

Report No. 1 of the Regional Solicitor was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on April 21, 2016.

Police Services Act Review and Consultation
on the Strategy for a Safer Ontario

Regional Council recommends adoption of the following recommendations contained in the report dated April 15, 2016 from the Regional Solicitor:

1. Council respond to the *Police Services Act* review and consultation on the Strategy for a Safer Ontario in the form set out in the attached letter.
 2. The Regional Clerk circulate the letter and this report to the Ministry of Labour, the Association of Municipalities of Ontario, the Ontario Association of Police Services Boards and local municipalities.
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Report dated April 15, 2016 from the Regional Solicitor now follows:

1. Recommendations

It is recommended that:

1. Council respond to the *Police Services Act* review and consultation on the Strategy for a Safer Ontario in the form set out in the attached letter.
2. The Regional Clerk circulate the letter and this report to the Ministry of Labour, the Association of Municipalities of Ontario, the Ontario Association of Police Services Boards and local municipalities.

2. Purpose

This report recommends that Council submit a response to the Ministry of Community Safety and Correctional Services' consultation on the *Police Services Act* and the development of the Strategy for a Safer Ontario.

3. Background

Province is undertaking consultation on Ontario's Police Services

On February 12, 2016 the Minister of Community Safety and Correctional Services launched consultations for the Strategy for a Safer Ontario, the province's blueprint for an effective, sustainable, and community based model of policing (the "Strategy"). The goal of the Strategy is to ensure that Ontario's approach to policing aligns with 21st century community needs.

The Strategy is intended to:

- Promote a collaborative approach to community safety and well-being and improve interactions between police and vulnerable Ontarians
- Modernize core police responsibilities and explore options for alternate service delivery
- Enhance civilian police governance, accountability and oversight
- Explore the expanded use of technology to support community safety
- Update education and training requirements for police officers

The Strategy will guide the province's decision making around changes to the way community safety services are delivered, and as such it encompasses services beyond policing.

Consultations took place between February 18 and April 11, 2016

Public consultation sessions were held across Ontario between February 18th and April 2nd, 2016. The Ministry also conducted several regional consultation sessions on an invitation-only basis, including a session in York Region on April 11th. The Ministry is seeking feedback on the strategy's key pillars: promoting a collaborative approach to community safety and well-being and improving interactions between police and vulnerable persons; modernizing core policing duties and exploring alternate service delivery; training, governance, accountability and oversight; use of technology and sustainable First Nations policing. The focus of this consultation process has been on public engagement. The Ministry intends to table legislation in fall 2016.

4. Analysis and Options

The Province's consultation follows three years of study and review

The Ministry's consultation follows a three-year review on policing in Ontario. The Future of Policing Advisory Committee (FPAC) is led by the Ministry and consists of Ministry officials, police chiefs, police associations and the Association of Municipalities of Ontario. While FPAC identified many areas for improvement, it has not produced tangible results. To advance meaningful reforms in policing, AMO established a task force of mayors and police services boards representatives from across the province to explore key issues in policing. The task force released a study paper in April 2015. The "Building a New Public Safety Model in Ontario – AMO's Policing Modernization Report" contains recommendations for both short and long-term action items, including substantial legislative reform. The AMO task force also prepared a consultation guide to assist municipalities in providing feedback on the Ministry's consultation.

Review of the *Police Services Act* should include more substantive measures addressing the costs and efficiency of police services

The *Police Services Act* has not undergone any significant review in 25 years. Although the Ministry's consultation does not identify any specific areas of legislative reform, the review presents an opportunity to modernize the legislative and regulatory framework of policing. Improving efficiency and effectiveness of policing should be a key goal of this review, so it is surprising that it does not

specifically address the issue of policing costs, nor opportunities to improve efficiency.

To meet the stated goals of the Strategy, there must be some consideration of measures designed to address the sustainability of effective, affordable municipal police services. Such measures should include not only a review of the core functions of police services, but also legislative amendments to permit alternative service delivery, and changes to labour relations framework to allow for greater flexibility and accountability within policing.

Municipalities provide most of the funding for policing in Ontario

The current policing model in Ontario does not follow the principle of “say for pay”. Ontario municipalities are responsible for 90% of policing costs and delivery of two-thirds of all police services in the Province yet they have little say over how police services are delivered. Adequacy Standards enacted under the *Police Services Act* require police services to provide resources necessary to “create a level of consistency across police services” but the Province does not fund the capital expenditures, human resources or training required to meet those standards.

Staff recommend a response to the consultation that highlights the need for collaboration among service delivery agencies including provincial ministries, and more autonomy for municipalities to determine how best to deliver police services

The Regional Municipality of York Police Services Board will be submitting comments in response to the consultation covering all seven themes. Staff recommends that as a municipality, York Region provide comments in response to five key areas of the consultation paper: Community Safety and Well-being; Serving Vulnerable People; Modernizing What Police Do; Use of Technology; and Governance. In addition, staff recommends that the Region’s submission should address key areas not covered in the Ministry’s consultation paper.

a) Community Safety and Well-Being

The Ministry seeks to improve collaborative partnerships between police, the public and other sectors such as education, health care and social services to strengthen relationships between the police and the people they serve. The Strategy would include development of community safety plans.

