, the Board was considered a “Section 10 Board” which referred to Police Services Boards that have municipal agreements in place for the provision of police services by the O.P.P. The municipality continues to maintain an agreement with the O.P.P. for the provision of policing services in the municipality and is designated an O.P.P. Detachment Board under the CSPA. We are 1 of 2 Boards operating in the Collingwood/Blue Mountains area, the other Board being the Collingwood O.P.P. Detachment Board (formerly the Town of Collingwood Police Services Board). While we are a separate and distinct Board from the Collingwood O.P.P. Detachment Board, we are designated an O.P.P. Detachment Board under the Collingwood O.P.P. Detachment area.

Under the CSPA, the legislation clarifies the difference between what is considered a Municipal Board and an O.P.P. Detachment Board; whereas municipalities that have their own police services have Municipal Police Services Boards, municipalities that have their policing provided by the O.P.P. have O.P.P. Detachment Boards. The primary function of O.P.P. Detachment Boards is to serve as the conduit for the O.P.P. to receive civilian input into policing delivered by the O.P.P. in their detachment area.

Most of the provisions under the CSPA apply to O.P.P. Detachment Boards, however O.P.P. Detachment Boards have their own section of the Act that specifically details how they are maintained under Section 67, as well as our own specific regulations under the Act, being O.Reg. 135/24 “O.P.P. Detachment Boards” and O.Reg. 409/23 “Code of Conduct for O.P.P. Detachment Board Members”.

The CSPA sets out the duties of an O.P.P. Detachment Board under Section 68(1) and those responsibilities state that the Board shall:

- a. consult with the Commissioner regarding the selection of a detachment commander and otherwise participate, in accordance with the regulations made by the Minister, in the selection of the detachment commander;

- b. determine objectives and priorities for the detachment, not inconsistent with the strategic plan prepared by the Minister, after consultation with the detachment commander or his or her designate;
- c. advise the detachment commander with respect to policing provided by the detachment;
- d. monitor the performance of the detachment commander;
- e. review the reports from the detachment commander regarding policing provided by the detachment; and
- f. on or before June 30 in each year, provide an annual report to the municipalities and band councils regarding the policing provided by the detachment in their municipalities or First Nation reserves.

O.P.P. Detachment Boards are an independent and separate legal entity from municipal Councils, and Section 67(5) of the Act states that Detachment Boards are not liable for the actions committed by O.P.P. staff in the course of their employment. The Board Members are required to comply with the Act and its' applicable regulations in the course of their duties, and Section 48(2) of the Act states that they are protected from personal liability when acting in good faith in accordance with their duties and responsibilities. Under the Act, the Board has a clearly defined arms-length relationship with Council which is also reflected in the Boards' reporting and budgeting requirements to Council. The Board now receives authorization not through By-law 2002-69 Being a By-law to establish a new Police Services Board, but instead their authority is derived through the CSPA. Because of this change in relationship, staff are recommending that Council repeal By-law 2002-69.

Board Function and Oversight

O.P.P. Detachment Boards are still required to maintain Local Action Plans and Community Safety and Well-being Plans. The Ministry of the Solicitor General sets the Strategic Plan for the O.P.P., which is implemented by the O.P.P. Commissioner. O.P.P. Detachment Boards may create additional local policies and Board By-laws, but they must be consistent and align with the Minister's Strategic Plan.

One of the key functions of the Board is to participate in Detachment Commander Reviews; under the CSPA the Board will continue to work with the Collingwood O.P.P. Detachment Board to conduct Detachment Commander Reviews. These reviews have occurred annually and our Board Chair attends those sessions with the Collingwood O.P.P. Detachment Board Chair and Detachment Commander.

A significant change resulting from the CSPA is the creation of the position of Inspector General, whose mandate under Section 102(4) of the Act is to:

- a. monitor and conduct inspections of police service boards, O.P.P. detachment boards, First Nation O.P.P. boards, chiefs of police, special constable employers, police services, and prescribed policing providers to ensure that they comply with this Act and the regulations;

- b. consult with and advise police service boards, O.P.P. detachment boards, First Nation O.P.P. boards, chiefs of police, special constable employers, police services, prescribed policing providers and prescribed entities regarding compliance with this Act and the regulations;
- c. monitor and conduct inspections of members of police service boards, O.P.P. detachment boards and First Nation O.P.P. boards to ensure that they do not commit misconduct;
- d. develop, maintain and manage records and conduct research and analyses regarding compliance with this Act and the regulations;
- e. deal with complaints under sections 106 and 107 and with disclosures of misconduct under section 185;
- f. submit an annual report to the Minister; and
- g. perform such other duties as are assigned to him or her by or under this or any other Act, including any prescribed duties. 2019, c. 1, Sched. 1, s. 102 (4); 2023, c. 12, Sched. 1, s. 41 (1-4); 2024, c. 2, Sched. 4, s. 3.

If there is an alleged breach by one of the Board Members under O.Reg. 409/23 “Code of Conduct for O.P.P. Detachment Board Members”, the CSPA sets out the process the Inspector General must follow before they can impose restrictions or measures on the Board Member.

Board Compliance with the *Community Safety and Policing Act, 2019*: Steps taken to date

In December 2023, The Town of The Blue Mountains and Town of Collingwood CAO’s, Police Services Board Chairs and Detachment staff had an informal meeting to discuss how the CSPA was expected to impact the Board’s operations and how the Collingwood and Blue Mountains Police Services Boards could ensure alignment with one another, since the Boards work in the same geographic area. Staff conducted some information sharing around Corporate policies and By-laws that applied to the Boards, agreed on each bringing forward a report to their respective Council’s on the changes the CSPA would have on the Boards, and confirmed a plan to move forward with bringing forward Board budgets for 2025 to their respective Council’s.

Staff were in consistent contact with the Ministry of the Solicitor General and the Ontario Association of Police Services Boards (“OAPSB”) throughout the first quarter of 2024 to be in a position to quickly pivot to the new changes our Board would be required to comply with under the Act. Notably, Board Members were required to complete mandatory Ministry-issued training relating to their roles and responsibilities under the Act, a copy of which training is attached as Attachment 2 to this report. In addition, all Board Members were required to complete Police Record Checks before a meeting of the Board could take place. All Board Members have successfully completed the training and have received satisfactory record checks.

Board Members were also to be sworn in under the CSPA by taking the Oath and Affirmation of Office and this was completed at the May 6, 2024 Special Police Services Board Meeting. The Board also re-affirmed the appointment of Kyra Dunlop as the Recording Secretary to the Board, and the appointment of Corrina Giles as the Alternate Recording Secretary to the Board.

Next Steps for the Board

Notwithstanding the steps that Board Members and Town and Detachment staff have taken to date there remains a number of important requirements the Board must achieve to comply with the CSPA and ensure best practices are being followed as recommended by the Ministry of the Solicitor General and the OAPSB.

Though not required by the CSPA, the OAPSB is recommending that Boards undertake the process of creating their own Terms of Reference and Procedural By-law at a minimum. This item will be a topic of discussion at a future Police Services Board Meeting. It should be noted that the Board will be responsible for creating and approving their own Terms of Reference and Procedural By-law.

As a primary function of O.P.P. Detachment Boards is to serve as a conduit for public feedback on O.P.P. policing, Board members are likely to receive more interest and correspondence from members of the public. Town staff have had preliminary discussions regarding the provision of Board-specific email addresses and devices that would be used by Board Members to streamline these connections with the community.

The Board will continue to be required to submit annual Freedom of Information Reports to the Information and Privacy Commissioner of Ontario ("IPC"). At a future Board Meeting, the Board will need to designate their Head of MFIPPA for the purposes of responding and handling Freedom of Information requests as well as filing annual reports to the IPC.

The Board is required to submit annual reports to Council by June 30th of each year. This year, the reporting being provided by the Board will be very high-level, and it is the hope of Town and Detachment staff that there will be an O.P.P. reporting template in 2025 so all Boards can report to their respective Council's in a more consistent manner.

The Board will also be required to obtain its own insurance policy as it is no longer covered under the Town's insurance policy. This policy will be reflected in the Board's 2025 estimates and Finance staff have been assisting in obtaining the policy for the Board. O.P.P. Detachment Boards can contract, sue and be sued in their own name under Section 49(1) of the CSPA, so it is critical that the Board obtain this coverage. At this time, many Boards have reported that there has been an unanticipated difficulty in obtaining their own insurance policies, and the OAPSB has been working with staff to navigate this new responsibility of the Board.

