

## Request for Decision

### Governance Audit of the Greater Sudbury Police Services Board

Presented To:	Audit Committee
Presented:	Tuesday, Jun 19, 2018
Report Date	Thursday, May 31, 2018
Type:	Managers' Reports

#### Resolution

That the City of Greater Sudbury approves the recommendations as outlined in the report entitled "Governance Audit of the Greater Sudbury Police Services Board" from the Auditor General, presented at the Audit Committee meeting on June 19, 2018.

#### Signed By

**Auditor General**  
Ron Foster  
Auditor General  
*Digitally Signed May 31, 18*

#### Relationship to the Strategic Plan / Health Impact Assessment

This report supports the attainment of responsive, fiscally prudent, open governance.

#### Report Summary

The structure and processes used by the City to govern its relationship with the Board and Police Service have been implemented and are working effectively. However, a number of areas for improvement were identified for City management to address.

#### Financial Implications

None

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Governance Audit of the  
Greater Sudbury Police Services  
Board

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May 31, 2018  
FINAL REPORT

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## 1. BACKGROUND

Section 6(2) of the *City of Greater Sudbury Act 1999* established the Greater Sudbury Police Services Board as the police services board of the City. Under the *Municipal Act*, Police Services Boards are reflected under the definition of a “local board” as described below:

*“Local board” means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority; (“conseil local”).*

The legislated mandate and responsibilities of Police Services Boards are set out in the *Ontario Police Services Act (the Act)*. Section 3 of the Act sets out the statutory responsibilities of the Minister which includes the provision of adequate and effective police services municipally, monitoring boards and services to ensure they comply with the prescribed standards, developing and promoting professional police practices standards and training, providing advice respecting the management and operation of police services, issuing directives and guidelines on policy matters, and conducting a system of inspection and review of police services to name a few. In addition, the Ministry has appointed Police Service Advisors who are assigned to specific police services throughout the province to provide ongoing advice and guidance on police service delivery and board governance.

Section 4(1) of the *Act* requires that each municipality provide adequate and effective police services in accordance with its needs and provide at minimum:

1. Crime Prevention
2. Law Enforcement
3. Assistance to victims of crime
4. Public order maintenance
5. Emergency response

Further, in doing so a municipality is responsible for providing all the infrastructure and administration necessary for providing such services including vehicles, boats, equipment, communications devices, buildings and supplies.

The *Act* establishes the general principles that should govern the provision of police services, including:

- Ensuring safety and security
- Safeguarding fundamental rights
- Ensuring cooperation between police services and communities
- Ensuring respect for victims of crime
- Ensuring sensitivity in the provision of police services to the diverse nature of communities
- Ensuring police services are representative of communities they serve

The provincial authority over policing is the Ministry of Community Safety and Correctional Services (the Ministry). The Policing Standards Division of the Ministry develops regulations and guidelines to:

- ensure adequate and effective police services across Ontario;
- support the implementation of professional police practices; and
- address a broad range of issues to assist police in protecting public safety and preventing crime

Section 3(2) (a)(b) of the *Act* provides that the Solicitor General monitor police forces to ensure that adequate and effective services are provided at the municipal and provincial levels and further monitor board and police forces to ensure that they comply with prescribed standards of service.

The Operations Unit of the Ministry of Community Safety and Correctional Services is responsible for administering the provincial appointees to police services boards. The conduct of members of the Police Services Board is governed by Ontario Regulation 421/97 established under the *Act*.