To be successful, the Strategy must include municipal and regional governments, health providers and the community. The new Strategy should also engage people from diverse backgrounds, orientations, languages and cultures.

b) Serving Vulnerable People

The province's goal is to ensure that persons who are in crisis are connected with the appropriate resources and services as soon as possible. The province must enhance the crisis and mental health supports available. Protocols for responding to mental health and addiction crisis calls and information sharing could be improved by using a collaborative approach including police, paramedic services and social service agencies.

c) Modernizing What Police Do

Police are increasingly called upon to perform non-core functions such as responding to animal welfare complaints, removal of debris, security for public events, and social services assistance. To address the increased strain on police services as well as the increased costs of policing, the province is considering how community safety needs could be delivered by a continuum of personnel such as bylaw officers and special constable.

The Ministry should review core and non-core police functions in support of effective, sustainable police services. Alternate service delivery models including the use of private security, special constables and community safety personnel should be supported in legislation.

d) Use of Technology

The Ministry is reviewing how legislation might facilitate better use of high-tech tools to enhance public safety and help police do their jobs more efficiently.

Council has long supported calls for the expanded use of enforcement technology (i.e. photo radar). Municipalities could be given the power to use such technology as they deem appropriate as part of traffic safety and enforcement. The use of enforcement technology must be accompanied by improvements within the administration of justice, most notably the Provincial Offences courts.

e) Governance

The Ministry is reviewing the model of police oversight and governance, as well as the training, qualifications and support required for police services boards. The province favours more civilian oversight as well as a consistent model of police oversight for all Ontario communities.

Municipalities that are responsible for police services should have the ability to appoint members to the board and have greater input into appointments made by the province. This would follow the principle of "say for pay" and allow municipalities to ensure appropriate community representation on their board.

The Regional Municipality of York Police Services Board has supported the recommendations in the AMO Policing Modernization Report and the submissions of the Big 12 Boards, as set out in a letter from the Chair May 22, 2015, calling for improvements in the selection, training and support for board members. The Board also supports AMO's request that the Ministry establish a panel on police governance to study appropriate models and recommend a model after any changes to the delivery of police services have been determined. Staff recommends that Council endorse these submissions.

f) Recommendations Not Addressed in the Consultation Paper

Almost 90 per cent of a police budget is comprised of labour costs. Wage and benefit increases for emergency workers are growing faster than increases for other public sector employees in Ontario and faster than Canada's rate of inflation. The ever-increasing costs of policing adversely impacts the ability of some municipalities to deliver effective and efficient police services as well as other essential municipal services and programs. Ontario communities are concerned about the affordability of emergency services and the proportion of tax levy required to sustain these services in the face of reduced funding support from other levels of government.

Staff recommend that Council endorse the submissions of MARCO and LUMCO, prepared by the Emergency Services Steering Committee, calling for reform with respect to long-standing labour issues such as interest arbitration, reclassification and suspension without pay. If these fundamental labour issues are not addressed, police employers cannot truly address operational and cost pressures.

5. Financial Implications

York Regional Police is one of the largest police services in Ontario. Its policing jurisdiction consists of 1,756 square kilometres of land and 350 square kilometres of Lake Simcoe. The 2016 annual operating budget of York Regional Police is \$295.1 million which represents 30% of the Regional tax levy. York Regional Police has one of the lowest costs per capita and the second highest population to police ratio in Ontario.

6. Conclusion

The Strategy for a Safer Ontario presents a valuable opportunity for comprehensive review and update of the *Police Services Act*. The scope of review must be broad enough to bring about meaningful reform to enable the

Police Services Act Review and Consultation
on the Strategy for a Safer Ontario

modernization and increased efficiency of police services. Every community in Ontario must have access to emergency services that are safe, effective, affordable and sustainable. Staff recommends that the Chair provide comments on the consultation on the Region's behalf, and request the opportunity to work with the Ministry, the Association of Municipalities of Ontario, police services boards and Chiefs of Police to explore opportunities for meaningful reform.

For more information on this report, please contact Joy Hulton, Regional Solicitor at ext. 71417.

April 15, 2016

Attachments (1)

6708864

Accessible formats or communication supports are available upon request

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

Re: Strategy for a Safer Ontario

I am writing on behalf of The Regional Municipality of York to provide comments on the Ministry's consultation to develop the Strategy for a Safer Ontario. In particular, we would like to provide our comments on proposed amendments to the *Police Services Act* and related regulations.

York Region is the fastest-growing region in Ontario and third-fastest in Canada. It currently accounts for more than 17 per cent of the Greater Toronto Area's total population. York Region is expected to grow by an additional 41 per cent to 1.6 million residents. York Regional Police is one of the largest police services in Ontario. Its policing jurisdiction consists of 1,756 square kilometres of land and 350 square kilometres of Lake Simcoe. The 2016 annual operating budget of York Regional Police is \$295.1 million which represents 30% of the Regional tax levy. York Regional Police has one of the lowest costs per capita and the second highest population to police ratio in Ontario.

