



Hamilton Police Service Board
Governance Committee
Merged Agenda

Tuesday, August 12, 2025, 1:00 P.M.

Hamilton City Hall - Council Chambers (Second Floor)

**You may view the Board's public meeting live-stream at
<https://www.hamiltonpsb.ca/meetings/agendas-and-materials/>**

	Pages
1. Call to Order	
2. Acknowledgments	
3. Approval of the Agenda	
4. Election for the Position of Chair of the Governance Committee for the Remainder of 2025	
5. Declarations of Conflict & Pecuniary Interest by Members	
6. Approval of the Minutes of the Governance Committee's April 23, 2025 Meeting	3
7. Consent Agenda	
8. Recommendation Items	
8.1 Creation of a Standard Operation Process to Manage Correspondence from Board Members to the Chief of Police	7
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9.2 Consideration of the Reporting of Charter Rights and Freedoms Violations	

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| 9.2.1 | Draft Board Policy Respecting Charter of Human Rights Reporting and Education | 13 |
| 9.2.2 | Motion Respecting Education and Monitoring Violations of the Canadian Charter of Rights and Freedoms | 19 |
| 9.3 | CSPA Requirement for the Board to Create a Diversity Plan (for the Hamilton Police Service) | |
| | No attachments. | |
| 9.4 | Inspectorate of Policing Memo Respecting Recommendation of Board Critical Points Policy | 23 |
| *9.5 | Draft Policy on Managing Complaints Received from the Inspectorate of Policing | |

Draft policy to follow at a later date.

10. Closed Meeting

The Governance Committee will move into closed session in accordance with Section 44(1) and (2) of the *Community Safety and Policing Act, 2019*, to discuss:

- a. An ongoing investigation respecting the police service board

11. Closed Meeting Report Back

12. Adjournment

**HAMILTON POLICE SERVICE BOARD
GOVERNANCE COMMITTEE MINUTES**

Wednesday, April 23, 2025
Hybrid Meeting
9:00 A.M.

Present: Chair Robertson
Member Horwath
Member Menezes

Also Present: Executive Director Kirsten Stevenson
Administrative Assistant Lucia Romano

1. Call to Order

The meeting was called to order at 9:08 AM.

2. Land Acknowledgement

Member Menezes provided the land acknowledgment.

3. Approval of the Agenda

There were no changes to the agenda.

Resolution Number: **250423 – 1**

Moved By: Member Menezes

Seconded By: Member Horwath

That the agenda be approved as presented.

CARRIED

4. Declarations of Conflict & Pecuniary Interest by Members

There were no declarations of conflicts of interest.

5. Election for the Position of Chair of the Governance Committee for 2025

After discussion, the Governance Committee approved the following:

Resolution Number: **250423 – 2**

Moved By: Member Horwath

Seconded By: Member Menezes

That the election for Chair of the Governance Committee for 2025 be postponed until the Board's final member has been appointed; and

That Chair Robertson act as Chair of the Governance Committee until then.

CARRIED

6. Approval of the Minutes of March 13, 2024

6.1 Minutes of the March 13, 2024 Governance Committee Meeting

Resolution Number: **250423 – 3**

Moved By: Member Horwath

Seconded By: Member Menezes

That the minutes of the Governance Committee's March 13, 2024 meeting be received, as presented.

CARRIED

The minutes were not able to be approved by the Committee as no current Committee members were present at the March 13, 2024 meeting.

7. Discussion

7.1 Prioritizing Governance Committee Outstanding Business List Items

After discussion, the Governance Committee approved the following:

Resolution Number: **250423 – 4**

Moved By: Member Menezes

Seconded By: Member Horwath

That the Governance Committee prioritize the outstanding business list items as follows:

- Items 1 and 2 ranked as priority level 3; and
- Items 3 through 5, and 9 ranked as priority level 2; and

- Items 6, 7 and 10 ranked as priority level 1

CARRIED

8. Recommendation Items

8.1 Standard Operating Procedure - Managing Board Correspondence with Expiry Dates (PSB 25-013)

After discussion, the Governance Committee approved the following:

Resolution Number: **250423 – 5**

Moved By: Member Horwath

Seconded By: Member Menezes

That the Governance Committee recommend the adoption of Standard Operating Procedure SOP 25-001 for the management of correspondence received by the Board with expiry dates set prior to an upcoming regular meeting of the Board, attached to Report PSB 25-013 as Appendix 'A'.