In addition, the *Act* provides the authorities and responsibilities of the Board and prescribes Board composition and the member appointment process. The GSPSB is a five-member Board consisting of two Council appointees, a Council-appointed community representative, and two Provincial appointees. The specific responsibilities of Boards are defined in the *Act* under Section 31(1). A Board is responsible for the provision of adequate and effective police services in the municipality and shall:

- Appoint the members of the municipal police force;
- Generally determine, after consultation with the Chief of Police, objectives and priorities with respect to police service in the municipality;
- Establish policies for the effective management of the police force;
- Recruit and appoint the Chief of Police and any Deputy Chief of Police, and annually determine their remuneration and working conditions, taking their submissions into account;
- Direct the Chief of Police and monitor his or her performance;
- Establish policies respecting the disclosure by Chief of Police of personal information about individuals;
- Receive regular reports from the Chief of Police on disclosures and decisions made under section 49 (secondary activities);
- Establish guidelines with respect to the indemnification of members of the police force for legal costs under section 50;
- Establish guidelines for dealing with complaints made under Part V;
- Review the Chief of Police's administration of the complaints system under Part V and receive regular reports from the Chief of Police on his or her administration of the complaints system.

The Board operates in a highly legislative and regulated environment in terms of oversight, accountability, transparency and operational influence. Section 31 (3) speaks to the requirement of the Board to monitor the performance of the Chief of Police as a direct employee of the Board under contract. The Board may

give orders and to the Chief of Police, but not to other members of the police service and no member may give orders or directions to any other member of the police service. The Board cannot direct the Chief of Police on specific operational decisions or with respect to the day-to-day operation of the police force.

The Chief of Police is responsible for administering the service and overseeing its operation in accordance with the objectives, priorities and policies established by the Board. The Board is responsible for overseeing the activities of the Greater Sudbury Police Services and ensuring police services are provided to the municipality in accordance with its needs.

### ***The Ontario Civilian Police Commission***

The Ontario Civilian Police Commission (OCPC) is an independent oversight agency tasked with ensuring that adequate and effective policing services are provided in a fair and accountable manner under the Ontario Police Services Act. The OCPC carries out a number of duties that are primarily adjudicative and decision-making in nature including:

- hearing appeals of police disciplinary decisions;
- adjudicating disputes between municipal councils and police service boards involving budget matters;
- conducting hearings into requests for the reduction, abolition, creation or amalgamation of police services;
- conducting investigations and inquiries into the conduct of chiefs of police, police officers and members of police services boards;
- determining the status of police service members; and
- reviewing the adequacy and effectiveness of policing services.

### ***Office of the Independent Police Review Director***

The Office of the Independent Review Director (OIPRD) is responsible for receiving, overseeing and conducting public complaint investigations related to police officer conduct or the services received. The Office is staffed entirely by civilians and decisions are independent from government, police and the community.

### ***Special Investigations Unit***

The Special Investigations Unit is a civilian law enforcement agency, independent of the police, that conducts criminal investigations into circumstances involving police and civilians that have resulted in serious injury, death or allegations of sexual assault. The mandate of the SIU is to maintain confidence in Ontario's police services by assuring the public that police actions resulting in serious injury, death, or allegations of sexual assault are subjected to rigorous, independent investigations.

## ***Budget and Funding***

Section 39 of the Police Services Act requires that police boards submit operating and capital estimates to the municipal council that show the amounts required to maintain the police service and provide it with equipment and facilities and resources required to pay the expenses of the board's operation. Council has the authority to establish an overall budget, but cannot approve or disapprove specific items in the budget. Decisions regarding the estimates should be made within the context of the Act and Regulation 3/99 Adequacy and Effectiveness of Police Services.

The final Police Service budget for Fiscal 2017 was \$55.6 million which included \$60.6 million in expenditures and \$5.0 million in revenues. The 2018 budget includes \$63.5 million in expenditures and \$5.8 million in revenues for a net budget of \$57.8 million.

## **2. GOVERNANCE AUDIT APPROACH**

The audit is intended to assess the structures and processes used by the City to manage its relationship with the GSPSB and the Greater Sudbury Police Services (Police Services).

As the City's Auditor General does not have legislative authority over the GSPSB (Board), the Auditor General reached out to the Police Services administration to explore the receptiveness of the Board to meet to discuss the relationship between the City and the Board, in particular, the lines of communication between the City, the Board and the Police Services and opportunities to maximize joint efficiencies.

With the consent of the Board, the audit was conducted within the context of the legislative framework within the Ontario Police Services Act (the Act). Accordingly, all of the recommendations in this report are directed to City management.

