

**WHO
DOES
WHAT**
SERIES



The Municipal Role in **POLICING**

Contributors:

Jihyun Kwon, Erick Laming, Alok Mukherjee

Editors:

Gabriel Eidelman, Kass Forman, Tomas Hachard, Enid Slack

About IMFG

The Institute on Municipal Finance and Governance (IMFG) is an academic research hub and non-partisan think tank based in the School of Cities at the University of Toronto.

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Institute on Municipal Finance and Governance (IMFG)
School of Cities
University of Toronto
55 St. George St., Suite 853
Toronto, Ontario, Canada M5S 0C9
info.imfg@utoronto.ca
<http://imfg.org>

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Authors

Alok Mukherjee was a Distinguished Visiting Professor, cross-appointed to Department of Criminology and Office of Equity, Diversity and Inclusion at Toronto Metropolitan University from 2015-2018. He holds a PhD from York University, MA from University of Waterloo and from University of Saugar (India), and BA from Agra University (India). Alok has taught at Ryerson and York. Prior to his appointment at Ryerson, Alok was Chair of the Toronto Police Services Board, a position he held for ten years. He has held several other public appointments, including Vice Chair and Acting Chief Commissioner of the Ontario Human Rights Commission (1992-1994) and Member, Ontario Civilian Police Commission (1994-1997). In addition, he managed an independent consulting practice in the field of organization change within a framework of human rights, equity and inclusion. Located within this framework, Alok's research and writing reflect his interest in examining and understanding the dynamics of power in the institutional spaces of the hierarchical societies of Canada and India, with a view to developing strategies for transforming those spaces so that are truly reflective of and accountable to the interests of all members of the communities they serve. The particular focus of his interest has been on policing and education. An author of several books and numerous articles in this area, Alok's most recent book-length publication is *Excessive Force: Toronto's Fight to Reform City Policing*, written with Tim Harper and published in 2018 by Douglas & McIntyre. He is a frequent contributor and commentator to the Canadian media.

Jihyun Kwon recently completed her PhD and will be commencing her post-doctoral fellowship in criminology and sociolegal studies at the University of Toronto. Jihyun completed her BA at McGill University in Sociology, and her MA at the University of Toronto in Criminology, where she received the John Edwards Award for outstanding performance. Her doctoral research focuses on accountability, oversight, and administrative governance of law enforcement agencies, including the police and correctional services. She has received a Vanier Canadian Graduate Scholarship, and a recipient of the Delta Kappa Gamma World Fellowship and two Ontario Graduate Scholarships. She was advisor to the Independent Expert at the Ministry of the Solicitor-General in Ontario, where she worked to enforce a human-rights consent order in Ontario prisons between 2018 and 2020. She is currently working on two short-term projects with the Korea Legislation Research Institute to support the development of national legislation through surveys and analyses of the legislative and regulatory landscapes in Canada and other jurisdictions.

Erick Laming is an assistant professor of criminology in the Department of Sociology at Trent University. His research largely focuses on police use of force, police oversight and accountability, and Indigenous and Black community members' experiences with the criminal justice system. His broader research interests include corrections, criminal justice policy and reform, comparative criminal justice, race and the criminal justice system, and rural crime and criminology. Erick has co-authored major reports for provincial and national criminal justice organizations, including a 2020 study for the Ontario Human Rights Commission titled, *Use of Force by the Toronto Police Service: Final Report*, and a 2021 study for the Canadian Criminal Justice Association titled, *Police Use of Force in Canada: A Review of Data, Expert Opinion, and the International Research Literature*.

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Executive Summary

When compared with other public services provided at the municipal level, policing stands out not only in terms of its cost, but also for the controversy associated with it. At the same time, recent blockades and protests have brought the role of municipal police services to the fore.

The governance of police services is complex, intertwined with questions of justice, equity, and inclusion. The relationship between police services, police boards, and other systems of accountability and oversight are central to the discussion.

The essays in this Who Does What report not only describe the current challenges in delivering police services across three orders of government, but also set out approaches to address these challenges.

Municipalities

Alok Mukherjee and Jihyun Kwon frame their discussion against the backdrop of the significant cost borne by the City of Ottawa to respond to the convoy protests in early 2022. While the protests themselves were directed at the federal government, responsibility for policing fell largely to the municipality. The authors argue that municipalities face a mismatch between the police work necessitated by federal areas of responsibility and the reality that the funding comes from local ratepayers.

Erick Laming explores the important role of municipalities in determining how police services boards (PSBs) function, but calls for a de-politicization of their relationship to municipal government. He suggests that local elected officials have their direct participation on boards reduced in favour of a “pure civilian model.” In this arrangement, the role of municipal governments would largely be selecting the best candidates to serve on the PSB.

Provincial governments

Mukherjee and Kwon examine provincial legislation governing police services in Ontario and explore the statutory ambiguity surrounding municipalities’ role in policing areas of federal jurisdiction. They call for the province to provide greater clarity in statute on the municipal responsibility for interjurisdictional policing.

Laming describes the inconsistencies in the provincial role with respect to PSBs across the country. To bring about greater clarity, Laming proposes arm’s-length police governance monitors at the provincial level to oversee PSBs.

Federal government

Mukherjee and Kwan argue that the federal government effectively downloads certain tasks to municipal police forces, such as intelligence and national security, emergency planning, coast guard responsibilities, and consulate protection. In view of this downloading, the authors suggest considering federal funding for municipal police services.