Ministry of Community Safety and Correctional Services Consultation – Strategy for a Safer Ontario

The goal of the Ministry of Community Safety and Correctional Services consultation on the Strategy for a Safer Ontario is to “build a proactive, sustainable and effective model of policing, focused on community safety and well-being, for all police services including the Ontario Provincial Police, municipal police services and in First Nations Communities.” The *Police Services Act* has not undergone any significant review or amendment in 25 years. This review therefore presents a significant opportunity to modernize the legislative and regulatory framework of policing. Improving the efficiency and effectiveness of policing should be a key goal of this review. The consultation paper sets out seven themes, including community safety and well-being, use of technology, and governance but does not specifically address the issue of the costs of police services, nor opportunities for increasing efficiency. This is surprising given that the rising cost of policing has been the theme of significant review and consultation over the past few years.

Municipal governments are responsible for emergency services, including police, fire and paramedic services. Across Ontario, emergency service costs have increased about 30 per cent

between 2006 and 2011. Police services represent a significant portion of municipal budgets and property tax is the main revenue source for policing in Ontario. Almost 90 per cent of a police budget is comprised of labour costs. Wage and benefit increases for emergency workers are growing faster than increases for other public sector employees in Ontario and faster than Canada's rate of inflation. The ever-increasing costs of policing adversely impacts the ability of some municipalities to deliver effective and efficient police services as well as other essential municipal services and programs. Ontario communities are concerned about the affordability of emergency services and the proportion of tax levy required to sustain these services in the face of reduced funding support from other levels of government

In order to meet the stated goals of the Safer Ontario Strategy, York Region believes there must be some consideration of measures designed to address the sustainability of effective, affordable municipal police services. Such measures would include a review of the core functions of police services, legislative amendments to permit alternative service delivery, and changes to labour relations framework to allow for greater flexibility and accountability within policing.

The current policing model in Ontario does not follow the principle of "say for pay". Ontario municipalities are responsible for 90% of policing costs and delivery two-thirds of all police services in the province yet they have little say over how police services are delivered. Adequacy Standards enacted under the *Police Services Act* require police services to provide resources necessary to "create a level of consistency across police services" but the Province does not fund the capital expenditures, human resources or training required to meet those standards.

The Regional Municipality of York Police Services Board has provided a submission in response to all seven themes in the consultation. York Region supports the submissions of its police services board. As a municipality, we are most concerned with five key areas of the consultation paper: Community Safety and Well-being; Serving Vulnerable People; Modernizing What Police Do; Use of Technology; and Governance. This submission also addresses key areas not covered in the Ministry's consultation paper.

(a) Community Safety and Well-being

To be successful, the Strategy for a Safer Ontario must include municipal and regional governments, health sectors and members of the community. The new Strategy should also engage people from diverse backgrounds, orientations, languages and cultures.

York Regional Police have made excellent strides in furthering a true community approach to policing. Our communities are changing and we support them in seeking education and training on systemic barriers facing vulnerable people, community engagement, psycho-educational training and youth engagement. We encourage the desire to improve their understanding and empathy towards community members.

We also encourage a collaborative approach to the community safety and well-being plans to meet the needs of our distinct communities. The province should provide guidelines to outline plan conditions and requirements and facilitate the development of these plans.

Our collaboration with our police partners has grown as shown by the Rapid Response Table (RRT). The goal of the RRT is to improve collaborative partnerships between police, community stakeholders, education, health care and social services. It is a focused, pro-active discussion where participants jointly identify situations that place community members in high risk. Once a situation is identified, all necessary partners participate in a coordinated response to ensure residents at risk are connected to timely and effective supports. We believe this approach in addition to being safer for all parties; will also see emergency department visits and 911 calls decrease over time.

In order to make this happen, there needs to be continued cooperation across provincial ministries to ensure funding, policies and programs foster a collaborative approach to community safety and improve interactions between police and vulnerable residents.

(b) Serving Vulnerable People

A Strategy for a Safer Ontario needs to ensure that police officers have the resources and training to identify and intervene appropriately when people experience a mental health crisis. Police officers need to be sensitive to language barriers and cultural differences, work closely with social workers, psychologists and mental health providers and have a presence at community tables to build stronger links within the community. These preventative approaches garner better results when addressing our Youth and reoccurring offenders.

Every effort should be made to provide officers mental health education and training for client focused intervention, de-escalation, decreased use of force, decreased stigma and links to the mental health system. This will lead to positive interactions between police and persons with mental illness.

To reduce crisis in mental health, we urge the province to enhance crisis and other mental health supports in York Region. Protocols for responding to mental health and addiction crisis calls and information sharing could be improved by using a collaborative model, such as Mobile Crisis Intervention Teams and including Police, Paramedic Services and Social Service agencies. For a successful Mobile Crisis Intervention Team York Region will need funding and training for Paramedics.

