Northumberland OPP Detachment Board (the "Board")
Board Governance Memorandum

Effective April 1, 2024

Effective April 1, 2024, the *Police Services Act* R.S.O. 1990, chapter P.15 and related regulations (the "PSA") were replaced by the *Community Safety and Policing Act, 2019* and related regulations (the "CSPA").

Whenever reference is made to "Detachment Commander" ("DC"), the term is intended to include the Ontario Provincial Police ("OPP") more generally to the extent the actual responsibility/authority relating to the establishment of policies, procedures and processes lies at more senior levels within OPP management or is delegated by the DC to an authorized designate. Whenever reference is made to "Commissioner" the term is intended to mean the Commissioner of the OPP appointed under CSPA ss.56(1).

1. APPLICATION

General Overview

Part I of the CSPA (s.1) is a declaration of principles which provides that policing shall be provided throughout Ontario in accordance with the following principles:

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

CSPA Part II deals with the Minister's duties and powers and Part III describe the responsibilities for the provision of adequate and effective policing in Ontario.

CSPA Parts IV and V provide for the establishment of municipal police service boards (Part IV) and for OPP detachment boards (Part V) depending upon the type of police service a municipality establishes (municipal or OPP) to provide community police services. There are four types of policing boards which may be established under the CSPA in conjunction with a police service:

- Municipal boards constituted by a municipality under CSPA s.22, s.23, s.24 or s.25;
- First Nation boards constituted under CSPA s.32;
- First Nation OPP boards constituted under CSPA s.77; and
- OPP Detachment boards constituted under CSPA s.67.

For purposes of the CSPA, Part IV municipal boards and First Nation boards are collectively defined as "police service boards". The Board is an "OPP detachment board" **NOT** a "police service board". As such, the Board has oversight responsibilities under Part V (s.67) of the CPSA which relate to the provision of police services to the Town of Northumberland by the Northumberland County Detachment of the OPP.

Provision of Common Application

When reading the CSPA and regulations, and when developing and implementing Board policies and governance protocols, it is very important to remember that CSPA references to "police service boards" may, but do not automatically, include OPP detachment boards.

The CSPA has many provisions that are specific to the governance of certain types of boards. There are also a number of provisions that apply to more than one type of board, either by directly referencing such boards or through a provision of common application. For example, CSPA ss.67(6) provides that

the following CSPA provisions, which refer expressly to "police service boards", apply as well to Part V OPP detachment boards, with necessary modifications, as if they were, in fact, Part IV police service boards:

- s.33 (Appointment).
- s.35(1) to (5) (Oath, training and conduct).
- s.36 (Election of chair).
- s.42 (Delegation).
- s.43 (Meetings).
- s.44 (When meetings may be closed to public).
- s.45 (Evidence of by-laws).
- s.46 (Rules and procedures).
- s.48 (Protection from personal liability).
- s.49 (Police service board may contract, sue and be sued).

These provisions of common application are reflected in this Memorandum by subject matter and are also reflected in the attached Board By-Laws and Policies.

Adequate and Effective Policing

Under Part III of the CSPA (see s.10 - s.21) "police service boards" and the OPP (Commissioner) are required to ensure that "adequate and effective policing" is provided in the area for which they have respective policing responsibility in accordance with, and having regard to, the needs and diversity of the population in that area (CSPA s.10(1)).[1]

Under CSPA s.11 "adequate and effective policing" means (with certain exclusions per ss.11(2)), all of the following functions provided in accordance with the standards[2] 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 *Human Rights Code*:

- Crime prevention.
- Law enforcement.
- Maintaining the public peace.
- Emergency response.
- Assistance to victims of crime.
- Any other prescribed policing functions.

This Memorandum is intended to provide an overview of Board governance requirements and resources to facilitate Board compliance with its roles and obligations as an OPP detachment board. To the extent anything contained in this Memorandum (including attachments) conflicts with the provisions of the CPSA and its regulations, the CPSA/regulations shall govern.

2. ROLE OF THE LIEUTENANT GOVERNOR IN COUNCIL

Under the CSPA the Lieutenant Governor in Council has regulation-making powers (s.261) and related public consultation responsibilities (s. 262) and other responsibilities in a number of areas, including s.16 (designating "special areas" for the provision of policing in certain circumstances), receiving Ministerial recommendations on Board appointments (e.g., s.33); appointing a Commissioner of the OPP and one or more deputy Commissioners (s.56); authorizing commissions under the great seal (s.101.1); appointing the Inspector General of Policing (s.102); remove or suspend or direct compliance relating to Commissioner/Board member compliance following an inspection report (s.123 – 129); appointment/remuneration of complaints director under CSPA Part VIII; approval of Ministerial disciplinary measures imposed on the Commissioner or the appointment of an adjudicator to hold a hearing regarding the demotion or termination of the Commissioner or deputy Commissioner under CSPA Part XII.

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1 These CSPA sections include provisions that support the delivery of policing through alternative, special and additional services generally, as well as in temporary and emergency circumstances.

2 NOTE: These are minimum standards, "police service boards" or the Commissioner may provide policing or other services that exceed the standards for adequate and effective policing, including providing enforcement of by-laws.

O. Reg. 399/23 sets out a number of general matters under the authority of the Lieutenant Governor in Council. Several provisions apply to an OPP police service. For example, police ranks that may be established by the OPP (s.5).

3. ROLE OF THE OPP COMMISSIONER AND THE MINISTER UNDER CSPA PART V

OPP Commissioner and Deputy Commissioners

The Commissioner may, in accordance with any diversity plan, policy or directive that is applicable to the public service of Ontario, appoint members of the OPP as police officers.

Commissioner's Duties

Under CSPA s.57 the Commissioner must:

- provide adequate and effective policing in their area of policing responsibility per CSPA s.10;
- perform duties under the CSPA/other Act re the employment of OPP members in accordance with any diversity plan/policy/directive applicable to the Ontario public service;
- maintain highway traffic patrols;
- maintain investigative services to assist other police services as per Minister policies; and
- perform such other assigned and prescribed duties.

Commisioner's Annual Report

CSPA s.58 requires the Commissioner to file with the Minister, on or before June 30th in each year, an annual report that addresses at least the following matters:

- the implementation of the Minister's Strategic Plan (CSPA s.61) and the achievement of the performance objectives identified in the Strategic Plan;
- the affairs of the OPP; and
- any other prescribed matters.

The Minister must publish the Commissioner's Annual Report on the internet.
A copy of the Commissioner's Annual Report is included in **Schedule B**

Minister

Minister's OPP duties
CSPA s.58 requires the Minister to:

- monitor the Commissioner's performance;
- review of the Commissioner's performance at least annually as per any regulations;
- monitor the Commissioner's handling of discipline within the OPP;
- ensure that any OPP police facilities/lock-ups comply with any prescribed standards; and
- perform other assigned/prescribed duties.

Minister's Policies
With certain exceptions[3] CSPA ss.60(1) requires the Minister to establish (and publish on the internet) policies respecting:

- adequate and effective policing[4] provided by the Commissioner based on community needs;
- disclosure by the Commissioner of personal information about individuals;
- investigative services that the Commissioner must provide to other police services;
- OPP discipline matters;
- the indemnification of members of the OPP for legal costs;[5] and

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3 CSPA ss.60(5) and (6)

4 CSPA s.11

5 subject to the regulations, and unless such indemnification is provided for by an agreement made under the *Ontario Provincial Police Collective Bargaining Act, 2006*,

- any other OPP-related matters or the provision of policing or prescribed matters (CSPA s.60(1)(f))
    - e.g.,
        - ss.24(1) O. Reg. 392/23
            - policy on the publication of crime analysis, call analysis and public disorder analysis data, and of information on crime trends - to be published annually on the internet. (ss.24(2)); and
        - s.24 O. Reg. 395/23
            - policy on the conduct of investigations.