CARRIED

9. Closed Meeting

The Governance Committee did not move into closed session. The confidential outstanding business list was prioritized in public session.

After discussion, the following was approved:

Resolution Number: **250423 – 6**

Moved By: Member Horwath

Seconded By: Member Menezes

That the Governance Committee prioritize the confidential outstanding business list items as follows:

- Items 1 and 4 ranked as priority level 3;
- Item 2 ranked as priority level 2; and
- Item 3 ranked as priority level 1

CARRIED

10. Closed Meeting Report Back

Not applicable.

11. Adjournment

Resolution Number: **250423 – 7**

Moved By: Member Horwath

Seconded By: Member Menezes

As there was no further business, the meeting adjourned at 9:27 AM

CARRIED

Taken as read and approved.

Acting Committee Chair
Don Robertson

Executive Director
Kirsten Stevenson



Hamilton Police Service Board Standard Operating Procedure SOP-002

Submission of Board Member Questions Directed to the Chief of Police and/or the Hamilton Police Service

Effective date:

Amended:

Reviewed:

Purpose

To standardize the method by which Board Members may request information from the Chief of Police and/or Service Members and to allow for information sharing between all members of the Board.

Owner

Executive Director (E.D.)

Procedure

1. Members shall submit questions meant to be considered by the Chief of Police and/or Service to the E.D. with a copy to all Board Members.
2. The E.D. shall forward these questions to the Chief of Police for review and consideration.
3. The Chief of Police, or delegate of the Chief of Police, shall provide responses to member questions to the E.D.
4. The E.D. will forward the Chief or Chief's delegate responses to all Members of the Board in a timely manner.

5. The E.D. will keep a record of all Board Member questions and Chief or Chief's delegate responses on the Board's 'Members Only' portal on the Board website for future reference.

HAMILTON POLICE SERVICE BOARD**GOVERNANCE COMMITTEE OUTSTANDING BUSINESS LIST****AUGUST 12, 2025**


	MEETING DATE	MEETING ITEM #	MOTION	DUE DATE	PRIORITIZATION
1.	Governance Committee June 29, 2023	N/A (E.D. recommended item)	Discuss the creation of a Board Accessibility Policy	Future meeting	3
2.	Governance Committee June 29, 2023	N/A (E.D. recommended item)	Discuss the creation of a Board Privacy Policy	Future meeting	3
3.	Board Meeting September 28, 2023	Motion Related to public item 5.2	<p>A report is to come back to the Board including the following information:</p> <p>a) how the Board is complying with MFIPPA; and</p> <p>b) what steps the Board is taking to ensure compliance with our policy on correspondence to the Board; and</p> <p>c) recommendations on a process or policy for fact-checking correspondence; and</p> <p>d) determining who would be responsible for fact-checking correspondence.</p>	Future meeting	2
4.	Board Meeting November 7, 2023	Governance Committee Report	<p>Protocol for Sharing Information Between the Hamilton Police Service Board and the City of Hamilton.</p> <p>That the draft Protocol for Information Sharing between the Hamilton Police Services Board and The City of Hamilton attached as</p>	<p>Future meeting</p> <p>Waiting for City to provide a response to our draft protocol.</p>	2

			Appendix A be forwarded to the City Manager's Office for review and comment.	Email follow-up sent to City July 8, 2025.	
5.	Board Meeting February 29, 2024	Item 10.1	<p>That the Board's Citizen Appointee, be designated as the Community Liaison to meet with community members and groups and, in collaboration with community, report any arising concerns back to the Board at monthly meetings; and</p> <p>That the board designate a specific budget toward the translation of knowledge, policies, and board resolutions for Board on goings to be more widely accessible and understood by the Hamilton Community.</p> <p>This matter was referred to the Governance Committee.</p>	Future meeting	2
6.	Governance Committee March 13, 2024	Item 7.a	<p>That the board direct the Administrative Director to research and prepare materials and a draft report related to the creation of a Board Diversity Plan; and,</p> <p>That this research and draft report be presented to the Governance Committee for their consideration no later than June 30, 2024.</p>	<p>June 30, 2024</p> <p>(this item requires a new due date)</p> <p>Re-prioritized from level 2 to 1 at the April 23, 2025 Governance Committee meeting.</p>	1
7.	Board Meeting September 26, 2024	Item 10.1	That the Administrative Director (A.D.) be directed to research and prepare a draft delegation of authority by-law and/or policy; and	Future meeting	2