Intergovernmental cooperation

Mukherjee and Kwon question whether all functions currently performed by police should be assigned to local government. They raise the possibility of separating functions by level of government, with municipal governments focusing on community safety and well-being. Further examination would be required to determine which level of government is best suited to carry out the functions requiring armed and uniformed personnel.

Building on the concept of provincial police governance monitors, Laming proposes an interprovincial working group to facilitate collaboration in standardizing police governance..

About the Who Does What Series

Canadian municipalities play increasingly important roles in addressing the policy challenges that are at the centre of political debate, including addressing climate change, increasing housing affordability, reforming policing, and confronting public health crises. The growing prominence of municipalities, however, has also led to tensions over overlapping responsibilities with provinces and the federal government. Such “entanglement” between orders of government has the potential to result in poor coordination and opaque accountability. At the same time, combining the strengths and capabilities of different orders of government – whether in setting policy, convening, funding, or delivering services – can sometimes lead to more effective action.

The Who Does What series gathers academics and practitioners to examine the role municipalities should play in key policy areas, the reforms required to ensure municipalities can deliver on their responsibilities, and the collaboration required among governments to meet the country’s challenges. It is produced by the Institute on Municipal Finance and Governance and the Urban Policy Lab.



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Who Does What: The Municipal Role in Policing

Backgrounder: Policing

By Gabriel Eidelman, Chloe Hinds, and Kass Forman

Gabriel Eidelman is assistant professor, teaching stream, and Director of the Urban Policy Lab at the Munk School of Global Affairs and Public Policy

Chloe Hinds is a recent Master of Public Policy graduate at the Munk School of Global Affairs and Public Policy

Kass Forman is Manager, Programs and Research, at the Institute on Municipal Finance and Governance

Police in Canada are generally responsible for preventing crime, conducting criminal investigations, and providing emergency response services. The way these responsibilities are carried out varies from province to province, and often from place to place, with authority spread across

federal, provincial, and municipal governments.¹ Although the Canadian Constitution (sec. 92.14) identifies the administration of justice, and therefore law enforcement, as principally a provincial responsibility,² these powers are often delegated to federal or municipal police forces.

Canada has several different kinds of police. Most medium-sized and large municipalities manage their own local police forces (as well as bylaw enforcement officers, whose work falls outside the scope of this report³); Ontario, Québec, and Newfoundland and Labrador have separate provincial police forces; and the Royal Canadian Mounted Police (RCMP) is a federal authority. Many smaller municipalities (with populations of less than 50,000) negotiate service agreements with provincial police services or the RCMP to provide local services.

Municipal action within legal and fiscal constraints

Governance

Across Canada, 137 municipalities operate their own stand-alone police forces.⁴ In seven provinces – British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia, and New Brunswick – municipal police forces are controlled

Table 1. Structure of Municipal Police Services Boards

Jurisdiction	Number of Municipal Police Forces	Provincial/Territorial Legislation to Create Municipal Police Boards	Ratio of Elected and Appointed Members	Legislated Terms Limits
British Columbia	12	Yes	1 elected (mayor); up to 8 appointed	6 years consecutively
Alberta	7	Yes	1 or 2 elected; 3 appointed	10 years consecutively
Saskatchewan	12	Yes	2 elected; 1 appointed	No limit
Manitoba	10	Yes	Max. half elected	8 years consecutively
Ontario	44	Yes	One more appointed member than elected	No limit
Québec	31	No	–	–
New Brunswick	9	Yes	Min. 1 elected; min. 2 appointed	10 years consecutively
Nova Scotia	10	Yes	One more appointed member than elected	No limit
Prince Edward Island	3	No	–	–
Newfoundland and Labrador	0	No	–	–
Nunavut	0	No	–	–
Northwest Territories	0	No	–	–
Yukon	0	No	–	–

Source: Laming and Valentine (2022).⁵

by arm’s-length police services boards. These boards, which are governed by provincial legislation, are responsible for adopting policing policies, approving budgets, and hiring police chiefs.

The composition of police services boards varies widely. In some cases, such as Alberta and Saskatchewan, members are limited to local elected officials and civilians appointed by municipal councils; others have a combination of municipal and provincial appointees. The ratio of elected to appointed officials is inconsistent (see Table 1); Erick Laming’s essay explores reforms to police services boards.

In provinces without local police services boards, policing is sometimes governed directly by municipal council. For example, in Prince Edward Island, municipal councils are responsible for appointing the chief of police.⁶ Conversely, in Newfoundland and Labrador, Nunavut, the Northwest Territories, and Yukon, local policing is entirely outside the sphere of municipal authority, because policing services are contracted out to the provincial police or the RCMP.

Budgets

Policing is often the largest component of municipal budgets. In aggregate, municipalities pay more than 50 percent of the policing costs in Canada and employ roughly 65 percent of police officers.⁷ Toronto spends \$1.2 billion a year on policing, the highest total in the country, which corresponds to almost 10 percent of its annual operating

budget. Expenditure shares are similar in Ottawa, Hamilton, and Québec City. At the higher end, Longueuil, Surrey, and Winnipeg spend more than a quarter of their budgets on policing.⁸

In many cities, police spending is growing at a faster rate than other categories of municipal expenditures. This is due, in part, to the intentionally arm’s-length nature of police services boards, as well as provincial rules that influence the budget process. Although municipal councils ultimately approve police budgets, very few of them *draft* police budgets. In places like Manitoba and Alberta, police services boards, not municipal councils, are responsible for developing budgets.⁹ Many provinces also have laws that prohibit or discourage councils from reviewing police budgets in detail. In British Columbia and Ontario, police services boards can appeal the budget allocations of municipal councils to a provincial authority, the BC Director of Police Services and the Ontario Civilian Police Commission, respectively.¹⁰

Accountability

Municipalities are also limited in their ability to hold local police forces to account. Historically, police boards have been structured as independent agencies of municipal government, to ensure that elected officials do not provide operational direction to police. As much as this provision insulates police decisions from political interference, it also obscures democratic oversight.