Minister's Four Year Strategic Plan

CSPA s.61 requires the Minister to prepare and adopt a Strategic Plan every four years for the provision of policing by the Commissioner. The Strategic Plan must comply with any regulations and must address at least the following matters:

- how the Commissioner will ensure the provision of adequate and effective policing based on the needs of the policed community;
- the objectives, priorities and core functions of the OPP;
- quantitative and qualitative performance objectives and indicators of outcomes relating to:[6]
    - the provision of community-based crime prevention initiatives, community patrol and criminal investigation services;
    - community satisfaction with the policing provided;
    - emergency calls for service;
    - violent crime and clearance rates for violent crime;
    - property crime and clearance rates for property crime;
    - youth crime and clearance rates for youth crime;
    - police assistance to victims of crime and re-victimization rates;
    - interactions with persons described below;
    - road safety; and
    - any other prescribed matters.
- interactions with:
    - youths;
    - members of racialized groups; and
    - members of First Nation, Inuit and Métis communities;
- interactions with persons who appear to have a mental illness or a neurodevelopmental disability;
- information technology;
- resource planning;
- police facilities; and
- any other prescribed matters.

The Minister must publish the Strategic Plan on the Internet.
The current Strategic Plan is included in **Schedule B**

Minister Directions to the Commissioner

Under CSPA s.62 the Minister may give direction to the Commissioner, **but cannot** direct the Commissioner:

- with respect to:
    - specific investigations;
    - the conduct of specific operations;
    - the discipline of specific police officers;
    - the day-to-day operation of the OPP;
    - other prescribed matters; or
- to do anything that would:
    - contravene the CSPA or regulations, or any other Act or regulation;
    - require an OPP member to do something, or refrain from doing something, that would be inconsistent with their CSPA duties; or

6 These and the "interactions" bullets are identical to the local Action Plan requirements under CSPA s.70

    - prohibit an OPP member from attempting to collect information for the purpose of investigating an offence or assisting with the prosecution of an offence; or
- to provide personal information if other information will serve the purpose for which the information is to be used or otherwise to provide more personal information than is reasonably necessary to meet the purpose for which the information is to be used; or
- direct members of the OPP other than the Commissioner.

Under CSPA ss.62(3.1) the above restrictions do not prevent the Minister from issuing directions that may affect OPP operations. The Commissioner may decline to provide the information described in s.62 if authorized to do so by the regulations. The Minister must publish any directions given to the Commissioner on the internet.

4. BOARD GOVERNANCE

Background and Introduction

Effective October 1, 2020, the Board transitioned from a local police services board operating under PSA s.31 to an OPP police services board operating under PSA s.10. This transition occurred in conjunction with a decision by the Town of Northumberland Council to disband the local Northumberland Police Service and replace it with the OPP pursuant to an October 1, 2020 Agreement (term October 1, 2020 - December 30, 2023) for the Provision of Police Services under PSA s.4, 5 and 10 between the Ministry and the Town (the "OPP Agreement"). This OPP Agreement was replaced by an amended agreement effective December 30, 2023 - April 1, 2024 (the "Amended OPP Agreement"). The CSPA governs the OPP policing arrangements in place for Northumberland thereafter.
Under Part V, CSPA ss.67(1) there must be one or more OPP detachment boards in accordance with the regulations, for each OPP detachment that provides policing in a municipality or in a First Nation reserve.

Opting Out
Under s.2 of O. Reg. 135/24 the Aurora OPP Detachment and the Caledon OPP Detachment are exempt from the requirement in CSPA ss.67(1) to have an OPP detachment board.

Governance Principles

OPP detachment boards need to focus on three main tasks to effect compliance with their role and CSPA requirements:

- Understand the broad overview of the CSPA;
- Develop and approve a written CSPA-compliant board governance framework which includes bylaws and policies (Northumberland has done this); and
- Operationalize the governance framework through effective tools like governance service standards (Northumberland has done this) - posted on the Board's website.

The following six principles should be used to guide the Board in connection with these tasks:

1. CSPA compliance is not optional - minimum required from boards is full CSPA compliance in the discharge of the public trust;
2. There are a number of ways to achieve full compliance in terms of developing a process of decision-making by a board and its committees;
3. This "process" needs to be codified in a CSPA compliant written governance framework based on best practices, which includes by-laws, policies and protocols the board must follow;
4. Board's governance framework must be operationalized and followed month to month to ensue ongoing and consistent CSPA compliance in the current year and year-over-year (suggest adoption of service standards);
5. Board's governance framework is an essential reference, training and orientation tool which must be periodically reviewed and kept current; and
6. Board should be guided by best practices and the pursuit of excellence in discharging its duties under s.67-70 and elsewhere – your community deserves more than the minimum.

Is the Board a "Local Board"
Under a number of statutes, including the Municipal Act (relevant to by-law making authority), the Municipal Conflict of Interest Act (relevant to conflicts of interest) and the Municipal Elections

Act/Municipal Affairs Act (relevant to political activity in municipal elections), it is important to determine whether an OPP detachment board is a “local board” as defined in these Acts.
The local board definitions vary but are similar. Sometimes the question must be answered because sections of the Act require local board compliance with the Act’s requirements (e.g. the Municipal Conflict of Interest Act). In other cases, (e.g., the Municipal Act) the question is important to determine whether an OPP detachment board is excluded as a local board under ss.10(6) from the municipality’s authority to make by-laws under ss.10(2)1. with respect to the “governance structure of the municipality and its local boards”. This exception should apply equally to police service boards and OPP detachment boards from and after April 1, 2024 (just as it did under the PSA) to ensure policing board governance independence from their municipalities.
Was this post-April 1st omission of OPP detachment boards from the definitions of local board intentional or inadvertent? If Intentional, what would be the policy reason for exclusion? Alternately, if intentional was the omission based on an interpretation of the local board definitions that satisfied the government the express reference to OPP detachment boards in the definition was not necessary because it is otherwise included in the definitions general wording?

Prior to the CSPA all policing Boards under PSA qualified as local Boards for purposes of these Acts and their exceptions.
To illustrate the issue using the Municipal Conflict of Interest Act, under the Act a "local board" is defined as follows:

"local board" means a school board, board of directors of a children's aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, bord of management of an improvement area, board of health, police service board, planning board, district social services administration board, trustees of a police village, trustees of a police village, board or committee of management of a long-term care home, or any othr board, commission, commitee, body or local authority established or exercising any power or authority under general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board;

since they are not “police service boards” as defined under the CSPA. Prior to April 1, 2024, the PSA included both s.10 (OPP) and s.31 boards in the term “police service board” and therefore both were clearly “local boards” under the Act. Was this exclusion of OPP detachment boards from the local board definition intentional? Is it arguable that OPP detachment boards are still included in the definition by virtue of the words “*or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof*”? Some case law suggests otherwise.[7]
[NOTE: This topic requires clarification from the Ministry, however, pursuant to direction from the Ontario Association of Police Services Boards (OAPSB) OPP detachment boards are generally operating as if they are excluded from the “local board” definitions from and after April 1, 2024.]

Board By-Laws and Policies

The Board’s governance and procedural protocols described in this Memorandum are reflected in its by-laws and policies which must be compliant with all CSPA requirements. Pursuant to CSPA s.45, Board by-laws signed by a Board member, or a certified copy thereof, are admissible in evidence without proof of the signature or authority of the person signing. See descriptions of Board policies below and (including under “Local Policies of the Board

Board Composition

Under CSPA ss.67(2) the composition of an OPP detachment board is determined by regulations. Under O. Reg 135/24 the number of OPP policing boards within Northumberland County was reduced from Five to One (one of which is the Board). Under O. Reg. 135/24 the composition of the Board is as follows:

- Five appointed by participating Municipal Town Councils ("Council") from members of Council;
- One Member appointed by Alderville First Nations

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7 *Ontario Ombudsman v. Hamilton (City),* 2018 ONCA 502 (CanLII); *County of Lambton Community Development Corporation v Municipal Property Assessment Corporation et al*., 2023 ONSC 3434 (CanLII).

