

Codiac Regional Policing Authority

Policy #: G-1021
Category: Authority Affairs
Subject: Directors and Officers Liability Insurance
Date: Insert
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Review Date: 2025

Framework

Police Act

Section 17.05(10) of the Police Act provides that “a regional policing authority, on behalf of the parties to the agreement for which it is established and within its budget, may acquire, deal with and dispose of real and personal property, may enter into contracts and may sue and be sued, and the parties to the agreement under which the regional policing authority is established are liable jointly and severally for the debts of the regional policing authority arising out of any matter coming within the scope of the Act.”

Section 17.05(12) of the *Police Act* provides that “a member of a regional policing authority shall not be personally liable for acts performed in good faith in the performance or intended performance of the member’s duties.”

Municipal Agreement

Article 6(5) of the Agreement between the three municipalities to establish the Codiac Regional Policing Authority (CRP Authority) dated April 2001 (“the Municipal Agreement”) provides that the “Authority may adopt by-laws and policies to govern and regulate its activities.

Regional Police Services Agreement (RPSA) (2012)

Section 11.10 (a) of RPSA between the CRP Authority and the Government of Canada provides that:

- i. In the event that any Member in the Codiac Regional Police Service (CRPS) receives, by virtue of provincial legislation, the benefit of any statutory defence to any claim or action and in connection therewith the CRP Authority may be or may become liable for any of the payments contemplated in section 11.3 (c) of the Agreement, Canada will indemnify and hold harmless the CRP Authority with respect to any such claim or action and Canada will assume the conduct and carriage of any proceeding relating to such claim.
- ii. The CRP Authority will promptly notify Canada of any claim or action referred to in (i) above.

- iii. If the CRP Authority should compromise or settle any claim or action without the consent of Canada, Canada will not be liable to indemnify or save harmless the CRP Authority.

Section 11.10(b)(ii) of the RPSA provides that Canada will not indemnify or save harmless the CRP Authority with respect to any claim or action made in relation to the sufficiency of the Official Languages Guidelines established by the Province. Both parties agree to promptly notify each other of such claims.

Policy

The CRP Authority will ensure that adequate liability insurance is in place to protect its members. Arrangements have been made to provide directors' and officers' liability insurance coverage for the members and officers of the CRP Authority through the City of Moncton's insurance program.

The City of Moncton provides insurance coverage for the members of the CRP Authority who are exercising their role in good faith. The City of Moncton covers the CRP Authority under C. Insuring Agreements 3. Insured Page 10 as a Subsidiary Insured (Jardine Lloyd Thompson Canada Inc., Certificate of Insurance 'City of Moncton a/o Codiac Regional Policing Authority, June 21, 2007). This coverage provides General Liability Insurance as well as Errors and Omissions Liability.

The City Solicitor for the City of Moncton should be immediately notified in the event of a claim or incident which may trigger an insurance claim.

The Finance Committee, through its Chairperson, will seek written confirmation of this coverage on an annual basis and will share it with the CRP Authority.

At least every three (3) years, the Finance Committee will assess the adequacy of this coverage in relation to that in place for other police governance organizations in Canada.

[Note – old policy noted that the OCC-911 Operation is also insured by the City of Moncton to a limited degree for contents and leasehold improvements and all OCC-911 employees are covered under the City of Moncton policy; in our view this is not relevant to a CRP Authority policy but does highlight the need for an overall review of insurance requirements and coverage for CPR Authority and CPRS.]