For example, a 2016 review of Halifax’s Board of Police Commissioners, comprised of municipal councillors and appointed members of the public, found that the board failed to provide adequate police oversight, and worse, that it remained unclear whether the Board possessed the legal authority to execute this responsibility.¹¹ The 2012 inquiry into Toronto Police Services’ handling of the G20 protests found that the police board routinely and improperly deferred to police leaders on operational matters without close scrutiny.¹² And in 2022, the disruption caused by the so-called “freedom convoy” in Ottawa led to widespread confusion and dysfunction among the Ottawa Police Services Board, which ultimately led the federal government to invoke the *Emergencies Act* to end the standoff.¹³

Civilian oversight through public complaint processes generally occurs at the provincial level, through independent agencies like the Office of the Independent Police Review Director in Ontario, the Office of the Police Complaint Commissioner in British Columbia, and the Public Complaints Commission in Saskatchewan. Allegations of criminal misconduct by police officers are also investigated at the provincial level through independent civilian agencies like the Special Investigations Unit in Ontario, the Serious Incident Response Team in Nova Scotia, and the Alberta Serious Incident Response Team.

Municipal collaboration with other orders of government

Collaboration between federal, provincial, and municipal authorities takes place in several ways. First, municipal police services often enforce laws or undertake tasks where the mandate to do so ultimately comes from the federal government (see Mukherjee and Kwon’s essay for a discussion of “interjurisdictional” policing and its implications for municipalities). Second, police services at all levels of government engage in intelligence gathering and information sharing. A third and very prominent form of collaboration is contract policing. Municipalities that do not have their own police forces enter into contracts with either the provincial police or, in most cases, the RCMP. For example, in Newfoundland and Labrador, the Royal Newfoundland Constabulary provides police services in the major municipalities of St. John’s, Corner Brook, Labrador City, and Churchill Falls, while smaller municipalities are policed by the RCMP. Similarly, in British Columbia, the 12 largest municipalities, including Vancouver, Victoria, and Abbotsford, operate their own police forces, while the

RCMP is contracted by the provincial government to serve as the provincial police force, providing policing to all other municipalities.

Altogether, the RCMP provides local, and sometimes provincial, police services in eight of ten provinces and all three territories, covering 190 municipalities. These police service agreements are negotiated and administered through Public Services and Procurement Canada, with the approval of the Minister of Public Safety and Emergency Preparedness. Under 20-year agreements signed in 2012, provinces, territories, and municipalities pay anywhere from 70 to 90 percent of the cost of the RCMP’s services, with the federal government responsible for the remaining share.¹⁴ In 2021, the Prime Minister asked the Minister for Public Safety to review this funding arrangement, including the general financial sustainability of contract policing.¹⁵

Ontario and Québec are exceptions to the rule, as they have their own provincial police forces, the Ontario Provincial Police (OPP) and the *Sûreté du Québec*, which enter into separate police service agreements with smaller municipalities. In these cases, the province pays the bulk of local

policing costs, not the federal government. Regardless of whether municipalities contract with provincial forces or the RCMP, local control and oversight under these arrangements is severely limited.

Conclusion

Although municipalities play a significant role in the provision of police services, they face jurisdictional constraints when it comes to police governance and accountability, including control over police budgets. In most cases, local police services boards operate independently from municipal councils. Lines of accountability generally run through provincial oversight bodies, and municipal councils are structurally limited in their authority to control police spending. Many municipalities rely on provincial and federal police forces, through police service agreements, which further limits municipal management of local policing practices. Overall, the decentralized nature of policing in Canada means that municipalities have limited control over policing, despite bearing a large portion of the responsibility for providing local services.

A prominent form of collaboration is contract policing. Municipalities that do not have their own police forces enter into contracts with either the provincial police or, in most cases, the RCMP.

Paying the Fair Share for Canada's Model of "Integrated Policing"

By Alok Mukherjee and Jihyun Kwon

Alok Mukherjee served as Chair of the Toronto Police Services Board from 2005 to 2015 and is the author, with Tim Harper, of Excessive Force: Toronto's Fight to Reform City Policing (2018).

Jihyun Kwon recently completed her PhD at the Centre for Criminology and Sociological Studies, University of Toronto.

Introduction: The "Freedom Convoy" and "Rolling Thunder"

Much of the cost of municipal policing is for services that fall within federal and provincial jurisdictions but for which those orders of government make only *ad hoc* contributions. Absorbed in police budgets, these costs are borne by municipalities. Is this a fair and sustainable arrangement? Recent events bring this question into sharp focus.