(c) Use of Technology

York Region has long called for the expanded use of enforcement technology, including red light cameras and photo radar. York Region implemented red light cameras in high collision intersections in 2013 and has seen a decline in collisions in those intersections as a direct result, so we know that the expanded use of such technology may assist in enforcing public safety initiatives. We note however that when enforcement technology is used in areas where police are also expected to conduct enforcement, there is no reduction in policing costs.

Municipalities should be given the power to use enforcement technology such as photo radar and to determine when and where to use it as part of traffic safety and enforcement programs, but the expanded use of enforcement technology alone cannot improve overall efficiency of traffic enforcement. Any consideration of the expanded use of enforcement technology must be accompanied by improvements in the use of technology within the administration of justice, most notably the Provincial Offences courts. POA court processes are mandated by the Ministry of the Attorney General. They have not kept pace with advances in technology and POA court operations are experiencing significant backlog as a result. Any expansion of the use of enforcement technology must be accompanied by advances in the automation of court processes to prevent backlog within the system.

(d) Modernizing What Police Do

Police are increasingly called upon to perform non-core functions such as responding to animal welfare complaints, removal of debris, security for public events, and social services assistance. To address the increased strain on police services as well as the increased costs of policing, the province should review how community safety needs could be delivered by a continuum of personnel such as by-law officers and special constable.

York Region recommends that the Ministry review core and non-core police functions in support of effective, sustainable police services. Alternate service delivery models including the use of private security, special constables and community safety personnel should be supported in legislation. The mandates of other community safety agencies should also be reviewed.

(e) Governance

York Region supports the recommendations of the AMO Policing Modernization Report and the submission of the Big 12 Boards set out in a letter from Board Chair Scarpitti dated May 22, 2105 (Attachment 1) with respect to the need for improvements in the selection, training and support for board members.

The Safer Ontario consultation highlights consistency in the model of police governance as a key issue in this review. While governance is unquestionably a critical consideration, it has not been the subject of in-depth study or consultation with stakeholders. The Ministry's focus on consistency in police governance, including communities policed by the OPP, as well as calls for increased municipal responsibility for community safety seem at odds with the suggestions that municipal officials should have limited or no role in civilian oversight. We are disappointed that the potential elimination of elected municipal officials from police services boards continues to be given serious consideration.

Municipal police services are the responsibility of upper and single-tier municipal councils, whose elected officials are accountable to their community for the delivery of those services, including levels of service and the associated costs. Any model of police governance and oversight must include elected officials to ensure that accountability aligns with responsibility. The governance model should also give the municipality the ability to appoint members to the governing body to ensure that the community is properly represented.

York Region supports AMO's recommendation that a governance model cannot be determined until the policing model has been confirmed. We therefore support AMO's request that the Ministry establish a panel on police governance to study and report on the governance issues raised in the consultation paper. Such a panel must include police employers, including Chiefs, as well as provincial, municipal and civilian governance representatives.

Other Relevant Recommendations Not Addressed in the Consultation Paper

In most police services, 90 per cent of the budget is wages and benefits. Wage and benefit increases for emergency workers including police are growing faster than increases for other public sector employees in Ontario and faster than Canada's rate of inflation. Police employers along with municipalities responsible for police services have long called for legislative reforms to assist in addressing the rising costs of emergency services.

The ever-increasing costs policing adversely impacts the ability of municipalities to deliver effective and efficient police services as well as other essential municipal services and programs. York Region endorses the recommendations submitted by the Emergency Services Steering Committee (ESSC) set out in Attachment 2. The ESSC's recommendations address long-standing labour issues which impede the ability of police employers to modernize their labour structure, improve accountability and contain increases in labour costs.

Conclusion

The Strategy for a Safer Ontario presents a valuable opportunity for comprehensive review and update of the *Police Services Act*. The scope of review must be broad enough to bring about meaningful reform to enable the modernization and increased efficiency of police services. Every community in Ontario must have access to emergency services that are safe, effective, affordable and sustainable. York Region looks forward to the opportunity to work with the Ministry, the Association of Municipalities of Ontario, police services boards and Chiefs of Police to explore opportunities for meaningful reform.

Sincerely,

Wayne Emmerson
Chair

Attachments (2)



Regional Municipality of York Police Services Board

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To Make a Difference in Our Community

May 22, 2015

Chair
Frank Scarpitti
Mayor
City of Markham

The Honourable Yasir Naqvi
Minister of Community Safety and Correctional Services
25 Grosvenor Street
Toronto, ON
M7A 1Y6

Vice Chair
Barbara Bartlett
Regional Council
Appointee

Dear Minister Naqvi:

Members
Wayne Emmerson
Regional Chairman
And C.E.O

I am writing on behalf of the Chairs of the Big 12 Police Services Board, which represent the governing bodies for the 12 largest municipal police services in Ontario.