- Two appointed by the Participating Councils from members of the community who are neither members of Council nor employees of the municipality; and
- Two provincial appointees appointed by the Minister.

Board Appointments

Under CSPA s.33, in appointing or reappointing Board members the "appointing person or body" must consider,

- the need to ensure that the Board composition reflects the diversity of the community;
- the need for the Board to have members with the prescribed competencies;
- any applicable diversity plan; and
- the results of a potential appointee's police record check.[8]

However, under CSPA ss.33(4)-(7) certain persons are not eligible for appointment;[9]

- a judge or justice of the peace;
- a member of a police service, a special constable or a First Nation Officer;
- any person who practises criminal law as a defence counsel or as a prosecutor;
- a director, officer or employee of a prescribed policing provider;
- any other prescribed persons; and
- a former member of a police service.[10]

A Board member must vacate their seat if they become ineligible to be on the Board and if a Board seat becomes vacant, the Board must notify the person or body responsible for appointing a replacement. Under CSPA ss.33(3) the power to appoint a member of the Board includes the power to revoke the appointment and to appoint a replacement.
Board appointments by Council under CSPA s.33 and s.67 are governed by the Town's Committee Polic y(attach/hyperlink).

Term of Office and Board Remuneration

Under CSPA ss.67(3), the term of office and remuneration for a Board member is determined under the regulations as follows:

Term of Office (O. Reg. 135/24)

Council Appointees

Under O. Reg. 135/24 ss.6(1) the term of office for a Council appointed Board member is to be set out by Council in the member's appointment - not to exceed Council's term of office, but under ss.6(3) shall sit until the earlier of:

(a) six months after the expiry of their term of office; or

(b) the day the member's successor is appointed by Council.

Provincial Appointees

Under ss.6(4) the term of office for a Board member who is appointed by the Minister is to be set out by the Minister in the member's appointment.

[NOTE: Query – Under ss.6(5) If the position of a member of an O.P.P. detachment board who is appointed by a municipality or First Nation becomes vacant, the Minister shall notify the council of the municipality or band council. What does this mean? Seems backwards. Needs clarification by Ministry.

Regular Board Remuneration (O. Reg 135/24)

The Board is responsible to set the amount of pay and all Board member remuneration regardless of the member's appointing body.

Special Board Remuneration

In addition to the regular remuneration paid to Board members Policy sets out the amount and process applicable to the approval and payment of special remuneration and expenses to Board members and staff for special meetings and assigned work/special projects.

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8 prepared within the 12 months prior to appointment.

9 Note: under CSPA ss.33(9), the above eligibility restrictions do not prevent a person who was a member of the Board immediately before April 1, 2024 from serving the remainder of their term.

10 Unless the Board no longer maintains a police service that the person was a member of and at least one year has passed since the person ceased to be a member of any police service.

Oath/Affirmation and Training

Oath/Affirmation of Office

CSPA ss.35(1) requires Board members to take an oath or affirmation of office in the prescribed form at the time of their appointment.

O. Reg. 416/23 prescribes the following oath or affirmation of office for the members of police service boards, OPP detachment boards and First Nation OPP boards:

"I solemnly swear *(affirm)* that I will uphold the Constitution of Canada, which recognizes and affirms Aboriginal and treaty rights of Indigenous peoples, and that I will, to the best of my ability, discharge my duties as a member of the *(insert name of police service board, OPP detachment board, or First Nation OPP board as applicable)* faithfully, impartially and according to the *Community Safety and Policing Act, 2019*, any other Act, and any regulation, rule or by-law.

So help me God. *(Omit this line in an affirmation.)"*

Board/Committee Training

Training General

In addition to the mandatory training/educational requirements described below, the Board's good governance responsibilities include the Board playing an active role in education and orientation for new members as well as ongoing supplemental training offered by the OAPSB and other sources.

Mandatory Training

Regulations

The Minister's duties and powers under CSPA s.3, ss.35(2) and ss.261(2) include the duty/power to develop, promote and provide education and training to enhance the professional provision of policing and assist members of policing boards in performing their duties and to make related regulations.

CSPA Required Training

Under CSPA ss.35(2) all Board and Committee members are required to successfully complete Minister-approved training:

1. on the board/Committee member roles/responsibilities;
2. on human rights and systemic racism;
3. that promotes recognition of and respect for:
   - the diverse, multiracial and multicultural character of Ontario society; and
   - the rights and cultures of First Nation, Inuit and Métis Peoples;
   - and any other prescribed training.

Consequences if Required Training Incomplete

If required training is not completed, CSPA ss.35(3) and (4) provide that a Board/Committee member shall not, following any period prescribed by the Minister, exercise their powers or perform their duties (or continue to do so) until training is successfully completed. Under CSPA ss.35(5) the regulations made by the Minister may provide a similar result with respect to "specified" training.

Election of Board Chair

CSPA s.36 requires Board members to elect a chair at the Board's first meeting in each year. The Board may also elect a vice-chair at that time to act as the chair if the chair is absent or if the chair's position becomes vacant.

Delegation of Board Powers

Under CSPA s.42 the Board may, by by-law, delegate any of the Board's CSPA powers to a Board Committee. Any Board powers prescribed for purposes of s.42 may be delegated to a Board employee who is not a member of the OPP police service or to the DC.

Board Committees

Under CSPA ss.42(2) Board by-laws may govern the name, powers, duties, quorums appointments and composition of Committees, provided the Committee is composed of at least two members of the Board

and any number of additional members[11], as long as a majority of the Committee is composed of Board members.

Board Meetings

Open Meetings

CSPA ss.44(1) requires that before holding a meeting, the Board must consider whether to close the meeting or part of the meeting to the public, based on the closed meeting subject matter list (below).[12] All open Board meetings shall open with a reading of the current Land Acknowledgement approved under Council's Land Acknowledgement Guidelines.

CSPA s.43 requires the Board to hold at least four meetings each year and provides that:

- a majority of Board members constitutes a quorum;
- unless closed under s.44, meetings must be open to the public.;
- meeting minutes must be taken whether the meeting is open or closed;
- subject to prescribed requirements, open meeting notices must be posted on the internet at least seven days before the meeting, except in extraordinary circumstances and must include the proposed meeting agenda and either the public meeting minutes of the most recent open Board meeting or instructions on how the public may access such minutes.

Closed Meetings

Board Pre-Meeting Consideration - See above

If all or part of a meeting is closed a resolution must pass stating that the meeting is wholly or partially closed to deal with one or more of the subjects listed in CSPA ss.42(2)/(3)/(6) and in the case of a closed training/education meeting under ss.44(6) express reference should be made to the general nature of its subject-matter and that it is to be closed under that subsection.

Closed Meeting Subject Matter

CSPA ss.44(2) – one or more of:

- the security of the Board property;
- personal matters about an identifiable individual, including members of the OPP police service or any Board employee;
- a proposed or pending acquisition or disposition of land by the Board;
- personnel or employee matters;
- litigation or potential litigation affecting the Board, including matters before administrative tribunals;
- advice that would be inadmissible in a court by reason of any privilege under the law of evidence, including communications necessary for that purpose;
- 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;
- 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;
- a trade secret or scientific, technical, commercial or financial information that belongs to the Board and has monetary value or potential monetary value;
- 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;

- information that section 8 of the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA") would authorize a refusal to disclose if it were contained in a record;
- an ongoing investigation respecting the Board; or
- MFIPPA under CSPA ss.44(3) - subject matter to be considered is a MFIPPA request;
- Educational or Training Sessions under CSPA ss.44(6) - purpose is Board/Committee educating or training and at the meeting and the agenda does not include other open items which would, if considered, materially advances the business or decision-making of the Board/Committee on that matter.