The near month-long occupation of Ottawa by the so-called "Freedom Convoy" of truckers that began in January 2022 put great pressure on the human and financial resources of the City's police service. It cost the municipality about \$36.3 million to police the protest mounted against the federal government's COVID-19 vaccine mandates and restrictions.¹⁶ At the same time, in Windsor, Ontario, a group of truckers blockaded the commercially critical Ambassador Bridge to Detroit,¹⁷ costing the local police force \$6 million.¹⁸ The federal government later confirmed that it would pay the costs incurred by Ottawa, but only after the Ottawa police chief and several board members resigned and took the blame for "ineffective" control of the situation.¹⁹

On the weekend of April 30, 2022, another motorcycle convoy called "Rolling Thunder" arrived in Ottawa to rally against the federal government's mandatory COVID-19 restrictions.²⁰ A different approach was taken this time, with several hundred RCMP and OPP personnel augmenting the city's police force. Even so, policing of the event cost Ottawa about \$3 million.²¹

These events are unique, but also reflect a wider and longstanding challenge. The Federation of Canadian Municipalities (FCM) and the Canadian Association of

Police Governance (CAPG) have made several efforts to bring the issue to the federal table since 2008.²² In 2010–11, Toronto's City Council was also urged to take up the question of downloaded policing costs. A report from the Toronto Police Services Board (TPSB) recommended that Council "take steps directly and through the FCM to support the efforts to achieve the federal government's participation in the financing of municipal policing generally, and in Toronto in particular."²³ The Council took no subsequent action, however, and the FCM and the CAPG also dropped the issue as the federal government refused to discuss it.

The TPSB report was prepared against the backdrop of the June 2010 G20 Summit held in Toronto. Although the RCMP was the lead agency for making security preparations for this international event, the city was required to provide

funds up front for the acquisition of security-related goods and services. Under an arrangement negotiated by the city, the federal government reimbursed the direct costs for salaries and overtime in accordance with collective agreements with police associations as well as administrative costs and the cost of equipment associated with policing the event.

However, expenditures resulting from any public complaints or litigation related to police conduct or tactics, such as the \$16.5 million incurred in class-action settlements,²⁴ were not covered.

Twelve years after the G20 Summit, there is still no established mechanism or cost-sharing formula to ensure that municipalities do not bear the burden or the cost of providing policing services for events under federal jurisdiction.

Interjurisdictional or integrated policing

Every day, municipal police services engage in interjurisdictional policing, where the primary responsibility rests with federal law enforcement agencies or where the mandate comes from the federal government. Police leaders call it "integrated policing," arguing that policing is a seamless process cutting across local, provincial, and national boundaries and thus jurisdictional separation is impossible. Moreover, they maintain that this arrangement contributes to effective and efficient policing, since local police agencies, being closest to the communities they serve, are best able to perform these functions. The federal government offers grants and occasionally makes in-kind contributions, such as equipment. There is no established method or formula for sharing the cost of these types of operations.

Every day, municipal police services engage in interjurisdictional policing, where the primary responsibility rests with federal law enforcement agencies or where the mandate comes from the federal government.

Recently, Ryan Teschner, executive director of TPSB, referred to counterterrorism policing as requiring “a ‘whole of us’ approach to identify, prepare for and respond to the threats the international community and our local communities face.”²⁵ Teschner’s defence applies to all types of interjurisdictional policing.

Excluded from this discussion are types of integrated policing that are necessarily multijurisdictional because of their national or international scope. Organized crime, human trafficking, financial fraud, and cybercrimes cross national and international borders and are, therefore, beyond the capacity of any local police service. These investigations span multiple judicial jurisdictions and are often very complex, requiring joint investigations and shared technical expertise among local, provincial, and national law enforcement agencies.

This paper deals with types of integrated policing that involve the downloading of federal responsibilities to municipal police agencies: intelligence/national security, emergency planning, coast guard responsibilities, and consulate protection. Depending on the nature, size, and location of a community, some or all of these services are performed by municipal police services, in particular those that serve large cities, such as provincial capitals, and cities close to the international border or located on international waterways.

Thus, Ottawa, as Canada’s capital and a major Ontario city, must not only respond to extraordinary events like the “Freedom Convoy,” but also provide routine policing services in airport security, the protection of federal premises, protection of visiting international dignitaries and foreign embassies, protests and demonstrations by people and organizations from across the country, and monitoring and gathering intelligence on potential terrorist threats. Other Ontario cities and regions with similar interjurisdictional responsibilities include Toronto (see Box 1); Kingston, with its federal penitentiary; Peel Region, where the country’s largest airport is located; Hamilton, Niagara Region, and Windsor, with their international bridges; and Kingston, Chatham-Kent, Durham Region, Niagara Region, and Windsor, which border international waters.

Adequate and effective policing

According to Ontario’s *Police Services Act*, crime prevention, law enforcement, assistance to victims of crime, public order maintenance, and emergency response are minimum requirements for “adequate and effective” policing of a

community. To preserve and promote the safety and well-being of the local community, municipalities are required by law to fund these core policing responsibilities with local tax revenue. Nearly all Canadian provinces have a similar definition of the minimum duties of a municipal police service and provision for funding them. Ontario’s *Act* serves as an example.

The downloading of federal policing responsibilities, then, raises three critical questions.

First, does the *Act*’s definition of “adequate and effective” policing include functions that belong to or stem from the federal jurisdiction and reflect the interests of that order of government? To answer this question, the definition of what services constitute adequate and effective policing by a municipal police service needs to be clarified, as does the authority of police service boards.

Civilian governance and oversight of local policing is central to the Canadian model of policing. Yet most matters under federal jurisdiction are outside the authority of local police services boards, even though the police services they oversee are involved.²⁶ If interjurisdictional policing is to be a municipal responsibility, the provincial *Act* must reflect it clearly, in its delineation of both policing services and civilian governance. Otherwise, it would be an expansive interpretation of the legal requirement.

