

CSPA Priorities and Workplan - as of March 2024

APPENDIX 'A' TO
GOVERNANCE
COMMITTEE REPORT
FROM MARCH 13, 2024

ITEM	SUBJECT	SECTION OF CSPA OR REG.	DESCRIPTION	PRIORITY	STATUS
1	Mandatory board member training	s.35	Mandatory training will be required for members prior to and after April 1, 2024. Governance training on Roles and Responsibilities of members is required to be completed prior to April 1, 2024. This training will be offered online through the OAPSB website. Training was expected to be offered mid-February. Details of the mandatory training are as follows and fall into 4 categories: 1. The training approved by the Minister with respect to the role of a police service board and the responsibilities of members of a board or committee (must be completed prior to April 1, 2024). 2. The training approved by the Minister with respect to human rights and systemic racism. 3. The training approved by the Minister that promotes recognition of and respect for a) the diverse, multiracial and multicultural character of Ontario society, and b) the rights and cultures of First Nation, Inuit and Métis Peoples.	high	member action required
2	Police Service Board Member Code of Conduct	O. Reg.408/23	A new Code of Conduct must be adhered to by members. Members should also review their obligations under s.17 and s.20 of the CSPA. The new Code of Conduct is found attached to the board's Procedural by-law as Appendix A. Members should refer to new board policy - Code of Conduct for PSB Members (no policy number assigned at this time).	high	member action required

3	New oversight body for boards and services in Ontario	Part VII	The Inspectorate of Policing is the new body governing policing in Ontario. There are three branches to this body - Office of the Inspector General, Investigations, Inspections and Liaison Branch and Centre of Data Intelligence and Innovation. The Inspector General will be responsible for complaints about board members, oversight and adequacy and effectiveness of policing, compliance with the CSPA, board policies and procedures established by Chief of Police.	n/a	info only
4	Budget matters between board & City	s.50(6)	There is now an updated method to manage disagreements between the board and City when approving police budgets. 'If the municipal board is not satisfied that the budget established for it by the municipality is sufficient for the purposes described in clause (1)(a)and (b) - the municipal board and the municipality may jointly apply to the Commission Chair to appoint a conciliation officer to attempt to resolve the matter or, the municipal board may give the municipality written notice referring the matter to arbitration.' In the Police Services Act, disputes would be managed by the Ontario Civilian Police Commission (OCPC).	n/a	info only
5	Transition of matters currently being dealt with by the OCPC to the Inspectorate of Policing	s.216(5)	Under the Community Safety and Policing Act, 2019 (CSPA), the OCPC will be continued for a transitional period until the Commission is dissolved by regulation. Until it is dissolved, the OCPC will be continued for the purpose of completing certain hearings and appeals initiated under the Police Services Act (PSA). The OCPC will also be continued to carry out any other duties of the OCPC under the PSA (e.g., investigative duties) if they are specified in regulation. The ministry of the solicitor general is currently working with the Ministry of the Attorney General to develop a transitional plan for the OCPC.	n/a	info only

6	By-law requirements - Delegation of Authority	s.41(1)	A board may, by by-law (a) establish a committee and delegate any of the board's powers under this Act to the committee or (b) if any power of the board under this Act is prescribed for the purposes of this section, delegate that power to an employee of the board who is not a member of the police service or to the chief of police. The board may wish to consider delegating certain powers to the Chief of Police or the Administrative Director. There is no need to create by-laws for the Budget Committee or the Governance Committees as the board hasn't delegated any powers to them. If duties under s. 37 of the CSPA are delegated to someone else by the board, a delegation of authority by-laws are required.	n/a	info only
7	New public complaints agency - Law Enforcement Complaints Agency	Part VIII	The Law Enforcement Complaints Agency (LECA) will retain authority over all public complaints about the conduct of police officers and issues of a systemic nature. Under the PSA complaints were dealt with by the OIPRD.	n/a	info only
8	New Police Service Board Member Oath of Office	O. Reg. 416/23	Members appointed after April 1, 2024 will be required to take new oath of office.	n/a	info only
9	Creation of Inspector General	Part VII	The inspector general of policing, a new entity with extensive powers, has been established to oversee compliance with the CSPA, including inspections, addressing systemic concerns, handling complaints regarding board member misconduct, and assessing the adequacy and effectiveness of policing.	n/a	info only
10	Board name change	s.31	Legal name change from Police Services Board to Police Service Board. Changes are required to our website, letter/media release templates, business cards etc.	high	complete
11	Procedural by-law revisions	s.42-50	Revisions are required to the board's Procedural By-law to reflect new requirements in the CSPA.	high	complete