Closed Meeting Confidentiality

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11 CSPA ss.42(5) provides that an individual is not eligible to be an additional member of a Committee if they would not be eligible to be a member of the Board.

12 CSPA ss.44(2) and (3))

Under CSPA ss.44(4) and (5), unless disclosure is authorized by resolution, the Board/Committee members must keep any matter considered in a closed meeting confidential, including by keeping confidential any information obtained for the purpose of considering the confidential matter, except:

- to comply with an inspector exercising their powers or duties under the CSPA;
- as required in connection with the administration of the CSPA, the *Special Investigations Unit Act, 2019* or regulations; or
- as may be required for a law enforcement purpose or as otherwise required by law.

Meeting Service Standards

This Policy provides guidelines to ensure, as a matter of governance best practices and CSPA compliance, the consistent and timely completion of the steps necessary to prepare for closed and open Board meetings, circulate meeting materials and carry out post-meeting tasks and follow up. These service standards are guidelines to be used by the Executive Assistant and the Board to develop actual task deadline dates each month (based on schedules, weekends and other considerations) in a format substantially similar to the example monthly service standards deadlines attached as Appendix "A" to the Policy.

Board Rules and Procedures

CSPA s.46 requires the Board to establish its own rules and procedures in performing its duties under the CSPA and the regulations, subject to any regulations made by the Minister. Part III of the *Legislation Act, 2006* does not apply to such rules and procedures.

Board Executive Assistant

The Board's Executive Assistant plays a key role in Board organization, governance and compliance. This Policy provides hiring guidelines, job description and a sample contract for consideration by the Board in relation to hiring and performance reviews.

Protection from Personal Liability - CSPA s.48

– see under Liability below

Board May Contract, Sue and be Sued CSPA s.49

– see under Liability belowElections and Political Activity

Municipal Elections Act (the "MEA")

Section 88.18 of the MEA provides that, before May 1st in the year of a regular election, a "local board" shall establish rules and procedures with respect to the use of board resources during the election campaign period. Local board is defined as a local board defined in the *Municipal Affairs Act* which in turn defines local board to mean:

> "…a school board, municipal service board, transportation commission, public library board, board of health, police service board, planning board, or any other board, commission, Committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof;"
>
> While the Board is not a "police service board" as defined under the CSPA and is arguably not otherwise included in the above definition of "local board", under Policy D3(b) the Board has decided to voluntarily comply with the provisions of s.88.18 as a matter of good governance.
>
> **CSPA**
>
> Police Service Members
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> Under CSPA s.86 no police officer who is a member of a police service maintained by a police service board shall engage in political activity, except as permitted by the regulations. This section, on its face, applies to non-OPP police service members and in any event, does not apply to any type of board members.
>
> The political activity of non-OPP police services is dealt with under O. Reg. 402/23 (Part II - s.3-s.11).
>
> The political activity of OPP police services is dealt with under O. Reg. 402/23 (Part III - s.12) as follows:
>
> "12. No member of the Ontario Provincial Police shall contravene or fail to comply with any provision in Part V (Political Activity) of the *Public Service of Ontario Act, 2006*."

Board Members

The above CSPA provisions do not expressly require OPP detachment boards or police service boards to comply with Part V of the PSAO, however, the application of the PSAO requires further consideration to confirm inapplicability to the Board.

PSAO

Part V of the PSAO sets out the rules and restrictions for engaging in political activity applicable to "public servants", defined in ss.2(2) of the PSAO as:

> "1. Every person employed under Part III.
>
> 2. The Secretary of the Cabinet.
>
> 3. Every deputy minister.
>
> 4. Every employee of a public body.
>
> 5. Every person appointed by the Lieutenant Governor in Council, the Lieutenant Governor, or a minister to a public body." *underlining added*

Items 1-3 above are not applicable. With respect to items 4 and 5, a "public body" is defined in clause 8(1.1)(aa) of the PSAO as entities prescribed as public bodies by the regulations under the PSAO (see O. Reg. 146/10)). These regulations do not prescribe police services boards or OPP detachment boards as public bodies and therefore PSAO rules and restrictions applicable to political activity do not apply to such boards. As a result, Board members and staff are not "public servants" and are therefore not subject to PSAO election rules and procedures.

Conclusions Relating to Political Activity

The Board has decided to voluntarily comply with the municipal elections requirements of the MEA and therefore Policy D3(b) establishes rules and procedures with respect to the use of Board resources during a municipal election campaign period. While not subject to the political activity requirements of the CSPA and the PSAO, the Board has determined that it is desirable to also include in Policy D3(b) requirements to cover the political activity of Board members'/staff more generally having regard to the member conduct rules in the Code of Conduct (O. Reg. 409/23) (the "Code") using certain provisions of the PSAO as a guideline.

Conflict of Interest

CSPA ss.11(1) requires that adequate and effective policing for which the Commissioner is responsible (not the Board per CSPA s.10) be delivered in accordance with a prescribed standard with respect to the avoidance of conflicts of interest monitored by the Inspector General.

This prescribed standard is contained in O. Reg. 401/23[13] and applies to members of a "police service" (i.e., including an OPP detachment), but does not directly apply to Board members other than through the regulation's definition of "potential institutional conflict". This definition defines a situation in which a member of a municipal or OPP police service must take action or make a decision in relation to criminal conduct alleged/reasonably suspected to have been committed by, or against, a list of people which includes Board members

The conflict of interest requirements applicable to the conduct of OPP detachment boards are set out in the Code of Conduct regulation (O. Reg. 409/23) (see below).

Under ss.12(1) of O. Reg. 401/23 the avoidance of actual institutional conflicts and personal conflicts in the provision of policing functions is prescribed for the purposes of clauses 38 (1) (g) and 60(1)(f) of the CSPA which means the Minister must prescribe any conflict of interest policy that would be applicable to the conduct of OPP detachment board members specifically apart from the conflicts provisions in the Code of Conduct regulation. To date, there are none.

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13 Under the previous legislation (the *Police Services Act*) there was no stand-alone conflict of interest standard for delivering policing functions.

Note also that to the extent the Board is a "local board" as defined in the Municipal Conflict of Interest Act ("MCIA"), the MCIA applies to the Board. Through Policy D3(d) the Board has voluntarily assumed this is the case for purposes of voluntarily adopting the MCIA requirements as a matter of good governance.

Code of Conduct

CSPA ss.67(4) provides that every Board member shall comply with the prescribed Code of Conduct. This prescribed Code of Conduct is contained in O. Reg. 409/23[14] which includes conflict of interest requirements applicable to the conduct of OPP detachment boards (s.17-22).

Pursuant to its policy-making authority under CSPA s.69, the Board has included these (and other conflicts requirements in Policy D3(c).

OPP Police Service Member and Board Member Liability

OPP Police Service Member Liability

Under CSPA ss.63(1) the Ontario Crown is liable for the acts or omissions of OPP police service members committed in the course of their employment.

Indemnification

Under CSPA ss.63(2) the Minister of Finance may indemnify a member of the OPP police service for reasonable legal costs incurred,

- in the defence of a civil proceeding, if the member is not found to be liable;
- in the defence of a criminal prosecution, if the member is found not guilty; or
- in respect of any other proceeding in which the member's manner of execution of their police duties was an issue, if the member is found to have acted in good faith.
- Indemnification may be provided in a collective agreement, except for the legal costs of a member who is found guilty of a criminal offence and, if the agreement provides for such an indemnification, CSPA s.63(2) does not apply. Rather, the Minister of Finance shall indemnify members in accordance with the agreement.