Another requirement that Board's must comply with under the CSPA is to provide estimates to Council for consideration and approval. Previously, the Board's budget would be allocated in different sections of the Town's Budget. Section 71(1) of the CSPA requires that the Board must prepare estimates for the total amount that will be required to pay the expenses of the Board's operation. Estimates will include items such as staff resourcing, IT/infrastructure usage, conference attendance fees, and insurance costs. This requirement to provide estimates will likely provide not only clarity on the types of expenses the Board must undertake to comply with the CSPA, but also provide greater transparency to Council and the public as all items specifically relating to the operational functions of the Board will be captured in the estimates

provided to Council. In addition, should there be a dispute about the estimates prepared and provided by the Board, there is an arbitration mechanism under Section 71 of the CSPA that allows for a further review of the estimates between the Board, municipality and an arbitrator.

The Board has historically met 4 times a year, which was the minimum amount required under the *Police Services Act, 1990*. Under the CSPA, the Board is still required to meet a minimum of 4 times per year and in fall 2023 the Board approved their quarterly meeting schedule for 2024. Given the increased volume of work that the CSPA requires of its' Board Members and support staff it is expected that the meeting schedule for 2025 and beyond will require an increase to the number of Board meetings to be able to efficiently and effectively communicate with the public and move tasks forward.

The Police Services Act O.Reg. 268/10, Part 2, required that the municipality was responsible to provide reimbursement to the Provincial Appointee and this amount was based on the population size. For the Town of The Blue Mountains the minimum amount required to be paid on an annual basis to our Provincial Appointee is \$100.00. The CSPA continues to require that we reimburse our Provincial Appointee. In consultation with Town of Collingwood staff, who pay their Public Appointees the same honorarium as their Provincial Appointee, in 2023 the Town also opted to pay the honorarium to all Board Members whether they be Provincially or Publicly appointed in fairness and recognition of the contribution each member provides to the Board. Council Appointees do not receive the annual honorarium. At present the amount reimbursed to our 2 Public Appointees is \$100.00 per person for the year; when our Provincial Appointee is appointed they will also receive the annual honorarium of \$100.00. Given the volume of work and responsibilities Board Members are tasked with under the CSPA, the Board is considering requesting in their estimates for 2025 an increase to that honorarium fee. Any change to reimbursement would be required to be approved by Council through its' budget process, however the municipality under Section 34(3) of the CSPA will still be required to reimburse Provincial Appointees in accordance with regulations.

While the Board does not require municipal authority to take the above-noted steps to ensure they are complying with the new legislation, in order to continue to maintain a positive working relationship with Council the Board will fully comply with the CSPA requirements to bring forward a fulsome annual report by June 30 of each year for Council review, and will continue to send its' minutes for inclusion on Council Agenda's for information and review. Board Members have long expressed the need for positive working relationships with not only the municipality but all stakeholders and citizens to spread greater awareness of Detachment and Board initiatives in the municipality.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

F. Environmental Impacts

No environmental impacts are expected as a result of this report.

G. Financial Impacts

It is expected that the Board's estimates for 2025 will be considered at their upcoming July 17, 2024 Board Meeting for consideration before being included for Council consideration in the 2025 Budget.

H. In Consultation With

Corrina Giles, Town Clerk

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Kyra Dunlop, Deputy Clerk townclerk@thebluemountains.ca.

J. Attached

1. By-law 2002-69 being a By-law to establish a new Police Services Board, dated September 9, 2002
2. Ministry of the Solicitor General: Ontario Provincial Police Detachment Board Member Roles and Responsibilities Training Aid

Respectfully submitted,

Kyra Dunlop
Deputy Clerk

For more information, please contact:
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Report Approval Details

Document Title:	FAF.24.071 Update to Council ReCommunity Safety and Policing Act and Impacts to The Police Services Board.docx
Attachments:	- Att 1- 2002-69 By-law to establish a new Police Services Board.PDF - Att 2- Roles and Responsibilities - OPP Detachment Boards Training Aid.pdf
Final Approval Date:	Jun 6, 2024

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Corrina Giles was completed by assistant Kyra Dunlop

Corrina Giles - Jun 6, 2024 - 9:15 AM

Shawn Everitt - Jun 6, 2024 - 12:54 PM

CORPORATION OF THE
TOWN OF THE BLUE MOUNTAINS

BY-LAW NUMBER 2002- 69

Being a by-law to establish a new Police Services Board

WHEREAS section 5.0 of the Police Services Act specifies that a council may enter into an agreement under section 10 of the Act to have policing service provided by the Ontario Provincial Police;

AND WHEREAS the Council of the Corporation of the Town of The Blue Mountains has entered into a contract agreement with the Ontario Provincial Police, dated September 3, 2002, to provide policing services;

NOW THEREFORE Council of the Town of The Blue Mountains hereby enacts as follows:

1. THAT a police services board consisting of three (3) members as provided by section 27 of the Police Services Act, as amended, be hereby constituted and that such board shall be known as The Blue Mountains Police Services Board.

Read a first and second time this ninth day of September, 2002.

Read a third time and passed this ninth day of September, 2002.



Ross Arthur, Mayor



Stephen Keast, Town Clerk



Ministry of the Solicitor General

ONTARIO PROVINCIAL POLICE DETACHMENT BOARD MEMBER ROLES AND RESPONSIBILITIES TRAINING AID

2024 03 26

Public Safety Division

Ministry of the Solicitor General

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MODULE 1: COURSE INTRODUCTION

Welcome to the Ministry of the Solicitor General’s approved training for individuals serving on Ontario Provincial Police (OPP) detachment boards in the province of Ontario. This training is approved for the purpose of paragraph 2 of s. 67 (6) and s. 35 (2) of the [Community Safety and Policing Act, 2019](#) (CSPA or Act).

One of the main objectives of the CSPA is to standardize training across various elements of the policing community in Ontario. The Act also sets training standards for [police officers](#) and [special constables](#).

There are four types of boards under the CSPA and training specific to each type of board is required. The four types of boards are:

1. Municipal Police Service Board (PSB). The training requirement is found in [s. 35 \(2\)](#).
2. First Nation Police Service Board. The training requirement is found in [s. 35 \(2\)](#).
3. OPP Detachment Board. The training requirement is found in paragraph 2 of [s. 67 \(6\) and s. 35 \(2\)](#).
4. First Nation OPP Board. The training requirement is found in [s. 78 \(2\) and section 35 \(2\)](#).

Sections 67 to 71 of the Act deal with OPP detachment boards. Subsection 67 (6) states that many other sections of the Act that apply to police service boards also apply to OPP detachment boards. Where one of these other sections is discussed, the section with the detailed obligations is provided and hyperlinked.

As the training requirements for each type of board varies, this “Roles and Responsibilities” Training Aid has been customized for each of the four board types. The Act requires that a member of an OPP detachment board or of a committee of the board must successfully complete the following training before starting to perform their duties:

1. The training approved by the Minister with respect to the role of an OPP detachment board and the responsibilities of members of a board or committee [paragraph 1, s. 35 \(2\)](#).

Successful completion of this online course, which addresses the role of an OPP detachment board and your responsibilities as a board member, meets this first training requirement of the CSPA.

In the Act, and in this training, the term “prescribed” means set out in a regulation. In some cases, there are no regulations in place yet.

Additionally, board members must also complete:

2. The training approved by the Minister with respect to human rights and systemic racism.
3. The training approved by the Minister that promotes recognition and respect for,
 - i. the diverse, multiracial and multicultural character of Ontario society, and
 - ii. the rights and cultures of First Nation, Inuit and Métis Peoples.
4. Any other training prescribed by the Minister (there is no additional training prescribed at this time).

A member of an OPP detachment board or committee **must not exercise the powers or perform the duties** of their position until the member has successfully completed this roles and responsibilities training [s. 35 \(3\)](#).



Training Modules

To facilitate the learning, this training is divided into 5 modules.

Module 1:	Course Introduction
Module 2:	Police Governance
Module 3:	Policing in Ontario
Module 4:	Roles and Responsibilities of OPP Detachment Boards
Module 5:	Board Member Training Requirements and Code of Conduct

Each module begins with a set of learning objectives and ends with a module summary and accompanying knowledge check consisting of multiple-choice questions.