12	Directions to Chief of Police - publication requirement	s.40(9)	"The police service board shall publish any directions given to the Chief of Police under subsection (1) on the internet in accordance with the regulations made by the Minister, if any. S.40(1)" As directions to the Chief are captured and published in the board's minutes, no further action is required.	high	complete
13	Appointment of special constables (New Process Created & Policy on 'Disclosure of Misconduct')	s.92 O.Reg.. 411/23, O. Reg 410/23 & O.Reg. 396/23	The board is now the appointing authority outright for Special Constables (employed by the Service). Under the PSA, Ministry approval was required. The Board is also responsible for issuing the certificate of appointments for Special Constables s.92 (6) & (7). The Board also has responsibilities under O.Reg. 411/23 complaints about special constables, s.4(1) and there is now a requirement on boards to create a process for complaints to be made to the Chief regarding special constable conduct within the police service. Special Constables have their own code of conduct (O.Reg.. 410/23). The Ministry of the Solicitor General will be responsible for Special Constable Employer applications – the appointments and certificate of appointments will be done by the board.	high	complete
14	Policy Requirement: Provision of Adequate and Effective Policing	s.38(1)(b)	Policy Created - Adequate and Effective Policing	high	complete
15	Policy Requirement: Disclosure of Personal Information	s. 38(1)(c)	Policy Created - Disclosure of Personal Information	high	complete
16	Policy Requirement: Disclosure of Secondary Activities	s.89 & 38(1)(d)	Policy Created - Disclosure of Secondary Activities	high	complete

17	Policy Requirement: Handling of Discipline within the Police Service	O. Reg. 406/23 & s.38(1)(e)	Policy Created - Complaints of Misconduct	high	complete
18	Policy Requirement: Conflicts of Interest	O.Reg.. 401/23 & s.38(1)(g)	Establish policies for other prescribed matters (for example, within the CSPA Regulations). Policy Created - Conflicts of Interest	high	complete
19	Policy Requirement: Collection of Identifying Information in Certain Circumstances	O. Reg 400/23 & s.38(1)(g)	Current board policy 'Collection of Identifying Information in Certain Circumstances - Prohibition and Duties' enacted on December 15, 2016 is repealed and replaced with the new policy created to adhere to new legislation in the CSPA and in O.Reg.. 400/23	high	complete
20	Policy Requirement: Vehicle Pursuits	O. Reg 397/23 & s.38(1)(g)	Establish policies for other prescribed matters (for example, within the CSPA Regulations). Policy Created - Vehicle Pursuits.	medium	complete
21	Policy Requirement: Investigations	O. Reg 395/23 & s.38(1)(g)	The board may establish policies for other prescribed matters (for example, within the CSPA Regulations) Conduct of investigations.	medium	complete
22	Policy Requirement: Quality Assurance Process	s.23 of O.Reg. 392/23	Every police service board and every chief of police shall implement a quality assurance process relating to,(a) the provision of adequate and effective policing; and (b) compliance with the Act and the regulations. Policy on Extreme Incident Response Plan (approved by the Solicitor General and referred to in O.Reg.. 392/23)	high	complete

23	Policy Requirement: Complaints of Misconduct Policy	O.Reg.. 406/23 & O.Reg.. 411/23	Covers complaints with respect to: policies and procedures, sworn members special constables and Chief and Deputy Chiefs.	high	complete
24	Policy Requirement: Active Attacker Incidents	O.Reg.. 393/23 s.38(1)(g)	The board may establish policies for other prescribed matters (for example, within the CSPA Regulations) Active Attacker Incidents. Onus on board to publish report from Chief s.8 (4) 6 & 7.	high	complete
25	Strategic Plan	s.39(1)	s.39(5) The police service board shall review and, if appropriate, revise the strategic plan in accordance with the regulations, if any, at least once every four years.	high	complete
26	Policy Requirement: Extreme Incident Response Plan	O.Reg.. 392/23	The board may establish policies for other prescribed matters (for example, within the CSPA Regulations) Extreme Incident Response Plan. The Extreme Incident Response Plan was approved by the Solicitor General on November 28, 2023 for the purpose of Adequate and Effective Policing (General) Regulation made under the Community Safety and Policing Act, 2019. The Extreme Incident Response Plan (EIRP) replaces the current Provincial Counter-Terrorism Plan (PCTP). It is important to note that the scope of the EIRP is broader than the PCTP and is not limited to acts of terrorism. Further, the EIRP also replaces the Extreme Event Communications Protocol distributed by All Chiefs Memo (ACM) 19-0050 on July 03, 2019.	high	complete
27	Use of Force and Weapons	O.Reg. 391/23	The board may establish policies for other prescribed matters (for example, within the CSPA Regulations) Use of Force and Weapons. Adequate and Effective policy AI-012 Use of Force will need to be repealed.	high	complete