Board and Board Member Liability

Board

CSPA ss.67(5) provides that the Board is not liable for the acts or omissions of members of the OPP police service committed in the course of their employment. The Board is, however, liable for the acts/omissions of its members (CSPA ss.48(2) below).

Board Member and the Board

Under CSPA ss.48(1) no action or other proceeding can be instituted against a Board member for any act done in good faith in the execution, or intended execution, of any duty imposed or power conferred by the CSPA, the regulations or the Board's by-laws, or for any alleged omission in the execution in good faith of that duty or power.

However, the Board itself is not relieved of liability for such acts or omissions. Rather, under ss.48(2) the Board is liable as if ss.48(1) had not been enacted and as if the impugned member were a Board employee.

Board Member Capacity to Contract, Sue and be Sue

Under CSPA s.49 the Board may contract, sue and be sued in its own name, however, Board members are not personally liable for the Board's contracts.

Board Insurance

Update here

The Board has been advised that because it is no longer a "local board" under the Municipal Act effective April 1, 2024, Northumberland's municipal insurer considers Board insurance coverage "beyond its risk appetite". The following is a summary prepared by the Board Vice-Chair.

It appears that insurers are just not interested in taking on the potential open-ended risk of insuring potential board liability (for breach of contract damages, privacy issues etc. arising out of board

14 CSPA regulations prescribe a number of separate codes of conduct for different police services and boards. O. Reg. 409/23 is the Code applicable to OPP detachment boards.

decisions). Boards have no assets, so insurance may be the only source of funds for an otherwise judgment-proof entity like a board. Insurers are also concerned about arguments that the Ministry, if added to litigation as a party, may seek to claim back any of its assigned liability onto a board insurance policy...a bit of a conflation, but potentially possible.

To be clear the insurance issue relates to board insurance not board member insurance. Board members are clearly protected against liablity claims under CSPA s.48(1) as long as no bad faith is found. The concern for members may be that the board "entity veil" created under s.48 could be somehow pierced in a claim against the board as a whole to hold individual members liable as the deeper pockets. Unlikely, but possible?

There is also the issue of whether (like municipal-appointed council members to the board who are (and remain) covered under a municipality's insurance as council members) municipal-appointed community members would also be covered. If so, this would go a long way to eliminating any residual concerns these municipal-appointed board members may have about serving on a board that has no direct insurance coverage. Insurers are investigating this point. Of course, this would exclude provincial appointees to a board, but they are a more direct responsibility of the Ministry and may remain an unresolved issue unless the Ministry takes steps.

This is a curious case of the Ministry and insurance needing to communicate. While one may correctly say that the risk to board members is low, we all know how innovative lawyers are in bringing claims. I think to the extent this situation was created by a Ministry policy decision, it is a matter between boards and their municipal councils, there needs to be recognition of the impact of boards having no insurance and how that plays out under the CSPA across the Province.

Eventually the OAPSB created a group insurance option for its members, and the Board obtained insurance through that option.

Board Records (see board policy 2024-14)

It is the policy of the Board to provide for the retention, preservation and destruction of its records as required under the Municipal Act, 2001 and to provide public access to such records in accordance with the MFIPPA through:

- Board By-Law 2024-14, with respect to the retention, preservation and destruction of Board records; and
- an Amended and Restated Archival Services Agreement dated September 15, 2020, as amended effective April 1, 2024, between the Board and the County of Northumberland under which,
- the County has been appointed the archive service provider of Board records; and
- the Board's powers and duties under MFIPPA with respect to Board records are delegated to the County.

Role of the Board and Duties of DC

Role of the Board

CSPA ss.68(1) sets out the role of the Board as follows:

- consult with the Commissioner regarding, and otherwise participate in, the selection of the DC and otherwise participate, in accordance with regulations;
- in consultation with the DC, determine objectives and priorities for the detachment, not inconsistent with the Strategic Plan;
- advise the DC with respect to policing provided by the detachment;
- monitor the performance of the DC;
- review the reports from the DC regarding policing provided by the detachment; and
- on or before June 30 in each year, provide an annual report to the participating municipalities regarding the policing provided by the detachment in the municipalities.

Under CSPA ss.68(4) and (5) in exercising its functions, the Board must consider the most recent Northumberland County Community Safety and Well-Being Plan adopted by the Northumberland County Council. In addition, the Board must comply with any prescribed standards with respect to the exercise of its powers and the performance of its duties under the CSPA.

Board Annual Report

Under ss.68(1)(f) of the Community Safety Policing Act, 2019 (CSPA), most of which came into force on April 1, 2024, the Board is required to provide an annual report to Participating Northumberland Town

Councils regarding the policing provided by the Northumberland Detachment of the OPP in our communities

This report is composed of two parts:

Part 1 - any local initiatives that the Board has prioritized in consultation with the Detachment Commander, including, for example, budgeting and community engagement activities of the Board, Crime Information described in Board Policy not included in Part 2 and any additional information Town Council has requested be included in the report, including:

- the latest Board Action Register showing Board projects and status; and
- the latest Board General Service Standards Workplan in the form attached to Board Policy as Appendix "A".

Part 1 information is attached as Appendix "A".

Part 2 - an operational portion which includes provincial and local information on policing provided by the Ministry, the OPP and the Detachment Commander consisting of the following:

- a copy of the most recent Strategic Plan issued by the Minister under CSPA s.61;
- a copy of the most recent Local Action Plan prepared by the Detachment Commander in consultation with the Board under CSPA s.70;
- a copy of the most recent annual Progress Report prepared by the Northumberland Detachment of the OPP relative to the most recent Local Action Plan;
- copies of the Detachment Commander's quarterly reports received by the Board at its meetings;
- a copy of the OPP Commissioner's Annual Report issued under CSPA s.58; and
- a copy of Board Policy Relevant Reports Required under the CSPA to permit Municipal Councils to request the Board to provide any additional CSPA report available to the public.

Part 2 documents are attached as Appendix "B".

To the extent the latest Local Action Plan/Progress Report is not available from the Detachment Commander by June 30th in any year, the Board should, nevertheless, prepare and submit the most recent available copy of such document with an explanation for the delay, a partial Annual Report to Participating Municipal Councils containing whatever Part 2 information is available, and an undertaking to forward any missing Part 1 information when received by the Board in final form from the Detachment Commander.

Local Policies of the Board

CSPA ss.69(1) and (2) provide that the Board may, after consultation with the DC, establish local policies with respect to policing in the community. Under ss.69(2) these local policies:

- must not be inconsistent with;
- the Strategic Plan prepared by the Minister under CSPA s.61;
- any policies established by the Minister under CSPA s.60;
- any procedures established by the Commissioner, or
- the local Action Plan prepared by the DC under CSPA s.70;
- must not relate to specific investigations, the conduct of specific operations, the management or discipline of specific police officers or other prescribed matters;
- must not require a member of the OPP to do something, or refrain from doing something, inconsistent with his or her duties under the CSPA or the regulations;
- must not prohibit a member of the OPP from attempting to collect information for the purpose of investigating an offence or assisting with the prosecution of an offence;
- must not require a member of the OPP to provide any policing that is not required as a component of adequate and effective policing; and
- must comply with any prescribed requirements.
- CSPA ss.69(3) requires the DC to ensure, subject to non-compliance below, that the detachment provides policing in accordance with the Board's local policies. Under CSPA ss.69(7) the Board must publish its local policies on the internet.

Under CSPA ss.69(4) if the DC believes that a local policy of the Board does not comply with ss.69(2) the DC must:

inform the Board, in writing, of the reasons why the DC believes such non-compliance exists; and

- comply with the disputed local policy only if directed to do so by the Commissioner under CSPA ss.69(5) and (6) which
- permit the Board to apply to the Commissioner to review the DC's decision and reasons and,

- following any submissions from the Board, require the Commissioner to provide the Board and the DC with reasons for providing or not providing directions to the DC regarding the disputed local policy.
- The Board's local policies are listed below in section 12.

