



OPP Detachment Board Report

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Background

The *Comprehensive Ontario Police Services Act, 2019* received Royal Assent on March 26, 2019 creating the *Community Safety and Policing Act, 2019* (CSPA). Once in force, the CSPA will replace the *Police Services Act, 1990*. The Solicitor General is working toward bringing the CSPA into effect in 2021. In advance of that, regulations must be developed, and the Province has committed to broad community consultation on these regulations.

The new CSPA carries over similar principles as are currently in effect in the *Police Services Act* (PSA). Principles new to the CSPA include an additional requirement for police service boards to be representative of the communities they serve. There is also a new principle that ensures all parts of Ontario including First Nation (FN) Territories receive equitable levels of policing.

The Solicitor General has new duties under the CSPA, including the duty to develop, promote and provide education and training toward professional policing and a duty to assist members of police service boards, OPP detachment boards and FN OPP boards in performing their duties.

The CSPA is predicated on the provision of ‘adequate and effective police services’; this is carried over from the current PSA. Adequate and effective police services must include crime prevention, law enforcement, assistance to victims of crime, public order maintenance and emergency response. The CSPA provides flexibility to add other policing functions by regulation. The new CSPA also requires that policing functions be delivered in accordance with:

- the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code; and
- a conflict of interest standard to be set in regulation.

The CSPA clarifies that the enforcement of municipal by-laws (except as may be set out in regulation) and court security are not part of the requirement for adequate and effective police service delivery.

The CSPA makes police service boards and the Commissioner of the OPP responsible for the delivery of adequate and effective policing in their area of policing responsibility. Municipalities continue to have options regarding how policing services are delivered, including establishing their own police service, sharing a municipal police service or through the OPP.

Introduction

For municipalities with OPP service, Section 10 agreements between municipalities and the OPP will not exist under the CSPA. Municipalities with Section 10 police service boards are to transition to an OPP detachment board. Municipalities can still enter into agreements for additional services/enhancements (for services not required as part of adequate and effective policing) under the CSPA. A regulation is to be developed to guide the transition from PSA agreements to the CSPA, including alignment of OPP billing to a detachment board model.

The CSPA creates a requirement for one OPP detachment board per OPP detachment. A regulation will be developed that sets out requirements for community representation and input, including:

- board composition, in terms of size and representation;
- board member terms of office; and
- board member remuneration.

The regulation will also address detachment board flexibility to address geography, where more than one board may be needed, such as northern communities.

OPP detachment boards are to represent the full diversity of population groups within a detachment, e.g. Indigenous peoples, Franco-Ontarians, etc. Municipalities in a detachment are responsible for sharing the costs of operating a detachment board.

Given this reality, a meeting was convened on December 18, 2019 with the Mayors, the Police Service Boards Chairs and the respective municipal Chief Administrative Officers from Tecumseh, Lakeshore, Essex, Kingsville & Leamington to prepare recommendations for the Community Safety & Policing Act regulations.

The following individuals participated in the meeting:

Town of Essex:

Larry Snively – Mayor and PSB Chair
Kim Verbeek – PSB Vice Chair
Chris Nepszy – CAO

Town of Kingsville:

Nelson Santos, Mayor and PSB Chair
Will Chisholm, PSB Vice Chair
Peggy Van Mierlo-West, CAO

Town of Lakeshore:

Tom Bain, Mayor
Francis Kennette, PSB Chair
Kristen Newman, Director of Legislative and Legal Services

Municipality of Leamington:

Joan McSweeney, PSB Vice Chair
Ruth Orton, Director of Legal and Legislative Services

Town of Tecumseh:

Gary McNamara, Mayor
Christopher Hales, PSB Chair
Margaret Misek-Evans, CAO
Ellen Preuschat, PSB Recording Secretary

The purpose of this report is to summarize the feedback from the December 18, 2019 meeting and make recommendations to the Community Safety & Policing Act regulations.

Recommendations to the *Community Safety & Policing Act* Regulations

The discussion was organized around three themes with recommendations and context presented for each theme as follows:

1. Composition of OPP Detachment Boards

- a) Flexible approach including diversity requirements of population groups within a detachment.

It was discussed that for larger detachments (containing a higher number of municipalities) the model could become unwieldy therefore the recommendation is for a flexible approach. Participating municipalities could self-govern, within a certain framework, i.e. change the terms of reference on what the board looks like, with Ministerial approval.

There was agreement that every municipality needs a voice and should be represented on the detachment board. This approach could also assist in meeting the CSPA diversity requirements.

- b) Representatives by municipal population: up to 10,000 has one member appointed to the detachment board, and two members appointed with a population of 10,000 + 2 provincial representatives.