Second, if they *are* part of the statutory definition of “adequate and effective” policing, should the cost of these functions be borne wholly or even substantially by local taxpayers? These downloaded responsibilities have considerable financial and human resource implications, directly affecting municipal finances and the local police service’s ability to meet the more immediate needs of the community. No effort has been made to determine the exact size of the burden. According to the former Toronto police chief, Bill Blair, “these functions are so intertwined that [the costs] cannot be separated by jurisdiction.”²⁷

Nevertheless, Eli El-Chantiry, the Chair of the Ottawa Police Services Board, has called for “a sustainable solution.”²⁸ Funding these interjurisdictional functions from municipal revenues is unsustainable.²⁹ According to Windsor Mayor Drew Dilkens, “The entire cost of helping solve this national...emergency” or issue “is falling on the back of [local] taxpayers” and “no one’s jumping forward to say ‘here’s a cheque.’”³⁰ As the cost of policing rises annually,³¹ the capacity of municipalities to grow their revenues is limited. This leads them to meet their statutory obligation to support

Funding interjurisdictional functions from municipal revenues is unsustainable.

Box 1. Case Example

The Toronto Police Service (TPS) is unique in that it performs all of the interjurisdictional policing functions.

Intelligence/National Security

As terrorism has become a major threat since 9/11 generally and especially with Canada's military engagements overseas, the TPS has dedicated staff proactively monitoring, detecting, investigating, and disrupting terrorist activities and related criminal acts; and working in conjunction with other agencies at the municipal, provincial, and federal levels.

Emergency Planning

Even though a potential threat or the cause of an incident may be of provincial or federal interest, the safety of the residents of Toronto through emergency planning is a municipal responsibility. The TPS plans and prepares for responding to as well as facilitating recovery from any emergency or disaster that may affect Torontonians as part of its core business.

Coast Guard Responsibilities

The TPS's coast guard responsibilities are carried out by its Marine Unit over 1,200 square kilometres of open water, 47 kilometres of shoreline, and an international border with New York State. With a significant increase in cargo shipping in the Toronto Harbour and expansion in air traffic at the Toronto City Centre Island Airport to international destinations, the interjurisdictional responsibilities of the Marine Unit have increased significantly.

Consulate Protection

Toronto is home to a large number of foreign consulates; some, such as the United States consulate downtown, attract considerable attention from the public. While the RCMP has the primary responsibility for ensuring the security of internationally protected persons under the Vienna Convention (Article 31.2), the TPS entered into a Memorandum of Understanding with the RCMP and the OPP in 1993 to ensure an orderly and cooperative joint response to a possible threat to the security of Canada or to internationally protected persons and consulates in Toronto.

“adequate and effective” policing by limiting other areas of expenditure, such as housing, public health, social services, libraries, parks, and recreation – critical programs for building safe and healthy communities.

As a solution, FCM proposed in its 2008 study that the federal government “should reimburse an amount equivalent to no less than 10 per cent of a municipal police force's annual budget to every municipal government that pays for police service.”³² FCM used as its benchmark the lesser amount of the formula that apportioned 10 to 30 percent of the cost of RCMP's contract policing to federal policing.

The third and final critical question pertains to the potential negative impact on community trust and confidence in local police when it engages in functions related to counterterrorism, surveillance, and intelligence gathering, which inevitably involve targeting sections of the community it is required to serve and protect. Mukherjee and Harper questioned the effect of any “resulting securitization and militarization” on “methods of local policing, especially in

responding to civil dissent in a less just, less fair and less equal socio-political environment.”

They went on to ask: “How would it be ensured that the government's willingness to extend greater surveillance powers to police forces...would not result in a greater intrusion into ordinary people's lives? How do police agencies maintain public trust and confidence in community-based policing while also being involved in national security and anti-terrorism activities?”³³ The race data published by the TPS on June 15, 2022, reinforces this concern. It shows a pattern of disproportionate use of excessive force and highest-level strip searches against Black, Indigenous, and Middle Eastern people.³⁴

This last question is, therefore, at least as important as issues related to the scope and intent of the *Act* and funding of interjurisdictional policing, because the public's trust and confidence in local police officers are the backbone of our model of community-based policing.

An examination of interjurisdictional policing is of particular relevance at a time when national and even international debates are taking place about the need for a new model of policing consistent with contemporary realities, controlling the cost of policing, “de-tasking” or “defunding” police, and reducing the reliance on the uniformed and armed police personnel for all community safety responsibilities.³⁵

What, then, might a solution look like?

A lasting response to these questions should consider the current public conversation about a new model of policing and be based on a thorough analysis of police functions and the resources required to perform them.

Rooted in colonialism, slavery, and the maintenance of relations of power, the current paradigm of policing in Canada and the United States relies on the uniformed and armed police officer for nearly all functions. This is not only inefficient and costly, but also has caused over-policing, unnecessary fatalities or serious injuries, and inappropriate responses to issues of public health, poverty, homelessness, social justice, and peaceful dissent. The alternative would separate public safety-related functions, which would benefit from a multidisciplinary approach carried out by unarmed individuals with diverse skills and expertise, from functions that require armed police, such as violent crimes and terrorism.³⁶

Given Canada’s constitutional delineation of responsibilities among the three orders of government, this scheme would let municipal residents focus funding on community safety and well-being. Areas requiring armed and uniformed personnel would be further examined to determine the order of government to which they pertain. Such in-depth analysis, rather than a back-of-the-envelope determination, should guide decisions about the division of responsibilities among police agencies, the use of multijurisdictional teams, and downloading responsibilities from one jurisdiction to another. Finally, provincial legislations on policing should accurately reflect the delineation of responsibilities, different types of policing services, the consequent structures, and municipal obligations.

The subject calls for an intergovernmental as well as a public discussion.

