

**Ontario Association of Police Services Boards
2019 Spring Conference and Annual General Meeting**

May 22-25, 2019
Caesars Windsor | Windsor, ON

“The Comprehensive Ontario Police Services Act”

Conference Delegates

The Tecumseh Police Services Board was represented at this conference by Christopher Hales (Chair), Marc Gomes, Paul Sweet, Margaret Misek-Evans (CAO) and Ellen Preuschat.

Wednesday, May 22

Board Training – Strategic Planning

(Notes by C. Hales)

Fred Kaustinen, Executive Director of the Ontario Association of Police Services Boards (OAPSB), presented a workshop on Board Strategic Planning. The goal of the workshop was to create a typical governance model, starting with the basic definition of what exactly is the function of a Police Services Board (PSB).

The basis on which we discussed this was:

“A Police Services Board is to ensure that police activities and consequences are congruent with the community’s needs, values and expectations.”

Therefore we need to:

- **Watch** the police service’s performance and results and see wisely and use comparators from all sources.
- Observe crime trends, complaints, and the media’s view of our service.
- **Hear** the community stakeholders’ needs and expectations, including the school boards, BIA, service associations, provincial and federal regulators.
- **Speak** of the board’s vision, values and expected outcomes.
- Liaise with the entire community.

Resulting actions would include the board setting the strategy with the Detachment Commander (DC) around a central theme of service that would drive all the performance and activity of the service.

Thursday, May 23

Opening Ceremony

The conference was formally opened by Phil Huck, Chairman of the OAPSB. He encouraged everyone attending to load the conference app and take advantage of the information contained therein. Mayor Drew Dilken offered greetings from the City of Windsor.

First Nations Community Safety

Professor Andy Graham , Queen's University

Fabian Batise, Board Liaison, Nishnawbe Aski Police Service

(Notes by E. Preuschat)

This was an in-depth overview of the context, history, changes and challenges related to policing First Nations communities in Ontario. The new *Community Safety and Policing Act, 2019* (CSPA) marks a turning point in this regard, as First Nation police services boards will become legally constituted bodies subject to provincial legislation. They will have the same powers and duties as municipal boards, and be subject to the same adequacy standards. This is a first in Ontario history.

Professor Graham's presentation covered:

- basic facts on Ontario's first nations communities (for example, more than 50 different languages are spoken)
- an overview of pre-colonial peacekeeping and aboriginal customary law ("memories of the Elders")
- a summary of the first treaty system and how the treaty-based policing relationship was broken by two things – the residential school genocide and apartheid-like pass system
- an overview of past funding models, and
- provincial variations in First Nations policing, some success stories, and core problems with the current policy framework

Mr. Batise's presentation covered:

- current legislated standards for municipal boards compared to the inadequacy of the status quo for First Nations communities (with numerous examples of constables working without radios or backup, in sub-standard buildings, etc.)
- features of the new CSPA that will ensure "a police officer is a police officer" regardless of whether serving municipal, OPP or First Nations communities – same standards will apply
- funding remedies for First Nations boards and communities, and
- what makes up culturally competent oversight

Ontario Association of Chiefs of Police

Chief Bryan Larkin, Waterloo Police Services Board

(Notes by E. Preuschat)

Chief Larkin outlined some of the major initiatives and concerns of the OACP:

- The association just completed its five year strategy document.
- Watch for significant changes in labour relations with the new policing legislation.
- Who will pay for third party adjudication as outlined in the new Comprehensive Ontario Police Services (COPS) Act?
- Community Safety and Well-Being Plans are a good initiative...but again, who will pay?

- Regulations associated with the new COPS Act are in process. OAPSB and all stakeholders should be at the table while these are being developed.
- Ontario has reduced the budget for policing. A different funding model needs to be considered.
- The police recruitment/selection process is outdated; it needs to better reflect the communities served.
- Digital evidence management is a significant step in modernizing in the justice system, but who will pay?
- The working committees of the OACP currently have four major areas of focus:
 1. The opioid crisis in Ontario; deaths are occurring at unprecedented levels
 2. Community Safety and Well-Being Planning
 3. Constable selection process
 4. Wellness programs
 - Some federal funds are available for PTSD, but with few details at this time.
 - The OACP is advocating for a working group to develop a provincial strategy to support wellness.

CALM: A Proven Four-Step Process to Transform Stress Into Action

Denise Marek, International Speaker/Author/Worry Management Expert

(Notes by E. Preuschat)

In her motivational and humorous presentation, Denise Marek emphasized the need to challenge our assumptions, as they often cause unnecessary stress and anxiety. She outlined the “CALM” approach to transforming worry and stress into positive action:

C – Challenge your Assumptions

- try to get facts and move beyond perceptions and assumptions. Strategies for doing this are (1) talk to someone else for a second opinion, and (2) ask yourself, “is it probable?”