For ease of learner reference, relevant sections of the *CSPA* and its regulations are directly quoted and sourced back to the *Act* and hyperlinked at the end of each section or subsection. Text in italics is directly quoted from the *Act*.

If there is any discrepancy (perceived or otherwise) between this training and the *CSPA* or its regulations, the *Act* and regulations prevail.



Learner Assessment

Modules 2 through 5 conclude with a knowledge check consisting of multiple-choice questions. A passing score of 75 per cent or higher must be achieved for each knowledge check to successfully complete the course and to save/print a copy of the certificate of completion. If you have difficulty completing any of the tests, you can re-take them as needed.



Academic Integrity

Academic Integrity means acting in an honest manner. That is, doing your own work, giving credit to the work of others and encouraging others to do the same. It also includes the responsibility of members to contribute to an environment that encourages academic integrity and the fair assessment of the learner's work.

Toward this end, in this online course, you are expected to:

- read for understanding;
- reflect on provided examples in light of lived experience;
- review sample materials for context;
- follow test instructions; and
- maintain the integrity of the course content and test questions.



Further Training

This course provides a broad outline of the landscape of policing, police governance and the roles and responsibilities of OPP detachment boards and board members. Additional training, advice and guidance in each of the elements in this course will be available from:

- the Inspectorate of Policing
- the External Relations Branch of the Ministry of the Solicitor General
- the Ontario Association of Police Service Boards (OAPSB)



Technical assistance

Contact OPCDL@ontario.ca if you experience difficulties accessing course content. Please ensure your Internet is working before contacting IT support.



Copyright

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SUMMARY

In this module you were provided with an overview of the course that contains the specific training that is mandatory for OPP detachment board members, including committee board members. Your overall training, as required by the *CSPA*, is divided into four components. This course addresses the component on the role of an OPP detachment board and the responsibilities of a member of an OPP detachment board/committee.

MODULE 2: POLICE GOVERNANCE



LEARNING OBJECTIVES

At the conclusion of this module, the learner will be able to identify the role and purpose of the police governance and oversight agencies in Ontario, taking into account:

1. principles of civilian governance and oversight
2. the role of the Ministry of the Solicitor General
3. the role of the Inspectorate of Policing
4. the role of municipalities
5. the role of OPP Detachment boards
6. the role of other oversight agencies: Special Investigations Unit (SIU), the Law Enforcement Complaints Agency (LECA) and the Ontario Police Arbitration and Adjudication Commission (OPAAC)

PRINCIPLES OF CIVILIAN POLICE GOVERNANCE AND OVERSIGHT

Civilian governance and oversight of police are important as they help ensure transparency, accountability, trust and fairness between police services and the communities they serve. Effective policing is vital so we can all live in safety in our communities.

Reasons for Civilian Governance of Police Services

The principles of civilian governance of policing are intended to:

- safeguard the police service from undue influence or interference
- link community needs to the provision of policing services
- provide accountability for policing to:
 - the community for meeting local needs
 - the municipality by providing fiscal stewardship
 - the province for meeting legislated requirements
- monitor the delivery of police services to ensure the provision of adequate and effective policing

The *CSPA* replaces the current legislative framework for the delivery of police services in Ontario, the *Police Services Act*, which was largely unchanged since 1990. The nature of policing and community safety has significantly changed in the past 30 years, and there were calls to update and modernize Ontario's approach to policing and community safety. Through the *CSPA* and its regulations, the government establishes a modern and robust legislative framework that addresses the evolving nature of crime and community safety expectations of Ontario.

The CSPA and its regulations:

***14 (1)** If the regulations so provide, a police service board or the Commissioner may provide a policing function in an area for which the board or the Commissioner has policing responsibility by entering into an agreement with another police service board or the Commissioner to provide the policing function in the area with members of that other board's police service or members of the Ontario Provincial Police, as applicable, or persons assisting those members while acting under their direction.*

- allow a municipality to enter into an agreement with the Minister to have the Ontario Provincial Police (OPP) assume policing responsibility for the area [s. 22 \(2\) \(2\)](#)
- give the [Inspector General of Policing](#) responsibility for inspecting Ontario's police services and boards [Part VII](#)
- identify the requirements of adequate and effective policing [s. 11](#), and in Ontario [Regulation 392/23](#) and in certain other regulations
- describe [principles](#) for police services to follow in delivering policing
- provide a [Code of Conduct](#) for OPP detachment board members

In addition, the Act:

- gives First Nations communities the ability to opt-into the CSPA
- requires open board meetings and identifies certain circumstances permitting closed board meetings
- outlines new requirements for OPP governance
- continues the requirements for Community Safety and Well-Being planning

Each of these responsibilities will be explained in the following modules.

For your information, several inquests and inquiry reports have provided recommendations regarding the roles and responsibilities of police service board members, which may be relevant to members of OPP detachment boards. Relevant examples are referenced in Appendix 1.

In summary, civilian governance and oversight of police is essential for promoting accountability, transparency, trust and fairness within law enforcement agencies. It helps foster positive relationships between the police and the communities they serve, leading to safer and more secure environments for everyone.



Ministry of the
Solicitor General

THE ROLE OF THE SOLICITOR GENERAL

The Ministry of the Solicitor General (formerly the Ministry of Community Safety and Correctional Services) has a wide range of responsibilities for policing in Ontario. Under the Act, the Minister (Solicitor General) must:

- a. *assist in the co-ordination of policing;*
- b. *conduct activities, including research and analysis, to assist in the co-ordination of policing with the activities of prosecutors and other justice sector service providers;*
- c. *support operations for the purpose of delivering policing functions;*
- d. *consult with and advise police service boards, chiefs of police, special constable employers, prescribed policing providers, prescribed entities, municipalities, First Nations, entities that employ First Nation Officers, OPP detachment boards, First Nation OPP boards and police associations in respect of policing, the administration of police services and related matters, including,*
 - i. *the effectiveness, efficiency, sustainability and legitimacy of different methods of providing policing, and,*
 - ii. *compliance with the [Canadian Charter of Rights and Freedoms](#) and the [Human Rights Code](#);*
- e. *conduct research and analysis in respect of the matters described in clause (d);*
- f. *consult with and advise police service boards, chiefs of police, municipalities and First Nations regarding the preparation, adoption and implementation of community safety and well-being plans;*
- g. *conduct research and analysis to inform policy and program development, system planning and the evaluation of service delivery and outcomes in respect of policing, public complaints and related matters;*
- h. *develop, maintain and manage records related to the appointment, education, training, suspension and discipline of police officers and special constables;*
- i. *develop and promote programs for community-responsive policing;*
- j. *monitor and evaluate programs, including their outcomes, that are related to policing or community safety and well-being plans and that are funded in whole or in part by the Ministry;*
- k. *provide advice to ministries and Crown agencies concerning security risks and mitigation strategies;*
- l. *develop, promote and provide education and training to,*
 - i. *enhance the professional provision of policing; and*
 - ii. *assist members of police service boards, OPP detachment boards and First Nation OPP boards in performing their duties.*
- m. *develop and maintain education and training standards for use in the education and training of persons who provide policing functions and other persons governed by this Act;*
- n. *operate the Ontario Police College; and*
- o. *perform such other duties as are assigned to him or her by or under this Act [s. 3 \(1\)](#)*

In summary, the Ministry is committed to ensuring that communities are supported and protected by law enforcement that is safe, secure, effective, efficient and accountable.



INSPECTOR GENERAL OF POLICING

The mandate of the Inspector General of Policing is to:

- conduct inspections to ensure compliance with the *CSPA* and its regulations by policing entities;
- provide advice and support to policing entities in complying with the *CSPA* and its regulations;
- assess and monitor members of police service boards and other boards to ensure they do not commit misconduct;
- investigate complaints about the delivery of policing services and the conduct of board members; and
- publicly report on the activities of the Inspector General.

The Inspector General of Policing is the first of its kind in Canada and will stand as an example of how to improve performance and enhance the effective delivery of policing services, modernize police governance and improve confidence in the policing sector.

The Inspectorate of Policing (IoP) was established to help meet the legislative mandate of the Inspector General of Policing under the *CSPA*.

The Inspector General and the supporting IoP will improve performance in policing and make everyone in Ontario safer by:

- examining performance through inspections, investigations, research and data and analytics to drive evidence-based actions; and
- identifying effective compliance with the Act and regulations, and where improvements are needed.

