



# **TOWN OF PENETANGUISHENE POLICE SERVICES BOARD**

## ***Rules and Procedures***

**June 2021**

# The Town of Penetanguishene Police Services Board

## Rules and Procedures (dated June 2021)

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### Preamble

The Town of Penetanguishene is solely responsible for providing "adequate and effective police services" in accordance with the *Police Services Act*<sup>1</sup>, R.S.O. CHAPTER P.15 and its regulations as well as the needs of the community. The Town of Penetanguishene has entered into an agreement with the Ontario Provincial Police (OPP)<sup>2</sup> through the Southern Georgian Bay OPP Detachment by virtue of a section 10, *Police Services Act* contract. The Town of Penetanguishene is responsible for costing issues with the OPP. This agreement requires the Town of Penetanguishene to have a police services board (hereafter referred to as the Board).

As required by the *Police Services Act*, the Board " shall establish its own rules and procedures in performing its duties under this Act<sup>3</sup>." The Board is a creature of statute and the role of the Board is outlined in subsection 10 (9) of the *Police Services Act* and discussed in detail in the *Rules and Procedures*. The Board is solely responsible for governance matters and is independent of Council except where otherwise provided in legislation or in accordance with these *Rules and Procedures*. While separate and independent, the Board and Council work closely to ensure the policing needs of the community are met, that adequate and effective police services<sup>4</sup> are delivered, and protocols are established to address the types of information and frequency of information to be shared with Council by the Board.

The Board shall work very closely with the Detachment Commander as outlined in the *Rules and Procedures* for the Board and subsection 10 (9) of the *Police Services Act* and sections 30 and 32 of Ontario Regulation 3/99 – *Adequacy and Effectiveness of Police Services*.

### REVIEWS AND AMENDMENTS

These *Rules and Procedures* shall be reviewed on an annual basis by the Board and shall be amended based on legislative changes or written direction from the Minister of the Solicitor General including the Public Safety Division and the Public Safety Training Division, and the Commissioner of the Ontario Provincial Police.

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<sup>1</sup> Subsection 4 (1), *Police Services Act*, R.S.O. CHAPTER P.15

<sup>2</sup> Paragraph 5. (1) 5., *Police Services Act*, R.S.O. CHAPTER P.15

<sup>3</sup> S. 37, PSA, *Police Services Act*, R.S.O. CHAPTER P.15

<sup>4</sup> Ontario Regulation 3/99, *Adequacy and Effectiveness of Police Services*, Clause 36 (2) (b).

<b>Amendments and Reviews</b>	
Rules & Procedures established	November, 2012
Review & amendments	

### **INTERPRETATION of SECTION NUMBERS**

1. **Section numbers shall be identified as a number followed by a period. e.g. 1. or 1.1.**
2. **Subsection numbers shall be identified as a number followed by another number in parenthesis. e.g. 1 (1).**
3. **Clauses shall be identified by a number followed by an alpha character. e.g. 1. (a), 3.1 (a) or a number and number in parenthesis e.g. 27 (1) (a).**
4. **Paragraphs are three numbers with a period between each number e.g. 21.3.1.**

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## 1. DEFINITIONS

- (a) “Act” means the *Police Services Act, as amended*, R.S.O. 1990, Chapter P.15;
- (b) “Acting Chair” means a Member of the Board required to act from time to time in the place and stead of the Chair or Vice-Chair;
- (c) “Board Administrator” means the Chief Administrative Officer for the Town of Penetanguishene;
- (d) “Board Secretary” means the Board Secretary of the Town of Penetanguishene Police Services Board;
- (e) “Board” means the Town of Penetanguishene Police Services Board;
- (f) “Chair” means the Chair of the Board;
- (g) “Commission” means Ontario Civilian Police Commission;
- (h) “Commissioner” means the Commissioner of the Ontario Provincial Police;
- (i) “Council” means the Council of The Corporation of the Town of Penetanguishene;
- (j) “Days” means calendar days exclusive of Saturdays, Sundays, and statutory holidays;
- (k) “Detachment Commander” means the member of the Ontario Provincial Police assigned as Detachment Commander for the Southern Georgian Bay Ontario Provincial Police reporting to the Town of Penetanguishene Police Services Board, and for the purpose of the board’s *Policies and Procedures* includes an “interim or acting Detachment Commander.” For greater certainty, the provisions of clause 10 (9) (a) “participate in the selection of the detachment commander of the detachment assigned to the municipality or municipalities” do not apply for the purposes of the selection of the interim or acting Detachment Commander;
- (l) “including” means including but not limited to:
- (m) “Independent Police Review Director” means the person appointed under subsection 26.1 (1)<sup>5</sup>, *Police Services Act*, R.S.O. 1990, CHAPTER P.15;

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<sup>5</sup> **26.1 (1)** There shall be an Independent Police Review Director, who shall be appointed by the Lieutenant Governor in Council, on the recommendation of the Attorney General, *Police Services Act*, R.S.O. 1990, CHAPTER P. 15.

- (n) “Local policies” means written policies established for police services in accordance with section 10(9)(c) of the *Act*;
- (o) “Member” means a Member of the Town of Penetanguishene Police Services Board;
- (p) “Member of a police force” means for the purpose of these rules and procedures, a member of the Ontario Provincial Police;
- (q) “Minister” means the Minister of the Solicitor General;
- (r) “Ontario Regulation 268/10 – General”;
- (s) “Ontario Regulation 3/99 – *Adequacy and Effectiveness of Police Services*”;
- (t) “Ontario Regulation 421” – *Conduct of Board Members*” (note: Appendix “D”);
- (u) “personal information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*;
- (v) “Police force” means for the purpose of these rules and procedures “the Ontario Provincial Police”;
- (w) “Police service” means policing provided under contract by the Ontario Provincial Police to the Town of Penetanguishene;
- (x) “prescribed” means prescribed by the regulations;
- (y) “Provincial policies” means the written policies contained within OPP Police Orders or directives established by the Ontario Provincial Police for the delivery of police services;
- (z) “Quorum” means a majority of the Members of Board in accordance with Section 35(2) of the *Act*;
- (aa) “Recorded vote” means the making of a written record of the name and vote of each Members present who votes on a question and of each member present who does not vote;
- (bb) “Spouse” means the person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage.
- (cc) “Town Clerk” means the Town Clerk of the Town of Penetanguishene;

## 2. APPLICATION

- 2.1 The rules and procedures contained herein shall be observed in all proceedings of the Board and shall be the rules for the order and dispatch of business before the Board and with necessary modifications in a Committee of the Board.
- 2.2 The Chair shall decide all points of order or procedure for which rules have not been provided.

## 3. BOARD COMPOSITION

- 3.1 In accordance with subsection 27(5) of the *Act*, and as approved by resolution<sup>6</sup> of the Council of the Town of Penetanguishene, the Board shall consist of:
- (a) The head of the Municipal Council or, if the head chooses not to be a Member of the Board, another Member of Council appointed by resolution of the Council;
  - (b) One Member of the Council appointed by resolution of the Council;
  - (c) One person appointed by resolution of the Council, who is neither a Member of the Council nor an employee of the municipality; and
  - (d) Two persons appointed by the Lieutenant Governor in Council.
- 3.2 The Town shall provide a Board Secretary for the Board who shall not be considered as a formal member hold a position as outlined in section 3.1. In the absence of a Town appointed Board Secretary, the Southern Georgian Bay Detachment of the Ontario Provincial Police shall provide an alternate.
- 3.3 Prior to serving on the Board, each member shall take an oath or affirmation of office (Appendix “A” or Appendix “A-1”) in accordance with section 1, Ontario Regulation 268/10, s. 1.

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<sup>6</sup> Subsections 27 (4) and (6), *Police Services Act*.



#### 4. DUTIES AND RESPONSIBILITIES OF THE BOARD

- 4.1 The Board shall be responsible for those duties as set out in Section 10 of the *Act* and Section 30 (Appendix “B”) and 32 (Appendix “C”) of the Adequacy and Effectiveness of Police Services Regulation.<sup>7</sup>
- 4.2 In addition to paragraph 4.1, the Board shall also be responsible for those duties and responsibilities outlined in these rules and procedures, including the Code of Conduct - Members of Police Services Boards<sup>8</sup> in Appendix “D”.

#### 5. REMUNERATION

- 5.1 The Council shall pay the Members of the Board who are appointed by the Lieutenant Governor in Council or Solicitor General Remuneration that is at least equal to the prescribed amount according to R.S.O. 1990, c.P.15, s.27 (12) and clause 5 (d), O. Reg. 268/10 – General.
- 5.2 Members of the Police Services Board shall also be entitled to remuneration within the parameters of the Council-approved policy.

#### 6. DUTIES AND RESPONSIBILITIES OF THE CHAIR

- 6.1 It shall be the duty and responsibility of the Chair to:
- (a) Report on the activities of the Board and of the OPP to Council as required;
  - (b) Act as the spokesperson for the policy decisions of the Board;
  - (c) Set the agenda for all Board meetings;
  - (d) Open meetings of the Board by taking the chair and calling the Members to order;
  - (e) Receive and submit all motions presented by the Members;
  - (f) Put to vote all resolutions presented by the Members and announce the results;

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<sup>7</sup> Ontario Regulation 3/99.

<sup>8</sup> Ontario Regulation 421/97

- (g) Decline to put to vote all motions which infringe upon the rules and procedures or are beyond the jurisdiction of the Board;
- (h) Enforce the observance of order and decorum at all meetings;
- (i) Adjourn the meeting upon motion duly moved;
- (j) If deemed necessary adjourn, suspend, or recess the meeting;
- (k) Sign all documents for, on behalf of and approved by the Board including but not limited to:
  - Policies;
  - Resolutions;
  - Agreements; and
  - Protocols.
- (l) Perform any other additional duties when directed to do so by motion of the Board.

## **7. DUTIES OF THE VICE-CHAIR**

- 7.1 In the event that the Chair is absent or vacant, the Vice-Chair shall act in place of the Chair and shall have the same authority, rights, and powers as the Chair.

## **8. SELECTION OF CHAIR AND VICE-CHAIR**

- 8.1 In accordance with Section 28(1) and (2) of the *Act*, the Members of the Board shall, at the first meeting in each year, select from amongst its Members, a Chair and Vice-Chair for a term of one year.
- 8.2 The election of the Chair shall be conducted by the Board Secretary.
- 8.3 The election of the Vice-Chair shall be conducted by the Chair.

## **9. COMMITTEES OF THE BOARD**

- 9.1 The Board may at any time appoint one or more Members to a Committee of the Board<sup>9</sup> to inquire into any matter within the jurisdiction of the Board.

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<sup>9</sup> Section 34, PSA

- 9.2 The Committee shall report upon its work to the Board at the meeting of the Board immediately following the date of the Committee meeting or at a specified time agree to by the Board.

## **10. REGULAR MEETINGS OF THE BOARD**

- 10.1 The Board shall hold at least four meetings each year at such place and time as may be determined by the Chair. Dates of Board meetings for a new Calendar year shall be selected no sooner than the second week of February and prior to the Southern Georgian Bay OPP Detachment annual report being presented to the Council of the Town of Penetanguishene. The Board shall consider scheduling it's second meeting during National Police Week in May.
- 10.2 The Chair shall preside at all meetings. In the absence of the Chair, the Vice-Chair shall preside.
- 10.3 The Chair, or in the absence of the Chair, the Vice-Chair, may cancel a regular meeting of the Board where the Chair or Vice-Chair deems such meeting not warranted. However, such cancellation shall not permit the Board to hold less than four meetings each year.

## **11. SPECIAL MEETINGS OF THE BOARD**

- 11.1 The Chair, or in the absence of the Chair, the Vice-Chair may, at any time, summon a special meeting of the Board and shall do so whenever requested by the majority of the Board.
- 11.2 The Board Secretary shall give notice to all Members of such special meetings by whatever means deemed expedient by the Board Secretary.
- 11.3 No special meeting of the Board shall be held with less than 24 hours notice to the Members.
- 11.4 Notification to the public of a special meeting shall be deemed complete with notification to the print media (or other means as determined by the Board Secretary) with a minimum of 24 hours in advance of the meeting.
- 11.5 A meeting deemed to be In-Camera, will not require public notification.
- 11.6 No business may be transacted at a special meeting other than that specified in the notice or agenda.