### **2.1 Approach**

The audit focused on the structures and processes in place within the City to govern its relationship with the Board and Police Services, in particular to ensure appropriate lines of communication between the City and the GSPSB and Police Services and alignment of the City's strategies, objectives and initiatives with those of the GSPSB/Police Services.

### **2.2 Objectives**

The key audit objective was to determine whether the City has established formal structures and processes to manage its relationship with the GSPSB and Police Services that are consistent with the legislative and regulatory framework for policing established by the Government of Ontario.

### **2.3 Scope**

The audit scope covered activities from January 1, 2015 to December 31, 2017.

## 2.4 Execution

The audit was completed based on the following key activities:

- Document Review: Publicly available information that was relevant to the audit objectives was collected and reviewed;
- Interviews: Interviews were conducted with selected members of the City, and the Chief Administrative Officer of the Police Services; and
- Meetings: A meeting was held with members of the GSPSB to discuss the objectives of the audit and requirements of the OPSA for the establishment of a Board for the GSPS.

## 2.5 Audit Standards

We conducted our audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). Those standards require that we adequately plan for the review; properly supervise audit staff; obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions; and prepare audit documentation related to the planning, conducting, and reporting for each audit. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our review.

For further information regarding this report, please contact Ron Foster at extension 4402 or via email at [ron.foster@greatersudbury.ca](mailto:ron.foster@greatersudbury.ca)

## 3. OBSERVATIONS

The following section sets out the key observations resulting from the audit.

### 3.1 Oversight

The relationship between the City and the GSPSB is structured based on the Ontario Police Services Act (the Act) which is purposefully written to ensure significant independence of the GSPSB and Police Services from Council. Within the context of the Act, the City has established a generally effective framework for the oversight of the GSPSB. For example:

1. Under *the Act*, Council has authority to appoint 3 of the 5 members of the GSPSB. In addition, Council has the authority to set the term of office of Council-appointed Board members at the time of appointment (with term not to exceed the term of office of the Council appointing the Board member). Members of the GSPSB must always act in the best interests of the Police Services Board notwithstanding other roles they may hold, including that of City Councillor.
2. Council has authority to establish the overall budget of the Police Services based on estimates provided by the GSPSB but has no authority to approve or disapprove specific items included in the estimates. Council executes this responsibility annually and provides an effective challenge of these estimates while ensuring that the budget is sufficient to maintain an adequate number of police officers and civilian employees as well as adequate facilities and equipment.

3. The City provides information to new and returning Councillors that includes a discussion of the mandates of agencies, boards and municipally-controlled corporations that are overseen by the City including the GSPSB. Senior staff of the Police Services also provide orientation training to members of Council which serve on the GSPSB and have invited all members of Council to these sessions.
4. The City also coordinates the selection and appointment of a civilian representative to the Board.
5. Relationships between the City and the GSPSB and Police Services appear to be effective with open lines of communication. Police Services staff that were interviewed reported positive relationships with City staff and collaboration on projects with common aims around efficiencies. City staff and the Mayor also reported effective working relationships with the senior staff of the Police Services.
6. Like all Ontario police services at law, the Police Services are also overseen by several independent provincial oversight bodies, including the Special Investigations Unit, Office of the Independent Police Review Directorate and Ontario Civilian Police Commission, all of which are supported by the Ministry of Community Safety and Correction Services. To enhance and refine accountability mechanisms, the Ontario Government introduced draft legislation entitled the *Safer Ontario Act, 2017* which constitutes a major re-write of several Acts including the *Ontario Police Services Act*.
7. During the interviews, the inadequate condition of police facilities was raised by the GSPSB and senior staff. A recent report from KPMG identified significant deficiencies within the facilities of the service. The Chief and Chief Administration Officer have made presentations to Council in recent years to identify the need to commence the process of identifying funding for new or substantially improved facilities for the service.

