



Policy Statement

Policing is increasingly complex, regulated, and scrutinized, and municipal police services are delivered in a social and constitutional context that is constantly evolving. In this environment, governance, oversight and operational decisions made by police organizations increasingly rely upon informed and professional legal advice.

The Durham Regional Police Service and the Police Service Board require access to timely, thorough, and cost-effective legal support and advice to ensure that responsibilities are exercised fairly, judiciously and conform to the highest standards of conduct and administration. By adhering to these principles in securing and obtaining legal services, the Board seeks to build community trust and confidence in the DRPS which will lead to more positive community safety outcomes.

Policy Application

A. DRPS Legal Services Unit

1. The Board and the Service will be supported by a Legal Services Unit that is comprised of trained legal professionals and other members with expertise and experience in managing the legal affairs of the DRPS. The Unit will enhance and safeguard the Board and the Service's interests and reputation in advising on all areas of the law and consistent with organizational vision and strategies.

B. External Legal Services

1. The Service and the Board will rely upon external legal advice on matters from time to time which require subject matter expertise and to address workload pressures. The following factors will be considered in determining whether the involvement of external legal support is necessary:
 - a. The level of subject-matter expertise required;
 - b. Internal workload pressures and the ability to effectively manage a legal matter;
 - c. Whether the matter directly invokes the Board's governance and oversight responsibilities under the *Community Safety and Policing Act*, or which may create a conflict of interest for the Legal Services Unit to support the Board and the Chief of Police.

2. The Region of Durham will be solicited to provide services, on a retainer agreement, for support on legal matters. External legal firms will also be sought to assist the Board and the Service in meeting their legislated and common law obligations. Competitive processes will determine which firm or firms are qualified to represent the interests of the Service and the Board.
3. The Chief of Police shall establish procedures that define obligations and expectations of external legal services that support the provision of high quality, cost-effective legal advice. These procedures shall address the general content of retainer agreements, including:
 - Hourly rates and a reasonable estimate of legal fees and services
 - Requirements to disclose actual and potential conflicts of interest, including personal relationships with members of the Service or the Board
 - Processes for billing and approvals for payment, including a description of practices and activities that will be covered for payment
4. External legal support provided directly to the Board will be coordinated by the Executive Director, who will apply the procedural standards established by the Chief of Police as described in Paragraph 3, with any modifications as required.

C. Civil Litigation

1. The defence of civil litigation matters will be managed by the Region of Durham, through the Durham Municipal Insurance Pool. The Chief of Police shall inform the Board of claims that are likely to attract public attention and potentially impact the reputation of the Board or the Service.
2. Should the Service intend to initiate litigation against an oversight body, the Chief of Police shall inform the Board prior to commencing any such action and provide a written rationale. The Chief of Police shall duly consider the reputational risk to the Service and the potential impact on public trust that such legal action may incite.

Reporting

1. The Chief of Police shall ensure that, with respect to the provision of external legal services, that the following is reported to the Board on a monthly basis:
 - a. The entity representing the Board, and a cumulative total cost of legal services provided with respect to:
 - i. Disciplinary matters
 - ii. Grievances
 - iii. Human rights complaints

2. The Executive Director shall ensure that the cost of legal services provided directly to the Board are reported to the Board annually.
3. The results of civil litigation involving the Board and the Service will be reported to the Board annually, led by the Region of Durham and coordinated by the Legal Services Unit.
4. An audit of external legal services provided to the DRPS will occur at least once every two years and the results of the audit will be reported to the Board.