			That this matter be referred to the Governance Committee for review and consideration.		
8.	Board Meeting March 28, 2025	Public correspondence item 7.3	That correspondence item listed at 7.3 - Inspector General of Policing Memo and Advisory Bulletin #3: Municipal Police Service Board Policy and Critical Points be referred to the Governance Committee.	Future meeting	1
9.	Board Meeting June 26, 2025	Public recommendation item 9.3 and motion 10.1	That recommendation item 9.3 – Draft Policy Respecting Charter of Human Rights Reporting and Education, and Motion 10.1 – Monitoring Violations of the Canadian Charter of Rights and Freedoms, be referred to the Governance Committee for review and return as a single item for consideration at a future board meeting.	Future meeting	
10.	Governance Committee Meeting August 12, 2025	Executive Director added item No motion	Standardized email addresses for Board Members to use for Board business. Executive Director to draft policy and set-up email addresses for all members.	Future meeting	

HAMILTON POLICE SERVICE BOARD RECOMMENDATION REPORT



TO:	Chair and Members Hamilton Police Service Board
BOARD MEETING DATE:	June 26, 2025
SUBJECT:	Draft Board Policy Respecting Charter and Human Rights Reporting and Education
REPORT NUMBER:	PSB 25-019
PRESENTATION:	No
OUTSTANDING BUSINESS ITEM:	No
SUBMITTED BY:	Kirsten Stevenson, Executive Director
SIGNATURE:	

RECOMMENDATION

That draft Board policy P-028 respecting Charter and Human Rights Reporting and Education be approved, as presented in Appendix 'A' to this report.

EXECUTIVE SUMMARY

- A policy respecting Charter and Human Rights was prepared to clearly identify and formalize the Hamilton Police Service Board and Hamilton Police Service's roles and responsibilities related to Charter and Human Rights in correlation to the *Community Safety and Policing Act, 2019* and its applicable regulations.
- The Inspectorate of Policing and Hamilton Police Service were consulted in the preparation of this draft policy.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: None

Vision: To be a trusted partner in delivering public safety.

Mission: To serve and protect in partnership with our communities.

Our Values: Compassionate, Dedicated, Inclusive, Integrity, Innovative, Professional, Teamwork

ALTERNATIVES FOR CONSIDERATION

- a) The Board may reject the draft policy
- b) The Board may revise the draft policy
- c) The Board may wish to refer the draft policy to the Governance Committee for further consideration

APPENDICES ATTACHED

Appendix 'A'	Draft Policy Respecting Charter and Human Rights Reporting and Education (P-028)
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Vision: To be a trusted partner in delivering public safety.

Mission: To serve and protect in partnership with our communities.

Our Values: Compassionate, Dedicated, Inclusive, Integrity, Innovative, Professional, Teamwork



Hamilton Police Service Board Charter and Human Rights Reporting and Education Policy P-028

Effective date: June 26, 2025
Reviewed:
Amended:

Policy Statement

This policy has been established to clearly identify Hamilton Police Service Board and Hamilton Police Service responsibilities and reporting requirements related to the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code* in correlation to the *Community Safety and Policing Act, 2019* and its applicable regulations.

Applicable Legislation

The Community Safety and Policing Act, 2019 (CSPA)

s. 215 (1) A chief of police shall report, in accordance with the regulations, to the Police Service Board or, in the case of the Commissioner, to the Minister regarding the aggregate disciplinary measures the chief has taken under this Part.