Inspector General Authorities

The Inspector General may make an order requiring a police service board to provide policing in an area where the Inspector General finds that adequate and effective policing is not being provided. If there is evidence that a board member has committed misconduct, the Inspector General may reprimand, suspend or remove the member from the board. If there is evidence of other types of non-compliance with the *CSPA* or its regulations, the Inspector General may issue directions and impose measures (e.g., suspending a board member or a chief of police) to prevent or remedy non-compliance [s. 124 - 128](#).

The *CSPA* outlines the **process** the Inspector General must follow **before imposing** measures; such measures would only be imposed if the entity fails to comply with directions issued by the Inspector General.



THE RELATIONSHIP BETWEEN DETACHMENT BOARDS, POLICE SERVICE BOARDS AND COMMUNITIES

The OPP Commissioner is responsible for ensuring adequate and effective policing is provided in every part of Ontario including municipalities, First Nations or unorganized territories that are not under the jurisdiction of a police service board under the *CSPA* [s. 10 \(1\)](#).

Police service boards maintain their own police services to deliver policing in their communities while OPP detachment boards provide civilian input in relation to policing delivered by the OPP.

There are two kinds of police service boards under the *CSPA*: municipal boards, which are constituted by a municipality to maintain a municipal police service; and First Nation boards, which are constituted by regulation under the *CSPA* at the request of First Nations to maintain a First Nation police service.

The *Act* specifies *there shall be an OPP detachment board, or more than one OPP detachment board in accordance with the regulations, for each detachment of the Ontario Provincial Police that provides policing in a municipality or in a First Nation reserve* [s. 67 \(1\)](#). This rule is subject to exemptions that the Minister may make by regulation [s. 67 \(1.1\)](#). The composition of detachment boards is set out in regulation [s. 67 \(2\)](#). Detachment boards may include representatives appointed by municipal councils, First Nation band councils and the Minister.



THE ROLE OF THE COMMISSIONER OF THE ONTARIO PROVINCIAL POLICE

Since the OPP has responsibilities that are provincial in scope, it is useful for detachment board members to understand the duties of the OPP Commissioner. The OPP Commissioner is a “chief of police” as defined in the *CSPA*, so all the rules that apply to chiefs of police generally also apply to the Commissioner.

The Commissioner’s duties are to:

- (a) provide adequate and effective policing in the OPP’s area of responsibility;
- (b) perform duties related to the employment of members of the OPP in accordance with any diversity plan, policy or directive that is applicable to the public service of Ontario;
- (c) maintain a traffic patrol on the King’s Highway, except prescribed parts;
- (d) maintain a traffic patrol on a highway or part of a highway that is designated as a connecting link, except as prescribed by the Minister;
- (e) maintain investigative services to assist other police services, in accordance with the Minister’s policies; and
- (f) perform any other duties assigned, including prescribed duties [s. 57](#).

The Commissioner must also *administer the Ontario Provincial Police and oversee its operation in accordance with the Minister’s policies and strategic plan* [s. 79 \(2\)](#).

All chiefs of police, including the Commissioner, must also:

manage the members of the police service to ensure that they carry out their duties in accordance with this Act and the regulations and in a manner that reflects the needs of the community. [s. 79 \(1\)](#); and *establish written procedures regarding the administration of his or her police service and the provision of policing by the police service* [s. 79 \(4\)](#).



THE ROLE OF OPP DETACHMENT BOARDS

OPP detachment boards are not police service boards as defined in the *CSPA*. Police service boards maintain their own police services while OPP detachment boards oversee OPP policing.

As noted above, the Commissioner of the OPP has the responsibility to provide adequate and effective policing in the OPP's area of responsibility. OPP detachment boards provide civilian input about how policing is provided in their local communities by the OPP.

Although the functions of an OPP detachment board differ significantly from a police service board, which maintains its own police service, many of the provisions of the *CSPA* governing the members and operations of police service boards are made applicable to OPP detachment boards, such as restrictions on board member eligibility and requirements regarding holding meetings [s. 67 \(6\)](#).

There must be at least one OPP detachment board for each OPP detachment that provides policing in a municipality or First Nation reserve, except to the extent that the regulations provide exemptions.

Detachment boards must report to the municipal councils and band councils of the communities in their detachment area by June 30 every year regarding the policing provided by the detachment in their municipalities or First Nation reserves [s. 68 \(1\) \(f\)](#).

The role of OPP detachment Boards will be covered in more detail in Module 4.

OTHER CIVILIAN POLICE OVERSIGHT AGENCIES IN ONTARIO

While OPP detachment boards provide civilian input to their OPP detachment, there are other agencies that oversee different areas relating to police services.

Complaints Director and the Law Enforcement Complaints Agency (LECA)

The Complaints Director is a position created by the *CSPA* and has a mandate to

- deal with public complaints;
- implement programs and services to assist members of the public in making complaints;
- publish statistical reports for the purpose of informing the evaluation, management and improvement of policing in Ontario and the management of public complaints under Part X [s. 132 \(1\)](#); and
- examine and review issues of a systemic nature [s. 133](#).

The Complaints Director is the head of the Law Enforcement Complaints Agency (LECA), which is an arms-length agency of the Ontario Ministry of the Attorney General. The agency's goal is to support the Complaints Director to provide an independent, effective, transparent and accessible public complaints system that is fair to both the public and the police, and builds confidence in the public complaint process.

The focus of the Complaints Director is not on the conduct of police service boards members but rather the conduct of police officers under a board's governance [s. 152](#). The Complaints Director cannot investigate, recommend or lay criminal charges, but may notify the Inspector General if the complaint indicates the conduct may be criminal in nature [s. 133 \(8\)](#).

Normally, complaints about police officers will be referred to either the police service from which they originated or another police service, but the Complaints Director may retain the complaint and cause it to be investigated by an investigator if, in his or her opinion, it is in the public interest to do so [s. 159](#).

Police service boards and members of those boards must forward any complaint that they receive about police officer conduct that should have been made to the Complaints Director. The board or member must also tell the individual that their complaint has been forwarded and provide them information about the Complaints Director [s. 155](#).

The Complaints Director will conduct the investigations of public complaints about police chiefs and deputy chiefs, the OPP Commissioner, deputy commissioners and peace officers of the Legislative Protective Service, and any other complaints determined to be in the public interest.

Allegations of misconduct by board members are dealt with by the Inspector General; this will be discussed in Module 5.

In summary, if a member of the public is alleging misconduct of a police officer, the individual may make a complaint to the Complaints Director. Board members who receive conduct complaints must forward those to the Complaints Director.



Special Investigations Unit

The Special Investigations Unit (SIU) Director conducts investigations of incidents involving the police that have resulted in death, serious injury or allegations of sexual assault. The SIU is a civilian law enforcement agency independent of the police.

The SIU has been in existence since 1990. On December 1, 2020, the [Special Investigations Unit Act, 2019](#) (SIUA) came into force.

The mandate of the SIU is to investigate the actions of a police officer in incidents involving the following, if the incident may have resulted from criminal conduct by an official:

1. the death of a person
2. serious injury to a person
3. the discharge of a [firearm](#) at a person; and
4. the sexual assault of a person as reported by that person [SIUA s.15 \(1\)](#).

The SIU's mandate only applies if, at the time of the incident:

- (a) the official was on duty; or
- (b) the official was off-duty but,
 - i. engaged in the investigation, pursuit, detention or arrest of a person or otherwise exercised the powers of a police officer, special constable or peace officer, as the case may be, whether or not the official intended to exercise such powers or identified him or herself as a person who may exercise such powers, or
 - ii. the incident involved equipment or other property issued to the official in relation to his or her duties.

For clarification relating to the above mandate, the SIUA defines "[serious injury to a person](#)" as:

- a) sustains an injury as a result of which he or she is admitted to a hospital
- b) suffers a fracture to the skull, or to a limb, rib or vertebra
- c) suffers burns to a significant proportion of his or her body
- d) loses any portion of his or her body
- e) as a result of an injury, experiences a loss of vision or hearing
- f) sustains a prescribed injury [SIUA s. 1 \(2\)](#)

If an incident occurs that is one of the four types of incidents listed above, the chief of police, or designate, is responsible for notifying the SIU, who, in turn, decides whether they will commence an investigation into the matter.

If the SIU decides to invoke their mandate and commence an investigation, the police service must ensure that any related ongoing investigation ceases until the SIU authorizes the police service to resume their investigation. The SIU is deemed to be the lead investigator into the incident.

