

Tribunals Ontario

Ontario Civilian Police Commission

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6
Tel: 1-888-444-0240

Website: www.tribunalsontario.ca

(Disponible en Français)

April 23, 2021

Mayor Sandy Brown
c/o Andrew McKay
AM LAW
350 Bay Street, Suite 300
Toronto, Ontario M5H 2S6

Via Email: am@amck.law

Todd Taylor
Chair
Orangeville Police Services Board
Town of Orangeville
87 Broadway
Orangeville, Ontario L9W 1K1

Via Email: ttaylor@orangeville.ca

Dear Mayor Brown and Mr. Taylor:

Re: Outcome of Preliminary Review into complaints against Mayor Sandy Brown in his role as Chair of the Orangeville Police Services Board

In response to complaints received on or about October 23, 2019, from a representative of the former Orangeville Police Association against Mayor Sandy Brown in his role as a member of the Orangeville Police Services Board ("Board"), the Ontario Civilian Police Commission ("Commission") initiated a Preliminary Review process.

The Commission thoroughly reviews every complaint or information it receives prior to making any decision of whether to proceed further. During this process, the Commission makes enquiries and gathers information to inform its decision-making process. Also, where appropriate, it seeks to explore options for early resolution.

Tribunaux décisionnels Ontario

La Commission civile de l'Ontario sur la police

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The evidence gathered in the Preliminary Review process into the complaints against Mayor Brown established that the practice of the former Orangeville Police Service (“Service”) was to avoid publicly discussing the health of its officers. Mayor Brown learned of the illness of a former member of the Service in his capacity as a member of the Board. The evidence gathered in the Preliminary Review further revealed that Mayor Brown publicly shared confidential health information about a former member of the Service.

In his interview with the Commission investigators, on May 12, 2020, Mayor Brown admitted that, as of that date, he did not know why the Service member was off work. He further agreed that he was not authorized by the Board to make public statements about the former Service member’s health.

Yet, as a member of the Board, he publicly discussed matters relating to the health condition of a former member of the Service. He also publicly discussed an on-going Professional Standards investigation about the same former member.

In the view of the Commission, he should not have done so.

Notwithstanding that the Commission found the conduct of Mayor Brown to fall below the standard of conduct expected of members of police services boards, as set out in Regulation 421/97 – Member of Police Services Boards – Code of Conduct (“Code of Conduct”) of the *Police Services Act*, RSO 1990 c. P.15 (“PSA”), the Commission determined not to initiate a formal investigation. The Commission determined that, taking all circumstances into account, Mayor Brown should apologize for his errors in judgment to the former Service member. It is not relevant that the Service member is no longer an officer or that the complaints stem from events in 2019.

Mayor Brown was presented this option, through his counsel, by correspondence from the Commission on March 29, 2021. Mayor Brown responded to the Commission, through counsel, on March 31, 2021 that he refused to write a letter of apology. On April 7, 2021, the Commission again presented this option along with notice that, if Mayor Brown did not provide a letter of apology by April 12, 2021, the Commission would consider issuing a public admonition. Mayor Brown, through his counsel, responded to the Commission on April 11, 2021, that he maintained his refusal to offer a letter of apology.

This letter, which will be posted on the Commission’s webpage, constitutes a public admonition of the conduct of Mayor Brown, to which he admitted, in relation to his actions as a member of the Board and his further action of refusal to accept

responsibility for those actions through the issuing of a letter of apology to a former Service member.

The Commission reminds Mayor Brown that, while he was a member of the Board, he swore an oath to fulfill his responsibilities to uphold the standards of conduct as a member of a police services board, including the following relevant sections of the Code of Conduct:

2. Board members shall not interfere with the police force's operational decisions and responsibilities or with the day-to-day operation of the police force, including recruitment and promotion of police officers.
4. Board members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public.
5. No board member shall purport to speak on behalf of the board unless he or she is authorized by the board to do so.
8. Board members shall uphold the letter and spirit of the Code of Conduct as set out in this Regulation and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.
9. Board members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the *Human Rights Code* and the *Charter of Rights and Freedoms (Canada)*.

The Commission encourages Mayor Brown to reflect on his conduct in relation to the former Service member and to seek to do better in his role as a public leader in the Town of Orangeville.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sean Weir".

Sean Weir
Executive Chair, Tribunals Ontario
Chair, Ontario Civilian Police Commission