Transforming Municipal Police Governance in Canada

By Erick Laming

Erick Laming is an assistant professor of criminology in the Department of Sociology at Trent University.

Police services boards (PSBs) are municipal bodies responsible – among many other functions – for the adequacy and effectiveness of the local police agency. Police governance is a critical area of concern, given the responsibilities and authority law enforcement officers carry. Several recent conflicts and controversies involving police boards and their members highlight concerns about the adequacy and effectiveness of police governance in this country.³⁷

Many of these issues relate to the political and partisan nature of police board governance. This essay proposes a purely civilian model of police board governance aimed at removing any political remnants associated with police decision-making at the local level, which can be standardized across jurisdictions. This essay also provides a framework of how to implement this new governance model while situating the roles and responsibilities of both provinces and municipalities in this process.

Background

Seven provinces have legislation that gives local municipalities the authority to establish PSBs – British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia, and New Brunswick. Municipalities that contract policing from the Royal Canadian Mounted Police or the Ontario Provincial Police have advisory boards that are like local PSBs – although these advisory boards typically have fewer responsibilities than municipal boards.

Police legislation in the provinces with PSBs provides guidelines on the roles and responsibilities of these bodies. The legislation varies between jurisdictions, but there is little difference in the roles and responsibilities of PSBs across provinces. The main differences come down to the ratio of appointed and elected members on boards, term appointments, and required training for board members.³⁸

These areas vary considerably across provinces. Some jurisdictions require more appointed than elected members, while others are more flexible in the composition. Some provinces do not have term limits for board members, and nearly all provinces do not have legislation that requires members to complete any training. Importantly, some police legislation does not provide adequate direction or guidance for PSBs. These problems have been raised in mainstream media with some commentators claiming that PSBs are set up to fail.³⁹

Current roles of municipalities and provinces

Provinces and municipalities each play a role in the formation and operation of police boards. In some provinces, the provincial government is responsible for appointing a selected number of individuals to serve on local PSBs. These vary between jurisdictions; for example, in Manitoba, the provincial government appoints two individuals to serve on the Winnipeg Police Board and one member to serve on all other municipal PSBs in the province.⁴⁰ In Ontario, depending on the size of the PSB, the provincial government appoints one to three members.⁴¹ Some provinces do not play a role in PSB composition; for example, in Alberta⁴² and Saskatchewan,⁴³ all non-elected members who serve on PSBs are selected by local municipal councils.

The municipality plays a larger role than the province in the composition of PSBs and how they function. In all provinces, municipal councils appoint members to local PSBs. Additionally, some provincial police legislation requires that the head of the municipal council (the mayor) serve on the local PSB. For example, in British Columbia, mayors are automatically PSB members and designated chairs of each board.⁴⁴ In other provinces, mayors are assigned as PSB members unless they choose not to be members. In these cases, another elected member of the council is chosen to serve on the PSB.

Municipalities carry most responsibilities as they relate to PSBs – for example, municipal PSBs generally set budgets, outline objectives and priorities, create local policies, appoint members to the police service, recruit and hire police chiefs, and monitor the performance of the service. The province is not involved in any of these matters. Additionally, there is often interaction between local PSBs and municipal councils, since police budgets and other related matters are reviewed and approved by both bodies.

Beyond member appointments, the primary role of provinces in the operation of PSBs is largely policy creation and legislative guidance. Provincial oversight agencies “supervise” the activities of local PSBs in some jurisdictions. For instance, the Ontario Civilian Police Commission (OCPC) has authority to investigate PSB member conduct in the province as well as to adjudicate budget disputes between boards and local councils.⁴⁵ PSB members are expected to adhere to a code of conduct – if a violation occurs, OCPC officials can investigate.

Overall, the variations in police governance (see Tables 2 and 3) between provinces illustrate inconsistencies, particularly in provincial and municipal roles and responsibilities. Although these inconsistencies may complicate discussions around best practices for police governance across the country, they allow us to identify the strengths and limitations in current provincial guidelines with the goal of standardizing the structure, formation, and operation of PSBs throughout Canada.

De-politicizing local police governance

Perhaps the most contentious area concerning PSB composition and functioning is the political character of these bodies. Of all the variations of PSBs across Canada, one constant is that at least one board member is a locally elected representative.

Police boards originated in late 19th-century Ontario. The early compositions of PSBs included the city mayor, two provincially appointed judges, and two administrators.⁴⁶

Although PSB composition has changed, it continues to be largely intertwined with other local governing bodies, such as municipal councils. In other words, PSBs are not truly independent bodies, because

they consist of elected representatives and are intrinsically enmeshed with the politics of the local municipalities.

A 2022 op-ed published in *Globe and Mail*⁴⁷ argued that we need to return to an early 20th-century police governance model called the “Board of Police Commissioners,” which consisted of the local mayor and two provincial judicial appointees – like the original PSB composition noted above. Although this model may create greater simplicity in police governance, it raises questions and concerns regarding diversity and the inclusion of members tasked with overseeing local policing. Limiting PSB membership to mayors and judges severely restricts the pool of those eligible and capable of serving on a board – particularly, women, visible minorities, and Indigenous peoples who have historically been underrepresented in these roles. In fact, of the 29 “Big City Mayors” in Ontario prior to the 2022 municipal elections, only three (10 percent) were women and none were visible minorities.⁴⁸

A mayor serving on a PSB continues this political legacy. The original reason for creating PSBs was to provide an intermediary body between political leaders (mayors and other elected officials) and the police service⁴⁹ that would provide non-partisan, independent, and objective

The municipality plays a larger role than the province in the composition of police services boards and how they function.

