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**GUELPH POLICE SERVICES BOARD
ORDER-IN-COUNCIL APPOINTMENT OF
PETER A. MCSHERRY ***

Prepared for:

Standing Committee on
Government Agencies

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INTRODUCTION

This paper has been prepared for Members participating in the Committee's review of the Order-in-Council appointment of Peter A. McSherry as a part-time member of the City of Guelph Police Services Board. It describes the operations of the board, presents information about the appointee, and identifies possible lines of questioning.

CITY OF GUELPH

Enabling Statutes	Responsible Ministry	
Police Services Act, R.S.O. 1990, c. P.15, Part III, s. 27	Solicitor General	
Agency Type	Most Recent Annual Report	
N/A	2018	
Activities of the Agency		
The board governs the Guelph Police Force.		
Board Membership		
Statutory No. of Members: 5	Position	Remuneration
Appointed by Cabinet: 2	Members	Paid by municipal council
Term of Office: There is no limit in legislation.		
Position Requirements		
No judge, justice of the peace, police officer or person who practises criminal law as a defence counsel may sit as a member of a board. Members who hold such positions that were appointed prior to the amendment Act may continue to be members until the expiry of their terms.		

ROLE OF POLICE SERVICES BOARDS

Police Services Boards are civilian bodies that oversee municipal police services. Each municipality that maintains a police service or that enters into an agreement with the OPP for police services must have a Police Services Board.

According to [section 31](#) of the Act, in a municipality that has established its own police service it is presently the responsibility of the Police Services Board to

- appoint the members of the police force;
- determine, after consultation with the chief of police, the objectives and priorities for the police force;
- 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 chiefs of police of personal information of individuals;
- receive regular reports from the chief of police on disclosures and decisions made under section 49 of the Act (secondary activities of police officers that could interfere with the performance of their duties, conflict of interest, etc.);
- establish guidelines regarding the indemnification of police force members with respect to section 50 (liability for torts);
- establish guidelines for dealing with public complaints; and
- review the chief of police's administration of the complaints system and receive regular reports from the chief of police on his or her administration of the complaints system.

A board may give orders and directions to the chief of police, but not to other members of the force. A board may not direct the chief of police regarding specific operational decisions or day-to-day operations of the police force.

A board is also required to submit operating and capital estimates to the municipal council that show, separately, the amounts required (a) to maintain the police force and provide it with equipment and facilities; and (b) to pay the expenses of the board's operation other than the remuneration of board members.

After reviewing the estimates, council establishes an overall budget for the board. In doing so, council is not bound to adopt the estimates submitted by the board. If a board is not satisfied that the budget established by council is sufficient to maintain "adequate" police services, it may ask the Ontario Civilian Police Commission to decide the matter.

All members of Police Services Boards must follow the Code of Conduct set out in the regulations to the Act. The Code prescribes general standards of conduct for board members, forbids members from exploiting their position to advance their personal interests, and requires members who apply for employment with the police force to resign from the board.

Bill 68, the [*Comprehensive Ontario Police Services Act, 2019*](#), was introduced in February 2019 and received Royal Assent on March 26, 2019. Schedule 1 of the Bill enacts the [*Community Safety and Policing Act, 2019*](#)—not yet in force—that makes several changes to the composition and operation of municipal police service boards including

- requiring boards to prepare and adopt diversity plans to ensure that members of the police service reflect the areas for which the board has a responsibility for policing;
- enabling First Nations to request the constitution of a First Nation board by a Minister's regulation;
- requiring police service boards to prepare and adopt a strategic plan for the provision of policing; and
- requiring board members to pass a police records check and take additional diversity training.

OPERATIONS OF THE BOARD

In 2016 the population of Guelph was 131,794. According to the 2018 Annual Report, complement figures for police and civilian staff were 204.5 and 92.42, respectively.¹

In 2018 overall crime rose by 1.8%, continuing the previous five years' upward trend. However, 2018's statistics show the lowest increase seen in the last four years. Violent crime also rose by 1.8% (including a 14.7% increase in sexual violations and a 7.1% increase in assaults). Overall crime clearance (the number of crimes "solved" during the year) also rose by 10%. Clearance of violent crimes increased by 11.6%.²

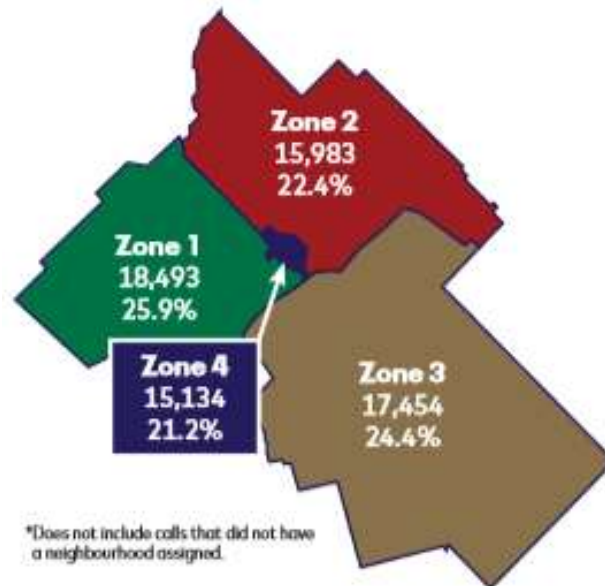
The total number of calls for service (includes criminal and non-criminal occurrences) handled by the Guelph Police Service increased in 2018 by 5.6% to a total number of 71,486 calls. The calls for service were fairly evenly distributed among Guelph's neighbourhoods (see map, below), despite the fact that neighbourhood four, Guelph's downtown, has a much smaller population and geographical size than the remaining three neighbourhoods.³