- 11.7 The Board shall consider calling a special meeting for the purpose of discussing and approving the Detachment Commander's Annual Performance and feedback under clause 10 (9) (d), *Police Services Act* and in accordance with the "*Protocol for the Monitoring of the Performance of the Detachment Commander or Officer in Charge of the Southern Georgian Bay OPP Detachment between the Penetanguishene Police Services Board and the Ontario Provincial Police Regional Commander*. This meeting shall be "in-camera."
- 11.8 For the purpose of sections 10.1 and 11.7, the Board shall endeavor to meet "in-camera" at its regular meetings for quarterly updates on the Detachment Commander's Performance and policing delivered by the Southern Georgian Bay OPP Detachment.
- 11.9 The Board shall consider sending one or more representatives to the Ontario Association of Police Services Boards (OAPSB) Annual General Meeting (AGM).
- 11.10 The Board shall consider sending a recommendation to the Council of the Town of Penetanguishene to send a municipal representative of the Board to the Annual Association of Municipalities of Ontario (AMO) Annual Conference or other AMO meetings where the agenda includes policing matters.
- 11.11 The Board may call a special meeting to address any communications which require a response prior to the next regularly scheduled board meeting.

## **12. THE CALLING OF THE MEETING TO ORDER**

- 12.1 The Chair shall call the meeting to order as soon as possible after the time announced for the commencement of the meeting and a quorum is present.
- 12.2 If a quorum for either a regular or special meeting of the Board is not present within 15 minutes of the time fixed for the commencement of the meeting, the Board Secretary shall indicate that no quorum was present and the meeting shall stand adjourned until the next regular meeting or such time as determined by the Chair.
- 12.3 The Board Chair shall open the meeting with a territorial land acknowledgement. The Board also recognizes the fact that the town is located on the traditional territory of the Huron-Wendat and the historic homelands of the Métis.

### 13. BOARD AGENDA

- 13.1 The Board Secretary shall cause an agenda to be prepared for the use of the Members at the regular meetings of the Board in the following order:
- Call to order
  - Adoption of the Agenda
  - Declaration of Pecuniary Interest
  - Adoption of the Minutes
  - Delegations/Presentations
  - Business arising from the Minutes
  - Correspondence
  - Financial
  - Detachment Reports
  - Committee Reports
  - Other Business
  - Community Relations
  - Public Discussion (pertaining to items listed on the meeting agenda)
  - Date of Next Meeting
  - Adjournment\
- 13.2 Where deemed appropriate by the Board Secretary, agenda headings may be added/amended, or the order of the headings altered, to provide accommodation as may be required, or to achieve additional efficiency in the governing of the meeting.
- 13.3 The Board Secretary shall receive all reports and supporting materials for the agenda by 12:00 p.m. (noon) three business days prior to the regular Board meeting and shall consult with the Chair prior to the completion of the agenda. An item that is not included in the agenda may not be introduced at the meeting without the consent of a majority of the Members present.
- 13.4 The Board Secretary in consultation with the Board Chair and Board Administrator shall ensure any documentations or written communication marked “confidential” shall not form part of the initial agenda and/or minutes unless approved by the Board Chair. These items shall be distributed to Board Members by way of a separate email marked “confidential” and shall be discussed “in camera.” The Board shall determine, in consultation with the Board Administrator, what if any part of this communication may be made public.
- 13.5 The Board Secretary shall receive every letter, petition and other communication addressed to the Board and shall:

- (a) If, in the opinion of the Board Secretary, the subject matter is properly within the jurisdiction of the Board, place it upon the agenda to be dealt with; or
- (b) If, in the opinion of the Board Secretary, and confirmed by the Chair, the subject matter is properly within the jurisdiction of the OPP Detachment Commander, shall refer the matter to him or her for necessary action and subsequent report to the Board.

13.6 The Board Secretary shall provide the agenda for each regular meeting to each Member of the Board not less than two days prior to the meeting.

#### **14. CONDUCT OF MEMBERS**

- (a) Board Members shall attend and actively participate in all Board meetings;
- (b) Board Members shall not interfere with the police force's operational decisions and responsibilities or with the day-to-day operation of the police force, including the recruitment and promotion of police officers;
- (c) Board Members shall undergo any training that may be provided or required for them by the Solicitor General;
- (d) Board Members shall keep confidential any information disclosed or discussed at a meeting of the Board, or part of a meeting of the Board, that was closed to the public;
- (e) No Board Member shall purport to speak on behalf of the Board unless he or she is authorized by the Board to do so;
- (f) A Board Member who expresses disagreement with a decision of the Board shall make it clear that he or she is expressing a personal opinion;
- (g) Board Members shall discharge their duties loyally, faithfully, impartially and according to the *Act*, any other Act and any regulation, rule or by-law, as provided in their oath or affirmation of office;
- (h) Board Members shall uphold the letter and spirit of this Code of Conduct and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the Board;

- (i) Board Members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the *Human Rights Code* and the *Charter of Rights and Freedoms (Canada)*;
- (j) Board Members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated;
- (k) Board Members shall not use their office to obtain employment with the Board or the police force for themselves, their spouse, or any other family member;
- (l) A Board Member, who applies for employment with the police force, including employment on contract or on fee for service, shall immediately resign from the Board;
- (m) Board Members shall refrain from engaging in conduct that would discredit or compromise the integrity of the Board or the police force;
- (n) A Board Member whose conduct or performance is being investigated or inquired into by the Ontario Civilian Commission on Police Services (OCCPS) under Section 25 of the *Act* or is the subject of a hearing before the Commission under that section shall decline to exercise his or her duties as a Member of the Board for the duration of the investigation or inquiry and hearing;
- (o) If the Board determines that a Board Member has breached the Code of Conduct set out herein, the Board shall record that determination in its minutes and may:
  - i. Require the Member to appear before the Board and be reprimanded;
  - ii. Request that the Ministry of the Solicitor General conduct an investigation into the Member's conduct; or
  - iii. Request that the Commission conduct an investigation into the Member's conduct under Section 25 of the *Act*.

## 15. CONFLICT OF INTEREST

- 15.1 Where a Member, either on his or her own behalf or while acting for another, has any pecuniary interest, either direct or indirect, in any matter which is the subject of consideration at a meeting of the Board shall:
- (a) Prior to any consideration of the matter at the meeting, disclose the conflict of interest and general nature thereof;

- (b) Not take part in any discussion of or vote on any question in respect of the matter;
- (c) Not attempt in any way to influence the voting on any such matter either before, during or after the meeting;
- (d) Forthwith leave the meeting for that part of the meeting during which that matter is under consideration.

15.2 Where the conflict of interest has not been disclosed by reason of the Member's absence from the meeting, the Member shall disclose his or her interest and otherwise comply at the first meeting of the Board immediately following the meeting in which the matter was considered.

15.3 The Board Secretary shall record the particulars of any disclosure of interest in the minutes of the meeting.

## **16. HEARING OF DELEGATIONS**

16.1 Persons desiring to appear before the Board as a delegation are required to give written notice to the Board Secretary by 12:00 p.m. (noon) three business days prior to the meeting.

16.2 A request for a delegation shall include a list of the person(s) who will be appearing before the Board and information as to the content of the presentation.

16.3 Unless approved by the Chair, delegations shall be restricted to 10 minutes.

16.4 Upon receipt of the written notice, the Board Secretary shall list the delegation on the appropriate meeting agenda.

16.5 The Chair may curtail any delegation, any questions, or debate during a delegation for disorder or any other breach of this policy and, where the Chair rules that the delegation is concluded, the person(s) appearing shall immediately withdraw.

## **17. RULES OF DEBATE**

17.1 Every Member, before speaking to a question or motion, shall first receive recognition from the Chair.



- 17.2 When a Member wishes to speak on any question, motion, or item, they shall in an orderly manner obtain the Chair's attention and the Chair shall keep a list of those Members who wish to speak. The Chair then shall recognize the Members in the order in which they came to the Chair's attention.
- 17.3 When a Member is speaking, no other Member shall pass information between any Member or the Chair or interrupt that Member except to raise a point of order.
- 17.4 No Member shall speak to the same question or motion for more than 10 minutes, without leave of the Chair.
- 17.5 After a question is put by the Chair, no Member shall speak to the question, nor shall any other motion be put forward until after the vote has been taken and the results declared.
- 17.6 If a Member considers that a ruling by the Chair is not in order, an appeal may be made. In the event of an appeal, the Chair may give a brief explanation of the ruling and ask the Members "Is the ruling of the Chair upheld?" In the event of a tie vote, the ruling is upheld. The decision of the Board under this section is final.

## **18. MOTIONS**

- 18.1 All motions shall be duly moved and seconded before being discussed or put to a vote.
- 18.2 The Chair shall read a motion before a vote is taken.
- 18.3 After a motion has been moved, the mover may withdraw it at any time prior to a vote being taken.
- 18.4 A motion properly before the Board for decision must receive disposition before any other motion can be received, except motions to:
  - (a) adjourn;
  - (b) amend;
  - (c) refer;
  - (d) suspend the rules of procedure;
  - (e) vote on the question.
- 18.5 A motion to adjourn the meeting may be made at any time except when:
  - (a) a Member is speaking;
  - (b) the question has been called;

- (c) a Member has indicated to the Chair his or her desire to speak on the question.
- 18.6 A motion to amend shall:
- (a) be relevant to the question to be decided;
  - (b) not be received if it in essence constitutes a rejection of the main questions.
- 18.7 A motion to refer the question shall include:
- (a) the name of the Committee or other body or official to whom the question is referred; and
  - (b) the terms upon which the question is to be deferred.
- 18.8 Debate upon a motion to refer shall only be permitted on the desirability of referring the question and the terms of the referral, and no discussion of the main question or an amendment thereto shall be permitted until dealt with.
- 18.9 No question shall be considered more than once at a meeting of the Board.

## **19. VOTING ON MOTIONS**

- 19.1 A motion shall be deemed to be carried when a majority of the Members present and voting have expressed their agreement.
- 19.2 When, in the opinion of the Chair or upon the request of a Member, a question contains distinct proposals, the Chair may divide the question, and the vote upon each proposal shall be taken separately.
- 19.3 Every Member present at a meeting of the Board when a question is put shall vote unless prohibited by statute, and the Board Secretary shall record the name of the Member and the reason for prohibition.
- 19.4 When a Member requests a Recorded Vote, the Board Secretary shall conduct the vote in a counter-clockwise direction starting on the Chair's right hand, asking the Members to indicate in favor with "yea" and opposed with "nay". The Board Secretary shall advise the Chair of the count of the vote who in turn shall announce the results.
- 19.5 Where on any question there is a tie vote, the motion shall be deemed to have been lost.

**20. PUBLIC AND IN-CAMERA MEETINGS**

- 20.1** Meetings and hearings conducted by the Board shall be open to the public, subject to Section 35, subsection 4 of the *Act*, include herein and shall be indicated on the agenda as “In-Camera”.
- 20.2** The Board may exclude the public from all or part of a meeting or hearing 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.
- 20.3** No person other than Board Members, the Board Administrator, the Board Secretary, the Detachment Commander, and other persons invited by the Chair shall attend In-Camera meetings of the Board. The Board Chair may exclude any person other than a member of the Board.
- 20.4** Notwithstanding 20.3, Board Members are reminded of their duties and responsibilities in accordance with section 15 of these *Rules and Procedures* regarding any potential Conflict of Interest and recusing themselves from an in-camera meeting.

**21. BOARD EDUCATION, TRAINING, SKILLS AND PROFESSIONAL DEVELOPMENT**

- 21.1** The Penetanguishene Police Services Board shall develop a *Board Education, Training, Skills and Professional Development Plan*.
- 21.2** The Plan shall address Board Orientation education and training.
- 21.3** The Board shall consider sending one or more of its members to one or more of the following:
- 21.3.1** The Ontario Association of Police Services Board’s (OAPSB) Annual Conference.
  - 21.3.2** The Police Association of Ontario (PAO) Annual Labour Conference.