Table 2: Variations of Municipal Police Services Boards Across Canadian Jurisdictions

Province	Ratio of elected and appointed members (elected:appointed)	Legislated term limits for serving on boards ^b	Legislated training for board members	Duties and responsibilities outlined in police legislation ^d
British Columbia	1 elected (mayor); up to 8 appointed	6 years consecutively	No	Yes; limited
Alberta	1 elected for 4-member boards; 2 elected for 5+ member boards ^a	10 years consecutively	No	Yes; limited
Saskatchewan	2:1 for 3 member-boards; 3 elected for 5+ boards	No limit ^c	No	No
Manitoba	No more than half of the members on any board can be elected	8 years consecutively	Yes; required	Yes
Ontario	One more appointed member than elected member for 5–9 member boards	No limit	Yes; required	Yes
Nova Scotia	One more appointed member than elected member for 5–7 member boards	No limit	Yes	Yes
New Brunswick	Minimum 1 elected; minimum 2 appointed; police chief (non-voting member)	10 years consecutively	No	Yes; limited

Adapted from Laming and Valentine (2022; see note 38).

^a It is possible for all members of a board to be appointed by municipal council, according to legislation.

^b The maximum number of years a member can serve (through appointment or election) are captured in this column.

^c Individual jurisdictions may impose term limits.

^d These duties relate to the general or specific responsibilities of PSBs according to the provincial police legislation. “Limited” refers to partial or narrow guidance on PSB responsibilities. This is the case for British Columbia, Alberta, and New Brunswick.

Table 3: Canadian Jurisdictions without Municipal Police Services Boards

Jurisdiction	Municipal police governance body
Québec ^a	Municipal councils
Prince Edward Island	Municipal councils
Newfoundland and Labrador	Provincial government
Nunavut	Minister of Justice
Northwest Territories	Minister of Justice
Yukon	Minister of Justice

^a Municipal police services (e.g., Montréal) are governed by their local municipal council. Regional police services have inter-regional boards of commissioners, but mayors and councillors from those municipalities often serve on the boards.

decision-making without interference or favouritism. Although it may be challenging or undesirable to remove the “political” element from PSBs completely, provinces should be responsible for mandating a pure civilian model of local police governance. A pure civilian model would make inclusion, diversity, and equity more likely in board membership, which would reflect the communities they

serve. Additionally, boards should include members who have a range of experience – including policing experience, legal experience, and lived experience with the judicial system. A pure civilian model would also ensure that police governance matters are completely community-focused and independent of municipally elected decision-making or conflicts of interest.

Currently, the closest examples of a pure civilian model of PSBs in Canada are found in British Columbia and Alberta. In British Columbia, the only elected representative on PSBs is the mayor.⁵⁰ In Alberta, elected municipal representatives may serve on a PSB, but it is not a requirement under the police legislation,⁵¹ although the language leaves it open for interpretation, which highlights a lack of provincial guidance on municipal police governance.

Canadian jurisdictions could borrow the blueprint of the city of Los Angeles concerning police governance. The mayor of Los Angeles appoints five non-elected community members – often those with legal, policy, and lived experiences with the justice system – to serve as commissioners on the local police governing body.⁵² This commission’s main responsibilities include setting policies for

the police department and overseeing its operations – similar to Canadian PSBs.

In addition to a pure civilian model of police governance, board members should be required to complete competency training to serve in these roles. Most jurisdictions with PSBs do not require any members to complete any training.⁵³ As it currently stands, members are not required to have any competency or skills in being able to effectively govern a police service. This area of concern must be provincially mandated and fulfilled to ensure that local PSBs can adequately and proficiently govern police operations.

Responsibilities of municipalities and provinces under the proposed changes

Implementing the changes proposed in this essay will take transformative efforts by both municipalities and provinces. Each will need to make legal and structural changes while ensuring that those selected to serve on PSBs are qualified candidates who bring the necessary skills and assets for police governance while serving community interests.

Provincial responsibilities

The most important role for provincial authorities is to amend and craft legislation that clarifies the roles and responsibilities of local PSBs, which vary across the country. For example, Ontario⁵⁴ revised its police legislation (which has yet to be fully proclaimed) to clarify the responsibilities of PSBs and include specific duties along with areas where the board can create policies related to the police service. Nova Scotia⁵⁵ police legislation provides broad direction for PSBs. Most importantly, the police legislation clearly outlines what PSBs are *not* responsible for (such as day-to-day direction of the police department). These two cases provide a blueprint for distinguishing what boards should and should not be responsible for. Police legislation in British Columbia and Saskatchewan, on the other hand, provides little direction and guidance for PSBs in understanding their roles and responsibilities. The lack of guidance has been a point of contention for some time and has undermined the effectiveness of local police governing bodies.⁵⁶

Provinces need to create an independent arm's-length bureau under police legislation that is focused on police governing matters. These bodies would be accountable to the provincial ministries responsible for policing and public safety. Further, they would be akin to the role of the Inspector General of Policing in Ontario, which was created under new police legislation in 2019. Among its main roles, the Inspector General of Policing in Ontario

monitors and conducts inspections of PSBs to prevent police misconduct and impose corrective measures where necessary. Provinces should create a similar body that oversees all PSB matters, including board appointments, membership, renewal, training, inspection, and oversight of police board functioning and standards. These police governance monitors can be created as a standardized and consistent model operating in other provinces.

