

Morin, Lois

From: Public Safety Division <PublicSafetyDivision@ontario.ca>
Sent: July-18-19 4:55 PM
To: Morin, Lois
Subject: Policies and Practices Related to Section 35 of the Police Services Act
Attachments: Re Policies and Practices related to section 35 of the Police Services A....pdf

Good afternoon,

Please see attached for note regarding policies and practices related to Section 35 of the Police Services Act.

Thank you,

Public Safety Division

Ministry of the Solicitor General

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Date: July 18, 2019

Mr. Fred Eisenberger, Chair
Hamilton Police Services Board
155 King William Street
Hamilton, Ontario L8N 4C1

Dear Mr. Eisenberger:

Re: Policies and Practices related to section 35 of the *Police Services Act* (PSA)

I write to you to bring to your attention the importance of ensuring that the board policies related to section 35 of the PSA accurately reflect the language in the act.

The ministry recently became aware that there are inconsistencies in board policies governing the proceedings of board meetings. As you may be aware, section 35 of the PSA requires all board meetings to be open to the public. A board may only exclude the public from all or part of a meeting in the following limited circumstances:

- Subsection 35(4) authorizes a police services board to exclude the public from all or part of a meeting if it is of the opinion that:
 - (a) matters involving public security may be disclosed and, having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or
 - (b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.

The ministry encourages police services boards to review its policies and/or procedural by-laws and practices in order to ensure compliance with section 35 of the PSA. You may also wish to consult with your legal counsel to ensure your policies/practices accurately reflect the language in section 35.

If you have any questions, or require additional information, please contact the Police Services Advisor assigned to your board.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Waldie".

Stephen Waldie
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division