28	HPS Positions Related to Labour Relations	s.220	<p>Certain members of the service may need to be excluded from membership in an association if that membership creates a conflict of interest related to labour relations and/or collective bargaining. Schedule 4 of the CSPA, s.220 may be amended so that "The restriction in subsection 220 (2) is amended to apply only to positions that would likely give rise to a conflict of interest in engaging in or assisting with collective bargaining." This matter has not yet been finalized and we are waiting on further clarification from the Ministry. A draft policy has been created and reviewed by the board's legal counsel for the board's consideration once this matter has been finalized.</p>	high	in progress
29	Diversity Plan	s.37(1)(e)	<p>The Board is required to prepare and adopt a diversity plan to ensure that the members of the Service reflect the diversity of the community. The board must have this diversity plan in place by April 1 of 2025. The diversity plan should be aligned with the City of Hamilton's plan, as well as what the Service has prepared. Recommendation listed in the Governance Committee's report to the board on the Mach 28, 2024 agenda: "That the board direct the Administrative Director to research and prepare materials and draft report related to the creation of a Board Diversity Plan; and that this research and draft report be presented to the Governance Committee for their consideration no later than June 30, 2024."</p>	medium	in progress
30	Board Information Sharing Protocol with the City	s.41(3)	<p>"The Board shall make best efforts to negotiate and enter into a protocol with its municipality that addresses the sharing of information." The board's draft policy was approved and forwarded to the City of Hamilton in 2023. We are awaiting their feedback for consideration. The board and/or the Governance Committee may wish to revisit the draft policy and consider adding information requests from the City over and above what is prescribed in the CSPA.</p>	medium	in progress

31	Annual Report - reporting and publishing requirements	s.41 & O.Reg.. 399/23	<p>"On or before June 30 in each year, the board shall file an annual report with its municipality regarding: (a) the implementation of the board's strategic plan and the achievement of the performance objectives identified in the strategic plan." A copy of the draft Annual Report will be presented to the board at our May 23, 2024 meeting.</p> <p>O.Reg.. 399/23 12. (1) "On or before June 30 in each year, every Chief of Police 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, (a) implementation of the strategic plan prepared and adopted by the police service board under subsection 39 (1) of the Act; (b) public complaints; (c) the actual cost of policing; and (d) any other information that is required to be in the annual report by other regulations made under the Act. (2) The relevant police service board shall publish the annual report on the Internet."</p>	medium	in progress
32	Policy Requirement: Facility Standards	s. 37(1)(j)	<p>"The board shall ensure that any police facilities, including police lock-ups, used by the board comply with the prescribed standards, if any." High-level draft policy created - Administrative Director will work with City and Service to get an understanding of all facilities used by the board and finalize a draft policy to ensure they all comply to standards.</p>	medium	in progress

33	Policy Requirement: Administration of a Police Service	s.38(1)(a)	Policies for the administration of the police service may be found in the Board's list of adequacy standard policies which comply with the Police Services Act. Under the CSPA, a policy must be created with respect to the Administration of the Police Service. There are currently 16 Administrative Adequacy Standard policies. Some of the content of these policies may be found in newly created policies presented to the board at our March 28 meeting. These 16 policies need to be reviewed and if applicable, revised, to ensure compliance with the CSPA.	high	in progress
34	Alternative Provision of Policing Functions	O. Reg 398/23 & s.14	"A board may provide any of the policing functions listed in subsection 2, 3, 4, 5 or 6 of O.Reg. 398/23 in an area for which the board has policing responsibility by entering into an agreement with another police service board to provide the policing function in the area with members of that other board's police service or people assisting those members while acting under their direction." The board is responsible for providing copies of all said agreements to the Inspector General. s.14(12)(a) of the CSPA: "a police service board shall comply with any prescribed requirements in relation to entering into an agreement under this section". The Administrative Director is working on a draft policy for review by the Governance Committee at their next meeting.	medium	in progress
35	Section 14 agreements under CSPA (Section 7 agreements under PSA)	s.14	s.14 requirements. 14 (1) If the regulations so provide, a police service board may provide a policing function in an area for which the board has policing responsibility by entering into an agreement with another police service board to provide the policing function in the area with members of that other board's police service or members of the Ontario Provincial Police, as applicable, or persons assisting those members while acting under their direction.	medium	in progress

36	Adequate and Effective Policing (Adequacy Standard policies under the PSA)	O.Reg. 392/23	There has been no guidance provided to be able to compare and contrast Adequacy Standard polices found in the Police Services Act with current policy requirements found in the Community Safety and Policing Act (O.Reg.. 392/23). The Administrative Director will work with the Service to review current board Adequacy Standard policies and determine which may be repealed and which ones, if applicable, should be revised.	medium	in progress
37	Policy Requirement: Policy on Process to Manage Complaints about a Board Member	O.Reg. 391/23	The board may establish policies for other prescribed matters (for example, within the CSPA Regulations) Policy on Process to Manage Complaints about a Board Member	high	in progress