O.Reg. 407/23 Code of Conduct for Police Officers

O. Reg. 399/23

s.12(1) On or before June 30 in each year, every Chief of Police, other than the Commissioner, shall prepare an annual report for the Police Service Board relating to the activities of the police service during the previous fiscal year, including information on,

(b) public complaints

Policy Application

Board Responsibilities

1. Under *CSPA* s.10(1) and s.11(1), the Hamilton Police Service Board (Board) shall ensure adequate and effective policing is provided in Hamilton. Adequate and effective policing means functions provided in accordance with the standards set out in the regulations, including standards with respect to the requirements of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*.
2. Board members are responsible for ensuring they comply with training requirements as noted in the [Board Member Education and Event Participation Policy \(P-023\)](#).

Direction to the Chief of Police

3. The Chief of Police shall maintain, and revise as required, all internal policies relating to human rights issues and Charter Rights violations to achieve compliance with *CSPA* s.11.
4. The Chief of Police shall work with the Hamilton Crown Attorney's Office to establish a process to identify Charter Rights Violations that are believed to involve a police officer not acting in the good faith performance of their duties.
5. The Chief of Police shall work with the Ontario Human Rights Commission on a plan to implement human rights-focused training and policies for its members.

Board and Chief of Police Joint Responsibilities

6. Should Charter Rights violations relate to policy and/or procedural matters, the Board and the Chief of Police, as applicable, shall undertake a review of related policies and amend them accordingly.

Reporting

7. In each Year-End (Annual) Report from the Professional Standards Branch, the Chief of Police shall ensure information respecting the following matters, at a minimum, are included in the report if applicable:

- a. Substantiated and unsubstantiated Charter Rights violation allegations that are believed to involve a police officer not acting in the good faith performance of their duties, within that reporting period;
 - b. How these Charter Rights violation allegations were brought to the Service's attention;
 - c. A summary of disciplinary actions that relate to s.6(1) of O.Reg 407/23 - Code of Conduct for Police Officers.

s.6(1) A police officer shall not, by act or omission, do anything that the officer, at the time, knows or reasonably ought to know would infringe or deny a person's rights or freedoms under the Canadian Charter of Rights and Freedoms.
 - d. Any changes made to policies and/or procedural matters having to do with Charter violations.
8. As referenced in *CSPA* s.215, each Aggregate Disciplinary Measures Report from the Chief of Police shall include information respecting the following matters at a minimum, if applicable:
 - a. All substantiated Charter Rights violations investigated by the Service's Professional Standards Branch;
 - b. Details respecting how these Charter Rights violations were brought to the Service's attention;
 - c. Any disciplinary measures imposed, which type of measure was imposed as well as the number of times each type of measure was imposed in relation to the provision of Ontario Regulation 407/23 – Code of Conduct for Police Officers.
9. As referenced in *CSPA* s.214(b), the Board shall forward Aggregate Disciplinary Measure reports to the Complaints Director.
10. The Board shall publish the reports noted in sections 6 and 7 of this policy (P-028) on its website no later than 30 days of receiving them.

11. The Chief of Police shall provide verbal updates on any new or ongoing public Charter matters to the Board at their regular monthly meetings.

MOTION

HAMILTON POLICE SERVICE BOARD

June 26, 2025

Monitoring Violations of the Canadian Charter of Rights and Freedoms

MOVED BY Member A. Menezes

SECONDED BY Member C. Kroetsch

WHEREAS the Community Safety and Policing Act, 2019 (CSPA) outlines that “adequate and effective policing” means that all provided policing functions respect the requirements of the Canadian Charter of Rights and Freedoms;

WHEREAS the duties of the Hamilton Police Service Board under the CSPA include ensuring “that adequate and effective policing is provided in the area for which it has policing responsibility”;

WHEREAS CSPA (38) outlines that police service boards shall establish policies respecting “the provision of adequate and effective policing” and “the handling of discipline within the police service”;

WHEREAS there have been a number of recent court rulings related to the violation of Charter Rights by the Hamilton Police Service reported in local media including most recently -

- (1) R. v. Russell, 2024 in which the judge noted “an absolute ignorance of well-established Charter rights” ruling that \$500,000 in cannabis and \$50,000 in cash be excluded from evidence in a case that subsequently failed.
- (2) R. v. MacKenzie, 2024 in which the ruling noted that the Hamilton Police Service violated the defendant’s Charter rights, resulting in evidence being excluded from the trial with the ruling noting “Gun violence has gripped the City of Hamilton this year. Media reports decry the alarming rates of shootings in our community. Excluding the evidence will deprive society of a trial in a case with significant public interest. But exclusion is necessary to protect the

long-term integrity of the justice system ...”.