A – Act to Control the Uncontrollable

- Counter the fear of looking foolish by caring more what you think of yourself (act with integrity to grow your self-respect). Counter fear of making mistakes by aiming for progress, not perfection.

L – Let Go of the Uncontrollable

M – Master Your Mind

- Strategies include: (1) focus on what you CAN do, and (2) challenge limiting beliefs by differentiating between facts and opinions.
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The Community Safety & Policing Act 2019 – Ministry of the Solicitor General

Fuad Abdi, Manager, Policing Standards Section

Cecilia Omole, Team Lead, Policing Standards Section

(Notes by C. Hales & M. Missek-Evans)

Fuad Abidi, and Cecilia Omole, Policing Standards, Ministry of the Solicitor General conducted a general review of some of the provisions of the *Community Safety and Policing Act, 2019* focusing on its core principles of diversity, inclusiveness as guaranteed by the Canadian Charter of Rights and Freedoms and the Human Rights Code.

Fuad and Cecilia shared that there will be many Regulations to this Act, not written yet. Consultation is yet to start, and once that is gathered from stakeholders and incorporated into the Regulations the government will have a 45 day posting and comments period before final enactment. The Ministry admits that there is no timeline as yet.

A summary of legislative changes includes:

- Enforcement of municipal by-laws and court security are not part of the police service under the new Act.
- The new Act provides for some police services to be out-sourced.
- New Act requires one OPP detachment board per OPP detachment with requirements for community representation and input; the regulations may allow for more than one board in certain circumstances.
 - Board composition, terms, remuneration are all to be determined in the regulations but unlikely to be limited to the current 5 members;
 - Boards will be required to prepare estimates for the Board's operations and submit to every municipality that gets policing services from the detachment;
 - The Board will also help choose the Detachment Commander (DC).
- Detachment Boards may set local policies after consultation with the DC.
 - Local policies must not conflict with the strategic priorities of the Solicitor General, must not relate to specific investigations and cannot force the OPP to do what they cannot do or not to do what they are required to as components of adequate and effective policing.
- The DC must develop a local action plan, with consultation.
- Board training is required and must be 'successful'.
 - Training on roles and responsibilities;
 - Recognition and respect for diverse populations;
 - Training on human rights and systemic racism.
- New Inspector General (IG) position created to:
 - Conduct investigation to ensure no act of misconduct by members of the Boards;
 - Impose a remedy for misconduct and/or non-compliance with the Act or Regulations.
- The OIPRD will be replaced with the "Law Enforcement Complaints Agency" (LECA), an independent agency that reports to the Solicitor General.
 - LECA deals with all public complaints for police and special officers of the Legislative Assembly and Niagara Parks Commission.
 - LECA refers complaints regarding the conduct of PSB members to the IG.
 - LECA may refer investigations to others like the DC or Police Chief.

- The requirement for a Community Safety & Well Being Plan comes into effect immediately with CSWB Plans due by January 1, 2021.
- The Special Investigations Unit Act is a new stand-alone statute overseen by the Attorney General that governs policy oversight.

A question and answer period followed where it became clear that many of the Section 10 boards that were being asked to amalgamate had real issues with the process, representation and the practicality of the concept.

Friday, May 24

Police Boards and the Media

Wendy Gillis, Crime Reporter, The Star

(Notes by C. Hales)

Wendy Gillis, a crime reporter for the Toronto Star was available by Skype to the conference audience. She provided her observations of the shortcomings of the interaction of PSB's with the media. Her thoughts included:

- Need to make the PSB mandate, role and function relevant to the citizenry.
 - Need to make sure the public has access to police board meetings through welcoming, neutral locations and convenient timing.
 - We should consider live streaming our PSB meetings.
 - Boards would do well to raise the public's awareness of their work.
 - All communications should be vetted to ensure that they are open, accountable and transparent. These communications need to be "real" and ring as authentic with the media.
 - Be mindful of the lessons from Thunder Bay PSB, Peterborough PSB and the real accountability that can fall on a board found not performing as expected.
 - Boards must engage in detailed training to be effective in applying the new Act. Media training is also very important, especially for larger boards.
 - Wendy ended with a review of the Senator Sinclair report on the systemic racism of the Thunder Bay Police Service and the willful "blind eye" of the PSB.
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Police Boards & Police Associations

Bruce Chapman, President, Police Association of Ontario

(Notes by C. Hales & M. Misek-Evans)

Bruce Chapman, President of the Association of Ontario presented the views of the Association on the future of policing in Ontario. He represents 48 associations with a total of about 14,000 members. Essentially, Mr. Chapman presented his view of what municipalities need to do in bargaining future contracts. His view is that in the light of rising costs and new labour demands and reduced funding, it will be the board's duty to find cost savings.