- 21.3.3 The Canadian Association of Police Governance (CAPG) when the conference is hosted in Ontario.
- 21.3.4 The Board shall consider any education, training, skills and professional development offered through any recognized organization, association or postsecondary institution when offered virtually, through e-learning, video webinars, or by other distance learning technologies where in the opinion of the Board it would be beneficial to the Board.
- 21.3.5 Members of the Board shall review any training, education, skills or professional development offered free on the OAPSB member's only website.
- 21.4 The Board shall participate in any education, training, skills and professional development as recommended by the Ministry of the Solicitor General.
- 21.5 The Board shall ensure any education, training, skills or professional development costs are prepared in advance of Board budget submissions.
- 21.6 The Board shall participate in any mandated training by the Minister or any prescribed training under the *Police Services Act*.

## 22. BOARD PROFESSIONAL ASSOCIATION AND MEMBERSHIP

- 22.1 The Board shall participate in the following memberships:
  - 22.1.1 The Ontario Association of Police Services Board (OAPSB).
  - 22.1.2 Zone 3 – members (OAPSB)
- 22.2 The Board shall consider membership in the Canadian Association of Police Governance (CAPG).

## 23. PENETANGUISHENE POLICE SERVICES BOARD WEBPAGE

- 23.1 The Town of Penetanguishene Police Services Board shall maintain a webpage.
- 23.2 In determining what at minimum should be posted on the webpage, the Board shall consult with Council and the Southern Georgian Bay OPP Detachment Commander.
- 23.3 At minimum, the following shall be posted on the Board's webpage:
  - 23.3.1 The names of the members of the Board including whether they are members of council, a council appointee or if they are provincial appointees.

- 23.3.2** The Board's Rules and Procedures.
- 23.3.3** The Board's Goals and Objectives for the current year.
- 23.3.4** The Ontario Provincial Police current Strategic Plan
- 23.3.5** The Southern Georgian Bay OPP Detachment current Action Plan and Progress Reports.
- 23.3.6** The Southern Georgian Bay OPP Detachment Annual Report for the preceding year.
- 23.3.7** The Community Safety and Well-Being Plan.
- 23.3.8** Any policing updates as determined by the Board affecting policing within the Town of Penetanguishene.
- 23.3.9** The dates and times of all Board meetings for the calendar year. Where the meetings are to be held virtually, the link to access these meetings.
- 23.3.10** Where a special meeting is called, where practical and feasible, a minimum of seven days' notice posted with the date and time of the meeting. Where the special meetings are to be held virtually, the link to access these meetings.
- 23.3.11** The link to access Board's agendas and minutes.
- 23.3.12** In consultation with the Detachment Commander, postings linked to public safety.

## **24. POLICIES/PROTOCOLS**

- 24.1** Every policy shall be introduced upon written motion by a Member, and a number of policies may be introduced together in one motion, but the Chair may, at the request of a Member, deal separately with each.
- 24.2** Every policy when introduced shall be in typewritten form and shall be complete with the exception of the number and the date of the policy.
- 24.3** Every policy which has been passed by the Board shall be numbered, dated and signed by the Chair and Board Secretary, shall be filed by the Board Secretary in secure and proper facilities.
- 24.4** Board Policies/Protocols shall form part of the Rules & Procedures and be included as Schedules to such.

**Town of Penetanguishene Police Services Board  
Policies/Protocols - Schedules**

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## **24.1 Protocol for the Participation in the Selection of the Detachment Commander between the Town of Penetanguishene Police Services Board and the Ontario Provincial Police Regional Commander**

WHEREAS the Town of Penetanguishene is required pursuant to Section 4(1) of the *Police Services Act, as amended*, to provide adequate and effective police service in accordance with its needs;

AND WHEREAS, the Town of Penetanguishene has entered into a contract with the Ministry of Solicitor General pursuant to Section 10(1) of the *Police Services Act, as amended*, for the provision of police services for the municipality by the Ontario Provincial Police;

AND WHEREAS, the municipality is required pursuant to Section 10(2) of the *Police Services Act, as amended*, to have a Police Services Board;

AND WHEREAS, the Town of Penetanguishene Police Services Board is required pursuant to Subsection 10(9)(a) of the *Police Services Act, as amended*, to participate in the selection of the Detachment Commander.

THEREFORE, THE PARTIES HEREBY AGREE THAT:

1. The Ontario Provincial Police Regional Commander shall ensure that the Town of Penetanguishene Police Services Board is advised, at the earliest opportunity, of the need to select a new Detachment Commander.
2. The Town of Penetanguishene Police Services Board shall participate in the selection of the Detachment Commander by providing one member of the Board to sit on a review committee or;
3. In the event that two or more municipalities receive policing services under Section 10 from the same Detachment, the Town of Penetanguishene Police Services Board shall work with all other involved Boards/municipalities to identify two (2) joint Board members to represent the interests of all boards/municipalities to participate in a selection review committee.

## **24.2 Protocol for the Monitoring of the Performance of the Detachment Commander or Officer in Charge of the Southern Georgian Bay Ontario Provincial Police between the Penetanguishene Police Services Board and the Ontario Provincial Police Central Region Commander**

WHEREAS the Town of Penetanguishene is required pursuant to Section 4(1) of the *Police Services Act, as amended*, to provide adequate and effective police services in accordance with its needs;

AND WHEREAS, the Town of Penetanguishene has entered into a contract with the Ministry of the Solicitor General pursuant to Section 10(1) of the *Police Services Act, as amended*, for the provision of police services for the municipality by the Ontario Provincial Police;

AND WHEREAS, the municipality is required pursuant to Section 10(2) of the *Police Services Act, as amended*, to have a Police Services Board;

AND WHEREAS, the Town of Penetanguishene Police Services Board is required pursuant to Subsection 10(9)(d) of the *Police Services Act, as amended*, to monitor the performance of the Detachment Commander.

THEREFORE, THE PARTIES HEREBY AGREE THAT:

1. The Town of Penetanguishene Police Services Board shall provide the Ontario Provincial Police Regional Commander by March 31 of each year with a report on the performance of the Detachment Commander.
2. The report shall indicate the Detachment Commander's performance as it directly relates to the responsibility of the Board.
3. The Board shall include specific examples of performance as defined in section 1.3 of Appendix E - Protocol for the Monitoring of the Performance of the Detachment Commander or Officer in Charge of the Southern Georgian Bay Ontario Provincial Police between the Penetanguishene Police Services Board and the Ontario Provincial Police Central Region Commander.
4. This Protocol shall follow the procedures outlined in Appendix "E" attached to these Rules and Procedures. Attached to Appendix E are Appendix E-1 (OAPSB Detachment Commander Performance Monitoring Form) and Appendix E-2 (Town of Penetanguishene Police Services Board Detachment Commander Performance Monitoring and Feedback Form)



**24.3 Protocol for the Review of the Detachment Commander's or Officer in Charge of the Southern Georgian Bay Ontario Provincial Police - Penetanguishene Division of the Ontario Provincial Police's Administration of the Complaints System under Part V of the *Police Services Act, as amended*, between the Town of Penetanguishene Police Services Board and the Ontario Provincial Police Detachment Commander or Designate**

WHEREAS the Town of Penetanguishene is required pursuant to Section 4(1) of the *Police Services Act, as amended*, to provide adequate and effective police service in accordance with its needs;

AND WHEREAS, the Town of Penetanguishene has entered into a contract with the Ministry of Solicitor General pursuant to Section 10(1) of the *Police Services Act, as amended*, for the provision of police services for the municipality by the Ontario Provincial Police;

AND WHEREAS, the municipality is required pursuant to Section 10(2) of the *Police Services Act, as amended*, to have a Police Services Board;

AND WHEREAS, the Town of Penetanguishene Police Services Board is required pursuant to Subsection 10(9)(f) of the *Police Services Act, as amended*, to review the Detachment Commander's administration of the complaints system under Part V of the *Police Services Act, as amended*;

AND WHEREAS, the Town of Penetanguishene Police Services Board has a responsibility to ensure that complaints are properly administered;

AND WHEREAS, the Town of Penetanguishene Police Services Board acknowledges that the Professional Standards Bureau of the Ontario Provincial Police administers the complaints system under Part V of the *Police Services Act, as amended*;

AND WHEREAS, the Town of Penetanguishene Police Services Board acknowledges that the Detachment Commander or Designate is responsible under Section 62 of the *Police Services Act, as amended*, for administering complaints made against local polices established under Section 10(9)(c) of the *Police Services Act, as amended*.

THEREFORE, THE PARTIES HEREBY AGREE THAT:

1. The Detachment Commander or Designate shall provide the Town of Penetanguishene Police Services Board with statistical reports quarterly on complaint administration.

2. The reports shall be restricted to complaints that occur within the Southern Georgian Bay Detachment Area or are a result of activity that may impact the Town of Penetanguishene.
  
3. The report shall include:
  - (a) Whether the complaint was from a member of the public or generated internally;
  - (b) The nature of the alleged misconduct or service complaint;
  - (c) Whether the complaint is under investigation or complete;
  - (d) Whether the complaint is substantiated or unsubstantiated; and
  - (e) Any Criminal Code or *Police Services Act, as amended*, proceedings as a result of a complaint.

**24.4 Protocol for the Reporting of Disclosures and Decisions made under Section 49 of the *Police Services Act, as amended*, (secondary activities) between The Town of Penetanguishene Police Services Board and the Ontario Provincial Police Detachment Commander or Designate**

WHEREAS the Town of Penetanguishene is required pursuant to Section 4(1) of the *Police Services Act, as amended*, to provide adequate and effective police service in accordance with its needs;

AND WHEREAS, the Town of Penetanguishene has entered into a contract with the Ministry of Solicitor General pursuant to Section 10(1) of the *Police Services Act, as amended*, for the provision of police services for the municipality by the Ontario Provincial Police;

AND WHEREAS, the municipality is required pursuant to Section 10(2) of the *Police Services Act, as amended*, to have a Police Services Board;

AND WHEREAS, the Detachment Commander is required to provide to the Police Services Board regular reports on disclosures and decisions made under Section 49 of the *Police Services Act, as amended*;

AND WHEREAS, the Town of Penetanguishene Police Services Board acknowledges that disclosures and decisions made under Section 49 of the *Police Services Act, as amended*, are the responsibility of the Director, Professional Standards Branch.

THEREFORE, THE PARTIES HEREBY AGREE THAT:

1. The Ontario Provincial Police Detachment Commander or Designate shall provide the Town of Penetanguishene Police Services Board with written reports annually and verbal reports as they occur, on disclosures and decisions under Section 49 of the *Police Services Act, as amended*.
2. The report shall be restricted to disclosures and decisions for those officers under the command of the Detachment Commander who are assigned full-time or regular policing responsibilities within the Southern Georgian Bay OPP Detachment.

## **24.5 Protocol for the Sharing of Information between the Town of Penetanguishene Police Services Board and the Town of Penetanguishene**

WHEREAS the Town of Penetanguishene is required pursuant to Section 4(1) of the *Police Services Act, as amended*, to provide adequate and effective police service in accordance with its needs;

AND WHEREAS, the Town of Penetanguishene has entered into a contract with the Ministry of Solicitor General pursuant to Section 10(1) of the *Police Services Act, as amended*, for the provision of police services for the municipality by the Ontario Provincial Police;

AND WHEREAS, the municipality is required pursuant to Section 10(2) of the *Police Services Act, as amended*, to have a Police Services Board;

AND WHEREAS, the Town of Penetanguishene Police Services Board is required by Section 32(1) of the Ontario Regulation 3/99 (The Adequacy and Effectiveness of Police Services regulation) to enter into a protocol with the council of the municipality that addresses:

- (a) the sharing of information with municipal council, including the type of information to be shared and the frequency for sharing such information;
- (b) the dates by which the business plan and annual report shall be provided to municipal council;
- (c) the responsibility for making public the business plan and annual report, and the dates by which the business plan and report must be made public; and
- (d) if the municipal council chooses, the joint determination and participation in, the consultation processes for the development of the business plan.