¹ Guelph Police Services, [2018 Annual Report](#), p. 22.

² Ibid., pp. 8-9.

³ Ibid., p. 14.

Figure 1: 2018 Calls for Service (by zone, numbers and percent of total)*



Source: Guelph Police Services Board, 2018 Annual Report, p. 14.

FINANCIAL INFORMATION

The 2020 operating budget is \$45.6 million, an 8.6% increase over 2019.

Figure 2: Guelph Police Services budget trend 2018 to 2020

	2018 actuals	2019 approved budget	2020 budget	2020 budget change	2020 budget change
Revenue					
User Fees & Service Charges	(606,117)	(498,700)	(629,700)	(131,000)	26.3%
Product Sales	(1,921)	(800)	(800)	-	0.0%
Interest & Penalties	(2,403)	-	-	-	0.0%
External Recoveries	(82,654)	(56,200)	(53,500)	2,700	(4.8%)
Grants	(2,209,114)	(2,371,800)	(2,143,300)	228,500	(9.6%)
Internal Recoveries	(733,186)	(941,800)	(1,451,200)	(509,400)	54.1%
Total Revenue	(3,635,395)	(3,869,300)	(4,278,500)	(409,200)	10.6%
Expenditure					
Salary, Wage & Benefits	38,634,778	41,006,800	44,179,900	3,173,100	7.7%
Purchased Goods	1,169,581	1,332,100	1,415,500	83,400	6.3%
Purchased Services	3,013,245	2,857,100	3,592,500	735,400	25.7%
Financial Expenses	98,950	16,000	16,000	-	0.0%
Internal Charges	981,002	677,200	716,100	38,900	5.7%
Total Expenditure	43,897,556	45,889,200	49,920,000	4,030,800	8.8%
Net Budget	40,262,161	42,019,900	45,641,500	3,621,600	8.6%

Source: City of Guelph, [Local Boards and Shared Services Strategy](#), p.9.

RECENT DEVELOPMENTS

As noted earlier, in 2019 the legislature passed Bill 68, the [*Comprehensive Ontario Police Services Act, 2019*](#), which repeals and replaces legislation including the *Police Services Act, 2018*, the *Ontario Special Investigations Unit Act, 2018*, the *Policing Oversight Act, 2018*, and the *Ontario Policing Discipline Tribunal Act, 2018*.⁴ Upon proclamation, newly enacted legislation under Bill 68 will, among other things,

- transform the Office of the Independent Police Review Director into the Law Enforcement Complaints Agency (LECA);
- establish the Special Investigations Unit (SIU) as a provincial agency accountable to the Attorney General; and
- establish the role of the Inspector General of Policing within the Ministry of Community Safety and Correctional Services.

The Bill also responds to recommendations made in the Independent Police Oversight Review conducted by Justice Tulloch and released in April 2017.⁵ This review was charged with examining and providing recommendations regarding Ontario's three civilian police oversight bodies: the Special Investigations Unit, the Office of the Independent Police Review Director, and the Ontario Civilian Police Commission.

As previously noted, upon proclamation, the [*Community Safety and Policing Act, 2019*](#) will make changes to the composition and operation of municipal police service boards.

THE WITNESS

The witness, Peter A. McSherry, is seeking appointment as a part-time member of the City of Guelph Police Services Board.

According to the Office of the Premier, the witness, of Cambridge, is a barrister and solicitor for Peter A. McSherry Law Office Professional Corporation. His community involvement includes formerly serving as President and Secretary for the Kiwanis Club of Guelph.

⁴ Ministry of the Solicitor General, "[Ontario Passes New Legislation That Will Restore Respect for Police Officers and Streamline Police Oversight](#)," *News Release*, March 26, 2019.

⁵ Ministry of Community Safety and Correctional Services (MCSCS), "[How the Comprehensive Ontario Police Services Act Would Improve Public Safety by Treating Police Fairly and Enhancing Oversight](#)," *News Release*, February 19, 2019.

POSSIBLE QUESTIONS

1. *What has motivated the witness to seek this appointment?*
2. *What particular contribution does the witness hope to make to the board?*
3. *Upon proclamation, the [Community Safety and Policing Act, 2019](#) will make changes to the composition and operation of municipal police service boards. What experience could the witness draw on to support the board during this transition?*