To ensure this standardized model, an interprovincial working group should be established made up of police and governance experts who work with policymakers and legislatures in each jurisdiction to organize and maintain a consistent police governance model. The interprovincial working group would be responsible for collaboration among jurisdictions while ensuring the uniformity of local police governance legislation. Once the goals are met, the working group could be phased out or made permanent.

Additionally, provinces are responsible for creating the required training that PSB members must fulfil to serve on these bodies – which the proposed provincial police governance monitors would oversee. With the collaboration of community-based stakeholders as well as Indigenous and other groups, PSB members should receive comprehensive, high-quality, and experiential training to ensure their competency in serving in these roles.

Provinces need to create an independent arm's-length bureau under police legislation that is focused on police governing matters.

With the creation of provincial police governance monitors, all municipal police governing responsibilities would be amalgamated through these bodies. The interprovincial working group established to ensure legislative standardization on police governance would also play a role in this process by overseeing how local governance matters are carried out across jurisdictions. Additionally, the interprovincial working group should consult already established stakeholders, such as the Canadian Association of Police Governance (CAPG), to maintain PSB standards across the country. The CAPG can act as a conduit to ensure consistency and standardization in police governance while providing ongoing training, support, and resources for PSB members.

Ultimately, the creation of provincial police governing monitors streamlines local police governing issues into one body throughout each jurisdiction that can provide responsive and accountable action to communities. In doing so, the responsibilities of provincial ministries of policing and public safety would be reduced – the primary role of these ministries would be overseeing the provincial police governance monitors.

Municipal responsibilities

The most important change for municipalities is that none of the elected representatives would serve on a PSB – or at the very least, they would not have any voting or decision-making powers. This change removes PSBs’ long-standing political attachment. Instead, the municipal role would largely be confined to selecting the best candidates to serve on the local PSB. The council would interview candidates and forward the names of those best suited to the police governance monitor, which would then confirm the appointments. The municipality is in the best position to choose the candidates who reflect the community more broadly.

Municipalities are also responsible for ensuring that PSBs are meeting their mandates through observations that the police service is operating adequately and effectively according to police legislation. Municipalities are also responsible for communicating and reporting any issues, concerns, or disputes with the PSB to the provincial police governance monitors – who also act as independent adjudicators and arbiters in police matters between municipalities and PSBs.

One final municipal responsibility is remuneration of PSB members. In some provinces, provincial police legislation regulates remuneration of PSB members, while other provinces do not stipulate whether members are paid for their service. A community model of police governance that requires thorough training and competency from its members should provide reasonable compensation. Provinces should mandate and regulate remuneration guidelines in police legislation while municipalities are responsible for compensating members serving on local boards. Remuneration of PSB members should be allocated in municipal budgets annually.

Conclusion

Police boards are a necessary component in municipalities to ensure proper governance of local policing. Recent issues related to PSB member conduct as well as questions about

the legitimacy and effectiveness of these bodies, have brought Canada to a critical juncture in police governance that necessitates changes to PSB structure and operation. The changes proposed here highlight important areas where PSBs can improve and be stronger bodies of police governance throughout Canadian municipalities. They also identify the crucial roles and responsibilities of both provinces and municipalities in the standardization and functioning of local police governance. Ultimately, standardizing municipal police governance across Canada serves as a blueprint for other jurisdictions to adopt as a best practice.

Summary of Recommendations

1. De-politicize police boards by having non-elected members only.
2. Require competency training for PSB members.
3. Modernize provincial police legislation to clarify roles and responsibilities of PSBs.
4. Create an interprovincial working group to ensure standardization and consistency of municipal police governance across jurisdictions.
5. Create a provincial police governance monitor office that oversees all local police governance matters within those jurisdictions.
6. Establish standardized training at the provincial level as a requirement for PSB members.
7. Allow municipalities to select and appoint all members to serve on a local PSB.
8. Ensure that municipalities oversee the local PSB and report any issues to the provincial governance monitor.
9. Mandate remuneration for PSB members in provincial legislation.
10. Ensure that municipalities provide adequate remuneration to PSB members.

Endnotes

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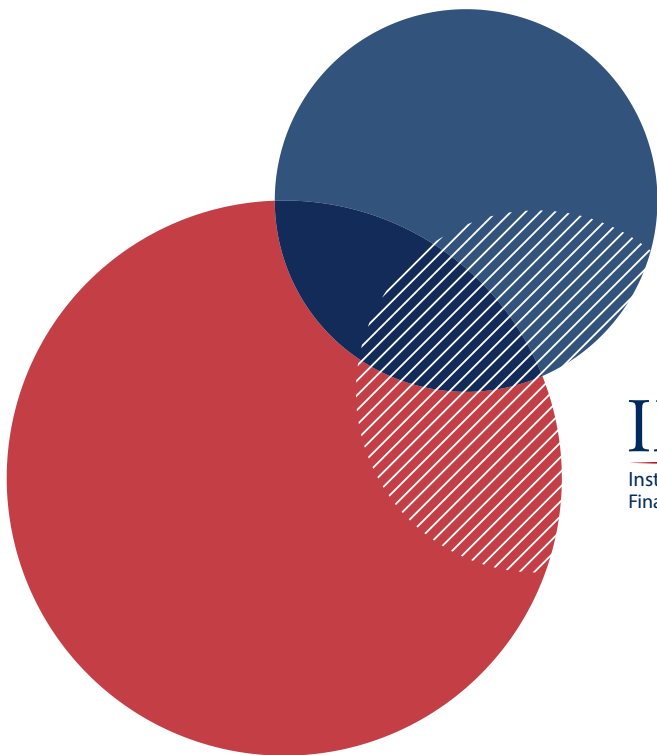
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