- (3) R. v. Elawad, 2025 in which the defendant was acquitted of all charges, including the possession of a firearm and drugs, due to their Charter rights being breached. Notably the two officers involved were found to have racially profiled a Black man, failed to acknowledge his right to legal counsel, and conducted an illegal search.

WHEREAS Charter Rights violations can be complex to track comprehensively as the ruling in R. v. Grant, 2009 noted (para 75) “for every Charter breach that comes before the courts, many others may go unidentified and unredressed because they did not turn up relevant evidence leading to a criminal charge”; and

WHEREAS Charter Rights violations decrease public trust in policing, negatively impact public safety, and can create a considerable risk of litigation.

THEREFORE, BE IT RESOLVED -

- (1) That the Executive Director report back to the Board with a list of individuals for its approval who could deliver training to Board members on common Charter Rights violations, including but not limited to -
 - (a) A criminal lawyer; and
 - (b) A representative from the Office of the Crown Attorney.
- (2) That the training include reference to the following sections of the Charter of Rights and Freedoms -
 - (a) Section 7 - “life, liberty and security of the person” particularly as it relates to disclosure obligations.
 - (b) Section 8 - “unreasonable search or seizure” particularly as it relates to searches with and without warrant.
 - (c) Section 9 - “arbitrary detention” particularly as it relates to racial profiling.

- (d) Section 10 - “right to counsel” particularly as it relates to the obligation of the police to facilitate the exercise of the right to counsel.
 - (e) Section 11 (b) - “right to be tried within a reasonable time” particularly as it relates to the necessity of the police completing investigations and providing disclosure in a timely fashion.
 - (f) Section 24 - “enforcement of guaranteed rights and freedoms” particularly as it relates to the consequences of the failure of the police to comply with the requirements of the Canadian Charter of Rights and Freedoms, including any effect on sentencing.
 - (g) Any other section of the Canadian Charter of Rights and Freedoms which those providing training may think it important for the Board to learn about.
- (3) That former Hamilton Spectator journalist Steve Buist be invited to speak to the Board about his experience reporting on Charter Rights violations.
 - (4) That each speaker address the Board for no more than 30 minutes.
 - (5) That the Executive Director report back to the Board with a recommended funding source to provide an honorarium to any invited speaker who is not a full time employee of the Ministry of the Attorney General.
 - (6) That starting in Q4 2025 the Hamilton Police Service issue twice annual written reports to the Board in Q2 and Q4 of each year including -
 - (a) A summary of each individual criminal case in which charges were dropped or evidence was excluded as a consequence of a Hamilton Police Service member failing to uphold Charter Rights;
 - (b) An outline of the manner in which the Hamilton Police Service became aware of each individual case;
 - (c) An outline of the actions the Hamilton Police Service will take to change any procedures to prevent further Charter Rights violations; and

- (d) An outline of any training that was provided and taken in each individual case.
- (7) That the Hamilton Police Service in their annual report to the Board from their Professional Standards Branch include a summary of disciplinary actions taken regarding Charter Rights violations.



Inspector General of Policing Memorandum and Advisory Bulletin

TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Service Boards

FROM: Ryan Teschner, Inspector General of Policing of Ontario

DATE: **March 20, 2025**

SUBJECT: Inspector General Memo and Advisory Bulletin #3:
Municipal Police Service Board Policy on Critical Points

I am writing to share information and advice with you regarding the Toronto Police Service Board's (TPSB) recently approved policy on "critical points," which was first recommended by The Honourable John W. Morden in his 2012 report of the *Independent Civilian Review into Matters Relating to the G20 Summit* (the Morden Report).