For more information about the SIU, please visit www.siu.on.ca.

Board members must understand that the Commissioner, police officers and special constables have a duty to comply with any reasonable direction or request received from the SIU Director or an investigator in relation to an investigation under the *SIUA* [s. 31 \(1\)](#).

Ontario Ontario Police Arbitration and Adjudication Commission (OPAAC)

[OPAAC](#) is an independent agency whose role is to foster and maintain harmonious labour relations in Ontario policing. To do this, the Commission maintains a list of conciliation officers and a register or registers of arbitrators who provide conciliation and mediation-arbitration services. OPAAC also maintains a roster of adjudicators for police disciplinary hearings.

The OPAAC is a neutral body and neither becomes involved in the issues between the parties nor influences the outcome of a conciliation or arbitration.

The Commission administers the appointment of available conciliation officers and arbitrators who are appointed by the Commission Chair.

Conciliation officers and arbitrators deal with:

- rights, interest and duty of fair representation (DFR) grievances for municipal and First Nation (Opted in) police services;
- First Nations Police Severance Pay Arbitration;
- municipal and First Nation (Opted In) Budget Dispute Conciliation and Arbitration;
- OPP Detachment Budget Disputes; and
- workplace reprisal arbitration affecting members of police services and special constables.

OPAAC will maintain a roster of adjudicators to hear matters relating to:

- the imposition of the following disciplinary measures on police officers (including chiefs and deputy chiefs of police): suspension, forfeiture of pay, reprimands, work performance, demotion and termination of police officers;
- adjudication regarding the expungement of a disciplinary record
- adjudication where suspension without pay is imposed; and
- transition appeals from Ontario Civilian Police Commission (OCPC) that continue under the *PSA*.

Further detail about the operation of OPAAC is provided in [O. Reg. 403/23: Ontario Police Arbitration and Adjudication Commission](#).

SUMMARY

Civilian governance and oversight are essential to maintaining public trust. They help to ensure transparency and accountability in the delivery of policing services.

If a member of the public is alleging misconduct of a police officer, the individual registers that complaint through **the Complaints Director**.

If an individual's interaction with a police officer results in death, serious bodily harm, sexual assault or the discharging of a firearm at a person, the matter is handled by the **SIU**.

If a member of the public provides a complaint about a failure to ensure adequate and effective policing is provided or comply with the *Act* or regulations, or, if they have concerns with a police service or board policies and procedures, these complaints are made to the **Inspectorate of Policing**. If the complaint is specific to a local policy or procedure of the board or its detachment but it is not about the adequacy or effectiveness of policing, then the Inspector General must forward the complaint to the board for review and action, if appropriate.



KNOWLEDGE CHECK to be completed online

MODULE 3: POLICING IN ONTARIO



LEARNING OBJECTIVES

At the conclusion of this module, the learner is expected to identify:

1. the eight principles of policing as defined by the *CSPA*
2. the six functions required for Adequate and Effective Policing
3. duties of a police officer
4. the role of special constables and auxiliaries
5. the differences between the roles of an auxiliary officer, a special constable and a police officer.
6. the role of the [Interprovincial Policing Act, 2009](#) in relation to policing in Ontario.

INTRODUCTION

OPP detachment board members must have a good understanding of the principles that apply to police services and their members. This module provides insight into the legislation and standards of modern-day policing, focusing on policing governance principles rather than the processes involved in the delivery of policing services.



POLICING PRINCIPLES

Policing in Ontario is provided in accordance with eight principles outlined in its [Declaration of Principles](#). These principles are foundational to the work of police services. Board members should have a full appreciation of these principles as they fulfil their responsibilities.

The declaration states:

Policing must be provided throughout Ontario in accordance with the following principles:

1. *The need to ensure the safety and security of all persons and property in Ontario, including on First Nation reserves.*
2. *The importance of safeguarding the fundamental rights and freedoms guaranteed by the [Canadian Charter of Rights and Freedoms](#) and the Ontario [Human Rights Code](#).*
3. *The need for co-operation between policing providers and the communities they serve.*
4. *The importance of respect for victims of crime and understanding of their needs.*
5. *The need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society.*
6. *The need to be responsive to the unique histories and cultures of First Nation, Inuit and Métis communities.*
7. *The need to ensure that police services and police service boards are representative of the communities they serve.*
8. *The need to ensure that all parts of Ontario, including First Nation reserves, receive equitable levels of policing.*

POLICING RESPONSIBILITY

The OPP Commissioner is required to ensure adequate and effective policing is provided in the area for which the OPP has jurisdictional responsibility for policing in accordance with the needs of, and regards for, the diversity of the communities they serve [s. 10 \(1\)](#).

Adequate and Effective Policing

The [CSPA s. 11](#) states that

Adequate and effective policing means all of the following functions provided in accordance with the standards set out in the regulations, including the standards with respect to the avoidance of conflicts of interest, and with the requirements of the [Canadian Charter of Rights and Freedoms](#) and the Ontario [Human Rights Code](#):

1. *crime prevention*
2. *law enforcement*
3. *maintaining the public peace*
4. *emergency response*
5. *assistance to victims of crime and*
6. *any other prescribed policing function*

Ontario Regulation 392/23 [Adequate and Effective Policing](#) sets out a generally acceptable standard that *a policing function shall be provided to an extent and in a manner that is reasonable, having regard to the following factors:*

1. The policing needs of the community.
2. The geographic and socio-demographic characteristics of the police service's area of policing responsibility.
3. The extent to and manner in which the policing function is effectively provided in similar communities in Ontario.
4. The extent to which past provision of the policing function by the police service has been effective in addressing the policing needs of the community.
5. Best practices respecting the policing function [O. Reg 392/23 s. 2 \(1\)](#).

In addition, O. Reg. 392/23 provides standards for the provision of each of the functions above, and it prescribes two additional policing functions: dispatching members of a police service [s. 15](#) and complying with legal duties under the [Children's Law Reform Act](#), the [Courts of Justice Act](#), the [Police Record Checks Reform Act](#), or any other Ontario statute [s. 16](#).

There are several additional *CSPA* regulations that prescribe standards for adequate and effective policing. Board members should familiarize themselves with these requirements as well. A summary of these regulations is provided here:

O. Reg. 401/23	Conflicts Of Interest
O. Reg. 400/23	Collection Of Identifying Information In Certain Circumstances - Prohibition And Duties
O. Reg. 397/23	Vehicle Pursuits
O. Reg. 395/23	Investigations
O. Reg. 394/23	Major Case Management And Approved Software Requirements
O. Reg. 393/23	Active Attacker Incidents
O. Reg. 391/23	Use Of Force and Weapons

Adequate and effective policing does not include the enforcement of municipal and First Nation by-laws, unless the by-laws are prescribed in regulation. Nor does it include the provision of court security, which is addressed as a distinct duty of boards and the Commissioner under the *CSPA*, separate from policing and not necessarily provided by members of a police service [s. 11 \(2\)](#). The standards for adequate and effective policing can be exceeded [s. 11 \(3\)](#).

NOTE: This does not mean that by-laws cannot be enforced. It means that these functions do not meet the definition of adequate and effective policing under the current legislation and regulations.

Duties of a Police Officer



Under Part I of the Act, “police officer” is defined to mean a member of a police service who is appointed as a police officer or a person who is appointed as a police officer under the *Interprovincial Policing Act, 2009* and, for greater certainty, does not include a special constable, a First Nation Officer, a municipal by-law enforcement officer, a police cadet or an auxiliary member of a police service.

It is important to note that police officers are required to do more than just enforce the law. In fact, the CSPA lists a total of **ten duties of a police officer** [s. 82](#):

1. *preserving the peace;*
2. *preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention;*
3. *assisting victims of crime;*
4. *apprehending criminals and other offenders and others who may lawfully be taken into custody;*
5. *laying charges and participating in prosecutions;*
6. *executing warrants that are to be executed by police officers and performing related duties*
7. *performing the lawful duties that the police chief assigns;*
8. *completing training required by this Act or the regulations;*
9. *complying with the prescribed code of conduct; and*
10. *performing such other duties as are assigned to him or her by or under this or any other Act, including any prescribed duties.*

For a detachment board member to assist their board in providing civilian input on OPP policing, they must be aware of these ten duties.