Duties of DC

General

Under CSPA ss.68(2) and (3) the DC must provide the Board with reports regarding policing provided by the detachment at the Board's request and may delegate any of the DC's powers and duties with respect to the Board to another person in writing, subject to any limitations, conditions or requirements set out in the delegation.

In addition, the DC has the following duties under the CSPA:

- s.70 preparation of local Action Plan; and
- ss.69(3) ensures detachment complies with local policies of the Board, subject to ss.69(4), (5) and (6).

DC's Local Action Plan

General

CSPA s.70 requires the DC to prepare and adopt (and review/revise at least every four years or where there is an amendment to the Minister's s.61 Strategic Plan) a local Action Plan for the provision of policing in the community. This local Action Plan must be in accordance with any prescribed regulations and must address at least the following matters:

- how adequate and effective policing will be provided in the community served by the detachment, in accordance with the needs and diversity of the community;
- the objectives and priorities for the detachment determined by the Board and such other objectives and priorities determined by the DC;
  - quantitative and qualitative performance objectives and indicators of outcomes relating to:[15]
  - the provision of community-based crime prevention initiatives, community patrol and criminal investigation services;
  - community satisfaction with the policing provided;
  - emergency calls for service;
  - violent crime and clearance rates for violent crime;
  - property crime and clearance rates for property crime;
  - youth crime and clearance rates for youth crime;
  - police assistance to victims of crime and re-victimization rates;
  - interactions with persons described below;
  - road safety; and
  - any other prescribed matters
- interactions with;
  - youths;
  - members of racialized groups; and
  - members of First Nation, Inuit and Métis communities.
  - Interactions with persons who appear to have a mental illness or a neurodevelopmental disability.

Consultations

Under CSPA ss.70(2) the local Action Plan must provide an overview of the consultations that were conducted by the DC under CSPA ss.70(3) below and state whether and, if applicable, how the needs and concerns regarding policing identified during the consultations have been addressed by the local Action Plan.

CSPA ss.70(3) requires the DC to consult the following stakeholders in preparing or revising the local Action Plan:

- the Board;
- Participating Municipal Councils (and other municipal councils served by the detachment);
- the band councils of any First Nations that receive policing from the detachment;
- groups representing diverse communities in the area that receives policing from the detachment;
- school boards, community organizations, businesses and members of the public in the area that receives policing from the detachment; and
- any other prescribed persons, organizations or groups.

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15 These and the "interactions" bullets are identical to the Minister's Strategic Plan requirements under CSPA s.61.

Considerations

CSPA ss.70(4) requires the DC to consider the following, at a minimum, in preparing or revising the local Action Plan:

- the results of the consultations conducted under CSPA ss.70(3);
- any community safety and well-being plans adopted by the municipalities or First Nations that receive policing from the detachment; and
- the needs of members of diverse communities in the area that receive policing from the detachment, including the needs of members of racialized groups and of First Nation, Inuit and Métis communities.

Submission of Draft

A ss Under CSPA ss.70(5) and (6) the DC must submit a draft of the new or amended local Action Plan to the Board before it is finalized and allow the Board to make comments on the draft within 60 days after receipt. The DC must consider the Board's comments on the draft, if any, and revise the local Action Plan if the DC determines it to be appropriate. At this time the Board will share the draft with Town Council to obtain Council's input prior to responding to the DC.

Final Local Action Plan

The final local Action Plan must be published on the internet in accordance with any regulations made by the Minister. The most recent local Action Plan is included in **Schedule B**.

Progress Reports

It is the DC's practice to issue Action Plan Progress Reports annually to provide updates on the latest local Action Plan to the community. These Progress Reports are included in the Board's Annual Report to Participating Municipal Councils The most recent Progress Reports are included **Schedule B**.

OPP Police Service and Board Funding

OPP Police Service Funding

CSPA s.64 provides that an OPP-policed municipality shall pay the Minister of Finance for policing, court security and other services (per CSPA s.65) provided by the Commissioner, in the amount and manner set out in the regulations.

O. Reg. 413/23 deals with the amount of OPP police service funding. Subject to s.5 and s.6 of the regulation, the amount a municipality must pay the Minister of Finance pursuant to CSP.64(1) during a target year is the amount determined in accordance with the detailed steps set out in s.4 of the regulation.

Board Funding

Estimates

CSPA ss.71(1) and (2) require the Board to prepare estimates, in accordance with the regulations made by the Minister, of the total amount that will be required to pay the Board's operational expenses, other than the remuneration of Board members. The Board must submit such estimates to Participating Municipal Councils along with a statement of the each Participating Municipal Councils share of the costs, which are to be determined in accordance with such regulations (see O. Reg. 135/24).

Budget Contribution

CSPA ss.71(3) requires the Participating Municipal Councils subject to arbitration of any dispute, to contribute its share of the costs of the Board's operational expense budget in accordance with the submitted estimates.

Arbitration in Case of Dispute

Under CSPA ss.71(4) if the Participating Municipal Councils are not satisfied that the total amount set out in the estimates is required to pay the Board's operational expenses, it may give the Board written notice referring the matter to arbitration. Under CSPA ss.71(7) and (8) the Board and the Participating Municipal Councils may jointly appoint an arbitrator within 60 days after the Participating Municipal Councils notice and if such joint appointment does not take place, the Board or the Participating Municipal Councils may apply to the Chair of the Arbitration and Adjudication Commission to appoint an arbitrator.

Joining Arbitration

CSPA ss.71(5) and (6) allow the other municipalities that receive policing from the detachment to join the arbitration as a party. If the other municipalities do not join the arbitration, they may not separately commence a different arbitration with respect to the estimates.

Inspector General of Policing (CSPA Part VII)

CSPA s.102 provides for the appointment of an Inspector General of Policing[16] and one or more deputy Inspector General's whose duties with respect to OPP detachment and other police boards, chiefs of police, the OPP Commissioner and other policing providers include:

- monitoring and conducting inspections to ensure CSPA compliance and avoidance of misconduct;
- consulting with and advising on CSPA compliance;

16 Replacing the Ontario Civilian Police Commission (OCPC) subject to transition provisions of CSPA s.216

- developing, maintaining and managing records and conducting research and analyses regarding CSPA compliance;
- dealing with complaints under CSPA s.106 and s.107 and with disclosures of misconduct under CSPA s.185; and
- submitting an annual report to the Minister under CSPA s.103 that addresses at least:
    - Inspector General activities, including, inspections conducted, complaints under s.106 and s.107, notifications sent to the Complaints Director or the SIU Director, directions issued under s.125 and measures imposed under s.126;
    - the compliance 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 with the CSPA and regulations; and
    - any other prescribed matters.

CSPA s.106 and s.107 Complaints to Inspector General

Complaints Against a Board Member

CSPA s.106 deals with complaints of misconduct against Board members which may result in an investigation/inspection by the Inspector General and suspension of a member's participation in Board matters pending the outcome and sanctions ordered against the member if misconduct is found (see CSPA Part VII).

Policing Complaints

CSPA s.107 deals with complaints regarding:

1. the adequacy and effectiveness of policing provided under the CSPA;
2. a failure by the Board or Commissioner to comply with the CSPA, other than misconduct, including a systemic failure;
3. the policies of the Board; or
4. the procedures established by the Commissioner.
5. Under ss.107(5) if there appear to be grounds to believe that the matter complained of warrants investigation, the Inspector General must investigate the matter, inform the complainant about the investigation and keep them apprised of the steps taken to resolve the complaint.