THEREFORE, THE PARTIES HEREBY AGREE THAT:

1. The Town of Penetanguishene Police Services Board shall provide the Town Clerk of the Town of Penetanguishene:
  - (a) In January of each year, with notices of the dates, times, and locations of the Police Services Board regular meetings.
  - (b) The first meeting of the Board in each year shall be before the date prior to the meeting of the Town of Penetanguishene Council being presented with the

Annual Southern Georgian Bay OPP and Board Report; but no later than February, on which the Council of the Town of Penetanguishene meets.

2. The Board and the Detachment Commander may host a public information session on current policing issues in the municipality once annually.
3. In addition to clause 1.2, the Board shall consider a Community Engagement Survey to assist in determining the *Goals and Objectives of the Board* in consultation with the Detachment Commander.
4. The Town of Penetanguishene Police Services Board shall:
  - (a) Provide the Town Clerk with notice of any public meetings, or other consultation processes scheduled by the board for the development of the business plan;
  - (b) Provide the Town Clerk with a copy of the business plan not later than 30 days following completion;
  - (c) Make the business plan available to the public not later than 30 days following release to the Town Clerk; and
  - (d) Provide copies of the police service's annual report to the Town Clerk/Board Administrator and make it available to the public including on the Board's webpage on or before June 30<sup>th</sup> annually.
5. This protocol is subject to the provisions of Section 41(1.1)<sup>10</sup> of the *Police Services Act, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Personal Privacy Act*.

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<sup>10</sup> **Power to disclose personal information**

(1.1) Despite any other Act, a chief of police, or a person designated by him or her for the purpose of this subsection, may disclose personal information about an individual in accordance with the regulations. 1997, c. 17, s. 9.

## **24.6 Protocol for the Penetanguishene Police Services Board Processing Communications**

WHEREAS the Penetanguishene Police Services Board has a responsibility to represent the public interest on matters of policing;

AND WHEREAS the Board is to ensure community concerns are addressed in the policies adopted by the Board for the effective and adequate delivery of police services;

AND WHEREAS to achieve this, the Board recognizes the importance of actively reaching out to local groups and residents to hear their concerns, and engaging them in ongoing, dynamic dialogue through a strategy of community engagement including those community partners referenced in Section 24.8 – Protocol for members of the Penetanguishene Police Services Board regarding setting the Goals and Objectives for the Town of Penetanguishene.

AND WHEREAS the Board is committed to effective, timely and positive communications with all its community partners and has developed this policy to achieve its communications goals;

THEREFORE, THE PARTIES HEREBY AGREE THAT:

### General

1. Unless otherwise specified, the spokesperson for the Board is the Chair of the Board. Should the Chair be unavailable, the Vice-Chair shall be the spokesperson for the Board.
2. On matters of factual information, administration of the Board or communicating a decision of the Board in response to an inquiry, the Board Chair, in consultation with the Board Administrator and the Town Clerk shall act as the spokesperson on behalf of the Board. Regarding matters involving the administration of the board, the Board Chair shall also consult with the Ontario Association of Police Services Boards (OAPSB).
3. The Board spokesperson shall be careful to speak only on matters within the jurisdiction and mandate of the Board and to avoid speaking about matters that fall under the jurisdiction of the Detachment Commander.
4. When operational matters under the jurisdiction of the Detachment Commander are likely to spark significant public interest or debate, the Commander shall inform, where practicable, the Board Chair before a public statement is made.

5. If warranted by the significance and seriousness of the matter, the Detachment Commander and/or Board Chair may consult with the Board before information is released to ensure public release is appropriate and justified, and to receive advice on the format and tone of the communication.
6. Board Members may communicate a position of the Board, however, should a Board Member publicly disagree with a position of the Board, or should a Board Member comment upon a matter not yet before the Board, she/he shall clearly identify that they are speaking as an individual and not on behalf of the Board. Nor shall a Board Member state the Board has taken a position on a matter until the matter has been voted upon.
7. Board Members and Staff shall comply with all relevant legislation including the *Municipal Freedom of Information and Protection of Privacy Act*.
8. The Board shall be proactive in communicating regularly with Town Councillors, the media and community stakeholders about its work and significant initiatives affecting the community, including items posted to the Board's webpage.
9. The Board shall be proactive in engaging, educating and hearing from the public by holding "public interest" meetings as required on topics of broad community concern or interest. The Board may choose to do this through Community Engagement Surveys via its webpage.
10. The Board shall periodically invite primary external partners including those listed under Protocol 24.8.1 concerned with crime prevention and/or public safety to meet informally with the Board to discuss their concerns and priorities.

*Processing Direct Communications with Community Members*

11. All communications addressed to the Board shall be submitted to the Town Clerk.
12. The Board Chair in consultation with the Town Clerk shall review, and where applicable, process communications in accordance with this Policy in a timely manner, having regard to all of the circumstances of the communication, including but not limited to, the subject matter of the communication, staff/Chair availability, priorities, emergencies and the *Municipal Freedom of Information and Protection of Privacy Act*.
13. The Board Chair shall inform the Board of all communication dealt with in accordance with Section 12.
14. The Board and Staff shall have regard to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* when considering any

communications. In circumstances where providing a response requires research to provide access to records, or involves personal or other confidential information, individuals may be required to file an application under the *Freedom of Information and Protection of Privacy Act* and pay the requisite fee to process the request and any subsequent fees for copying of documents prior to the supply thereof. Requests processed under the *Act* shall adhere to the provisions of the *Act* and the Town of Penetanguishene's policy in relation thereto.

15. All residents shall be provided with equal opportunity to submit two (2) requests per month in respect of general information not made under or within the ambit of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* without charge. Requests for information pertaining to issues which currently and directly affect a resident's property shall be processed at the discretion of the Town Clerk.
16. Requests for general information not made under the provisions of or within the ambit of the *Municipal Freedom of Information and Protection of Privacy Act* in excess of two (2) per resident shall be processed in accordance with the Town of Penetanguishene Corporate Communication Policy.
17. Communications deemed to be discriminatory, espousing hatred or harassment, violence or racism, or containing aggressive, abusive or derogatory comments directed at a member of the Board or Staff will not be responded to.
18. In the event that the communication is a request for access to information under the *Municipal Freedom of Information and Protection of Privacy Act* which is deemed to be frivolous or vexatious, a refusal in the respect of the request shall be provided with notice and reasons pursuant to said *Act*.
19. Communications that provide insufficient information for the Board to respond shall be referred back to the requester for clarification and will not be processed until such or sufficient clarification is provided.
20. Communications for information which the Board has already provided to the requester directly or to any third party having made a request on behalf of the requester may be deemed to be frivolous and/or vexatious and may be treated accordingly.
21. Communications which contain personal information and/or are deemed discriminatory, espousing hatred or harassment, violence or racism, or containing aggressive, abusive or derogatory comments directed at a member of the Board, Staff or any other party will not be referred to and shall be returned to the sender and/or reported to relevant authorities and/or legal counsel for further action if deemed appropriate.



22. Staff and/or the Board shall not provide responses to requests for information or the interpretation of issues outside of the jurisdiction/responsibility of the Board.
23. Staff and/or the Board shall not provide legal advice and/or legal opinions or information which may be considered to be legal advice and/or a legal opinion.
24. Interpretation of provincial legislation, with the exception of interpretation required to assist in Board functions such as the *Police Services Act*, will not be provided. Staff may refer such inquiries to other levels of government, agencies, or appropriate other locations, to assist the public in obtaining the required information.
25. Requests for information on the rationale of Board policies and/or Protocols/Procedures beyond what is contained within the policy and/or By-law shall not be provided, with the exception of background reports or the Boards' records on the relevant topic.
26. The Board shall not be responsible for and not bound by any privately expressed or personal views, opinions or commentary which may be provided by a member of Staff or the Board.

### Complaints

27. Complaints regarding the services or policies of the Ontario Provincial Police or conduct of police officers, or legislation related to an enforcement matter shall be forwarded to the Detachment Commander (Note appendix "G").
28. A member or employee of a board, if the board is responsible for the police force that is, or a member of which is, the subject of the complaint cannot make a complaint to the Independent Police Review Director.
29. Where the Independent Police Review Director decides to deal with a public complaint involving the policies or services of the OPP or about the local policies established under clause 10 (9) (c) of an OPP Detachment that is providing services pursuant to a section 10 contract, shall be referred to the Detachment Commander and dealt with under section 64<sup>11</sup>, *Police Services Act*. (Note appendix "F").
30. A complaint about the provincial policies of the Ontario Provincial Police or about services provided by the Ontario Provincial Police, other than those services provided pursuant to an agreement under section 10, shall be referred by the Independent Police Review Director to the Commissioner and dealt with under section 65<sup>12</sup>, *Police Services Act*.

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<sup>11</sup> Appendix "F."

<sup>12</sup> Appendix "G"

31. Complaints regarding the conduct of Board Members are to be processed as follows:
- (1) If the board determines that a board member has breached the Code of Conduct set out in O. Reg. 421/97<sup>13</sup>, the board shall record that determination in its minutes and may,
    - (a) require the member to appear before the board and be reprimanded;
    - (b) request that the Ministry of Community Safety and Correctional Services conduct an investigation into the member's conduct; or
    - (c) request that the Commission conduct an investigation into the member's conduct under section 25 of the *Act*.
  - (2) Discussions on allegations of the misconduct against a member of the Board shall take place in-camera in accordance s. 20 of these Rules and Procedures as provided for in subsection 35 (4), *Police Services Act*.
  - (3) If the allegation is against the Chair of the Board, then the Vice-Chair shall lead all discussions with the Board.
  - (4) Prior to taking any steps dealing with an allegation against a member of the Board, the Board shall consider consulting with the Zone 3 Policing Advisor.
32. Complaints regarding the conduct of members of the Police Service are to be submitted in writing and processed in accordance with the provisions of the *Police Services Act* as deemed applicable. Compliments regarding the performance of members of the Police Service shall be forwarded to the Detachment Commander or Officer-in-charge of the Southern Georgian Bay OPP Detachment.
33. Complaints regarding the conduct of municipal employees are to be submitted in writing to the Town C.A.O. and processed in accordance with the provisions of the Personnel Policy and/or Code of Conduct, of the Town of Penetanguishene as deemed applicable. Compliments regarding the performance of municipal employees shall be forward to the Town C.A.O. and processed in accordance with the provisions of the Personnel Policy of the Town of Penetanguishene.
34. Complaints regarding risk management related activities and/or health and safety matters shall be recorded. These complaints shall be referred to the Board Administrator for action, and the Board Administrator shall report back to the Board

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<sup>13</sup> Appendix "D"

with the results of the inquiry. Depending on the nature of the inquiry, the Report shall be in writing and consideration given whether the Report should be received in-camera.

35. Anonymous complaints or complaints lacking sufficient information related to section 28 shall still be forwarded to the Detachment Commander. Complaints regarding sections 29 and 30 shall be forwarded to the Board Administrator to make a determination whether to investigate the complaint.
36. Any complaints involving personnel shall be discussed in-camera.

#### Alternative Disclosure

37. Various methods of alternative disclosure are currently in place including:
  - (a) Electronic meeting management system, available on the Town of Penetanguishene website, for access to meeting agendas, agenda content and record of meetings (minutes);
  - (b) Deputations/presentations, in accordance with the Board's Policies and Procedures;
  - (c) Opportunity to ask questions or obtain clarification on agenda items at the end of Board meetings.

#### Municipal Freedom of Information and Protection of Privacy Act

38. Individuals have the ability to request access to records in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and pay the requisite fee.
39. Nothing contained in this Policy is intended to neither conflict with nor derogate from the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

#### Medium of Response

40. Save as provided in clause 39, the method of submission of communications/correspondence shall not solely nor necessarily determine the medium of response (e.g. if an inquiry is received via facsimile, it may be determined by the Board to be more efficient/effective/practical, to respond via telephone).
41. Where there is a verbal response provided to a written communication, an indication of the verbal response, including the responder's name, time and date, shall be recorded on the written communication or where appropriate a written

record may be attached to the correspondence and noted thereon, and filed in the Board's electronic correspondence file on the Town's server.

