
HALDIMAND COUNTY

Report CAO-03-2022 O.P.P. Contract Update

For Consideration by Council in Committee on September 20, 2022



OBJECTIVE:

To provide an update on the Haldimand County policing contract with the Ontario Provincial Police (O.P.P.).

RECOMMENDATIONS:

1. That Report CAO-03-2022 O.P.P. Contract Update be received;
2. AND THAT Haldimand County extend the current agreement with the Ministry of the Solicitor General for the provision of police services by the Ontario Provincial Police for one (1) year, ending December 31, 2023;
3. AND THAT a by-law be passed authorizing the Mayor and Clerk to execute the Agreement for the provision of police services by the O.P.P.

Respectfully Submitted: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The current policing contract between Haldimand County and the Ontario Provincial Police (O.P.P.) is set to expire on December 31, 2022. Given the [Community Safety and Policing Act, 2019 \(CSPA, 2019\)](#) has yet to take full effect, the O.P.P. Policing Bureau has provided several options in the interim. Staff concur with the Haldimand County Police Services Board (PSB) that is recommending that the current section 10 agreement be extended for one (1) year.

BACKGROUND:

The [Police Services Act \(PSA\), 1990](#) sets out the roles and responsibilities of municipalities and the Ontario Provincial Police (O.P.P.) with respect to the provision of policing services in Ontario and outlines the adequate and effective services that every police service shall meet.

Section 4 of the PSA details the required core services and infrastructure and Ontario Reg. 3/99, Adequacy and Effectiveness of Police Services, sets out the specific service requirements of the core police services. Municipalities are responsible for providing policing services and can choose to do so in a number of ways:

- Establish an independent police service;
- Enter into an agreement with municipal council(s) to constitute a joint board or amalgamate police services; or,
- Contract services from either a contiguous police service or from the O.P.P. (Sec. 10)
- Receive police services from the O.P.P. as detailed in section 5.1 of the PSA – Non Contract

Currently statutory policing services in Haldimand County are provided via a [5 year contract](#) with the O.P.P. to ensure adequate and effective policing responsibilities. This arrangement is known as a

Section 10 Contract in which there is an agreement between the municipality and the O.P.P. to provide local policing services. Under a Section 10 arrangement there is:

- A Police Services Board who has a limited role in monitoring policing activity but no operational responsibility;
- Opportunity to receive support funding for policing (i.e. RIDE programs);
- Some opportunity for specific enforcement of agreed to municipal by-laws;
- Other enhancements at a cost.

Attachment 1 outlines the difference in contractual versus non-contractual policing models.

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. When this occurs, 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. to have an opportunity to represent local perspectives, needs and priorities.

Municipalities will continue to be responsible for the costs of operating O.P.P. Detachment Boards. Currently O.P.P. costs incurred annually by Haldimand County are just over \$8 million.

The current contract expires December 31, 2022. The O.P.P. has provided several options in terms of moving forward until the CSPA is in effect.

ANALYSIS:

The County has been contacted by the O.P.P., Municipal Policing Bureau (MPB) regarding several options the County could pursue:

- 1) "Extension of current s.10 agreement - for either 1 year (expiry December 31, 2023) or 2 years (expiry December 31, 2024) - by way of an Amending Agreement to the current contract:
 - A bylaw is required.
- 2) Full renewal of s.10 agreement (with a term of 3, 4, 5, or 6 years)
 - A bylaw is required.
- 3) Current contract expires on December 31, 2022 and reversion to a s. 5.1 non-contract arrangement on January 1, 2023:

For options 1 and 2 above, the agreement will indicate that the contract would conclude on either the expiry date, or the date when the CSPA comes into force.

The Haldimand County Police Services Board (PSB) considered these alternatives at its [meeting of August 25, 2022](#) and passed the following resolution:

1. THAT the correspondence from Sergeant Katherine Ross, Municipal Policing Bureau Re: O.P.P. Section 10 Contract Renewal, dated June 20, 2022, be received;
2. AND THAT the Haldimand County Police Services Board recommend that Council select Option 1 for the O.P.P. contract renewal.

Staff concur with the PSB that Option 1 is preferred. Given the uncertainty with respect to the timing of when the CSPA will be in full effect, and the need to discuss policing arrangements with the new Council

following the October 2022 municipal election, it is suggested that the current arrangement be extended for one year and be re-evaluated at that time.

FINANCIAL/LEGAL IMPLICATIONS:

Currently O.P.P. costs incurred annually by Haldimand County are just over \$8 million. The statutory costing formula includes 'base' per property cost that is standard across the Province as well as 'dynamic' costs associated with calls for service and as such the actual cost varies annually.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

1. [Police Services Act \(PSA\), 1990](#)
2. [Comprehensive Ontario Police Services Act, 2019 \(Bill 68\)](#)
3. [Community Safety and Policing Act, 2019 \(CSPA, 2019\)](#)
4. [2018 - 2022 Contract for policing services with the Minister of Community Safety and Correctional Services](#)
5. [August 25, 2022 Haldimand County Police Services Board Agenda](#)

ATTACHMENTS:

1. Fact Sheet - Section S. 5.1 vs. S. 10 of the Police Services Act