Under CSPA ss.107(6) if the complaint does not relate to the matters referred to in clause 1 or 2 above, and if the complaint relates to the policies or procedures referred to in clauses 3 and 4 above the Inspector General shall forward the complaint to the Minister and to the Board (if the complaint relates to the Board's procedures) and inform the complainant of the decision and of the persons or bodies that the complaint has been forwarded to.

Under CSPA s.108, if, rather than making the complaint to the Inspector General, a complaint under s.106 or s.107 is received directly by the Board, the Commissioner or police service member, the complaint must be forwarded to the Inspector General.

Under CSPA s.122, once an investigation has commenced the Inspector General may direct a Board member to decline to exercise their powers or perform their duties as a Board from the outset of an investigation into the member's conduct until the earlier of:

- the day the member receives notice from the Inspector General that no further action will be taken in respect of the investigation; and
- the day the Inspector General exercises a power under CSPA s.124 as a result of the investigation,

subject to the appointment of additional Board members by the Inspector General as may be required to maintain quorum and conduct Board business.

Once a complaint investigation is completed the Inspector General must issue a report and may, upon notice, impose measures and/or issue directions in accordance with CSPA s.124 - s.129.

Complaints Director of the Law Enforcement Complaints Agency (Part VIII)

Public Complaints against police service members are dealt with separately (from CSPA s.106/s.107 complaints) by the Complaints Director under CSPA Parts VIII – X (see below).

CSPA Part VIII establishes the Law Enforcement Complaints Agency[17] headed by the Complaints Director appointed under CSPA s.131 to deal with public complaints made to the Complaints Director against police service members under CSPA Part X and to implement programs and services to assist members of the public in making such complaints. Before commencing any complaint review/investigation the Complaints Director must notify the Inspector General. The Complaints Director must publish an annual report posted on the internet.

Ontario Police Arbitration and Adjudication Commission (Part IX)

17 Formerly known as the Ontario Independent Police Review Director (OIPRD) subject to transition provisions of CSPA s.216

CSPA Part IX establishes the Ontario Police Arbitration and Adjudication Commission[18] to facilitate the maintenance of one or more registers of arbitrators available for appointment to conduct arbitrations under CSPA Part XIII and hold hearings elsewhere under the CSPA.
See also O. Reg. 403/23.

Public Complaints (Part X)

CSPA Part X deals with public complaints made to the Complaints Director against police service members identified under CSPA s.152 (police officers, special constables employed by the Niagara Parks Commission and peace officers in the Legislative Protective Service).
Under CSPA Part X s.155, if, rather than making the complaint to the Complaints Director, a complaint is received directly by the Board, the Commissioner or police service member, the complaint must be forwarded to the Complaints Director. Under CSPA s.174 the Complaints Director must notify the Inspector General of any matter referred to under CSPA ss.106(1) or ss.107(1) that is raised in a complaint or during an investigation under Part X.

Relevant Reports Required under the CSPA

Reports to be Obtained and Received on Request of the Board

- CSPA s.9 report to Minister on personal information collection under s.5 and regulations.
- CSPA ss.58 Annual Report of the Commissioner to the Minister and posted on the internet by June 30 that addresses at least:
    - the implementation of the Minister's Strategic Plan and the achievement of the performance objectives identified in the Strategic Plan;
    - the affairs of the OPP; and
    - any other prescribed matters.
- CSPA s.61 Minister's Strategic Plan;
- CSPA s.103 Annual Report of the Inspector General to the Minister and posted on the internet by June 30:
- Ss.107(8) report of the Minister to the Inspector General following the Minister's review of a complaint received by the Minister under ss.107(6) regarding the Minister's policies or the procedures established by the Commissioner and report back to the Inspector General about any steps taken in response to the complaint.
- S.111-128 Inspection Reports to the Inspector General.
- Complaints Director
    - Ss.132(1)(c) Statistical Report for the purpose of informing the evaluation, management and improvement of policing in Ontario and the management of public complaints under Part X;
    - S.133 Systemic Review Reports, recommendations and responses;
    - S.144 Annual Report to the Minister on the affairs of the Law Enforcement Complaints Agency,

  all to be posted on the internet.
- Local Action Plan Progress Reports issued annually by the DC to provide updates to the Board and the community on the latest local Action Plan.

Reports to the Board

- CSPA ss.68(1)(e)/68(2) DC reports to the Board, as requested, regarding the policing provided by the detachment.

Reports Prepared by, or in Consultation with the Board

- CSPA s.70 DC local Action Plan (at least every four years or where there is an amendment to the Minister's Strategic Plan) in consultation with the Board and other stakeholders – see Duties of DC above.
- CSPA ss.107(7) reports of the Board to both the Inspector General and the Minister following the Board's review of a complaint received by the Board under ss.107(6) relating to Board policies or procedures, advising the Inspector General and the Minister about any steps taken in response to the complaint.
- CSPA s.122 directions from Inspector General requiring a Board member to decline to exercise their powers or perform their duties or appointing additional Board members to meet quorum in conjunction with an investigation under Part VII (see above).

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18 Formerly known as the Ontario Police Arbitration Commission (OPAC) subject to transition provisions of CSPA s.216

Community Safety and Well-Being Plan

- CSPA s.254 provides that a municipality that has adopted a community safety and well-being plan shall, in accordance with the regulations made by the Minister, if any, monitor, evaluate and report on the effect the plan is having, if any, on reducing the prioritized risk factors and post the report on the internet.
- A community safety and well-being planner shall report to the Minister as required.

5. GRANT WRITING

The Ministry provides grants, primarily to police services, in collaboration with community partners, in support of local and provincial community safety priorities. The Board collaborates with the Northumberland OPP and local community partners to apply for grants that align with local community safety priorities provides guidance to Board staff and members to ensure the efficient application process for appropriate grants and required follow-up reports and to establish, record and maintain the Board's institutional experience and process in relation to grant writing.

6. BOARD RELATIONSHIP WITH TOWN COUNCIL AND THE PUBLIC

Town Council, the Board, the DC, and the public each have a role to play as community stakeholders. In the best interests of public safety each stakeholder must appreciate their respective responsibilities.

The Board and the DC work together, with appropriate Council consultation and public transparency, to ensure the Participating Municipal policing needs are met and that public input is properly considered and recognized. See.

The Participating Municipal Councils is responsible for funding[19] the provision of adequate police services in accordance with the needs of the community and the Board is responsible for police services oversight. These roles are linked but operate independently. It is important for Participating Municipal Councils and the Board to understand and respect each other's roles, and to work collaboratively to ensure they both have the best information possible to discharge their respective duties.

As noted above, Board appointments by Town Councils under CSPA s.33 and s.67 are also governed by the Participating Municipal Councils Town Committee Policy (attached/hyperlink).

7. BOARD RELATIONSHIP WITH THE DC [20]

The Board is the link between the community and the DC. The relationship between Board members and the DC should be collegial, characterized by:

- Common purpose; different roles;
- Respect for each other's abilities to work toward the common purpose by fulfilling their respective roles;
- Cooperative interaction, including a free-flowing sharing of relevant, timely information; and
- Collaborative development of strategic polices, protocols and plans

It is **not** appropriate for the relationship between Board members and the DC to be characterized by:

- Cheerleading;
- Blind trust, or mistrust;
- Acrimony;
- Subservience; or
- Apathy.