42. Where legislation prescribes response in a specific format a response shall be provided in the prescribed format.

## **24.7 Protocol for members of the Penetanguishene Police Services Board regarding setting the Police Services Board budget.**

WHEREAS the Town of Penetanguishene has entered into a section 10 (*Police Services Act*) contract with the Solicitor General for the provision of police services by the Ontario Provincial Police;

AND WHEREAS “in order for the Town of Penetanguishene to enter into an agreement under section 10, the municipality must have a board;

AND WHEREAS the Penetanguishene Police Services Board has a responsibility to represent the public interest on matters of policing;

AND WHEREAS the Board recognizes Council is solely responsible for approving finances relating to policing in the Town of Penetanguishene;

AND WHEREAS it is incumbent the Board has the financial resources to fulfill its responsibilities under the *Police Services Act* and its regulations, and the Penetanguishene Police Services Board Rules and Procedures;

AND WHEREAS to achieve this, the Board is in the best position to determine its needs to meet their legislative responsibilities including meeting the Goals and Objectives set by the Board, is committed to setting a fiscally responsible budget to Council as outlined in this Protocol;

### **THEREFORE, THE PARTIES HEREBY AGREE:**

1. That each member of the Board shall submit to the Chair of the Board budget items for discussion with the Board Administrator prior to Council budget deliberations.
2. That at minimum, the Budget will provide sufficient funds for education, training, skills and professional development, association/organization memberships, and attendance at OAPSB Zone 3 meetings as approved by the Board.
3. That the Budget provide an allowance for travel for any member of the Board carrying out Board business as approved by the Board.
4. That the Budget provide an allowance for the Chair of the Board or their designate carrying on business on behalf of the Board.
5. That the budget provides for remuneration for members of the Board in accordance with these rules and procedures.

6. That the budget provides for printing and advertising costs as approved by the Board.
7. That the budget provides for office supplies and resource materials as approved by the Board.
8. In the event the Ministry of the Solicitor legislates any activities requiring additional financial resources related to the Board, then the Board, through the Board Administrator shall bring the matter back before Council for approval.

## **24.8 Protocol for members of the Penetanguishene Police Services Board regarding setting the Goals and Objectives for the Town of Penetanguishene.**

WHEREAS the Town of Penetanguishene has entered into a section 10 (*Police Services Act*) contract with the Solicitor General for the provision of police services by the Ontario Provincial Police;

AND WHEREAS “in order for the Town of Penetanguishene to enter into an agreement under section 10, the municipality must have a board;

AND WHEREAS the Town of Penetanguishene shall provide adequate and effective police services in accordance with its needs;

AND WHEREAS the Penetanguishene Police Services Board has a responsibility to represent the public interest on matters of policing;

AND WHEREAS the Board has a legislative responsibility to “generally determine objectives and priorities for police services, after consultation with the detachment commander or his or her designate;”

AND WHEREAS the Board is also committed to consulting with Community partners and Council is setting the Goals and Objectives for policing in the Town of Penetanguishene:

1. The Board shall establish a work plan in consultation with the Board Administrator and the Detachment Commander to establish goals and objectives for policing for the Town of Penetanguishene. The work plan shall include at minimum the following:
  - (1) Community stakeholders to be consulted including representatives from:
    - (a) Southern Georgian Bay OPP Detachment,
    - (b) Town of Penetanguishene Council and departments with the Town of Penetanguishene;
    - (c) Penetanguishene Safety and Well-being Committee including reference to the Community Safety and Well-being plan;
    - (d) First Nations and Metis Communities;
    - (e) Diverse, multiracial and multicultural organizations including representatives from the LGBTQ2s+ communities;

- (f) The Social Service sector including services for children, the homeless, and persons with disabilities;
  - (g) The education sector;
  - (h) Health care and addictions sectors;
  - (i) Mental health sectors for children and adults;
  - (j) Correctional institutions and detention centres;
  - (k) Probation, Parole, and organizations offering services to persons in the criminal justice system;
  - (l) The legal community;
  - (m) Services to women, children, and vulnerable sectors;
  - (n) Victim Services including support groups, VWAP (Victim Witness Assistance Program), and VCARS (Victim Crisis Assistance and Referral Service);
  - (o) Advocate organizations such as Mothers Against Drunk Driving (MADD);
  - (p) Community organizations including service clubs;
  - (q) Business and Industry associations including the NSEDC (North Simcoe Economic Development Corporation and tourism (the Heart of Georgian Bay tourism), and construction associations;
  - (r) Members of the public and;
  - (s) Other individuals, groups, associations, and organizations as determined by the Board or recommended by Council.
2. The Board shall call a special meeting which shall be public to start this process immediately following the Board's second meeting of the year. The Board shall invite deputations/presentations from the public and shall advertise the meeting through media and on its public website.
  3. The Board may have a subcommittee of two members dedicated to this process liaising with the Board Administrator as needed.
  4. The Board may utilize a postsecondary education institution in conducting the research including the use of a public survey via the Board's website.



5. The Board shall take into consideration the Community Safety and Well-being Plan for the Community.
6. The goals and objectives are to be written as follows:
  - (1) **<sup>14</sup>S**pecific (simple, sensible, significant),
  - (2) **M**easurable (meaningful, motivating),
  - (3) **A**chievable (agreed, attainable),
  - (4) **R**elevant (reasonable, realistic and resourced, results-based), and
  - (5) **T**ime bound (time-based, time limited, time/cost limited, timely, time-sensitive).
7. The goals and objectives shall be discussed by the Board, the Board Administrator, and the OPP Detachment Commander to determine if any amendments are needed. The Board shall then put a motion forward to approve the goals and objectives.
8. The Board shall present the goals and objectives to Council as information and to answer any questions including the processes used to establish the goals and objectives.
9. The goals and objectives shall be posted to the Town of Penetanguishene Police Services Board's webpage.

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<sup>14</sup> Smart Goals: How to make your goals achievable. <https://www.mindtools.com/pages/article/smart-goals.htm>

**Appendix “A”<sup>15</sup>**

**Oath of Office – Member of Penetanguishene Police Services Board**

\_\_\_\_\_  
(Name – Please Print)

I solemnly swear that I will be loyal to Her Majesty the Queen and to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, discharge my duties as a member of the (*insert name of municipality*) Police Services Board faithfully, impartially and according to the *Police Services Act*, any other Act, and any regulation, rule or by-law.

So help me God.

or

I solemnly swear that I will be loyal to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, discharge my duties as a member of the (*insert name of municipality*) Police Services Board faithfully, impartially and according to the *Police Services Act*, any other Act, and any regulation, rule or by-law.

So help me God.

\_\_\_\_\_  
(Signature)

_____ (Signature)	_____ (Signature)
Dated this ____ day of _____, 202 at the Town of Penetanguishene	

<sup>15</sup> Form can be customized depending on whether the member takes an oath or will affirm. This process shall take place prior to the member participating at their first police services board meeting.

Appendix “A-1”<sup>16</sup>

**Affirmation of Office – Member of Penetanguishene Police Services Board**

\_\_\_\_\_  
(Name – Please Print)

I solemnly affirm that I will be loyal to Her Majesty the Queen and to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, discharge my duties as a member of the (*insert name of municipality*) Police Services Board faithfully, impartially and according to the *Police Services Act*, any other Act, and any regulation, rule or by-law.

or

I solemnly affirm that I will be loyal to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, discharge my duties as a member of the (*insert name of municipality*) Police Services Board faithfully, impartially and according to the *Police Services Act*, any other Act, and any regulation, rule or by-law.

\_\_\_\_\_  
(Signature)

_____ (Signature)	_____ (Signature)
Dated this ____ day of _____, 202 at the Town of Penetanguishene	

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<sup>16</sup> Form can be customized depending on whether the member takes an oath or will affirm. This process shall take place prior to the member participating at their first police services board meeting.

**Appendix “B” – Section 30 – Business Plans**

O. Reg. 3/99 – Adequacy and Effectiveness of Police Services

30. (1) Every board shall prepare a business plan for its police force at least once every three years. O. Reg. 3/99, s. 30 (1).
- (2) The business plan shall address,
- (a) the objectives, core business and functions of the police force, including how it will provide adequate and effective police services;
  - (b) quantitative and qualitative performance objectives and indicators relating to,
    - (i) the police force’s provision of community-based crime prevention initiatives, community patrol and criminal investigation services,
    - (ii) community satisfaction with police services,
    - (iii) emergency calls for service,
    - (iv) violent crime and clearance rates for violent crime,
    - (v) property crime and clearance rates for property crime,
    - (vi) youth crime and clearance rates for youth crime,
    - (vii) police assistance to victims of crime and re-victimization rates, and
    - (viii) road safety;
  - (b) information technology;
  - (d) resource planning; and
  - (e) police facilities. O. Reg. 3/99, s. 30 (2).

**Appendix “C” – Section 32**

O. Reg. 3/99 – Adequacy and Effectiveness of Police Services

32. (1) Every board shall enter into a protocol with its municipal council that addresses,
- (a) the sharing of information with municipal council, including the type of information to be shared and the frequency for sharing such information;
  - (b) the dates by which the business plan and annual report shall be provided to municipal council;
  - (c) the responsibility for making public the business plan and annual report, and the dates by which the business plan and report must be made public; and
  - (d) if the municipal council chooses, the joint determination, and participation in, the consultation processes for the development of the business plan. O. Reg. 3/99, s. 32 (1); O. Reg. 185/16, s. 9.
- (2) Every board shall consult with its municipal council, and the school boards, community organizations and groups, businesses and members of the public in the municipality it serves during the development of its business plan. O. Reg. 3/99, s. 32 (2).

**Appendix “D” - ONTARIO REGULATION 421/97**  
**under *Police Services Act, R.S.O. 1990, c. P.15***  
**MEMBERS OF POLICE SERVICES BOARDS — CODE OF CONDUCT<sup>17</sup>**

**Consolidation Period:** From March 12, 2018 to the [e-Laws currency date](#). (current – March 23, 2021)

1. Board members shall attend and actively participate in all board meetings.
2. Board members shall not interfere with the police force’s operational decisions and responsibilities or with the day-to-day operation of the police force, including the recruitment and promotion of police officers.
3. Board members shall undergo any training that may be provided or required for them by the Minister of Community Safety and Correctional Services.
4. Board members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public.
5. No board member shall purport to speak on behalf of the board unless he or she is authorized by the board to do so.
6. A board member who expresses disagreement with a decision of the board shall make it clear that he or she is expressing a personal opinion.
7. Board members shall discharge their duties loyally, faithfully, impartially and according to the *Act*, any other Act and any regulation, rule or by-law, as provided in their oath or affirmation of office.
8. Board members shall uphold the letter and spirit of the Code of Conduct set out in this Regulation and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.
9. Board members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.
10. Board members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated.
11. (1) Board members shall not use their office to obtain employment with the board or the police force for themselves or their family member.

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<sup>17</sup> This is the English version of a bilingual regulation.

(2) For the purpose of subsection (1), “family member” means the parent, spouse or child of the person, as those terms are defined in section 1 of the *Municipal Conflict of Interest Act*.

**12.** A board member who applies for employment with the police force, including employment on contract or on fee for service, shall immediately resign from the board. O. Reg. 421/97, s. 12.

**13.** Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the board or the police force. O. Reg. 421/97, s. 13.

**14.**(1) A board member whose conduct or performance is being investigated or inquired into by the Commission under section 25 of the *Act* or is the subject of a hearing before the Commission under that section shall decline to exercise his or her duties as a member of the board for the duration of the investigation or inquiry and hearing.

(2) If the application of subsection (1) results in a board not having enough members able to exercise their duties in order to constitute a quorum during an investigation, inquiry or hearing under section 25 of the *Act*, the chair of the Commission may appoint that number of persons necessary to constitute a quorum, who shall act in the place of the members who are unable to exercise their duties.

