

CITY OF HAMILTON

MOTION

Council: March 9, 2016

MOVED BY COUNCILLOR S. MERULLA.....

SECONDED BY COUNCILLOR

REAFFIRMING COUNCIL’S POSITION ON THE HAMILTON POLICE SERVICES BOARD GOVERNANCE

WHEREAS under the *Police Services Act*, the City of Hamilton is mandated to provide for adequate and effective police services;

WHEREAS the standards for Police operations and Police behaviour are established by the Province, and there are legislative protections ensuring oversight by the Province and recourse to Ontario Police Services Commission;

WHEREAS the Police Services budget constitutes a significant component of the City’s annual operating budget, for which the public holds Hamilton City Council accountable;

WHEREAS following the model used for public health and emergency services (fire and ambulance), Hamilton City Council believes that the governance of the Police Service Hamilton should align to more accurately reflect this accountability;

WHEREAS under the current statutory regime, the Hamilton Police Service is governed by a 7-member Police Services Board comprised 3 members of Council, one Council-appointed citizen, and 3 Provincially-appointed citizens;

WHEREAS Council believes that a change in the governance of the Police Service is fair, appropriate, accountable and transparent;

WHEREAS Council accepts and supports the key principles for Police Service governance; namely accountability and independence; in particular, accountability, financially, and operationally to the citizens served, and independence in the carrying out of law enforcement;

WHEREAS Council supports a model where the Hamilton Police Service is governed directly by Council, as is the case with a number of Cities in Canada such as Quebec City, Quebec; Fredericton, New Brunswick; and, Charlottetown, Prince Edward Island;

WHEREAS Council could, alternatively, support a model where the Police Services Board is comprised exclusively of members of Council (like the Hamilton Board of Health) or, alternatively, some combination of Councillors and citizens appointed by City Council, as is the case with several Cities in Canada such as with the Edmonton, Alberta Police Commission (9 Commissioners, all appointed by City Council; a combination of Councillors and citizens); the Regina, Saskatchewan Board of Police Commissioners (5 Commissioners all appointed by City Council; a combination of Councillors and citizens); and, the St. John, New Brunswick Board of Police Commissioners (7 Commissioners; 6 appointed by Council and a combination of Councillors and citizens and 1 by the Province, a citizen);

WHEREAS governance directly by Council or by a Police Services Board comprised of members of Council and/or citizens appointed by Council must, according to law, abide by and not interfere with the principle of independence for the Police Service in terms of law enforcement;

WHEREAS in terms of accountability, both financially and operationally, a Police Service should be prepared to answer to Council and to the community in that there are protections for the Police Service beyond a municipal council; namely to the Province and its Ontario Police Services Commission such that any direct governance by City Council or indirect governance by a Police Services Board comprised of members of Council and/or citizens appointed by Council would itself still have oversight from the Province;

WHEREAS the amalgamation of the municipalities in the former Region of Hamilton-Wentworth into one City of Hamilton was in part recognition of the maturity and commitment to responsibility that an amalgamated City would have through its City Council; and

WHEREAS the Province should respect that maturity and sense of responsibility, and allow City Council to provide governance to the Police Service directly through Council or by way of a Police Services Board made up entirely of Council-appointed citizens, or a combination thereof, with such governance to be pursuant to the principles of accountability and independence and pursuant to any provincial regulations regarding the financing and operation of a Police Service.

THEREFORE, BE IT RESOLVED:

That Council reaffirm their previous request:

- (a) That the Province be requested to amend the *Municipal Act* and/or the *Police Services Act*, and/or enact special legislation to either:

- (i) Enable the Hamilton Police Services Board to be governed directly by Hamilton City Council, or
 - (ii) Enable the Hamilton Police Services Board to be appointed by Council and comprised entirely of members of Council, or a combination of members of Council and citizens, as Council may determine.
- (b) That a copy of this resolution be forwarded to the Hamilton Police Chief and the Hamilton Police Services Board, assuring them that City Council will continue to respect and strongly support the Police Service under any form of governance, including abiding by the key principle of independence in law enforcement.
- (c) That a copy of this resolution be forwarded to the Premier, The Honourable Kathleen Wynne, and the Minister of Community Safety and Correctional Services, the Honourable Yasir Naqvi for consideration.
- (d) That a copy of this resolution be forwarded to the Leader of the Opposition, Patrick Brown, the Leader of the NDP, Andrea Horwath, all Hamilton area M.P.P.s, and the Association of Municipalities of Ontario (AMO) seeking their endorsement.