Mayor Virginia Hackson
Regional Council
Appointee

The Big 12 Chairs held their most recent meeting on April 14, 2015. As the York Regional Police Services Board was the host agency, I chaired the meeting and have been asked to communicate on the various action items considered by me and my colleagues. A significant part of our discussion was dedicated to the issue of civilian governance of municipal police services.

Sam Herzog
Provincial Appointee

We are aware that your Ministry is undergoing a review of the civilian governance of police services in Ontario. We had before us the report dated November 4, 2014 prepared by Mr. Ken East, President, and Mr. Fred Kaustinen, Executive Director, Ontario Association of Police Services Boards. Many of us also attended a session on April 7, 2015 hosted by the Canadian Association of Police governance at which Deputy Minister Matt Torigian spoke about the Ministry's review stating:

John Molyneux
Provincial Appointee

The Ministry of Community Safety and Correctional Services is leading efforts to examine how to effectively calibrate civilian police governance to provide a foundation for service delivery that reflects and serves the needs of communities in Ontario.

Bang-Gu Jiang
Provincial Appointee

Executive Director
Mafalda Avallino

As the Big 12 Chairs, we believe that we have significant insight into the civilian governance of police services as well as having a unique perspective on the issues being examined. For this reason we have opted to provide our input at this early stage so our collective view can inform and contribute to the Ministry's work as it moves forward.

Administrative Assistant
Jaclyn Kogan

For convenience, we have grouped our comments into the 'five buckets' referenced by Deputy Minister Torigian as well as Ministry staff in various forums. We have identified actions that can be taken now as well as the potential for legislative reform.

Board Governance Environment

As the Big 12 Chairs, we assumed that this speaks to the potential changes to the mandate of police boards, a recommendation from the recent 'Goudge' report (*Policing*

Canada in the 21st Century: New Policing for New Challenges), among others. This would be a major shift in responsibilities for municipal police services boards (PSBs) as currently set out in the *Police Services Act*. If the Ministry does intend to move in that direction, we believe it will require significant dialogue with all stakeholders and we would certainly welcome the opportunity to participate.

Board Member Roles & Responsibilities

We believe considerable improvement can be made in clarifying Board member roles and responsibilities. We recommend the following:

Recommendation One

- The Ministry provide clarification on PSB responsibilities and its relationship with the duties of a Chief of Police;
- That the clarification take into account recent reviews, OCPC decisions and judicial decisions;
- That the Ministry provide a '*standard or consistent*' view on this important relationship to ensure all PSBs and Chiefs of Police have the same approach and understanding.

Recommendation Two

- That should the Ministry open the *Act* the clarification sought above be enshrined in the new *Act* to provide as much guidance as possible.

Board Members – Skills & Competencies

We are aware of the different perspectives on which bodies should have the authority to appoint to PSBs. The Big 12 Chairs' view on this is clear and emphatic. At our meeting, the following motion was adopted:

'That the Big 12 Chairs advise the OAPSB that we support the current representation from Municipal Councils on Boards.'

We are also cognizant of positions taken on the skills and competencies for Board members. In the Association of Municipalities of Ontario '*Police Modernization Report*' dated April 27, 2015, it states under the title of 'Partnership':

"The quality of the governance and civilian oversight system need to be improved. This includes ensuring governance board members are qualified against a set of competencies and mandatory training is provided"

The previously mentioned Goudge report states: '*Appropriate governance is central to generating policing according to societal values.*'

Other reports have made similar comments. We agree. However, rather than focus on '*which agency*' appoints, our position focuses more on '*who gets appointed*'. Similar to the experience in the private sector, we believe skills, competencies and experience, unique to each jurisdiction, should be considered.

On a related point, we are aware that provincial appointees are required to undergo a background check. This is understandable given the fact we are appointed to govern police organizations. Municipal appointees do not have such a requirement. We are aware that this anomaly was recently addressed by the Alberta government and that each prospective police board member must complete the same background check. We believe the same requirement should be instituted and exist in Ontario.

The question of exclusions should also be considered. As an example, while serving police officers are prohibited from being appointed to a PSB, we are advised no such prohibition exists for other current police service members including Special Constables, civilian members, auxiliary members and volunteers. An update on excluded individuals should form part of any review of the *Act*. We also suggest that consideration be given to excluding former or retired police officers, particularly those who served on the same police service within the last 10 years.

Recommendation Three

- Prior to making an appointment to the PSB, every appointing body should consult with the Board as to its requirement for the required competencies and experience, so as to round out the '*composite skills*' of the entire Board.

Recommendation Four

- That should the *Act* be opened it should:
 - a) be amended to provide for background checks for all prospective PSB members;
 - b) review the existing list of exclusions to ensure this list is current and complete.

Board Members: Professional Development & Learning

The *Act*, Section 31(5) states:

'The board shall ensure that its members undergo any training that the Solicitor General may provide or require.'

This section is reiterated in Section 3 of the Code of Conduct for members of PSBs.

Despite this wording, as a group we are unaware of any current and sustained training that has been developed, delivered or mandated uniformly across the province. As a consequence, there is an inconsistency in how some Board members discharge their responsibilities.