(3) The chair of the Commission,

(a) shall specify in an appointment made under subsection (2) that the appointee may only exercise such duties as are necessary for the effective operation of the board during the investigation, inquiry or hearing and, for such purpose, may specify the duties the appointee may or may not exercise; and

(b) shall cancel an appointment made under subsection (2) as soon as a member of the board who declined to exercise his or her duties under subsection (1) resumes exercising his or her duties or is replaced under subsection 25 (8) of the *Act*.

**15.** If the board determines that a board member has breached the Code of Conduct set out in this Regulation, the board shall record that determination in its minutes and may,

(a) require the member to appear before the board and be reprimanded;

(b) request that the Ministry of Community Safety and Correctional Services conduct an investigation into the member’s conduct; or

(c) request that the Commission conduct an investigation into the member’s conduct under section 25 of the *Act*.

**Appendix “E<sup>18</sup>” - Protocol for the Monitoring of the Performance of the Detachment Commander or Officer in Charge of the Southern Georgian Bay Ontario Provincial Police between the Penetanguishene Police Services Board and the Ontario Provincial Police Central Region Commander**

(1) Definitions:

- (1) “Regional Commander” means the OPP Central Region Chief Superintendent.
- (2) “Regional Superintendent” means the senior officer or designate who the Detachment Commander reports directly to.
- (3) “Detachment Commander’s General File (also referred to as a 233-10 file)” means the file consisting of documentation both positive and negative relating to the performance of a member of the OPP. Generally speaking, the documentation is kept for two years plus current and may impact a member’s 291 file.
- (4) “Detachment Commander’s 291 file” means the personnel file of the Detachment Commander consisting of the member’s Personal Evaluation Report, Personal Development and Learning Plan, training records, commendations, and formal/informal discipline records in accordance with any of the contracts with the OPP but **does not include** the Penetanguishene Police Services Board feedback on the performance of Detachment Commander and the police service delivered by the Southern Georgian Bay OPP Detachment.
- (5) “Detachment Business Plan” means **for the purpose of this protocol means “Action Plan” as outlined in the OPP Strategic Plan** and it is linked to the OPP Strategic Plan and the legislation. “The Strategic Plan is about organization-wide change initiatives, whereas an action plan is about continuous improvement and operational priorities — the provision of adequate and effective policing in accordance with the needs of the population of the areas for which the municipality has a policing responsibility. Action plans are mission-oriented and about the day-to-day effective and efficient delivery of programs and services that comply with our prescribed objectives, priorities and core functions under legislation. Strategic change initiatives only appear in the action plans of those program areas with direct responsibility for strategic change initiatives. The provisions for reporting our achievements under legislation are met annually through the OPP Annual Report and action plan progress reports. By ensuring that our mission is met, the organization, with its

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<sup>18</sup> This process is based on materials from the OAPSB. Input should be sought from the Central Region OPP chief Superintendent or Regional Superintendent.



vision-focused strategic plan, can work toward broad scale change initiatives.”

- (6) “Board Business Plan” means a business plan as outlined in section 30 of the *Adequacy and Effectiveness of Police Services*, Ontario Regulation 3/99.<sup>19</sup>
- (7) “Detachment Commander Job Description” means the Duties and Responsibilities the Detachment Commander carries out on a daily basis and should include the section 10 OPP Boards and section 5.1 non-contracts the Detachment Commander provides policing for and is responsible to.
- (8) “Personal Development and Learning Plan (PDLP)” means “for the purpose of these *rules and procedures*, the performance commitments and measures of the Detachment Commander identified in the PDLP and includes measurable performance objectives as identified in the Southern Georgian OPP Detachment Action Plan, and a Learning Plan agreed upon by the Regional Command and the Detachment Commander.”
- (9) “The Board’s Goals and Objectives” means “Goals, Objectives and Priorities set by the Penetanguishene Police Services Board in consultation with the Detachment Commander consisting of measurable levels of expectations and performance and is used as the basis of monitoring the performance of the Detachment Commander and policing delivered by the Southern Georgian Bay OPP Detachment as outlined in Protocol 24.8 (Protocol for members of the Penetanguishene Police Services Board regarding setting the Goals and Objectives for the Town of Penetanguishene).
- (2) Given the time commitment and the responsibility that goes with the monitoring of the performance process of the Detachment Commander and policing services provided by the Southern Georgian Bay OPP Detachment the Board shall consider establishing a subcommittee in accordance with these rules and regulations to fulfil the legislative obligations of the Board. This shall be done in consultation with the Board Administrator.

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<sup>19</sup> O. Reg. 3/99 - *Adequacy and Effectiveness of Police Services*. Note: Section 30 and clause 36 (2) (b) and subsection 36 (3), “(2) This Regulation applies to the Ontario Provincial Police, with necessary modifications,

(a) with respect to its undertaking of provincial responsibilities and policing under section 5.1 of the Act;  
(b) with respect to agreements under section 10 of the Act; and  
(c) with respect to its responsibilities under section 19 of the Act. O. Reg. 3/99, s. 36 (2); O. Reg. 185/16, s. 11.

(3) For the purpose of subsection (2), any reference in this Regulation to a member of a police force shall be read as a reference to an employee of the Ontario Provincial Police and, for the purpose of clause (2) (a), any reference to a board shall be read as a reference to the Commissioner. O. Reg. 3/99, s. 36 (3).

- (3) The Board should consult with the Regional Commander or the Regional Superintendent and the Detachment Commander to ensure there is a shared responsibility in the monitoring of performance process of the Detachment Commander and policing services provided by the Southern Georgian Bay OPP Detachment.
- (4) The Board shall use **results-based evaluation** where the Board views the performance of the Detachment Commander and the performance of the police service as synonymous. (Note: This system was jointly developed by the OAPSB and the OPP and is currently in use by all section 10 police services boards and their Detachment Commanders<sup>20</sup>). This shall include progress reports by the Detachment Commander based on the local Action Plan in accordance with the section 10 OPP contract.
- (5) The goals and objectives of the Board combined with the Southern Georgian Bay OPP Detachment “Action Plan” and a job description and sections of the Personal Learning and Development Plan (PDLP) of the Detachment Commander as it relates to the section 10 OPP contract with the Town of Penetanguishene will form the basis of the monitoring of the performance of the Southern Georgian Bay OPP Detachment Commander.
- (6) The Board will review and document the monitoring of the performance of the Southern Georgian Bay OPP Detachment Commander on a quarterly basis. Any discussions shall be in camera. The Detachment Commander shall be provided with an opportunity for feedback. Goals and objectives may need to be adjusted.
- (7) Prior to finalizing the final report outlining the performance of Detachment Commander and Detachment, the Board shall discuss accomplishments with Detachment Commander and provide an opportunity for feedback.
- (8) The final report will include completed appendices E-1 and E-2 and shall be submitted no later than March 31<sup>st</sup> of the following calendar year to the Regional Commander or the Regional Superintendent through the Chair of the Board along with a cover letter signed by the Chair of the Board.

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<sup>20</sup> Kaustinen, F. *Thoughts on Executive Performance*. This is according to the OAPSB website.

## Appendix “E-1” - OAPSB Detachment Commander Performance Monitoring Form



### Penetanguishene Police Services Board DETACHMENT COMMANDER PERFORMANCE MONITORING AND FEEDBACK FORM FOR SECTION 10 POLICE SERVICES BOARDS

OPP Detachment Name: \_\_\_\_\_

Detachment Commander Name: \_\_\_\_\_

Legislated Requirements for PSB Monitoring of DC Performance, in accordance with the <i>Police Services Act</i>		<i>To be completed by March 31, annually</i>	
		DC Comments	PSB Comments
The DC provides the PSB with the necessary information to enable the PSB to determine objectives and priorities for police services ( <i>PSA, sec. 10(9)(b)</i> )			Yes <input type="checkbox"/> No <input type="checkbox"/>
The DC provides the PSB with the necessary information and consultation to enable the PSB to establish local policies with respect to police services ( <i>PSA, sec. 10(9)(c)</i> )			Yes <input type="checkbox"/> No <input type="checkbox"/>
The PSB receives regular reports from the DC or his or her designate on disclosures and decisions made regarding secondary activities ( <i>PSA, sec. 10(9)(e)</i> )			Yes <input type="checkbox"/> No <input type="checkbox"/>
The PSB has received regular reports from the DC or his or her designate on his or her administration of the complaints system, ( <i>PSA, sec. 10(9)(f)</i> )			Yes <input type="checkbox"/> No <input type="checkbox"/>
The DC provides sufficient information to allow the PSB to monitor the delivery of police services to ensure provision of adequate and effective police services in accordance with the municipality’s needs. ( <i>PSA, sec. 4</i> )			Yes <input type="checkbox"/> No <input type="checkbox"/>
Detachment Business Plan Goal <i>To be completed by PSB April to October, annually</i>	Activities Supporting Achievement of Business Plan Goal <i>To be completed by PSB April to October, annually</i>	Results Achieved <i>To be completed by March 31, annually</i>	
		DC Comments	PSB Comments

Completed by (Police Services Board): \_\_\_\_\_ (date)  
 Reviewed by Detachment Commander: \_\_\_\_\_ (date)  
 Forwarded to Regional Commander by PSB: \_\_\_\_\_ (date)

Police Services Boards – provide a copy to the Detachment Commander and the Regional Commander annually, prior to March 31.  
 Regional Commander – retain in Detachment Commander’s 233-10 file for 2 years plus current. This form shall not be included in a member’s 291 file.

**CONFIDENTIAL WHEN COMPLETED**

**Appendix “E-2” - Town of Penetanguishene Police Services Board Detachment  
Commander Performance Monitoring and Feedback Form**

**PERFORMANCE MONITORING AND FEEDBACK FORM**

Southern Georgian Bay OPP Detachment Commander \_\_\_\_\_

<b>Legislated Requirements for PSB Monitoring of DC Performance, in accordance with the <i>Police Services Act</i></b>	<b>PSB Comments</b>	
1. The DC provides the PSB with the necessary information to enable the PSB to determine objectives and priorities for police services (PSA, sec. 10(9)(b))	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<u>Police Services Board Comments:</u>  <u>Detachment Commander Comments:</u>		
2. The DC provides the PSB with the necessary information and consultation to enable the PSB to establish local policies with respect to police services (PSA, sec. 10(9)(c))	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<u>Police Services Board Comments:</u>  <u>Detachment Commander Comments:</u>		
3. The PSB receives regular reports from the DC or his or her designate on disclosures and decisions made regarding secondary activities (PSA, sec. 10(9)(e))	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<u>Police Services Board Comments:</u>  <u>Detachment Commander Comments:</u>		
4. The PSB has received regular reports from the DC or his or her designate on his or her administration of the complaints system, (PSA, sec. 10(9)(f))	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<u>Police Services Board Comments:</u>  <u>Detachment Commander Comments:</u>		
5. The DC provides sufficient information to allow the PSB to monitor the delivery of police services to ensure provision of adequate and effective police services in accordance with the municipality’s needs. (PSA, sec. 4)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<u>Police Services Board Comments:</u>		

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Detachment Commander Comments:

Completed by (Police Services Board): \_\_\_\_\_ (date) \_\_\_\_\_

Reviewed by Detachment Commander: \_\_\_\_\_ (date) \_\_\_\_\_

Forwarded to Regional Commander by PSB: \_\_\_\_\_ (date) \_\_\_\_\_

Police Services Boards – provide a copy to the Detachment Commander and the Regional Commander annually, prior to March 31.  
Regional Commander – retain in Detachment Commander’s 233-10 file for 2 years plus current.  
This form shall not be included in a member’s 291 file.

**CONFIDENTIAL**

### **Appendix “F” - Complaints re local O.P.P. policies**

**64** (1) The detachment commander shall review every complaint that is referred to him or her by the Independent Police Review Director under subsection 61 (3), and shall take any action, or no action, in response to the complaint as he or she considers appropriate. 2007, c. 5, s. 10.