#### 4. FINDINGS AND RECOMMENDATIONS

The structure and processes used by the City to govern its relationship with the Board and Police Services have been implemented and are working effectively. However, the following areas for improvement were identified for City management to address:

##### **Finding 1:**

Orientation services provided by the City to members of Council do not include a detailed discussion of the role of the GSPSB, the role of the City with respect to the organization or the dual obligations of Council members sitting on the GSPSB.

##### **Recommendation:**

The Councillor Orientation Program provided by the City should be updated to increase the content related specifically to the needs of the GSPSB and to focus on the role and obligations of Councillors when acting as Board members on the Police Services Board. This is an important and critical



distinction for Councillors sitting on police boards in as much as they must be cognizant of not exercising their position as City Councillor while at the GSPSB board.

**Management Response:**

*Staff are currently reviewing the content for the orientation of a newly elected Council and additional content will be provided regarding the roles and obligations of Council members appointed to external boards and corporations.*

**Finding 2:**

The selection and appointment of members of Council and civilian members to the Board is currently done with limited consultation with staff of the Police Services although this advice is available and could be helpful.

**Recommendation:**

The City should seek input from police services on the desirable characteristics and attributes for members of Council and civilian members appointed to the Board.

**Management Response:**

*Staff will meet with the Chief Administrative Officer for the Greater Sudbury Police Services Board to obtain input on desirable characteristics and attributes and will provide such information to Council in order to assist them with their selection process.*

**Finding 3:**

The City and Police Services presently share a number of services. Opportunities to share additional services such as fleet have not been closely examined to determine if they can be delivered more economically and effectively by the City.

**Recommendation:**

The City should work with GSPSB staff to examine opportunities for additional shared services such as fleet services if they can be delivered more economically and effectively by the City.

**Management Response:**

*Given the scope of such a recommendation, consideration needs to be given for the current lack of capacity to service such a large client as well as the effect such an undertaking would have on the Fleet Services work plan and existing clients.*

*In order to provide capacity, significant renovations, investment and operational changes would need to occur. Renovations to accommodate additional parts and vehicle storage, investment in technicians*

*and supervisory capacity, and transitioning the Lorne street garage to add a third shift to daily operations would be required.*

*Fleet has fairly recently transitioned to the Finance, Assets and Fleet Division within Corporate Services. There are a number of process improvement projects underway to improve both systems internal to Fleet and further definition of service levels with existing customers. In order to not compromise service to existing divisions/departments as well as the Fleet work plan, it is not recommended that Fleet Services provide service to Police Services at this current time.*

*The City will continue to review other areas where services can be shared effectively in addition to the current services provided in Human Resources, Information Technology and Finance including accounts payable, payroll, purchasing, accounting and budget system maintenance.*

**Finding 4:**

The Police Services and KPMG have identified that several facilities deficiencies are an impediment to providing police services safely, effectively and efficiently.

**Recommendation:**

As facilities are a critical infrastructure requirement for police services - which is a core service of the City - the upgrade or replacement of these facilities should be prioritized within the City's asset management and facilities management planning processes.

**Management Response:**

*The City of Greater Sudbury has approximately 550 facilities within its portfolio. In order to direct capital expenditures to the highest priority projects staff has advised Council that the City is moving forward with the production of comprehensive asset management plans that will have defined service levels, asset condition data and risk considerations. Combined with a revised capital budgeting model that is aimed at ensuring the highest priority projects receive funding; capital investment will be allocated where it is most effective at ensuring safety, reducing risk, foregoing costs, and meeting legislative and operational requirements.*

*The Facilities Capital Project section will continue to work closely with Police Services at identifying and articulating future capital requirements. Similarly, the Facilities Maintenance section will continue to promptly service and rectify any maintenance related issues at Police occupied facilities.*

**5. CONCLUSION**

The Auditor General wishes to thank the Greater Sudbury Police Services Board and Police Services staff for their commitment to governance and transparency. There is a willingness on the part of the Board and Police Services to work together with City staff to ensure that police services are provided efficiently and effectively with full acknowledgement of the respective roles of all parties.