We fully endorse local orientation when a new Board member is appointed. An informal questioning among ourselves indicated each of the Big 12 Boards provide this to some degree.

What is lacking is standardized, mandated '*Professional Development and Learning*' created and/or mandated by the Ministry despite the language in the *Act*.

The OAPSB in its report concluded:

'Board member training should be relevant, robust, empowering, and mandated province-wide. This will help ensure consistency in independent citizen governance among communities across the province.'

We agree with OAPSB's comment.

Recommendation Five

- That the Ministry provide standardized, mandated professional development and learning for all new Board members; and further that this should occur within a specified time period after appointment.

A list of possible topics for new Board members is attached as Appendix A.

At the April 7, 2015 session attended by Deputy Minister Torigian a suggestion came forward that just as new Board members would benefit from this type of professional development and learning, so too would newly promoted Chiefs and Deputy Chiefs of Police. Deputy Minister Torigian indicated he thought it was an idea worth considering. We concur.

Recommendation Six

- That the Ministry explore the concept of having Chiefs and Deputy Chiefs of Police attend elements of the professional development and learning provided new Board members in areas of common interest.

Finally, those of us that have served on PSBs for a number of years realize that the learning and education never ceases, hence our next recommendation.

Recommendation Seven

- That the Ministry provide opportunities for ongoing learning, preferably through the development and deployment of e-learning tools.

Board Resources

In his comments made on April 7, 2015, Deputy Minister Torigian stated:

'Police Services Boards (should) have access to appropriate and effective resources to fulfill their obligations and make the right decisions to ensure accountability.'

The Big 12 is fortunate in governing sufficiently large police services that we can avail ourselves of necessary resources, either through the retention of qualified Board staff, access to municipal officials, the contracting of professional services or a combination of all three.

The concern is with smaller police services where the dedication of such resources would be difficult to articulate or defend when contrasted to direct police needs. This is a quandary which we believe is being addressed by the OAPSB and also invite insight from the Ministry on this important issue.

Evaluation and Measurement of Police Service Performance

This is the '*fifth bucket*' spoken to by Deputy Minister Torigian.

As a group, we fully appreciate and respect the importance of this topic. However, as Big 12 Chairs we also understand that this is a subject that has been considered and debated in numerous forums for many, many years. It is also the focus of ongoing reviews at the national and provincial level. Given its complexity, we do not have a specific recommendation to make at this time. Rather, we look forward to the Ministry's direction and again would welcome the opportunity to participate in further dialogue with the Ministry.

On behalf of the Big 12 Chairs, we appreciate your consideration of our input on this extremely important subject. As the '*front line*' in civilian police governance, we are committed to continual improvement in our own activities on behalf of the communities we serve.

Sincerely,



Frank Scarpitti, Chair
York Regional Police Services Board
Mayor, City of Markham

Copy to: Chair Roger Anderson, Chair, Durham Regional Police Services Board
Mayor Rob Burton, Chair, Halton Regional Police Services Board
Dr. Alok Mukherjee, Chair, Toronto Police Services Board
Gerry Lougheed, Chair, Sudbury Police Board
Eli El-Chantiry, Chair, Ottawa Police Services Board
Laurie Williamson, Chair, Peel Regional Police Services Board
Lloyd Ferguson, Chair, Hamilton Police Services Board
Bob Gale, Chair, Niagara Regional Police Services Board
Jeannette Eberhard, Chair, London Police Services Board
Mayor Drew Dilkens, Chair, Windsor Police Services Board
Tom Galloway, Chair, Waterloo Regional Police Services Board
Ken East, President, OAPSB

Possible Topics for PSB Development and Learning

- Board and Chief Relationship – performance review
- Labour Relations/collective bargaining
- Mandatory occupational health and safety
- AODA
- Business planning process
- Budgets
- Complaints procedures
- Discipline processes
- Code of Conduct
- Confidentiality – Conflicts of interest
- Procedural policy
- Stakeholders and their role in the delivery of Service
- Board member role vs. role of the Board
- Media Relations
- Delegation of authority
- Use of Force (nature of the business)
- Policy (Governance vs. Management)
- Police Service Performance review



LUMCO

Ontario's Big City Mayors

April 4, 2016

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

Dear Minister Naqvi,

We are writing to you on behalf of the Mayors and Regional Chairs of Ontario of Single-Tier Cities and Regions (MARCO) and the Large Urban Mayor's Caucus of Ontario (LUMCO) to provide input to the "Strategy for a Safer Ontario – Consultation on the Police Services Act.

The attached submission from the Emergency Services Steering Committee (ESSC) is consistent with resolutions approved by both LUMCO and MARCO in the past and, it has been endorsed by our members as our joint submission to the Police Services Act Consultation. The legislative changes we propose would resolve many long-standing issues which have been hampering Ontario police service employers in their efforts to update their labour structure, contain costs and provide for better accountability.