A. The need for a "critical points" policy to support a police service board's statutory governance role

The Critical Points Policy, developed in collaboration between the TPSB and Chief Demkiw, responds to Judge Morden's recommendation that there be greater definition and clarity regarding the role of police service boards in providing civilian oversight of the police service during significant events. The need for a policy on critical points has been consistently supported in other reviews and reports examining the role of civilian police governance in the context of significant policing events, including The Honourable Murray Sinclair's report on the *Thunder Bay Police Services Board Investigation* and The Honourable Gloria J. Epstein's report on the *Independent Civilian Review into Missing Person Investigations* (*Missing and Missed*).

The Morden Report discusses the fundamental role of civilian oversight in policing, and describes two essential components of a police board's oversight role, both of which are

supported by a policy that requires information sharing, discussion and reporting over the life cycle of a critical point:

The Governance Component: this represents the authority and responsibility for the development of policies that become the framework within which decisions will be made and actions will be taken by the police service. This is intended to ensure that the police service fulfills its legislated function with due respect to community norms.

The Accountability Component: the process by which actions and activities already carried out by the police service are evaluated to ensure they are consistent with existing policies. This is intended to ensure that decisions which have been taken can be evaluated and addressed in a transparent manner and that lessons learned can be applied to future decisions.¹

B. Inspector General's advice for municipal police service boards to develop a "critical points" policy

I am sharing the TPSB's Critical Points Policy as part of my advisory role under section 102(4) of the *Community Safety and Policing Act, 2019* (CSPA), as a response to these consistent and longstanding recommendations, and in recognition of various recent policing events across this province that may reach the critical points threshold. Embedding and then operationalizing a critical points policy is an important step in modernizing the approach municipal police services and boards across Ontario take to their respective roles, and will serve to strengthen Ontario's policing system in a manner that is consistent with the overall modernization the CSPA was intended to achieve. Therefore, **I advise all Ontario municipal police service boards to review the Policy and, in consultation with chiefs of police and other local stakeholders as may be required, to develop and implement your own policy on critical points soon.**

Please note that this advice is intended for municipal police service boards only and is **not** applicable to OPP detachment boards.

A policy will create a **clear definition** for which significant events reach the 'critical point' threshold. A policy will also formally establish a **reciprocal 'information exchange'** for chiefs and boards to provide information to one another that is relevant to their respective roles. As Judge Morden explained: "With this exchange, the Board will be provided with operational information that will inform its policy-making function and the Chief of Police will have an opportunity to provide his or her views on policy options the Board is considering. With this exchange, both policies and operations may be adjusted to address changing circumstances."² With this 'information exchange' in place, boards can assess the need to set objectives and priorities for how such events are managed and

¹ The Honourable J. W. Morden, *Independent Civilian Review into Matters Relating to the G20 Summit* (Toronto, 2012), page 83 (Morden Report).

² Morden Report, page 7.

turn their attention to other governance responsibilities that may arise in the context of a critical point. This would include, for example, determining the adequacy of board policies, resources and arrangements with other agencies and orders of government.

I further advise boards to ensure that the implementation of a policy on critical points includes thoughtful review of the TPSB Policy as a starting point, but **expect that factors affecting local policing needs will be considered to develop a policy that is reasonable and relevant for the jurisdiction**. I encourage you to engage your Inspectorate of Policing (IoP) Police Services Advisor for further advisory support as you undertake this work.

When developing your board's own policy on critical points, I have the following additional advice when considering the TPSB Policy:

Reporting on Critical Points, TPSB Policy, section 2, item iv:

A recent revision to CSPA section 19 has transferred authority for requests for temporary policing assistance from boards to chiefs of police. To ensure alignment with the CSPA, in place of item iv in the list of information to be reported by the chief to the chair in the TPSB's current Policy, I recommend the following wording:

"Any plans to involve other organizations, including requests to chiefs of police for temporary assistance pursuant to section 19 of the *Community Safety and Policing Act*."