Special Constables



In Ontario, special constables are peace officers who can be granted powers of a police officer through their appointments. [O. Reg. 396/23](#) provides requirements for appointments and functions for special constables (see also [s. 92](#)).

Police service employed special constables can fulfil specific roles within a police service (for example, court security, prisoner transport, etc.).

Special constables who work for the OPP are appointed by the Commissioner of OPP.

Special constables can be employed by a “special constable employer” and have a dedicated enforcement role in support of a special constable employer (for example, public transit, public housing, university campus, etc.).

Auxiliary Members



The OPP Commissioner has the authority to appoint auxiliary members to the OPP [s. 91](#).

The purpose of an auxiliary officer is to provide additional resources to police services.

They are usually unarmed and may be volunteer or paid members. Depending on their appointment, they may also be peace officers. Auxiliary officers are called upon to perform duties in support of community events (for example, fundraising, blocking a side street at a parade, demonstrating police equipment at a Police Week event) and limited frontline police functions (for example, crowd control, directing traffic at a vehicle collision scene, or providing first aid).

An auxiliary officer is not a police officer and does not automatically possess the powers of an appointed police officer. However, the *CSPA* does grant an auxiliary officer the authority of a police officer if the officer is:

- (a) accompanied or supervised by a police officer in accordance with the regulations made by the Minister and the procedures established by the chief of police; and
- (b) authorized to perform police duties by the chief of police [s. 91 \(5\)](#)

NOTE: The above condition usually occurs during an emergency situatio



Officers from other Canadian jurisdictions

The [Interprovincial Policing Act, 2009](#) (*IPA*) is a mechanism that allows a police officer from one province to be appointed as a police officer in another province. This allows officers from provinces across Canada to work collaboratively on major cases and joint force operations outside the province in which they work. Note that the *IPA* does not apply to the Royal Canadian Mounted Police.

SUMMARY

While community needs and priorities may vary among police services, the *CSPA* ensures that the duties and responsibilities of police services and their appointed police officers are consistent across the province. It is the responsibility of the OPP Commissioner to ensure that the delivery of policing services is both adequate and effective everywhere in the OPP's jurisdiction.

Out of province police officers can be appointed through the *Interprovincial Policing Act, 2009* for specific events and investigations.



KNOWLEDGE CHECK to be completed online

MODULE 4: ROLES AND RESPONSIBILITIES OF OPP DETACHMENT BOARDS



LEARNING OBJECTIVES

At the conclusion of this module, the learner is expected to identify:

1. the duties, roles and responsibilities of OPP detachment boards and members
2. liability of boards and board members
3. board meetings
4. adequate and effective policing
5. the responsibility for strategic and local plans
6. the types of policies to be established by OPP detachment boards
7. limitations on a board's policies
8. the role of the Detachment Commander
9. the responsibility to monitor the Detachment Commander
10. the role of municipal diversity plans
11. the role, purpose and importance of an annual report
12. the detachment board estimates process

INTRODUCTION

OPP detachment boards are not police service boards as defined in the *CSPA*. Police service boards maintain their own police services while OPP detachment boards oversee OPP policing at the detachment level.

The Commissioner of the OPP has the responsibility to ensure adequate and effective policing is provided in the OPP's area of responsibility. OPP detachment boards provide civilian input into how policing is provided in their local communities by the OPP.

There must be at least one OPP detachment board for each OPP detachment that provides policing in a municipality or First Nation reserve, except to the extent that the regulations provide exemptions.

OPP detachment boards are independent from municipal councils. The municipal council and the OPP detachment board are separate legal entities. The Minister, First Nation band councils and municipalities will appoint members to detachment boards.

Regulations will determine the composition of the OPP detachment board and the term of office, remuneration and expenses of its members [s. 67 \(1\) - \(3\)](#).



BOARD RESPONSIBILITIES

The CSPA sets out the duties of an OPP detachment board [s. 68 \(1\)](#). These are to:

- (a) *consult with the Commissioner regarding the selection of a detachment commander and otherwise participate, in accordance with the regulations made by the Minister, in the selection of the detachment commander;*
- (b) *determine objectives and priorities for the detachment, not inconsistent with the strategic plan prepared by the Minister, after consultation with the detachment commander or his or her designate;*
- (c) *advise the detachment commander with respect to policing provided by the detachment;*
- (d) *monitor the performance of the detachment commander;*
- (e) *review the reports from the detachment commander regarding policing provided by the detachment; and*
- (f) *on or before June 30 in each year, provide an annual report to the municipalities and band councils regarding the policing provided by the detachment in their municipalities or First Nation reserves.*

In addition, the OPP detachment board must:

- *consider any community safety and well-being plan adopted by a municipality or First Nation that receives policing from the detachment [s. 68 \(4\)](#).*
- *comply with the prescribed standards, if any, with respect to the exercise of its powers and the performance of its duties under this Act [s. 68 \(5\)](#).*

The CSPA does not make detachment boards liable for actions of OPP members [s. 67 \(5\)](#)



Board Meetings, Rules, Policies and Procedures

Rules for OPP detachment boards are set out in [s. 43](#) of the Act. OPP detachment boards must hold meetings at least four times per year [s. 43 \(1\)](#).

A majority of the members of a board is sufficient to constitute quorum.

Board meetings must be open to the public, except in specific circumstances. Regardless of whether the meeting is open or closed to the public, it must be recorded and the recording must contain all resolutions, decisions and other proceedings. The board must publish notice of any meetings that are open to the public. This notice must be posted on the Internet seven days in advance of the meeting and include:

- the proposed agenda for the meeting; and
- either the record of the most recent board meeting that was open to the public, **or** instructions to the public on how to access this record.

As specified above, the general principle is that board meetings shall be open to the public. At times, however, it may be necessary to close all or part of a meeting, by board resolution [s. 44](#).

Before holding a meeting, OPP detachment boards and their committees must consider whether their meeting or part of it should be closed to the public and, if applicable, they must close the meeting or the applicable part of the meeting [s. 44 \(1\) \(a\)](#). Note that the only time a meeting is required to be closed is if a Freedom of Information request under the [Municipal Freedom of Information and Protection of Privacy Act](#) is being discussed [s. 44 \(3\)](#).

The board or committee must also consider whether any of the circumstances allowing a meeting to be closed apply to the meeting, in which case they can decide whether they should close the meeting (or applicable part of the meeting) or not. A meeting or part of a meeting about the following matters can (but is not required to) be closed to the public:

- (a) *the security of the property of the board;*
- (b) *personal matters about an identifiable individual, including members of the police service or any other employees of the board;*
- (c) *a proposed or pending acquisition or disposition of land by the board;*
- (d) *labour relations or employee negotiation;*
- (e) *litigation or potential litigation affecting the board, including matters before administrative tribunals;*
- (f) *advice that would be inadmissible in a court by reason of any privilege under the law of evidence, including communications necessary for that purpose;*
- (g) *information explicitly supplied in confidence to the board by Canada, a province or territory or a Crown agency of any of them, a municipality or a First Nation;*
- (h) *a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;*
- (i) *a trade secret or scientific, technical, commercial or financial information that belongs to the board and has monetary value or potential monetary value;*
- (j) *a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the board;*
- (k) *information that section 8 of the Municipal Freedom of Information and Protection of Privacy Act would authorize a refusal to disclose if it were contained in a record; or*
- (l) *an ongoing investigation respecting the (police service) board* [s. 44 \(2\)](#).

A meeting that is for the purpose of educating or training the board/committee members can also be closed to the public, so long as no other matters are considered or dealt with at the meeting in a way that would materially advance the business or decision-making of the board [s. 44 \(6\)](#).

If a meeting or part of it will be closed to the public—whether it was mandatory or optional—the board or committee must adopt a resolution:

- saying that the meeting or part of it will be closed; and
- describing the general nature of the matter to be considered (or the training/education session subject matter, if applicable).

Additionally, if the meeting is closed because it is an education or training session, the resolution must state that it is being closed under [s. 44 \(6\)](#) of the Act [s. 44 \(1\) \(b\)](#).

If a meeting or part of it is closed, for whatever reason, the board/committee members must keep everything considered at that meeting/part of the meeting confidential. The only exceptions—that is, when members are allowed to disclose information from the closed meeting/part of the meeting—are:

- to comply with an Inspectorate of Policing inspection
- if disclosure is required to comply with the *CSPA*, the *SIUA*, or their regulations
- if disclosure is required for a law enforcement purpose (for example, a police investigation)
- if disclosure is otherwise required by law (for example, under a court order)
- if the board adopts a resolution permitting the member to disclose information [s. 44 \(4\) - \(5\)](#).