Mr. Chapman recommended that PSBs influence local issues of relevance to policing and commented that strong boards are independent and effective. On the other hand, he indicated that weak boards are beholden to political players such as municipal Councils and Chiefs of Police. It is important to police personnel that the Board is getting along well with each other and the service. Mr. Chapman further recommended that PSBs do a better job of sharing information between each other and undertake training on what police officers actually do. He advocated for evidence-based policing that is data driven. He was favourable of the new training requirements set out in the Act however, he was not favourable to the provisions that allowed for outsourcing of some services.

Sexual Assault Investigation Reviews

Vanessa Ambtman-Smith, London Police Services Board

(Notes by P. Sweet)

Background

- Presenter was an Indigenous rights advocate of Métis heritage
- Stated that there was tension with the Chief & Deputy Chief
- Results from "unfounded" police sexual assault review
- London was used as a case study as what not to do in sexual assault investigations
- High urban indigenous population (did not provide statistics)

The London Police Services Board recognized there was an opportunity to assume a leadership role as a public oversight body responsible for articulating and governing adequate and effective policing.

Process

- Anonymous email input from community was accepted
- Used existing community resources in the vulnerable community
- Support from police service was thought to be lacking

Results

- After many rewrites, a new Board Policy relating to Sexual Assault Investigation was adopted
 - Board Policy that attempted to direct investigation "procedures" would have been in conflict with the *PSA*
- Copies of the new Policy are available on the London Police Services Board website
- Presentation was academic and high-level

Community Safety and Well-Being Planning

Rob Burton, Chair, Halton Police Services Board

Deputy Chief Nishan Duraipah, Halton Police Services

Alex Sarchuk, Commissioner of Social and Community Services

(Notes by P. Sweet)

Indicated from the start that they were there to lower our expectations of fear and doubt regarding plan preparation.

Mayor Burton

- Halton rural and urban area pop 590,000
- High level of community satisfaction
- Safe community but has troubles
- Plan works on root causes and responses
- Their plan 24 pages (we have copy)
- There is Ministry template (we have copy)
- Started from the top rather than at the bottom
- Advised, “do not reinvent the wheel”

Deputy Chief

- This is coordinating existing resources
- Principle is multi sector collaboration to reduce risk - not small risk, community elevated risk
- Apply system most effectively to those who need it the most.
- *Police Services Act* requires municipality(s) to adopt plan by Jan 2021
- Responsibility rests with municipality(s)
- Requires multi-sector advisory committee for identification of risk factors.

Halton Plan

- Situation table launched in 2013
- Multi –sectors addressing situation
- 500+ situations addressed to date, 98 in 2018
- Began process of issue / risk identification
- Launched and had all stakeholders there
- Living document
- Emphasis on leveraging existing assets
- Establish a “response ready” infrastructure to facilitate multi sector collaboration.
- Model based on:
 - evidence based issue identification
 - situation table
 - system leadership group
 - (Senior table) Executive Leadership

Action Tables

- People, programs & services best positioned to respond
- Focused on system level issues that require a collaborative or multi – sector response
- Issues assessed against criteria

Halton Actions

- Improving access to mental health supports for children and youth
- Implementing a more coordinated approach to address homelessness
- Enhance response to sexual assault
- Supporting youth exiting care of the child welfare system.
- Reducing alcohol consumption and associated health and social impacts
- Addressing older adult isolation through proactive approaches
- Establishing a Halton approach to mental health and addictions planning
- Exploring a Halton framework to support those who are dually diagnosed

Results of CSWB

- Significant impact on Halton Region
- CSWB embedded in police operations and business planning
- Police service wide engagement

Section 10 Elections

Pat Weaver was elected as our Zone 6 representative.

Remarks by Solicitor General

Honourable Sylvia Jones, Solicitor General

(Notes by C. Hales)

Ms. Jones stated that as a result of current deficits, we pay \$1.5M per day in interest charges. The control and reduction of the current debt is the cornerstone of government policy and programs. The current focus is the protection of Health Care, Security and Education. The government will support policing with policy changes such as the use of Naloxone in the treatment of opioid overdose. Her speech was very short but very focused on current government policy.

Wounded Warriors

Phil Ralph, National Program Director, Wounded Warriors Canada

Conference delegates were introduced to the work of this organization which aims to support Canada's ill and injured Canadian Armed Forces members, Veterans, First Responders and their families through innovative mental health programs.