Chief's Autonomy, TPSB Policy, section 8:

The TPSB Policy reiterates a board's authority to set objectives and priorities and a chief's statutory authority to make and execute the operational plans to achieve them. If the board's objectives are not being met, the chief should be expected to provide information to the board on why and advise on appropriate measures. I urge you to consider the following amendments to the TPSB's Policy, in **bold**:

"If, during the duration of a Critical Point, the Board concludes that, in its view, the **Board's** objectives are not being achieved, the Board will inform the Chief of Police of its conclusion. **The Chief will respond by informing the Board on corrective measures or the operational necessity of deviating from the Board's objectives.** However, the Chief of Police will remain autonomous in determining the appropriate execution of the plans in order to achieve the mission, objectives and priorities."

C. Engagement of the Ontario Association of Chiefs of Police (OACP) and the Ontario Association of Police Service Boards (OAPSB)

As part of our ongoing collaboration with the OAPSB and the OACP, the IoP engaged both organizations to understand any additional considerations on developing or

implementing a policy on critical points. Given the significance of this policy in helping embed components of a modern approach to police service boards' governance responsibilities and the operational responsibilities of chiefs of police, we greatly appreciate the support of the OAPSB and OACP on this issue, and their ongoing commitment to advancing initiatives that support Ontario police and police governance leaders in raising the performance bar in police governance and operations.

D. The IoP will continue to support boards and services in compliance and implementing leading practices

As the IoP gains further operational experience and insights, and through continued engagement with Ontario's policing sector, I will continue to share information and advice on compliance with the CSPA and leading practices that will enhance civilian police governance and improve the delivery of police services. In addition, the IoP will work to create additional resources and opportunities to support the implementation of my advice across the Ontario policing sector.

I trust this information will be helpful to you. Again, I encourage you to reach out to your IoP Police Services Advisor to discuss this matter further.

All IG Memos and Advisory Bulletins are posted on our website: www.iopontario.ca.

Sincerely,



Ryan Teschner
Inspector General of Policing of Ontario

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

Note: Advisory Bulletins are the IG's advice provided pursuant CSPA s. 102(4) and are intended as a resource for the sector by offering the IG's general interpretation of various provisions of the CPSA. Advisory Bulletins are not legally binding, and they do not purport to address all possible factual scenarios or circumstances. As such, you may wish to consult with legal counsel to determine how this general guidance should be applied in your own local context and to navigate specific situations.



TORONTO POLICE SERVICE BOARD

CRITICAL POINTS POLICY

DATE APPROVED	January 14, 2025	Minute No: P2025-0114-4.0
DATE(S) AMENDED		
REPORTING REQUIREMENT	As needed	
LEGISLATION	<i>Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ss. 37(1)(a) and (f), and 38(1)(a) and (b).</i>	

GUIDING PRINCIPLES

Information sharing between the Toronto Police Service (Service) and the Toronto Police Service Board (Board) is foundational to the Board's effective execution of its oversight responsibilities. In particular, information sharing is crucial during times of elevated organizational risk, such as when facing large-scale events.

This Policy defines such ***Critical Points*** and sets out a process to guide the Chief of Police and the Board in identifying them, and ensuring the flow of relevant information from the Service to the Board, so that the Board can most effectively carry out its oversight and governance role, including creating and amending Board policies, setting priorities, asking questions, and providing non-binding advice in relation to operational matters.

The Board acknowledges there are limits to the direction that the Board may give to the Chief of Police, and the importance of respecting those limits. The Board is prohibited by law from directing the Chief of Police with respect to specific investigations, or the conduct of specific operations. Therefore, while the Board may set objectives and priorities for the policing of a Critical Point, the Chief of Police has the authority to determine the methods by which the objective, priority, or outcome will be achieved.

This Policy will not prevent or restrict the Service from exercising its policing powers and authorities, in emergent circumstances, to protect community safety.

PURPOSE OF POLICY

The purpose of this Policy is to:

- Define the term Critical Point and provide clear and consistent assessment criteria for use in identifying Critical Points as they arise
- Describe the type of information the Board requires from the Chief in order to assess potential Critical Points;

- Describe the information sharing process between the Board and the Service when a Critical Point has been identified/confirmed;
- Strengthen oversight of the Service, consistent with the Board's legislative responsibilities;
- Ensure accountability of the Service to the Board; and
- Ensure that the Chief of Police can discharge their duties according to law.