There was consensus that equal representation by municipality is not the ideal situation. It was proposed that a form of representation by population be instituted. The group agreed on the recommendation that a municipality with a population up to 10,000 has one member appointed to the detachment board, and two members appointed with a population of 10,000 +.

Based on the context above, the recommended composition of the new detachment board (Tecumseh, Lakeshore, Essex, Kingsville & Leamington)

would be 2 representatives from each municipality present plus 1 from Pelee Island and 2 provincial appointments (as per legislation).

- c) Representatives chosen by individual councils: may be Mayor, Council member and/or citizen.

The group discussed the fact that the Board provides oversight, however the Council approves the contract/budget and that these are different functions. From that perspective, it is important to have Mayor/Council representation on the board. The final conclusion, following further discussion, was that it should be up to each individual Council to decide who will represent them.

- d) Term is same as Council – with community members up to 8 years.

Regarding terms of office, it was emphasized that there is a significant training/orientation period for new members and continuity is critical. Members indicated that a longer term would be ideal with 6 to 8 years maximum service. Terms for elected officials would be defined by their Council terms however community appointees could serve for multiple terms, to a maximum of two terms or 8 years.

- e) Remuneration standardized for the group.

To ensure the equitable distribution of remuneration across the detachment the group proposes that each board member would be remunerated equally. In other words, remuneration would be the same for each member, regardless of which municipality appoints the individual.

2. Transitioning to OPP Detachment Boards

- a) One bill per detachment board that is based on hours of service vs. calls to enhance transparency and accountability for officer hours.

Discussion included concerns with the current billing model primarily related to value for money. Municipalities have no way of assessing proactive policing service received in a model that relies on reactive service calls as the basis for billing and reporting. The group recommended an open and transparent model like the previous hours of service approach. Also, as an integrated service – officers and staff may be moved from municipality to municipality. The group agreed that they don't need to break down for calls for service and that hours of service would better reflect an integrated service delivery model including a provision for a guaranteed minimum staffing level for each shift. Allowance would be made for OPP coverage of major incidents.

- b) Municipalities responsible for own enhancements.

As is current practice, the group supported Municipalities having the ability to enhance services within their community and be responsible for funding and implementing the enhancement.

- c) Define adequate and effective policing with input into the definition from each community or provide opportunity for municipalities to define locally.

The group discussed revising the whole approach toward “adequate and effective policing,” incorporating feedback from municipalities regarding the definition. It is recommended that the regulations should more clearly spell out what is meant by adequate and effective policing. As the billing model is a regulation, this may be the ideal time to re-define adequate and effective policing.

3. OPP Board Governance

- a) A representative of the detachment board must report to Council regularly and provide feedback from Council through a formal feedback mechanism including comparing statistics and metrics for accountability.

With the expectation that each municipality would have adequate representation, the role would include ensuring statistics and metrics are collected and communicated back to each Council. The group felt strongly that this must be a formal feedback mechanism, reporting must be mandated from the detachment board to each municipality in the detachment with a prescribed format for municipal questions/concerns/requests to be considered by the board. Similarly, there must be a mechanism whereby each Council can provide input to local action plans and strategies affecting policing in their community.

- b) Development and updating of the local action plan to increase local engagement and input into decision making.

The group recommends a bottom up approach input process regarding the development and updating of the local action plan. This approach would demonstrate how the board is unique with distinctive partners. Mandatory consultation with Municipal Council regarding the development of the Local Action Plan is recommended to ensure boards establish objectives, priorities and policies for the entire detachment, not just for policing a single community within the detachment area.

The current feeling among the group is that existing PSBs do not have adequate decision making powers and with fewer boards, it is believed that we will have less say on the policing service provided, without a mechanism in the regulation to provide otherwise. Regular meetings, regular consultation and presentation of

statistics (metrics to be included in the action plan, DC responsible for reporting out of the metrics) would improve engagement and accountability.

- c) Develop regulations for the funding formula that reflects the added time and responsibility of developing local policies and action plans, as well as, reporting to member municipalities.

The group discussed that the regulations should set out a funding formula, i.e. based on per property, per person, per household for funding detachment board operations including timelines for submission to partners for budgeting. It was noted that detachment boards' compensation would need to reflect the added time and responsibility of developing local policies, action plans, governance training and reporting to member municipalities.

Conclusion

The *Community Safety and Policing Act* has established a requirement for one OPP detachment board per OPP detachment with requirements for community representation and input. The Municipalities of Tecumseh, Lakeshore, Essex, Kingsville & Leamington convened a meeting to discuss the regulation and prepare a report to provide input into the regulation. The above recommendations are intended to ensure that detachment boards will represent the needs of all municipalities served by the detachment while adhering to the CSPA.