Gardaworld

Colleen Arnold, National VP, Customer Service Excellence & Operations Central Canada

Major sponsor Gardaworld introduced the ways in which this security firm is working in partnership with police forces, and potential new opportunities for support services.

Cannabis Update: Outdoor Grow, an Industry Disrupter

Moderator: Jeanine Lassaline-Berglund

Speakers: WeedMD, 48North Cannabis Corp

(Notes by M. Gomes)

A recap of industry significant events since last year's conference began the session, including the municipal and provincial elections, new police legislation and new *Cannabis Act*.

The *Cannabis Act* has the following objectives:

- restrict youth access to cannabis
- protect young people from promotion or enticements to use cannabis
- reduce criminal activity by imposing serious criminal penalties for those who break the law
- protect public health through strict product safety and quality requirements
- reduce the burden on the criminal justice system (e.g. decreasing arrests)
- allow adults to possess and access regulated, quality-controlled legal cannabis
- enhance public awareness of the health risks associated with cannabis

Health Canada's Role

The federal framework for operators is to provide security requirements (avoid diversion to illicit markets), educate the public at large and to set rules on the production and quality of the product.

Provincial Control Role

The role of the province is to regulate how cannabis will reach the consumers. Set up the packaging and label standards. A main concern in the packaging would be make it both child resistant and tamper-evident.

Municipal Level

Determine where cannabis can be consumed within the municipality. Licensing of the retail outlets within the communities, and decision if the municipality wants to have stores in their communities. If the municipality decided to have distributors (stores) there are bylaws and property standards to be adhered to.

Outdoor Growers

The legal producers will have to incur set regulatory fees, excise tax and cost recovery. To produce the product they must compete with the "black market." Their costs in production will be monitored.

The current supply shortage has created the need to have outdoor grow operations. The outdoor grow industry is going to be the wave of the future to keep up with demand. There are presently three farms licensed to grow cannabis outdoors in Ontario.

Product grown outdoors costs .25/ gm compared to \$1 to \$3 / gm cost indoors. The regulations are very strict, where all grams are recorded, safe product must be cultivated, and property secured where the product is grown (24 hour security, video surveillance etc.). There are random inspections of staff and strict rules to secure the area just like indoor operations.

The expectation is that outdoor grows will create more jobs in the future.

The targeted age group is above 25 years and more women will consume the product. The intention of cannabis is not for the “high” but for skin care, pain management and medical needs.

Some concerns were brought forward from the audience in regards to the scent that it creates. It was mentioned that it is a plant that has a scent just like any other plant or even compared to agricultural smells (chicken, pig farms, etc.). The outdoor grow will have only one cycle of crop growth per year compared to continuous indoor production.

The final take away was that there must be community support for outdoor producers. The education and awareness component is very important.

OAPSB Annual General Meeting

(Notes by C. Hales)

The OAPSB Annual General Meeting was held with only one item of business that, after debate, was passed. It altered board members’ aggregate years of service to 12 years. The newly elected board was introduced.

Saturday, May 25

The Future of Police Board Training

Fred Kaustinen, Executive Director, OAPSB

(Notes by E. Preuschat)

The objective of this interactive session was to build consensus on a common vision regarding future board training. The current training model is seen as outdated and somewhat simplistic.

At the conference, delegates completed a survey on training needs, and Fred Kaustinen, OAPSB Executive Director, presented the survey results. The consensus on governance style was that the majority govern by ‘receiving reports’ and most would like to spend more time doing strategic planning and community engagement. The top choices for training needs were: strategic planning, policy development, performance evaluations, external communications and meeting procedures.

Fred presented the draft ‘job description’ of police services boards:

- “To ensure that police actions and consequences are congruent with the community’s needs, values and expectations”

He then reviewed the tasks for the board (see/hear/speak – see notes in Strategic Planning Training section) along with the 6 main governance responsibilities:

1. strategic planning
2. establish policies for policing the community
3. hire top cop

4. evaluate chief's performance
5. establish HR policy framework
6. establish the budget

A lengthy and engaged group discussion followed on the whether the above captures the essence of police governance (generally agreed that it does), what training is required to fulfill these obligations, and what the members would like to see from the OAPSB with regard to education and board training.

Many points were raised during this group discussion, including:

- training should be customized to type of board (municipal vs OPP, large vs small)
- training should leverage existing technology to overcome geographical barriers
- guidelines on public engagement are needed – questions to ask, pitfalls to avoid
- a proper orientation program for new members is needed
- who will pay for training development? for delivery? for participation?
- there should be additional training for board chairs, including media and communications
- conferences are ideal for classroom type training
- OAPSB should become “a centre of excellence” for ongoing board education and training

Report submitted by:
Christopher Hales, Chair
Tecumseh Police Services Board