**Disposition**

(2) The detachment commander shall, within 60 days of the referral of the complaint to him or her, notify the complainant in writing of his or her disposition of the complaint, with reasons, and of the complainant’s right to request that the board review the complaint if the complainant is not satisfied with the disposition. 2007, c. 5, s. 10.

**Extension of time**

(3) The detachment commander may extend the 60-day period set out in subsection (2) by notifying the complainant in writing of the extension before the expiry of the period being extended. 2007, c. 5, s. 10.

**Written report**

(4) The detachment commander shall, upon his or her disposition of the complaint, submit a written report to the board and to the Independent Police Review Director respecting the disposition, with reasons. 2007, c. 5, s. 10.

**Request for review by board**

(5) A complainant may, within 30 days after receiving the notice under subsection (2), request that the board review the complaint by serving a written request to that effect on the board. 2007, c. 5, s. 10.

**Review by board**

(6) Upon receiving a written request for a review of a complaint previously dealt with by a detachment commander, the board shall,

- (a) advise the detachment commander of the request;
- (b) subject to subsection (7), review the complaint and take any action, or no action, in response to the complaint, as it considers appropriate; and
- (c) notify the complainant, the detachment commander and the Independent Police Review Director in writing of its disposition of the complaint, with reasons. 2007, c. 5, s. 10.

**Review by committee of board**

(7) A board that is composed of more than three members may appoint a committee of not fewer than three members of the board, two of whom constitute a quorum for the purpose of this subsection, to review a complaint and to make recommendations to the board after the review and the board shall consider the recommendations and shall take any action, or no action, in response to the complaint as the board considers appropriate. 2007, c. 5, s. 10.

**Public meeting**

(8) In conducting a review under this section, the board or the committee of the board may hold a public meeting into the complaint. 2007, c. 5, s. 10.

**Delegation**

(9) A detachment commander may delegate any of his or her duties, functions or powers under this section to any police officer who is a member of the detachment. 2007, c. 5, s. 10.

**Appendix “G” - Complaints re Provincial O.P.P. Policies**

**65** (1) The Commissioner shall review every complaint that is referred to him or her by the Independent Police Review Director under subsection 61 (4) and shall take any action, or no action, in response to the complaint as he or she considers appropriate. 2007, c. 5, s. 10.

**Notice to complainant**

(2) The Commissioner shall notify the complainant and the Independent Police Review Director in writing of his or her disposition of the complaint, with reasons. 2007, c. 5, s. 10.



## Appendix “H” - Board Evaluation & Board Member Self-Assessment Survey (January 2022)

### Rationale:

The Town of Penetanguishene Police Services Board developed “*Rules and Procedures*” dated November 2012. These *Rules and Procedures* were amended and approved by the Board at the June 2021 Board meeting.

As required by the ***Police Services Act***<sup>21</sup>, the Board " **shall** establish its own rules and procedures in performing its duties under this Act<sup>22</sup>." The role of the Board is outlined in subsection 10 (9) of the *Police Services Act* and discussed in detail in the *Rules and Procedures*. In addition,

The Board shall work very closely with the Detachment Commander as outlined in the *Rules and Procedures* for the Board and subsection 10 (9) of the *Police Services Act* and sections 30 and 32 of Ontario Regulation 3/99 – *Adequacy and Effectiveness of Police Services*. (Preamble – Board *Rules and Procedures*, dated June, 2021 – amended).

The Board has **NOT** gone through an evaluation by the Ministry of the Solicitor General or a third party (e.g., external agency) during this current term of Council. There are **NO competencies** in the current legislation and the only criteria to be a member of the Board as a ***Provincial Appointee*** is outlined in the **current Police Services Act**<sup>23</sup> and referenced on the ***Public Appointments Secretariat website***. <https://www.ontario.ca/page/appointments-selection-process>

Appointees to Police Services Boards should be active members of their community with a general knowledge of Police Services Boards duties and responsibilities and awareness of community safety issues and programs within their local community. Members appointed by the Province of Ontario must be residents of Ontario and cannot be a judge, justice of the peace, a current police officer or a person who practises criminal law as a defence counsel.

Other Board members included two members from Council and a municipal appointee are appointed in accordance with subsection 27 (5)<sup>24</sup>, *PSA*.

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<sup>21</sup> *Police Services Act*, R.S.O. CHAPTER P.15 <https://www.ontario.ca/laws/statute/90p15>

<sup>22</sup> S. 37, *PSA, Police Services Act*, R.S.O. CHAPTER P.15. Also Note: ***Community Safety and Policing Act, 2019*** (not yet in force - <https://www.ontario.ca/laws/statute/19c01> - paragraph 67 (6) - The following provisions apply to O.P.P. detachment boards, with necessary modifications, as if they were police service boards: **8. Section 46 (Rules and procedures). S. 46 (1)** "Subject to the regulations made by the Minister, if any, a police service board **shall** establish its own rules and procedures in performing its duties under this Act and the regulations."

<sup>23</sup> Footnote 1.

<sup>24</sup> (5) The board of a municipality whose population according to the last enumeration taken under section 15 of the *Assessment Act* exceeds 25,000 shall consist of,

- (a) the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council;
- (b) one member of the council appointed by resolution of the council;

Presently, there is no regulated training for members of Police Service Boards. The Ministry does provide some reading for new provincial appointees to Police Service Boards (Note: Appendices “A” and “B.”)

Annually, at the March meeting of the Board, the Board secretary shall include the three (3) part surveys included in Appendix “H” of the Rules and Procedures on the meeting agenda for the board review and completion. The Board shall have up to four (4) weeks to complete the surveys and return Part 1 and Part 2 to the Board Secretary. Once received part 1 and part 2 of the Board Evaluations from all members of the board, the Board Secretary shall create a confidential synopsis of the responses received. The synopsis shall not indicate which member answered what, simply include the responses given. The synopsis of the responses will then be included on the June meeting agenda where the members of the Police Services Board will have the opportunity to review.

- 
- (c) one person appointed by resolution of the council, who is neither a member of the council nor an employee of the municipality; and
  - (d) two persons appointed by the Lieutenant Governor in Council.
-

The Town of Penetanguishene Police Services Board “**Rules and Procedures**” requires the Board to develop a Board **Education, Training, and Professional Development Plan**. At its **September 13, 2021** Board meeting, the Board approved an Ad Hoc committee (members Thom Lackie and Phil DeBruyne) to develop a DRAFT Plan and report back to the Board for discussion (amendments – additions – deletions) and subsequent approval. The DRAFT plan and this survey will also include input from Inspector Joe Evans, Southern Georgian Bay OPP Detachment, and our Board Administrator, CAO Jeff Lees.

As part of the Needs Assessment for the Board’s **Education, Training, and Professional Development Plan**<sup>25</sup>, we are asking for members of the Board to complete the following survey which consists of two parts: (1) **Police Services Board Evaluation** (compliance with our *Rules and Procedures*, and the legislation; and (2) **Board Member Self-Assessment** (Note: this part of the survey is a self-reflection exercise and the member is not required to submit the results. We ask you to please consider submitting any comments you may wish to make regarding your self-assessment. This is strictly voluntary.

For each **Police Services Board Evaluation** question, we ask you to respond by **circling** one of the following:

1. Fully compliant (FC);
2. Partially compliant (PC); and
3. Non-compliant (NC).

**FC**

**PC**

**NC**

For each **Board Member Self-Assessment** question, we ask you to respond with either “yes” or “no.” Please remember this part of the question is voluntary but we ask you to consider submitting any written comments you may want to forward to the Board as a whole. Board members should feel comfortable reference our *Rules and Procedures* found on the Town of Penetanguishene Police Services Board Webpage <https://www.penetanguishene.ca/en/townhall/police-services-board.asp>



Penetanguishene  
Police Services Board



Police Services Act,  
R.S.O. 1990, c. P.15 (



ONTARIO  
REGULATION 421 - C



O. REG. 3-99 -  
ADEQUACY AND EFF

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<sup>25</sup> Board members Thom Lackie and Phil DeBruyne will be recommending our *Rules and Procedures* be amended to read “**Education, Training and Professional Development Plan**.” The rationale behind this is the word “**Skills**” is included in the definition of each of the words “**Education, Training and Professional Development**” as defined in the proposed **Education, Training, and Professional Development Manual**.

**PART I - BOARD PERFORMANCE SURVEY QUESTIONNAIRE**

For each **Police Services Board Evaluation** question, we ask you to respond by **circling** one of the following:

1. Fully compliant (**FC**);

2. Partially compliant (**PC**); and

3. Non-compliant (**NC**).

1. The Board has established Rules and Procedures in accordance with the *Police Services Act*.

**FC**

**PC**

**NC**

2. The Board consulted the SGB OPP Detachment Commander and invited input.

**FC**

**PC**

**NC**

3. The Board reviews these *Rules and Procedures* on an annual basis.

**FC**

**PC**

**NC**

4. The Board shall be responsible for those duties as set out in section 10 of the *Police Services Act*.

**FC**

**PC**

**NC**

5. The Board shall be responsible for those duties as set out in section 30 of *Adequacy Regulation*.

**FC**

**PC**

**NC**

6. The Board has prepared a **Business Plan** at least once every three years in accordance with section 30 of O. Reg. 3/99 – *Adequacy and Effectiveness of Police Services* and section 4.1 of the Board's *Rules and Procedures*. **(Note: if your answer is Non-Compliant (NC), please skip questions 7 and 8).**

**FC**

**PC**

**NC**

7. **If the Board does have a Business Plan, does it address the following:**

(a) the objectives, core business and functions of the police force, including how it will provide adequate and effective police services;

**FC**

**PC**

**NC**

(b) quantitative and qualitative performance objectives and indicators relating to,  
(i) the police force's provision of community-based crime prevention initiatives, community patrol and criminal investigation services,

**FC**

**PC**

**NC**

(ii) community satisfaction with police services,

**FC**

**PC**

**NC**

(iii) emergency calls for service,

**FC**

**PC**

**NC**

(iv) violent crime and clearance rates for violent crime,

**FC**

**PC**

**NC**

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(v) property crime and clearance rates for property crime,

**FC                      PC                      NC**

(vi) youth crime and clearance rates for youth crime,

**FC                      PC                      NC**

(vii) police assistance to victims of crime and re-victimization rates, and

**FC                      PC                      NC**

(viii) road safety;

**FC                      PC                      NC**

(c) information technology;

**FC                      PC                      NC**

(d) resource planning; and

**FC                      PC                      NC**

(e) police facilities.

**FC                      PC                      NC**

8. In the development of the Board's Business Plan, the Board consults with, at minimum, each of the following:

a. The Southern Georgian Bay OPP Detachment Commander;

**FC                      PC                      NC**

b. Its municipal council;

**FC                      PC                      NC**

c. The school boards;

**FC                      PC                      NC**

d. Community organizations and groups;

**FC                      PC                      NC**

e. Businesses; and

**FC                      PC                      NC**

f. Members of the public in the community.

**FC                      PC                      NC**

9. The Board shall be responsible for those duties as set out in section 32 of *Adequacy Regulation*.

**FC                      PC                      NC**

10. The Board has protocol(s) with its municipal council which address each of the following:

(a) the sharing of information with municipal council, including the type of information to be shared and the frequency for sharing such information;

**FC                      PC                      NC**

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(b) the dates by which the business plan and annual report shall be provided to municipal council;

**FC                      PC                      NC**

(c) the responsibility for making public the business plan and annual report, and the dates by which the business plan and report must be made public; and

**FC                      PC                      NC**

(d) if the municipal council chooses, the joint determination, and participation in, the consultation processes for the development of the business plan. O. Reg. 3/99, s. 32 (1); O. Reg. 185/16, s. 9.