The board can adopt a resolution to disclose information from a closed meeting or part of a meeting, or a resolution authorizing individual members of the board to disclose such information. This option is available even if the meeting was required to be closed. The resolution can include disclosing information that may not have been shared during the meeting but that was obtained for the purpose of the meeting [s. 44 \(5\)](#).



Strategic Plan

The Minister must prepare and adopt a strategic plan for the provision of adequate and effective policing by the Commissioner of the OPP in accordance with the needs of the population of the areas for which he or she has policing responsibility [s. 61 \(1\)](#).

The Commissioner must file an annual report with the Minister that addresses the implementation of the Minister's strategic plan and the achievement of the performance objectives identified in the strategic plan [s. 58 \(1\)](#). This annual report must be published on the Internet [s. 58 \(2\)](#).

In contrast to municipal police services boards, which generate a strategic plan for their police services, the OPP Commissioner implements the Minister's strategic plan for the OPP. OPP detachment boards may create local policies, but they must be consistent with the Minister's strategic plan and other requirements described below.

Local Action Plans

A detachment commander must prepare and adopt a local action plan for the provision of policing provided by that detachment. In doing so, the detachment commander must:

- consult with the OPP detachment board and other stakeholders such as:
 - (a) *his or her OPP detachment board;*
 - (b) *the municipal council of any municipalities that receive policing from the detachment;*
 - (c) *the band councils of any First Nations that receive policing from the detachment;*
 - (d) *groups representing diverse communities in the area that receives policing from the detachment;*
 - (e) *school boards, community organizations, businesses and members of the public in the area that receives policing from the detachment; and*
 - (f) *any other prescribed persons, organizations or groups* [s. 70 \(3\)](#).
- submit a draft of the new or amended local action plan to their OPP detachment board before it is finalized and allow the board to make comments on the draft within 60 days after the submission [s. 70 \(5\)](#).

The local action plan must be published on the Internet in accordance with the regulations made by the Minister, if any [s. 70 \(7\)](#).

Community Safety and Well-Being Plans

In exercising its functions, the OPP detachment board must consider any community safety and well-being plan adopted by a municipality or First Nation that receives policing from the detachment [s. 68 \(4\)](#).



Local Policies

The OPP detachment board may establish local policies with respect to policing after consultation with the detachment commander.

The OPP detachment board must publish any local policies on the Internet [s. 69 \(7\)](#).

Limitations to Local Policies

1. *The local policy must not be inconsistent with,*
 - i. *the strategic plan prepared by the Minister,*
 - ii. *any policies established by the Minister under section 60,*
 - iii. *any procedures established by the Commissioner, or*
 - iv. *the local action plan prepared by the detachment commander.*
2. *The local policy must not relate to specific investigations, the conduct of specific operations, the management or discipline of specific police officers or other prescribed matters.*
3. *The local policy must not require a member of the Ontario Provincial Police to do something or refrain from doing something where this would be inconsistent with his or her duties under this Act or the regulations.*
 - **For example:** A board cannot prohibit a police officer from apprehending individuals under the age of 18, as this would be contrary to [s. 82 \(1\) \(d\)](#) of the CSPA
4. *The local policy must not prohibit a member of the Ontario Provincial Police from attempting to collect information for the purpose of investigating an offence or assisting with the prosecution of an offence.*
 - a. **For example:** The board cannot make a policy prohibiting a police officer from requesting necessary identifying information about an individual in order to charge them with a criminal offence.
5. *The local policy must not require a member of the Ontario Provincial Police to provide any policing that is not required as a component of adequate and effective policing.*
6. *The local policy must comply with any prescribed requirements. [s. 69 \(2\)](#).*



Selecting and Monitoring the Detachment Commander

The Commissioner of the OPP appoints the detachment commander with input from the detachment board [s. 68 \(1\) \(a\)](#).

The OPP detachment board has a responsibility to monitor the performance of its detachment commander [s. 68 \(1\) \(d\)](#).

The duties of the OPP detachment commander include:

- ensuring that his or her detachment provides policing in accordance with the local policies of his or her OPP detachment board [s. 69 \(3\)](#).
- providing the OPP detachment board with reports regarding policing provided by the detachment at the board's request [s. 68 \(2\)](#).

Disputes between the Board and the Detachment Commander

If there is a discrepancy between the OPP detachment board's local policies and the requirements of the Act:

(4) If a detachment commander believes that a local policy of his or her O.P.P. detachment board does not comply with subsection (2),

(a) he or she shall inform the O.P.P. detachment board, in writing, of the reasons why he or she believes that the local policy does not comply with subsection (2); and

(b) despite subsection (3), he or she is not required to ensure that policing is provided in accordance with the policy unless directed to do so by the Commissioner under subsection (5). [s. 69 \(4\)](#).

(5) If the O.P.P. detachment board is not satisfied with the detachment commander's reasons for not complying with the local policy, it may apply to the Commissioner to review the decision and provide direction to the detachment commander, which may include requiring compliance with the local policy [s. 69 \(5\)](#).

(6) The Commissioner shall consider any submissions from the O.P.P. detachment board and shall provide it with written reasons for his or her decision to provide directions or not to provide directions to the detachment commander [s. 69 \(6\)](#).



Budget Estimates

The OPP detachment board must prepare estimates, in accordance with the regulations, of the total amount that will be required to pay the expenses of the board's operation other than the remuneration of board members [s. 71 \(1\)](#).

The municipalities must contribute their share of the costs to the OPP detachment board's budget in accordance with the estimates [s. 71 \(3\)](#).

If there is a dispute about the prepared estimates between the OPP detachment board and a municipality, they may jointly appoint an arbitrator within 60 days or they may apply to the OPAAC Commission Chair to appoint an arbitrator [s. 71 \(7\) - \(8\)](#).

Liability Of Boards, Board Members and Members of The Police Service

An OPP detachment board is not liable for the acts or omissions of members of the OPP committed in the course of their employment [s. 67 \(5\)](#).

OPP Detachment boards are legal entities that can contract, sue and be sued in their own name [s. 49 \(1\)](#). Board members are protected from personal liability when acting in good faith in accordance with their duties and responsibilities [s. 48 \(2\)](#).

SUMMARY

The roles and responsibilities of an OPP detachment board and its members are substantial in quantity and significant in their importance. A detachment commander must be monitored by their respective board.

OPP detachment boards play various roles in matters such as local action plans, local policies and annual reporting.



KNOWLEDGE CHECK to be completed online

MODULE 5: BOARD MEMBER APPOINTMENTS, TRAINING REQUIREMENTS, CODE OF CONDUCT AND CONFLICTS OF INTEREST



LEARNING OBJECTIVES

At the conclusion of this module, the learner is expected to identify:

1. board member appointment criteria
2. board member responsibilities including training
3. board member Code of Conduct
4. processes in relation to board member misconduct

OPP DETACHMENT BOARD MEMBER APPOINTMENTS

The CSPA outlines the criteria that qualifies or excludes an individual from being a member of an OPP detachment board [s. 33](#).

The person or entity responsible for appointing a board member must consider:

- (a) the need to ensure that the police service board is representative of the area it serves, having regard for the diversity of the population in the area;*
- (b) the need for the police service board to have members with the prescribed competencies, if any; and*
- (c) any applicable diversity plan [s. 33 \(1\)](#).*

Ineligible persons are:

1. A judge or justice of the peace.
2. A member of a police service, a special constable or a First Nation Officer.
3. Any person who practises criminal law as a defence counsel or as a prosecutor.
4. A director, officer or employee of a prescribed policing provider.
5. Any other prescribed persons [s 33 \(4\)](#).

A former member of a police service is not eligible to be a member of a police service board unless,

- (a) they were only a former member of a police service other than the OPP; and*
- (b) at least one year has passed since the person ceased to be a member of any police service [s. 33 \(5\)](#).*

Appointment to an OPP Detachment Board

The composition of the OPP detachment board shall be as provided in the regulations [s. 67 \(2\)](#).