In particular we would like to direct your attention to recommendation 3 which would improve accountability of policing and help contain escalating labour costs by introducing some long overdue reforms to Ontario's interest arbitration system including:

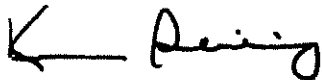
- The introduction of a requirement that arbitrators consider a municipality's capacity to pay which would include consideration of freely negotiated bargaining settlements in the same municipality
- The introduction of clear, measurable criteria that include the evaluation of the economic health of the municipality, to be considered on the basis of the labour market characteristics, property tax and socio-economic factors, and
- Enabling either party to request written reasons for an arbitrator's award, such reasons to demonstrate that the arbitrator gave due and proper consideration to the criteria.

For many years, the disproportionate increases in policing labour costs have added to the eroding ability of municipalities to fund key projects and essential programs. Interest arbitration is the only legal way to settle contract negotiation disputes with

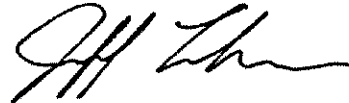
police who are not allowed to strike. Unfortunately, this has led to replication of agreements from one community to another being given priority over consideration of local fiscal conditions and agreements negotiated with other employees. In addition, the process can be lengthy, sometimes taking years before a decision is made.

The work done by police is highly valued and respected by municipalities. They often must work in dangerous conditions and police service employers recognize that their remuneration should reflect the complexity and risk inherent in this challenging work. What MARCO and LUMCO are proposing is a better balance between fair remuneration for police officers, local economic conditions and the ability of municipalities to pay, as well as improving the accountability and transparency of arbitration awards.

Best regards,



Ken Seiling
Chair, MARCO
Regional Chair
Region of Waterloo



Jeff Lehman
Chair, LUMCO
Mayor
City of Barrie

cc: The Honourable Kathleen Wynne, Premier of Ontario
The Big 12 Police Services Boards c/o Joy Hulton, Regional Solicitor, York Region
Pat Vanini, Executive Director, AMO
Matthew Wilson, Senior Advisor, AMO
Art Zuidema, Chair ESSC, City Manager, London

ESSC

Emergency Services
Steering Committee

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STRATEGY FOR A SAFER ONTARIO – CONSULTATION ON THE *POLICE SERVICES ACT*

Submissions of the Emergency Services Steering Committee

Background

The Emergency Services Steering Committee

The **Emergency Services Steering Committee (ESSC)** is a joint steering committee established by the municipalities represented by MARCO (Mayors and Regional Chairs of Ontario), and LUMCO (Large Urban Mayors Caucus of Ontario), and a number of other Ontario municipalities responsible for the delivery of emergency services. The ESSC currently represents 47 Ontario municipalities as well as other municipal and emergency services agencies.

The ESSC was established to coordinate activities related to cost containment in the emergency services (police, fire and EMS). The ESSC provides a forum and resource for collaboration and strategic discussion and research on all issues relating to emergency services labour costs. Through research and data collection the ESSC provides municipal decision-makers and other stakeholders with accurate information on emergency service costs in an effort to form a coordinated, strategic approach to collective bargaining. In collaboration with the Association of Municipalities of Ontario and the Ontario Association of Police Services Boards, the ESSC has been actively engaged in advocacy for reform of legislation in the emergency services sectors since 2008, and actively leads initiatives to reduce or contain emergency services costs through more effective collective bargaining and labour relations.

The Rising Costs of Policing

Across Ontario, emergency service costs have increased about 30 per cent between 2006 and 2011. Three quarters of these costs are for wages and benefits. In fact, wage and benefit increases for emergency workers are growing faster than increases for other public sector employees in Ontario and faster than Canada's rate of inflation. Police services represent a significant portion of municipal budgets, and almost 90 per cent of a police budget is comprised of labour costs. Police employers along with municipalities responsible for fire services have long called for reforms to address the rising costs of emergency services.

The ever-increasing costs policing adversely impacts the ability of municipalities to deliver effective and efficient police services as well as other essential municipal services and programs. The recommendations contained in this submission address long-standing labour issues which impede the ability of police employers to modernize their labour structure, improve accountability and contain increases in labour costs. Communities large and small are concerned about the affordability of emergency services and the proportion of municipal spending that they are capturing. All communities in Ontario need to have access to emergency services that are safe, effective and affordable.

Board Effectiveness – Modernizing Police Labour Relations

1. Exclusions from the Bargaining Unit

Amend Part VII – section 118 to create additional exclusions from the bargaining unit for those personnel who are engaged in labour relations or whose jobs require them to provide labour relations advice to the Chief and/or Board in support of collective bargaining, grievance and arbitration and disciplinary matters. Currently all personnel with the exception of the Chief and Deputy are included in the bargaining unit(s).

Management staff, including those responsible for human resources, labour relations, senior finance personnel, and legal advisors should be excluded from the bargaining unit in a manner similar to that provided for in the Ontario *Labour Relations Act*.

2. Bargaining Committee

Amend Part VII – delete sections 120(1) and (2) to enable police services boards and/or the municipality responsible for police services to determine how it will conduct its collective bargaining.