POLICY OF THE BOARD

It is the Policy of the Board that:

Definitions

1. **Critical Point:** A matter of strategic significance that is time-sensitive and which rapidly elevates the Board's operational, financial, reputational or other enterprise risk, and, therefore, calls for the Board's immediate attention and/or preparedness to take action.

For example:

- a. Large scale operations or events for which advance planning and approval by the Service's Command is required;
- b. Events or operations that are likely to have a material impact on the Service's relationship with, and service to, marginalized and vulnerable communities;
- c. Events or operations that raise significant questions of public policy; or
- d. Credible external or internal complaints, including complaints regarding workplace discrimination or harassment, against individual officers and the Service, and findings by other tribunals related to discrimination, where such complaints or findings raise significant systemic issues.

For clarity, the above examples are not exhaustive.

Reporting on Critical Points

2. The Chief of Police will inform the Chair or their designate of any situation in which the Chief of Police believes a Critical Point has emerged or is likely to emerge and provide the Chair, in writing, with further information regarding the Critical Point, including, as appropriate:
 - i. The general nature of the Critical Point;
 - ii. The elevated risk(s) posed by the Critical Point;
 - iii. Relevant operational and other information necessary for the Board to understand the details of the Critical Point, including an outline of the operational plan, and continuity of service plans;
 - iv. Any plans to involve other organizations, including, in the case of other law enforcement agencies, recommendations to the Board to

- make requests of other boards or the Ontario Provincial Police Commissioner;
 - v. An estimate of the financial impact;
 - vi. Relevant legislation and other legal requirements that may apply including the need for additional authorities; and
 - vii. Any ongoing considerations, including resources needed, or policy impacts.
3. The Chair will share the information provided by the Chief of Police with Board Members, all of which will be held in the strictest of confidence.
 4. The Chair, in consultation with the Board Members, and in accordance with the Board's Procedural Bylaw, will determine whether there is a need to obtain additional information, create or amend Board policies, and/or provide direction to the Chief in accordance with the Board's policies, duties and responsibilities, including setting objectives and priorities, and if so, whether to call a Special Meeting of the Board, or to include the Critical Point as an item on the Agenda of the Board's next regularly scheduled meeting.
 5. The Chief will continue to update the Board, through the Chair, on any significant developments, including once the Chief of Police determines that the Critical Point has concluded. In consultation with the Board Members, the Chair may call a Special Meeting of the Board at any time or include an item on the Agenda of a regularly scheduled Board Meeting, to discuss the Critical Point.

Identification of Critical Points by the Board

6. When the Chair believes, or is advised by a Board Member(s) that they believe, that a planned or anticipated event may constitute a Critical Point, the Chair shall request the Chief of Police to consider whether, in their view, the event may meet the definition of Critical Point, and either report to the Board in accordance with this Policy, or, alternatively, provide to the Chair reasons that the event in question does not meet the definition of a Critical Point.

Chief's Autonomy

7. Once the Board has been given the opportunity to set objectives, ask questions, and provide non-binding advice in relation to operational matters, where applicable the Chief will maintain the autonomy to finalize and execute the plans.
8. If, during the duration of a Critical Point, the Board concludes that, in its view, the objectives are not being achieved, the Board will inform the Chief of Police of its conclusion. However, the Chief of Police will remain autonomous in determining the appropriate execution of the plans in order to achieve the mission, objectives and priorities.

Training

9. The Chief will provide training to ensure that all Command and Service Members from the rank of Inspector and above are trained to recognize the circumstances that may lead to a Critical Point, and to inform the Chief of Police and Command when a potential Critical Point is identified; and
10. The Board will ensure that all new Board Members receive training to understand the definition of a Critical Point, and effectively understand their responsibilities with regards to the consideration of Critical Points.

Public Reporting

11. Subject to operational considerations and the advice of the Chief of Police, the Board will publicly disclose, where it is possible to do so without risking the effectiveness of the operation or any other operations, the safety of Service Members or members of the public, or any other operational considerations raised by the Chief:
 - a. The nature of the operational matter related to a Critical Point; and
 - b. Any directions given to the Chief of Police related to a Critical Point.