When appointing or reappointing a member of board, the appointing person or body must consider:

- (a) the need to ensure that the detachment board is representative of the area the detachment serves, having regard for the diversity of the population in the area;
- (b) the need for the detachment board to have members with the prescribed competencies, if any; and
- (c) any applicable diversity plan; [s. 33 \(1\)](#)

and

The appointing person or body must consider the results of a potential appointee's police record check that was prepared within the past 12 months before appointing him or her as a member of a detachment board [s. 33 \(2\)](#).

The term of office and remuneration and expenses of the members of the OPP detachment board shall be as provided in the regulations [s. 67 \(3\)](#).

An oath or affirmation is required as part of the member's appointment [s. 35 \(1\)](#).

OPP DETACHMENT BOARD MEMBER RESPONSIBILITIES

Board members are expected to

- successfully complete training that is approved by the Minister [s. 35 \(2\)](#)
- participate in the election of a chair at the first meeting in each year, which may also include electing a vice-chair [s. 36 \(1\) – \(2\)](#)
- follow and adhere to the [Members of OPP Detachment Board Code of Conduct \(O. Reg 409/23\)](#).
- attend meetings as determined by the board, with no fewer than four meetings each year [s. 43 \(1\)](#)



Mandatory Training

Board and board committee members must successfully complete:

- a. Training approved by the Minister with respect to the role of a board and the responsibilities of members of a board or committee (this training).
- b. Training approved by the Minister with respect to human rights and systemic racism.
- c. Training approved by the Minister that promotes recognition of and respect for,
 - i. the diverse, multiracial and multicultural character of Ontario society, and
 - ii. the rights and cultures of First Nation, Inuit and Métis Peoples.
- d. Any other training prescribed by the Minister.

OPP detachment board members and committee members **must not** exercise the powers or perform the duties of a board or committee member until they have successfully completed the training with respect to the role of a board and the responsibilities of members of a board or committee [s. 35 \(2\)](#).

The member is also required to complete the other training outlined in [s. 35](#) within the prescribed period of time following their appointment.



CODE OF CONDUCT

Every board member must comply with the [Code of Conduct](#) prescribed in the regulations [s. 67 \(4\)](#).

The Code of Conduct [O. Reg. 409/23](#) demands that an OPP detachment board member (section numbers here refer to those in the Code of Conduct):

- **must** comply with the *Act* and the regulations made under it (s.4)
- **must** comply with any rules, procedures and by-laws of the OPP detachment board (s. 6)
- **must** conduct themselves in a professional and respectful manner in the course of their duties including, without limitation, not using abusive or insulting language in the course of their duties (s. 10 (1))
- **must** clearly indicate when they are expressing a personal opinion when commenting on an action or omission of the OPP detachment board, the Ontario Provincial Police or a member of the police service (s. 13)
- **must** attend all OPP detachment board meetings unless able to provide a reasonable explanation for the absence (s. 16)
- **must** disclose any conduct of another member of the OPP detachment board that the member reasonably believes constitutes misconduct to the board chair or, if the misconduct involves the board chair, the disclosure shall be made to the Inspector General (s. 17)
- **must** disclose to the body appointing such member (municipality or Minister if they are a provincial appointee) any charges laid against them under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada) and any finding of guilt made in relation to those charges (s. 18)

- **must** promptly disclose any conflict of interest to the board chair (or to the Inspector General if the conflict involves the board chair) (s. 20)
 - **must** disclose the conflict at the next meeting of the board

And

- A member of an OPP detachment board contravenes this code of conduct if they are found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada) that was committed after they were appointed as a member of the OPP detachment board to the extent such charges or findings were made after the member's appointment to the board (s. 8)

A member of an OPP detachment board:

- **must not** conduct themselves in a manner that undermines or is likely to undermine the public's trust in the OPP detachment board or the Ontario Provincial Police (s. 3 (1))
 - **will not** be subject to discipline if, on a balance of probabilities, their conduct was in the good faith performance of their duties as a board member (s. 3 (2))
- **must not**, by act or omission, conduct themselves in a manner that is likely to cause the board to fail to comply with the *Act* or the regulations made under it (s. 5)
- **must not** substantially interfere with the conduct of OPP detachment board meetings (s. 7)
- **must not**, in the course of their duties, treat any person in a manner that the member, at the time, knows or reasonably ought to know would contravene the *Human Rights Code* (s. 9 (1))
 - **the board member will not** be subject to discipline if, on a balance of probabilities, the member's conduct was in the good faith performance of their duties as a board member (s. 9 (2))
- **must not** knowingly make false statements pertaining to the duties of a member of an OPP detachment board (s. 11)
- **must not** purport to speak on behalf of the OPP detachment board unless authorized by the board to do so (s. 12)
- **must not** access, collect, use, alter, retain, destroy or disclose to any person information that has been obtained by or made available to the member in the course of their duties if doing so would be contrary to law (s. 14)
- **must not** disclose to the public information obtained or made available in the course of the member's duties except as authorized by the OPP detachment board or as required by law (s. 15)
- **must not** apply for employment with the Ontario Provincial Police unless they resign from the board before applying (s. 19)
- **must not** use their position as an OPP detachment board member to
 - (a) benefit themselves;
 - (b) benefit one or more persons with whom they have a personal relationship; or
 - (c) interfere with the administration of justice (s. 21)
- **must not** participate in discussion of or voting with respect to matters at OPP detachment board meetings if the member has a conflict of interest in the matter (s. 22)



BOARD MEMBER CONFLICT OF INTEREST

Conflict of interest means a situation in which a member of an O.P.P. detachment board's private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their duties as a member of the O.P.P. detachment board [O. Reg. 409/23 s. 2](#).

"Personal relationship" includes, but is not limited to, a relationship with any of the following persons:

1. a current or former spouse or common-law partner of the board member;
2. a current or former intimate partner of the board member;
3. the board member's children, including biological and adoptive children and stepchildren;
4. the legal dependants of the board member;
5. a child in the board member's care; and
6. the board member's grandparents, parents or siblings, including grandparents-in-law, parents-in-law and siblings-in-law [O. Reg. 409/23 s. 2](#).

MISCONDUCT COMPLAINTS

If a **board member** wishes to make a complaint of misconduct against another board member, that complaint is made to the board chair. If the board chair is the subject of the complaint, that complaint is made to the Inspector General [O. Reg. 409/23 s. 17 \(a\) - \(b\)](#)

If a **member of the public** wishes to make a complaint against a member or chair of the board, that complaint is made directly to the Inspector General [CSPA s. 106](#).

The Inspector General may refuse to accept complaints that are frivolous, vexatious or made in bad faith. The Inspector General may also refuse to accept a complaint that would not be in the public interest to deal with [CSPA s. 106 \(2\) - \(3\)](#).

For more information about misconduct procedures, refer to [Part VII](#) of the CSPA.

SUMMARY

All board members are required to conduct themselves in keeping with the CSPA and its regulations. Misconduct complaints from the public are made to the Inspector General who reviews, investigates and determines if the action(s) of the member constitutes professional misconduct. If the member is found to have committed misconduct, the Inspector General may reprimand, suspend or remove the member as appropriate.



KNOWLEDGE CHECK to be completed online



Congratulations!

You have now completed your review of the Ministry of the Solicitor General's approved training for policing boards members with respect to the role of a policing board and the responsibilities of members of a board or committee.

As a board member, you will continue to have access to this training program for future reference. Continue to access the *CSPA* in the conduct of your board responsibilities. It provides the legal framework and the specifics for carrying out your responsibilities as per your board type.

Thank you for your board service.

APPENDIX 1: REPORT OF INTEREST REGARDING ROLES AND RESPONSIBILITIES OF POLICE SERVICE BOARDS

Epstein, Gloria J. 2021. Report of the Independent Civilian Review into Missing Person Investigations. Toronto Police Services Board.

MacDonald, Michael MacDonald. 2023. Final Report to the Mass Casualty Commission, Joint Federal/Provincial Commission in the April 2020 Nova Scotia Mass Casualty.

Mukherjee, Alok. 2023. Final Report of the Independent Expert Panel to the Thunder Bay Police Services Board.

Rouleau, Paul S. 2023. Report of the Public Inquiry into the 2022 Public Order Emergency. His Majesty the King in Right of Canada.

Sinclair, Murray. 2023. Building Trust through Bold Action: Roadmap for Real Change: Final Report - Independent Expert Panel to the Thunder Bay Police Services Board.

Tulloch, Michael H. 2018. Report of the Independent Street Checks Review, Toronto: Queen's Printer for Ontario.