Board Members remain Board Members outside of formal meetings. Relations and activities outside formal Board processes must be consistent with established expectations, including relationships with the DC and Board policies on official spokesperson and Code of Conduct;

8. ONTARIO ASSOCIATION OF POLICE SERVICES BOARDS[21]

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19 O. Reg. 413/23; CSPA s.64 and s.71

20 Based on OAPSB Handbook Version 2013-1

21 Name change under consideration given CSPA board name changes to reflect inclusion of OPP detachment boards

General

The Ontario Association of Police Services Boards (the "OAPSB") is an organization dedicated to providing Ontario's police service boards and OPP Detachment Boards with training and guidance in connection with the governance and statutory compliance requirements associated with their police services oversight responsibilities. OAPSB governance and management principals are set out in the OAPSB Policy Manual available on the OAPSB website (https://oapsb.ca/). Resources provided by the OAPSB to its membership include:

- OAPSB OPP Handbook
- OAPSB Resource Handbook for Policing Board Secretaries
- Others

These documents are essential reading for all Board members.

Zones

Under the OAPSB by-laws, member boards are organized into the following geographical "Zones":

- Zone 1 (north-west)
- Zone 1A (north)
- Zone 2 (east)
- Zone 3 (central-east)
- Zone 4 (south-east)
- Zone 5 (central-west)
- Zone 6 (south-west)

Each Zone is comprised of member boards residing in that geographic area which hold periodic (normally quarterly) Zone meetings. The purpose and mandate of the Zones is to provide a forum for discussion, Information sharing and education. The Board is a member of Zone 3

9. JOINT MEETINGS OF NORTHUMBERLAND OPP DETACHMENT BOARDS

The OPP detachment boards in Northumberland Participating Municipalities also have periodic meetings hosted by the boards in rotation. Like the Zone meetings, the purpose and mandate of these joint meetings is to provide a forum for discussion, collaboration and information sharing and education.

10. MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES

The Ministry of Community Safety and Correctional Services is the Ministry in the Government of Ontario responsible under the CSPA and other legislation for public security, law enforcement and policing, emergency management, correctional and detention centres/jails and organizations such as the OPP. Every police service board and OPP detachment board is assigned a Police Services Advisor to act as a liaison between the boards and the Ministry on CSPA matters.

11. COMMUNITY SAFETY AND WELL-BEING PLANS

Background

Pursuant to Part XVI of the CSPA, municipal governments are required to develop and adopt Community Safety and Well Being Plans ("CSWB Plans") by working in partnership with a multi-sectoral advisory Committee.

CSPA ss.68(4) provides that in exercising its functions, the Board shall consider the Northumberland County CSWB.

O.Reg. 414/23 - Community Safety and Well-Being Plans – Publication and Review

Municipal Councils are required to publish their community safety and well-being plan on the Internet (or in any other manner or form desired) within 30 days after adopting it.

For purposes of CSPA ss.255 (1), the municipal councils must review and, if appropriate, revise its community safety and well-being plan within four years after the day the plan was adopted and every four years thereafter.[22]

A copy of the Northumberland County CSWB Plan will be Attached as **Schedule A**

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22 If the community safety and well-being plan was adopted before July 1, 2021, the first review and, if appropriate, revision of the plan must be completed before July 1, 2025, and subsequent reviews and revisions must be completed within every four years thereafter.

12. OBJECTIVES, PRIORITIES AND GOVERNANCE OF THE BOARD (CSPA ss.68(1)(b))

To properly fulfill its role as an OPP detachment board, and its responsibilities under the CSPA and regulations the Board desires to:

- determine objectives and priorities for the detachment, not inconsistent with the Strategic Plan prepared by the Minister, after consultation with the DC or his or her designate;
- maintain a general statement of the current objectives and priorities of the Board in its oversight role; and
- establish/consolidate its governance principles, by-laws, protocols and local policies,

all with respect to police services in the Participating Municipalities. These principles, by-laws, protocols and policies are to include best practice governance principles and policies which relate to the Board's responsibilities as described above in this document under the CSPA and regulations.
In particular, the Board is aware of its consultation and transparency commitments to the DC, the Participating Municipalities and the public and recognizes that these commitments are essential to fulfilling its mandate.

1. **Statement of Board Objectives and Priorities**
   As the Participating Municipalities independent representative in police services administration and governance, the Board's job is to translate community values, needs and expectations into measurable guidance for the police service.

1A. **Reports and Plans**

The following reports and plans are attached as **Schedule B:**

- Latest Strategic Plan (CSPA s.61)
- Latest OPP Central Region Action Plan
- Latest Northumberland OPP Detachment Local Action Plan (CSPA s.70)
- Latest Action Plan Progress Reports
- Latest Commissioner's Annual Report (CSPA s.58)
- Latest Board Annual Report to Council (CSPA s.68(1)(f)
- Strategic Report Plan Issued by the Inspectorate of Policing
- Latest Inspector General Annual Report (CSPA s.103)

2. **By-Laws**

The following Board by-laws are attached as **Schedule C**:

- By-Law 001-2024 – General Procedures
- By-Law 002-2024 – Records Retention and Destruction
- By-Law 2024-17 - Detachment Commander Selection and Semi-Annual review

3. **Policies/Protocols**

The following Board policies/protocols are attached as **Schedule D**:

(a) Equal Opportunity, Discrimination and Workplace Harassment
(b) Election Campaign Work and Political Activity
(c) Conflict of Interest
(d) Code of Conduct
(e) Board Member Training and Education
(f) Media Relations and Public Transparency
(g) Freedom of Information and Protection of Privacy Policy
(h) Special Meeting and Assigned Work
(i) Board Meeting Service Standards Guidelines
(j) Final Complaints Policy
(k) Crime Analysis
(l) Relevant Reports Required Under the CSPA
(m) Protocol for Information Sharing
(n) Board General Service Standards Guidelines
(o) Grant Writing for Community Safety Programs
(p) Intimate Partner Violence and Gender Based Violence

13. BOARD SERVICE STANDARDS GUIDELINES

To ensure that the Board is able to perform all of the tasks required in meeting its oversight obligations and complying with its governance protocols in a timely and consistent manner year over year the Board has developed policies setting out service standards guidlines for its meetings for general and specific project compliance.

14. OTHER DOCUMENTS/RESOURCES

The following additional documents/resources are available (to Board members and, other than confidential/in-camera materials, to the public) in relation to Board activities:

- Board Meeting Minutes
    i. Regular Meetings - in-camera and public sessions (public minutes go to Participating Municipal Councils and are posted on Board website); and
    ii. Special In-Camera Meetings
- Board Action Register
- Board Workplan
- Amended and Restated Archival Services Agreement dated September 15, 2020, as amended effective April 1, 2024 (to be read in conjunction with ByLaw No. 002-2024 governing the retention and destruction of Board records)
- OAPSB
    i. Policy Manual – governance of the OAPSB
    ii. OPP Handbook – a guide to help section 10 boards in the execution of their governance responsibilities
    iii. OAPSB Resource Handbook for Policing Board Secretaries
- Zone 3 meeting Minutes
- Minutes of Joint Meetings of Northumberland OPP Detachment Boards
- Participating Municipalities Committee Policy (Board appointments)

15. APPLICABLE LEGISLATION/REGULATIONS

- CSPA
- Relevant CSPA Regulations, including:
    i. O. Reg. 399/23 – General Matters under Authority of Lieutenant Governor in Council
    ii. O. Reg 392/23 – General Adequate and Effective Policing
    iii. O. Reg 395/23 - Investigations
    iv. O. Reg. 416/23 – Oath/Affirmation of Office
    v. O. Reg. 403/23 – Arbitration and Adjudication Commission
    vi. O. Reg. 402/23 – Political Activity
    vii. O. Reg. 409/23 – Code of Conduct
    viii. O. Reg. 401/23 – Conflicts of Interest
    ix. O. Reg. 413/23 – OPP Police Service Funding
    x. O. Reg. 414/23 - Community Safety and Well-Being Plans
    xi. O. Reg. 135/24 – OPP Detachment Boards

Approved and ratified by the Board effective April 1, 2024

John Davison

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Chair

Lou Rinaldi

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Vice-Chair