



Research Brief

Police Operational Independence: Improving police governance and accountability

This study seeks to enhance awareness and strengthen governance of Canadian police services by clarifying **Police Operational Independence (POI)**, promoting better governance practices, and protecting the rule of law.

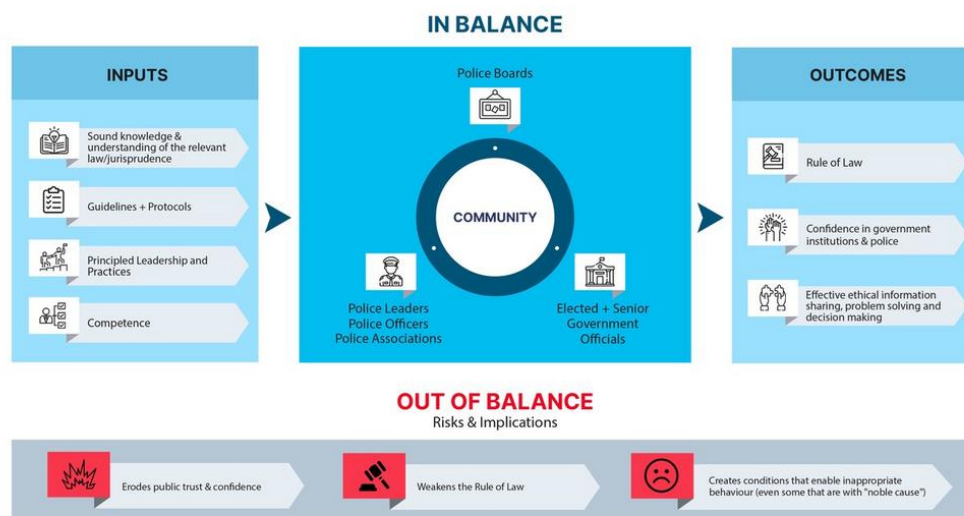
POI is a quasi-constitutional doctrine established through Canadian law, notably the Supreme Court decision in *R. v. Campbell* (1999) 1 SCR 565, which ensures police are free from undue political influence in operational decisions while remaining accountable to democratic institutions.

Despite decades of inquiries and rulings, POI remains poorly understood and inconsistently applied among police officers, leaders, governance bodies, elected officials, and senior government officials. The study draws on Canadian jurisprudence, major commission reports, international comparisons, and over 45 interviews with senior police and governance stakeholders.

The full report can be accessed at: <https://cskacanada.ca/wp-content/uploads/2024/06/Police-Operational-Independence-FINAL-2024-04-27.pdf>

The published article can be accessed at:
<https://www.journalcswb.ca/index.php/cswb/article/view/440>

THE POLICE GOVERNANCE AND ACCOUNTABILITY ECOSYSTEM: POLICE OPERATIONAL INDEPENDENCE



Key Findings Include:

The governance model for municipal policing in Canada is often flawed, under-resourced, and frequently ineffective. Roles of elected officials as municipal councillors and board members are often blurred.	Police boards generally lack sufficient training and continuity to provide effective governance. Police leaders often lack deep understanding of operational independence beyond the most obvious cases of interference.	Government officials often lack adequate understanding to appropriately balance political oversight with police independence.
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The study emphasizes the delicate but essential balance between police being accountable to democratic governance while maintaining operational independence to protect the rule of law and public trust.

To address these issues, the study issues several key recommendations aimed at improving POI and governance in Canada.

Key Recommendations

1. **Mandatory Training:** Provincial justice departments should mandate continual standardized training in police governance for all municipal police chiefs, police board members, and relevant public servants incorporating lessons from major commissions.
2. **Educational Curriculum:** Police training institutions must integrate operational independence doctrine into recruit, in-service, and leadership training.
3. **Legislative Reform:** Police acts should explicitly restrict police board directions to the chief and prohibit interference in operational police work; all directions should be documented and publicly published.
4. **Governance Policies:** Police boards and services should develop complementary formal policies detailing roles, responsibilities, and expectations.
5. **Employment Contracts:** Police chiefs' contracts should affirm operational independence protections.
6. **Protective Policies:** Local police services should establish procedures to shield frontline officers from direct political or board interference.
7. **Funding and Staffing:** Municipalities must provide adequate funding to police boards for proper governance functions, including independent legal advice and research.

What this means for

Senior Police Leaders

- **Ultimate Gatekeepers:** Police leaders, particularly chiefs, require a deep, practical understanding of POI to protect the integrity of policing from inappropriate political influence.
- **Preparedness for Subtle Influence:** Leadership development must better equip leaders to recognize and resist nuanced pressures beyond obvious overt interference.
- **Employment Contracts:** should clearly affirm Chief's operational independence.
- **Balance in Dialogue:** Police leaders must foster constructive dialogue with boards and elected officials but ensure operational decisions remain free from political control.

- **Ongoing Education:** POI must be part of ongoing training from recruit level up through senior leadership.
- **Shielding Frontline Operations:** Clear policies and procedures should be established to protect investigators, incident commanders, and officers from direct political or board intervention.

Police Officers and Supervisors

- **Understanding Roles:** All levels require a clear understanding of their independence in investigative/enforcement roles versus subordination to their superiors in other duties (e.g., traffic control).

Police Boards and Government Officials

- **Training and Awareness:** Elected officials, government officials, and board members should receive mandatory training on police governance and the doctrine of POI.
- **Clear Governance Structures:** Legislation should clarify that boards may only direct the chief and must not interfere in operational matters such as specific investigations, discipline, or day-to-day policing.
- **Written Directions and Transparency:** Any board directions to police chiefs must be in writing and publicly disclosed in a timely manner to ensure transparency and accountability.
- **Adequate Resourcing:** Boards need appropriate funding, staffing, legal support, and longer member terms to effectively govern without over-reliance on the police for guidance.
- **Operational Boundaries:** Government officials (including elected officials who sit on police boards) must delineate political roles from their board roles and avoid bringing political agendas into board operations.
- **Improved Dialogue:** Constructive, respectful, and well-informed dialogue between boards, police leaders, and elected officials is critical for democratic accountability – without compromising POI.

Closing Comment

This study highlights the critical need to deepen understanding and strengthen the application of Police Operational Independence across all levels of policing and governance in Canada.

Upholding this delicate balance between accountability and independence is essential to maintaining the rule of law, public trust, and effective policing.

By implementing the recommended reforms (most of them are not new) – ranging from mandatory training and legislative clarity to enhanced governance resources – police services, boards, and government officials can better support independent policing while ensuring democratic oversight. Sustained commitment to these principles will safeguard the integrity and legitimacy of Canadian policing for the future.