**FC                      PC                      NC**

11. The Board has a Board Secretary as assigned by the CAO to assist in Board Business.

**FC                      PC                      NC**

12. The Board has a Board Administrator (CAO) to assist and guide the Board in its Business.

**FC                      PC                      NC**

13. The Board ensures its members are fully aware of the Code of Conduct, O. Reg. 421/97.

**FC                      PC                      NC**

14. The Board's Chair carries out the duties of the chair as required in the *Rules & Procedures*.

**FC                      PC                      NC**

15. The Board, at its first meeting each year, selects a Chair & vice-chair.

**FC                      PC                      NC**

16. The Board utilizes the provisions of section 9 – Rules & Procedures – re Committees.

**FC                      PC                      NC**

17. The Board holds at least four meetings a year.

**FC                      PC                      NC**

18. The Board has a process for calling **special meetings**.

**FC                      PC                      NC**

19. The Board's members are fully aware the Chair may call a **special meeting** may, at any time, summon the Board for a special meeting with a minimum of 24 hours' notice, an agenda, and public notice.

**FC                      PC                      NC**

20. The Board's members are fully aware that "no public notice" is required for a "**special meeting which is in-camera.**"

**FC                      PC                      NC**

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21. The Board has considered utilizing a **special meeting** for the purpose of discussing and approving the Detachment Commander's Annual Performance and feedback under clause 10 (9) (d), *Police Services Act* and in accordance with the "*Protocol for the Monitoring of the Performance of the Detachment Commander or Officer in Charge of the Southern Georgian Bay OPP Detachment between the Penetanguishene Police Services Board and the Ontario Provincial Police Regional Commander*". This meeting shall be "in-camera."

**FC**

**PC**

**NC**

22. The Board has endeavored to meet "in-camera" at its regular meetings for quarterly updates on the Detachment Commander's Performance and policing delivered by the Southern Georgian Bay OPP Detachment.

**FC**

**PC**

**NC**

23. The Board shall consider sending one or more representatives to the Ontario Association of Police Services Boards (OAPSB) Annual General Meeting (AGM).

**FC**

**PC**

**NC**

24. The Board shall consider sending a recommendation to the Council of the Town of Penetanguishene to send a municipal representative of the Board to the Annual Association of Municipalities of Ontario (AMO) Annual Conference or other AMO meetings where the agenda includes policing matters.

**FC**

**PC**

**NC**

25. Members of the Board are fully aware that "The Board Secretary shall receive all reports and supporting materials for the agenda by 12:00 p.m. (noon) three business days prior to the regular Board meeting and shall consult with the Chair prior to the completion of the agenda. An item that is not included in the agenda may not be introduced at the meeting without the consent of a majority of the Members present."

**FC**

**PC**

**NC**

26. The Board has had the opportunity to participate in any advanced training and education opportunities offered through:

a. The Police Association of Ontario (PAO)

**FC**

**PC**

**NC**

b. The Ontario Association of Police Service Boards (OAPSB)

**FC**

**PC**

**NC**

c. The Canadian Association of Police Governance (CAPG)

**FC**

**PC**

**NC**

d. OPP Central and SGB OPP Detachment (e.g. presentations to the Board)

**FC**

**PC**

**NC**

e. Formal and non-formal learning through Postsecondary Education Institutions

**FC**

**PC**

**NC**

f. Professional Development opportunities such as OPP Ride Alongs, tours of OPP Detachment and GHQ,

**FC**

**PC**

**NC**

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27. The Board has considered utilizing a **special meeting** for determining goals, objectives, & priorities.

**FC**

**PC**

**NC**

28. The Board's members are fully aware of the process to call a **special meeting** deemed to be **in-camera** will not require public notice.

**FC**

**PC**

**NC**

29. The Board has had the opportunity to participated in a ZONE 3 Meeting in the past year.

**FC**

**PC**

**NC**

30. The Board has been introduced and met with our Zone 3 Policing Advisor in the past year.

**FC**

**PC**

**NC**

31. The Board members have received training and education related to

a. the "conduct of board members" in accordance with the Board's *Rules and Procedures*, and legislation;

**FC**

**PC**

**NC**

b. Conflict of Interest;

**FC**

**PC**

**NC**

c. Communication with the media or on behalf of the Board;

**FC**

**PC**

**NC**

d. The process for hearing delegations before the Board;

**FC**

**PC**

**NC**

e. Rules of Debate at Board meetings, special meetings, and in-camera meetings;

**FC**

**PC**

**NC**

f. Motions and Voting on Motions; and

**FC**

**PC**

**NC**

g. In-camera meetings.

**FC**

**PC**

**NC**

32. The Board meets its timelines/requirements as required in its *Rules and Procedures* for the following:

a. Section 24.8 - Protocol for members of the Penetanguishene Police Services Board regarding setting the Goals and Objectives for the Town of Penetanguishene.

**FC**

**PC**

**NC**

b. Section 24.2 Protocol for the Monitoring of the Performance of the Detachment Commander or Officer in Charge of the Southern Georgian Bay Ontario Provincial Police between the Penetanguishene Police Services Board and the Ontario Provincial Police Central Region Commander

**FC**

**PC**

**NC**



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- c. Section 24.5 Protocol for the Sharing of Information between the Town of Penetanguishene Police Services Board and the Town of Penetanguishene

**FC**

**PC**

**NC**

- d. Section 24.6 Protocol for the Penetanguishene Police Services Board Processing Communications

**FC**

**PC**

**NC**

- e. The Board's webpage (Town of Penetanguishene) reflects the Board's *Rules and Procedures*

**FC**

**PC**

**NC**

- f. For the purpose of sections 10.1 (Regular Meetings of the Board) and 11.7 (Detachment Commander's Annual Performance), the Board shall endeavor to meet "in-camera" at its regular meetings for quarterly updates on the Detachment Commander's Performance and policing delivered by the Southern Georgian Bay OPP Detachment

**FC**

**PC**

**NC**

**PART II – BOARD MEMBER SURVEY – “BEST PRACTICES”**

The Board and the Town of Penetanguishene Council should consider developing a **Best Practices** policy which includes non-binding input and recommendations by the Board regarding policing matters for the Town of Penetanguishene Council.

**YES**

**NO**

**If yes to the above question, please answer the following:** The **Best Practices Policy** would include but not be limited to the following:

1. The Board has an opportunity for non-binding input with the contract signed by the Town of Penetanguishene (Note: not legislated – this would be a *best practice*).

**YES**

**NO**

2. The Board has an opportunity to review the policing budget to ensure it aligns itself with its goals, objectives, and priorities, and report back to Council.

**YES**

**NO**

3. The Board has an opportunity for non-binding input on policing matters outside of its legislated mandate which are addressed by the Town of Penetanguishene Council.

**YES**

**NO**

4. The Board has a formal process for evaluating the performance of the Board's Administrator and the Board Secretary, and reporting this as per the HR Policy for the Town of Penetanguishene.

**YES**

**NO**

5. The Board has an opportunity to make non-binding recommendations to Council for policing enhancements for the policing of the municipality.

**YES**

**NO**

6. The Board to extend an invitation for *Education, Training, and Professional Development* opportunities for the purpose of contingency and succession planning appointments to the Board by Council.

**YES**

**NO**

7. I believe the Board should develop a list of “*board competencies*” for Board membership.

**YES**

**NO**

8. I believe the Board should have a community representative from different community organizations speak for 10 to 15 minutes at the beginning of each Board meeting.

**YES**

**NO**

**PART III - BOARD MEMBER SELF-ASSESSMENT SURVEY**

This part of the survey is strictly voluntary and CONFIDENTIAL. A member of the Board or staff person associated with the Board is under **no obligation** to share their results.

The Town of Penetanguishene Police Services Board “rules and procedures” states the following:

*The rules and procedures contained herein shall be observed in all proceedings of the Board and shall be the rules for the order and dispatch of business before the Board and with necessary modifications in a Committee of the Board. (s. 2.1)*

1. I have viewed the following on the Town of Penetanguishene Police Services Board website.  
<https://www.penetanguishene.ca/en/townhall/police-services-board.asp>
  - a. Community Safety Well-Being Plan 2021 – 2025  

**YES                      NO**
  - b. Police Service Boards Announcements  

**YES                      NO**
  - c. Penetanguishene Police Services Board Rules and Procedures  

**YES                      NO**
  - d. Southern Georgian Bay OPP Detachment Action Plan  

**YES                      NO**
  - e. Southern Georgian Bay OPP Detachment Progress Report  

**YES                      NO**
  - f. OPP 2020 – 2022 Strategic Plan  

**YES                      NO**
  - g. OPP News Release Portal  

**YES                      NO**
  - h. Board's 2020 – 2021 Priorities, Objectives and Work Initiatives  

**YES                      NO**
2. I have viewed the Ontario Association of Police Services Board **Members Only Portal** website.  
**Note: Member Login required.** <https://oapsb.ca/member-login/> **(If the answer is “No,” please skip questions 3, 4 and 5).**  

**YES                      NO**
3. In viewing the OAPSB Website, I have specifically viewed the following:
  - a. I have viewed the Zone 3 Contact Information section.  

**YES                      NO**
  - b. I have viewed “**All Boards and All Chiefs**” section.  

**YES                      NO**

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- c. I have viewed the 2021 Spring Conference & AGM (May 26 – 28, 2021).
- i. Setting Objectives for Local Policing – Section 10 OPP Contracts\*  
**YES NO**
  - ii. Strategic Planning under CSPA, 2019 – update on Regulations  
**YES NO**
  - iii. Municipal Boards – Update on Regulations (also applicable to s. 10 Boards)  
**YES NO**
  - iv. Resiliency & Wellness in Times of Uncertainty  
**YES NO**
  - v. Changing the Conversation on Policing in Ontario: Promoting Excellent, Equity & Public Confidence  
**YES NO**
4. **2020 OPP Governance Summit – January 30, 2020**
- a. I have the viewed OPP Commissioner Carrique’s presentation on “Leadership.”  
**YES NO**
- b. I have viewed the presentation on [Community Safety and Policing Act, 2019: Ontario Provincial Police Regulatory Requirements](#)  
**YES NO**
- c. I have viewed the OPP Governance Summit 30 Jan 20 – Questions & Responses (1 page)  
**YES NO**
- 5. Part of the OAPSB’s mandate is advocacy. I have read the following:**
- a. OAPSB Police Services Board Training Vision  
**YES NO**
  - b. OAPSB Letter to Solicitor General regarding Board Competencies  
**YES NO**
  - c. Proposed Police Service Board Member Competencies  
**YES NO**
  - d. ICD (Independent of Corporate Directors) - Key Competencies for Director Effectiveness - Competency List  
**YES NO**
  - e. Alignment of Advocacy Mandate with New Legislation & Regulations – as of Feb 4, 2021  
**YES NO**
  - f. OAPSB responds to AMO paper about OPP Detachment Boards  
**YES NO**

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**6. As a Board member, I am given the opportunity to participate in the following:**

- a. Participate in “internal” Board Education, Training & Professional Development  
**YES                      NO**
- b. Participate in the Police Association of Ontario (PAO) Annual Conference re Policing  
**YES                      NO**
- c. Participate in the Canadian Association of Police Governance (CAPG) Annual Conference  
**YES                      NO**
- d. Participate in the Ontario Association of Police Services Boards (OAPSB) Annual Conference  
**YES                      NO**
- e. Participate in the Ontario Association of Police Services Boards (OAPSB) Labour Conference  
**YES                      NO**
- f. Participate in the Canadian Association of Police Governance (CAPG) Educational Webinars  
**YES                      NO**

**7. As a Board member, I would participate in the following, if given the opportunity:**

(Note: The following is contingent on any COVID-19 Protocols & where applicable, waivers).

- a. Participate in a “ride-along” with a local OPP officer as approved by the Detachment Commander  
**YES                      NO**
- b. Participate in a tour of OPP GHQ including the OPP Provincial Academy  
**YES                      NO**
- c. Participate in a tour of OPP Central Region HQ  
**YES                      NO**
- d. Participate in a tour of the Southern Georgian OPP Detachment  
**YES                      NO**
- e. Participate in a tour of the Ontario Police College (OPC) including a graduation  
**YES                      NO**
- f. Participate in ZONE 3 OAPSB meetings  
**YES                      NO**
- g. Participate in a tour of Waypoint  
**YES                      NO**
- h. Participate in a tour of the Central North Correctional Centre  
**YES                      NO**