The Ontario *Police Services Act* is the only statute in Canada to dictate the composition of the bargaining committee. This provision restricts the ability of the employer to determine how to resource its bargaining committee. There is no rationale for this provision and it should be deleted to give both parties the right to determine the composition of their own bargaining committees. Police services boards should have the same right as the associations and employers in other sectors to draw up expertise and resources they deem appropriate.

Increase Accountability of Policing

3. Interest Arbitration

Amend section 122(1)- (6) to reform the interest arbitration provisions to restore balance in the arbitration system, and increase accountability and transparency of awards.

The interest arbitration system in Ontario's emergency services, including police, needs to be reformed to ensure that it is balanced, transparent and accountable, expeditious

and accurately reflects what the parties would have negotiated had they been able to freely negotiate an agreement. Employers have long called for reform of the interest arbitration system because it no longer meets any of these criteria. Arbitrated salary awards in the emergency services have consistently exceeded the rate of inflation, cost of living and wage increases negotiated with other unionized staff in the same municipality. Ontario's interest arbitration system no longer reflects what free collective bargaining would otherwise have produced as an outcome; even when employers in the emergency services "freely" negotiate settlements they are constrained by the outcomes that would be awarded if they referred the agreement to arbitration. Labour cost increases in policing cannot continue without jeopardizing other components of the police service as well as other essential services and infrastructure needs of the municipality.

The interest arbitration provisions of the Act must be amended to:

- Improve accountability and transparency of arbitration awards by requiring arbitrators to consider a municipality's capacity to pay based on a comparison of the freely negotiated bargaining settlements in the same municipality, including those of bargaining units with the right to strike. The criteria for comparison of wage settlements should not be limited to only police in other municipalities.
- Establish clear, measurable criteria that include the evaluation of the economic health of the municipality, to be considered on the basis of the labour market characteristics, property tax and socio-economic factors.
- Enable either party to request written reasons for an arbitrator's award, and ensure such reasons demonstrate that the arbitrator gave due and proper consideration to the criteria.

In addition, procedural changes are required to ensure that the arbitration system is timely and fair to both parties.

4. Disciplinary Proceedings

Amend Part V – review and amend provisions relating to disciplinary proceedings. Sworn policers are not currently subject to discipline in a manner similar to civilian employees. The statutory regime for discipline of sworn officers significant restricts the employer's ability to impose appropriate discipline in response to misconduct. This creates inequity within the police service as between sworn and civilian employees, and affords sworn officers with essentially "jobs for life," a privilege not afforded to any other employees in Ontario. The rights of sworn officers to due

process can be sufficiently protected without a disciplinary regime that fails to hold them to an equitable level of accountability for their conduct.

5. Suspensions with Pay

Amend Part V – section 89 to allow Chiefs of Police the discretion to suspend a police officer without pay when charged with serious *Police Services Act* violations.

Ontario is the only jurisdiction in Canada in which Chiefs of Police do not have the discretion to suspend police officers without pay when the officer is charged with an offence, or even convicted of an offence if the conviction is under appeal. There have been several examples of officers charged with serious offences who continue to receive full compensation while the charges proceed through the courts or disciplinary hearings, including appeals. These proceedings often continue for years; the police service has little control over the pace at which the court proceedings occur and officers have no incentive to move proceedings forward. Approximately 50 officers are suspended with pay in Ontario each year. The cumulative financial impact can be significant – as much as \$5 million/year in compensation.

The prohibition on suspension without pay applies regardless of whether charges arise from on duty or off duty conduct. Increased public awareness of cases involving serious charges has eroded public trust and confidence in the police, and the financial impact can create significant pressure on constrained police budgets. The Association of Municipalities of Ontario has reported that between 2005-2009, Ontario's "Big 12" police services boards paid \$16.9 million in salary to suspended officers. The Act should be amended to give Chiefs discretion to suspend officers without pay.

Education and Training Requirements of Police Officers

6. Probation

Amend section 44(1) to extend the length of the probationary period of constables and require that an officer serve the full probationary period while on active duty.

The Act currently provides for a 12 month period of probation with no provision to extend the probation in the event of interruptions in training, such as a leave of

absence. Officers should be required to serve the full probationary period on active duty to enable the employer to fully assess the officer's skill and competence.

Consideration should also be given to extending the probationary period until an officer has reached First-Class.

The Ministry's consultation guide suggests that the Ontario Basic Constable Training program should be enhanced. If this results in a longer period of training, the probation period should be extended accordingly.

7. Advancement Through the Ranks

Amend O.Reg 268/10 8(3) to extend the period of time for progression from fourth to first class constable. Currently a sworn officer progresses through the ranks from Fourth-Class to First-Class in 5 years with no requirement for additional training, skills or education as an officer progresses through the ranks. This is not consistent with career progress in other professions which require additional training and education to advance. The overall period of advancement should be increased from 5 to 8 years, and additional education and skill requirements should be imposed in order to reach the rank of First-Class.