

HAMILTON POLICE SERVICES BOARD

- RECOMMENDATION -

DATE: 2019 June 13
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Lois Morin
Administrator
SUBJECT: *Hamilton Police Services Board*
Complaints Process for Board Member Conduct
(PSB 19-054)

RECOMMENDATIONS:

That the Board approve the *amendment* to the Police Services Board Complaints Process for Board Member Conduct Policy, attached hereto as Appendix "A".



Lois Morin
Administrator

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

FINANCIAL – n\a

STAFFING – n\a

LEGAL – n\a

BACKGROUND

Section 37 of the *Police Services Act* provides that a Board shall establish its own rules and procedures in performing its duties under the Act.

At its meeting of December 20, 2018, the Board approved a Governance Subcommittee to review and recommend amendments and or new policy for approval by the Board.

The Hamilton Police Services Board approved a policy with respect to Complaints Process for Board Member Conduct at its meeting of October 22, 2015. Section 8 of the policy has been reviewed and has been amended to provide for a public report of the review and the actions taken with respect to any complaint. Further, section 6 of the policy has been amended to reflect that the Board will deal with the complaints as a personal matter and hold its review in camera. Amendments in the policy have been **bolded** and underlined.

The above recommendations have been incorporated in the *policy* which is attached for Board approval.

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Attachment (1): *Appendix "A": Draft Policy: Complaints Process for Board Member Conduct*

Complaints Process for Board Member Conduct

It is the policy of the Hamilton Police Services Board (the Board) that:

1. The Chair, or any member of the Board, will be required to bring forward all complaints about the conduct of the Chair or any other member of the Board to the entire Board, at a Board meeting, for review;
2. All complaints will be received in writing with the complainant's name and return address identified;
3. The Chair (or the Vice Chair in the Chair's absence or if the Chair is the subject of the complaint) will make a recommendation as to how the Board should review the complaint;
4. In reviewing the complaint, the Board will consider the following options:
 - a. the complaint is of a minor nature and the affected Board Member should be asked to provide a written response to the complaint;
 - b. the complaint is of such a significant nature that external legal counsel should be retained; or
 - c. the complaint is of a serious nature and the Board should request that the Ministry of Community Safety and Correctional Services ("the Ministry") conduct an investigation into the member's conduct; or request that the Ontario Civilian Police Commission ("OCPC") conduct an investigation into the member's conduct under s. 25 of the *Police Services Act*.
5. The affected Board Member will be permitted to provide a written response to the Board regarding the allegations contained in the complaint;
6. The Board shall **treat the complaint as a personal matter about an identifiable individual** and will hold its review *in camera* ~~in accordance with the Act~~ and determine whether the affected Board Member should be present during the review;

Hamilton Police Services Board

7. Upon Board review of the complaint, the Board will, follow one of the following courses of action:
 - a. receive the complaint and take no action;
 - b. require the member to appear before the Board and be reprimanded (as per s.15 of the *Code of Conduct*); or
 - c. request the Ministry to conduct an investigation into the member's conduct or request that OCPC conduct an investigation into the member's conduct under s. 25 of the *Act*.
8. The Board will be aware of its duty of public accountability and **provide** ~~may consider providing~~ a public reporting of its review and any actions taken; and
9. That upon completion of a review of a complaint, the Chair (or Vice Chair if the Chair is the subject of the complaint) will be authorized to communicate the Board's decision to the complainant and affected Board Member. Furthermore, if required, the OCPC will be copied on this correspondence.

Chair Fred Eisenberger