
HALDIMAND COUNTY

Report CAO-02-2020 Submission to Ministry of the Solicitor General - Community Safety and Policing Act Changes Relating to the Ontario Provincial Police



For Consideration by Council on May 19, 2020

OBJECTIVE:

To review and approve a submission to the Ministry of the Solicitor General regarding legislative changes to the Community Safety and Policing Act as they relate to proposed regulations regarding the Ontario Provincial Police (O.P.P.).

RECOMMENDATIONS:

1. THAT Report CAO-02-2020 Submission to Ministry of the Solicitor General - Community Safety and Policing Act Changes Relating to the Ontario Provincial Police be received;
2. AND THAT the feedback as outlined in Report CAO-02-2020 be sent to the Ministry of the Solicitor General as the County feedback relating to the proposed regulations addressing O.P.P. policing provided to municipalities.

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

Proposed O.P.P. related legislative changes under the new Community Safety and Policing Act (2019) have been released for feedback. Councillor Corbett, who is also the Chair of the Haldimand Police Services Board, attended a workshop to overview the proposed changes on February 19th, 2020. The Ministry of the Solicitor General has advised the draft regulations that are normally posted to the Ontario Regulatory Registry for comment will be delayed until the current public health emergency is over. The purpose of this report is to outline the changes and propose a response by Haldimand Council to be forwarded to the Province at the appropriate time.

BACKGROUND:

On March 26, 2019 Ontario passed the *Comprehensive Ontario Police Services Act, 2019 (Bill 68)* and established the *Community Safety and Policing Act, 2019 (CSPA, 2019)* which will replace the *Police Services Act (PSA), 1990* once it is in full force (expected in 2021). Of the 50 - 70 matters for regulation, some impact O.P.P. policed municipalities including:

- Transitioning from section 10 framework under the PSA to the new O.P.P. detachment framework
- Size and composition of O.P.P. detachment board
- The establishment of an O.P.P. governance advisory council
- Aligning existing O.P.P. billing framework to CSPA, 2019

ANALYSIS:

Intent of Regulations:

Regulations are proposed that will facilitate the transition from the current Section 10 framework to a standardized O.P.P. detachment framework. Section 10 agreements will no longer exist under the new Act and municipalities will be required to transition to the new O.P.P. Detachment Board framework.

The intent is to have an O.P.P. Detachment Board that acts as a vehicle to provide civilian governance by ensuring municipalities receiving policing services from the O.P.P. have an opportunity to represent local perspectives, needs and priorities.

Regulations are to be put in place to determine composition of the Detachment Board with the following key roles:

- Advise Detachment Commander on the development of a local action plan
- Work with Detachment Commander to determine objectives and priorities for the detachment
- Consult with O.P.P. Commissioner on selection of Detachment Commander
- Advise Detachment Commander with respect to policing provided by the Detachment
- Monitor performance of the Detachment Commander
- Provide an annual report to the Municipality

Municipalities will continue to be responsible for the costs of operating O.P.P. Detachment Boards.

Attachment 1 is a copy of the Association of Municipalities Ontario discussion paper dated May 1, 2020 that provides further background on the history of the evolution of policing in the Province and which provides an analysis of the proposed changes outlined above. In particular the document includes a series of 12 guiding principles that recognize the importance of municipal self-determination in transitioning to the new Detachment Board framework.

Detachment Board Member Governance (Key Proposed Regulations):

The new Detachment Board framework is to align with the following:

- Representation of the area the board serves
- Board members must have the prescribed competencies and a police record check within 12 months
- Detachment Board Members must complete training on the following before they can perform any duties
 - Role of the Detachment Board and responsibilities of members
 - Human rights and systemic racism training
 - Training on the diverse, multiracial and multicultural character of Ontario
 - Training on the rights and cultures of First Nations
 - Other training as prescribed.
- All Detachment Board Members must comply with a Code of Conduct that identifies what behaviours board members are prohibited from engaging in or required to perform.

Recommended County Feedback to the Province:

1. That the County endorse the Guiding Principles as outlined in the Association of Municipalities Ontario Discussion Paper – New Ontario Provincial Police Detachment Boards: Building a Framework for Better Policing Governance, dated May 1, 2020.

2. It is not clear on how Detachment Board Members will be selected – the material provided at the February 19th session says they ‘could be determined provincially or by the municipal council’. The Regulations should ensure that municipalities continue to be able to appoint both members of Council and citizen members. A police record check for members of Council appointed to a Detachment Board is unnecessary.
3. The material indicates that the proposed regulations are to ensure O.P.P. billing model transparency while retaining the current principles and methods. The key challenges/frustrations associated with the current billing model for the Police Services Board and Council is the difficulty in being able to measure the value of the cost relative to the level of service and the ability to align policing resources to key community priorities. Specifically, the lack of any definition of what constitutes adequate and effective policing leads to conflicts between the Police Service Board (PSB) and Council (as the funding agency) if there is no ability to define or measure how this standard is met including alignment with key local priorities (i.e. service availability, foot patrols, speeding issues). While the responsibilities of the new Detachment Board include monitoring the Detachment Commander and providing an annual report, the assessment of adequate and effective policing ultimately is that of the O.P.P. Commissioner. Regulations should provide for the ability to define in the local context an agreed to standard for adequate and effective policing.
4. The range of training but more importantly the requirement to have all the training completed before Detachment Board Members can perform any duties is onerous. There is significant concern that it will impact the ability to recruit qualified people resulting in a limited availability of candidates. It is suggested that the training be required to be successfully completed within 6 months of appointment. Furthermore, for appointees who have previously sat on Police Services Boards consideration should be given to grandfathering qualifications.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. AMO Discussion Paper – New Ontario Provincial Police Detachment Boards: Building a Framework for Better Policing Governance – May 1, 2020.