



## Brantford Police Services Board

# **Policy #96-03** **Indemnification of Chief and Deputy Chief of Police**

---

### **Description**

1. The City of Brantford, on behalf of the Board, shall acquire and maintain a comprehensive insurance policy to provide liability insurance that shall protect the Chief of Police and the Deputy Chief of Police against claims, actions, suits or otherwise brought by any person or persons whomsoever, alleging any wrongful or negligent act or omission by the Chief of Police and/or the Deputy Chief of Police during the course of their duties, the cost of which shall be borne in its entirety by the Board. The amount of the insurance coverage provided shall be at the discretion of the City of Brantford and the Board, acting reasonably.
2. In consideration of the providing of such insurance policy, the Chief of Police and/or the Deputy Chief of Police shall cooperate to the fullest extent possible with the Board's insurer when required, and shall take no step to prejudice the position of the Board.
3. Where a civil or other similar proceeding is brought against the Chief of Police and/or the Deputy Chief of Police which is not covered by insurance, and which arises out of the performance of their duties or their employment by the Board, and if they or either of them are not found to be liable, they shall be indemnified by the Board for the necessary and reasonable legal costs incurred in the defense of such charges or allegations.
4. Where the Chief of Police and/or the Deputy Chief of Police are charged with an offence under any statute, regulation or bylaw (Federal, Provincial or Municipal) arising out of the performance of their duties or arising as a result of or related to their employment by the Board, and if they or either of them are subsequently acquitted or are not found to be liable, they shall be indemnified by the Board for the necessary and reasonable legal costs incurred in the defense of such charges or allegations.
5. Where the Chief of Police and/or the Deputy Chief of Police becomes a party to a proceeding by or before the Board, the Ontario Civilian Commission on Police Services, the Police Complaints Commissioner, a Board of Inquiry, or any other person, board or agency established pursuant to the Police Services Act or other

similar legislation, the Board agrees to indemnify the said officers for the necessary reasonable legal costs incurred in the defence or conduct of such proceedings or for the cost of legal advice related to the investigation where:

- a) the officer's manner of execution of the duties of his or her employment was an issue, and
  - b) if the officer is found to have acted in good faith, and
  - c) except where the matter involves a disciplinary charge against the said officer.
6. The Police Services Board will provide the Deputy and Chief of Police with legal representation to protect their reputation and good name against any act of defamation arising out of the performance of their duties as Deputy Chief or Chief of Police. Any such legal action will be mutually agreed to by the Deputy Chief or Chief of Police and the Police Services Board.
  7. Where the Board elects to provide legal counsel to represent the interests of the Chief of Police and/or the Deputy Chief of Police in any legal proceeding covered by this Policy, and where the interest of the officer and the Board is not in conflict, the cost of such counsel is the Board's responsibility irrespective of the outcome of the proceedings and neither the member nor the Board may rely upon the other provisions of this Policy.
  8. For the purpose of this Policy, "necessary and reasonable legal costs" means the amount of fees and disbursements charged by the solicitor retained by the Chief of Police and/or the Deputy Chief of Police. In the event that the Board believes that the account submitted is excessive or unreasonable, the Board may dispute the said account and may have the account taxed or assessed by an assessment officer of the Ontario Court (General Division), on a solicitor and his own client basis.
  9. Except in an emergency situation, the Chief of Police and/or the Deputy Chief of Police shall, prior to retaining a solicitor, advise the Board of their intent to hire a solicitor to represent them as a result of a particular situation and shall advise the Board of the name and specialty of the solicitor they intend to hire. The Board shall indicate to the officer involved if they have any objection to the retaining of a solicitor or the hiring of the particular solicitor in question. While the decision to hire a solicitor or to hire a particular solicitor is that of the officer, the officer shall have regard to the wishes of the Board. Subject to paragraph 9 of this policy, the Board may, where it has expressed concern over the hiring of a particular solicitor or any solicitor, refuse to indemnify the officer against the legal costs incurred by the officer.
  10. Where the Board refuses to indemnify an officer under paragraph 8 of this Policy, the officer may require that the dispute be resolved by Arbitration. If the parties are able to agree on a single arbitrator, the dispute shall be submitted to the award and determination of the said arbitrator and who shall have all the powers given by the Arbitrations Act to arbitrators. If the parties are unable to agree on a single arbitrator,

the dispute shall be submitted to the Senior Judge of the Ontario Court (General Division) at Brantford who may appoint an arbitrator.

11. The Board may agree, in the Board's total discretion, to provide ongoing funding for the legal costs and expenses of defending or disputing a proceeding. If the Board does not agree to provide such ongoing funding, then the officer involved in the proceeding shall be initially responsible for all the legal costs and expenses of defending or disputing such proceeding.
12. The legal indemnification of the Chief and Deputy Chief as outlined in this policy will extend into their retirement as it relates to their duties as Chief and Deputy Chief of Police.
13. This Policy shall take effect upon passage by the Board and shall continue in effect until repealed or amended by the Board.

## **Legislative Reference**

Board Policy

## **Passed / Reviewed and/or Updated**

Passed: December 10, 1996

Reviewed/Updated: September 13, 2007 / January 10, 2019 / November 28, 2024