

SARNIA POLICE SERVICES BOARD
April 3, 2017
9:30 a.m.
BOARDROOM, POLICE SERVICES BUILDING,
SARNIA, ONTARIO

SPECIAL OPEN MEETING AGENDA

Page

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

REPORTS AND INQUIRIES

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1. Request for Board Approval to Hire Cadets to Undergo Training (Report)

THAT the Sarnia Police Services Board approves the appointments of Cody Simpson, Danielle Girard, Christopher Beauchamp, and Steven Farlow as police cadets to undergo training in accordance with section 51(1) of the Police Services Act.

NEW BUSINESS

ADJOURNMENT

Sarnia Police Service
Department Correspondence
People Serving People

March 28, 2017

To: Sarnia Police Service Board Members

From: Chief Phil Nelson

Re: Board Approval to Hire Cadets to Undergo Training

Board Members,

Please find for your review the recommendation for the Board's appointment of cadets to undergo police training at the Ontario Police College. The four cadets for appointment by the Board will replace four retired constables.

Reference to section 51 of the Police Services Act and Article 20:07 of the Sarnia Police Service Civilian Collective Agreement have been included for your review.



Phil Nelson
Chief of Police

PN/rp

Sarnia Police Service
Department Correspondence
People Serving People

March 27, 2017

To: Sarnia Police Service Board Members

From: Chief Phil Nelson

Re: Request for Board Approval to Hire Cadets to Undergo Training

Recommendation

“That the Sarnia Police Services Board approves the appointments of Cody Simpson, Danielle Girard, Christopher Beauchamp, and Steven Farlow as police cadets to undergo training in accordance with section 51(1) of the Police Services Act.”

Background

The Ontario Police Services Act, 2017 Edition, section 51(1) states that;

“With the board’s approval, a municipal chief of police may appoint persons as police cadets to undergo training.”

The recent Civilian Collective Agreement between the Sarnia Police Service Board and the Sarnia Police Association Article 20:07 allows for the Chief of Police, subject to Board approval, to hire cadets to undergo training at the Ontario Police College.

The four identified persons have completed an extensive recruit identification process and are being recommended for appointments as cadets.

I have personally reviewed the recruit reports on the four persons and agree that they be hired as cadets to undergo training.

Financial Implications

In accordance with Article 20:07 of the Civilian Collective Agreement, cadets are paid at a rate consistent with 50% of a First Class Constable and then, upon successful completion of the Basic Constable Training Program at the Ontario Police College, are sworn in as Fourth Class Constables.

References

- Ontario Police Services Act, 2017 Edition, Earls court
- Article 20:07 of the Civilian Collective Agreement
- Tom Gervais, Police Services Advisor, Ministry of Community Safety and Correctional Services

Phil Nelson
Chief of Police

PN/rp

Police cadets

51. (1) With the board's approval, a municipal chief of police may appoint persons as police cadets to undergo training.

Idem

(2) A police cadet is a member of the municipal police force. R.S.O. 1990, c. P.15, s. 51.

CommentaryGeneral

- **Authority and Purpose**

S 51(1), which applies to municipal police forces only, authorizes the appointment of cadets, to “undergo training”.¹ The authority to appoint cadets in the OPP appears in s 18(4), which permits the Commissioner to “appoint such other employees as are required” in connection with the OPP.

- **Legal Status**

Cadets are “members of the municipal police force”,² but not police officers, since they do not fall within the definition of “police officer” found in s 2. Both the Divisional Court³ and the Commission⁴ have confirmed that cadets are not police officers. Cadets are therefore not subject to the provisions of Part V (Complaints) or Part VII (Special Investigations).

The New Brunswick Court of Queen's Bench has concluded that a cadet is a peace officer for the purposes of the *Criminal Code*.⁵

- **Role of Board**

The authority to appoint is that of the chief of police, not the board.⁶ Although the chief of police appoints, board approval is required,⁷ and since cadets are “members of the

¹ Authority to appoint cadets originally appeared in *The Police Amendment Act, 1966*, SO 1966, c 118, s 18. The current provisions governing cadets derive from s 73 of the *Police Act*, RSO 1980, c 381.

² S 51(2). S 2 defines the term “member of a police force”.

³ *Farrell v Durham Regional Police Services Board* [1999] OJ 3985 (QL) (Div Ct).

⁴ *Farrell and Durham Regional Police*, OCCPS, 11 February 1999 at 3.

⁵ *Cormier v Saint John (City)* (2001) 233 NBR (2d) 81 (QB).

⁶ The board appoints police officers under s 31(1)(a), auxiliary members under s 52(1) and special constables under s 53(1).

⁷ S 51(1).

20.07 In accordance with the Police Services Act the Chief of Police, subject to the Police Services Board approval, may appoint persons as a Police Cadet to undergo training at the Ontario Police College. The Cadet shall be considered an employee of the Sarnia Police Service while they are considered a Cadet. The Cadet shall be paid at a rate consistent with 50% of that of a 1st Class Police Constable as per the Sarnia Police Service Uniform Collective Agreement. Upon successful completion of the Basic Constable Training program facilitated by the Ontario Police College, the Cadet shall be sworn in as a 4th Class Constable when reasonably practicable and will thereby be included in the Uniform Collective Agreement.