



Sarnia Police Service Board Policy

Issue Number: SPS-BP-AI-031

Subject: Legal indemnification of Board Members and Board Employees	Effective Date: January 23, 2025
Replaces: New	Distribution: All Members
Last Reviewed: January 23, 2025	Expiration Date: Indefinite
Approved By: Board Chair	Signature: <i>Paul Wiersma</i>

A Legislative Authority

Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by **Section 10** of the *CSPA*.

Section 46 of the *CSPA* provides that a Police Service Board shall establish its own rules and procedures in performing duties under the *CSPA* and its regulations

Subsection 48 (1) of the *CSPA* provides that no action or other proceeding shall be instituted against a member of a Police Service Board for any act done in good faith in the execution or intended execution of any duty imposed or power conferred by this **Act**, the regulations or the by-laws, or for any alleged omission in the execution in good faith of that duty or power

B Policy Statement

1. It is the policy of the Sarnia Police Service Board to protect Board members and its employees from liability for legal expenses incurred in connection with the defense of certain actions referred to in this by-law pursuant to the provisions of the *Municipal Act, S.O. 2001, ch.25, s.279* and amendments thereto, and the *Municipal Conflict of Interest*

Act, R.S.O. 1990, ch.50, s.14 and amendments thereto, and further to protect Board employees from pecuniary loss or liability in respect of those actions.

C Provisions

1. In the event that a Board member incurs any legal expense as a result of any action or other proceeding, except a proceeding brought under the ***Municipal Conflict of Interest Act***, arising out of acts or omissions done or made in good faith by that Board member in his or her capacity as a Board member, including while acting in the performance of any statutory duty, the Board shall pay on behalf of or reimburse the Board member for any such legal expenses, provided that the Board has determined that the acts or omissions were done or made in good faith.
2. In the event that a Board member incurs any legal expense as a result of any action or proceeding brought under the ***Municipal Conflict of Interest Act***, arising out of acts or omissions done or made in good faith by that Board member in his or her capacity as a Board member, including while acting in the performance of any statutory duty, and in the event that the Board member is found not to have contravened section 5 of that **Act**, the Board shall pay on behalf of or reimburse the Board member for any such legal expenses, provided that the Board has determined that the acts or omissions were done or made in good faith.
3. This By-law applies to all current Board members from time to time, and further, applies to any person who was a Board member at the time the cause of action or other proceeding arose, but who, prior to judgment or other settlement of the action or proceeding, has ceased to be a Board member.
4. The provisions of section 3 above apply when the necessary modifications to Board employees, and further the Board shall indemnify and save harmless its employees against any risks that may involve pecuniary loss or liability on the part of those employees arising out of the good faith performance or attempted good faith performance of the employee's duties, in accordance with **section 279** of the ***Municipal Act***.
5. Prior to the paying of legal expenses referred to section 3, the Board may require that the account of the solicitor acting for the Board member be assessed by the Assessment Officer of the Superior Court of Justice pursuant to the provisions of the ***Solicitors Act, R.S.O. 1990, ch.s.15*** for the Province of Ontario.