
HALDIMAND COUNTY

Report CLE-06-2024 Community Safety and Policing Act
For Consideration by Council in Committee on April 30, 2024



OBJECTIVE:

To provide an overview of the changes related to new legislation – *Community Safety and Policing Act, 2019*.

RECOMMENDATIONS:

1. THAT Report CLE-06-2024 Community Safety and Policing Act be received.

Prepared by: Tracey Cassidy, Council Services Coordinator

Reviewed and respectfully submitted: Chad Curtis, Municipal Clerk

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

The purpose of this report is to provide members of Council with information regarding changes to policing legislation in Ontario. The legislation makes changes in many areas of policing policy, including the role of municipal councils with respect to police services boards. The transition to the new legislation will require that the County address a number of key items.

BACKGROUND:

As of April 1, 2024, the *Community Safety & Policing Act, 2019* (CSPA) came into effect, replacing the *Police Services Act, 1990* (PSA). The new legislation focuses on addressing community safety, enhancing police oversight, modernizing policing and establishing consistent mandated training requirements.

The CSPA will be a new framework for civilian input into how policing is provided in areas enforced by the Ontario Provincial Police (O.P.P.) through a detachment-based police service board. The new legislation requires the creation of an O.P.P. Detachment Board (the Board), which replaces the former Haldimand County Police Services Board. Areas with municipal police forces will continue to have oversight through Police Services Boards with some different legislative requirements than O.P.P. Detachment Boards.

The Haldimand O.P.P. Detachment currently services Haldimand County as well as Mississaugas of the Credit First Nation (MCFN). These two communities form the detachment area. Council considered Report CAO-05-2023 O.P.P. Detachment Board at the November 21, 2023 Council in Committee meeting and passed a recommendation to approve the board structure. Since then, that structure has been confirmed by the Ministry of the Solicitor General and written into the new legislation.

The approved composition of the new Haldimand O.P.P Detachment Board is as follows:

- 2 Haldimand County Council appointments;
- 2 Haldimand County community appointments;
- 1 Mississaugas of the Credit First Nation Council appointment;
- 1 Mississaugas of the Credit First Nation community appointment; and
- 1 Provincial appointment.

Report CLE-08-2024, listed on the Closed Session agenda for the April 30, 2024 Council in Committee meeting addresses the Haldimand appointments to the new Board.

Further details regarding the board composition, requirements, and eligibility criteria for board members can be found on the County website.

ANALYSIS:

The CSPA builds on the principles of the PSA and includes additional requirements for police service boards to be representative of the communities they serve.

Some other key changes include:

- The public complaints process;
- The new role of the Inspector General of Policing;
- The definition of Adequate and Effective Policing;
- Code of Conduct for O.P.P. Detachment Board Members; and
- Training requirements for all Board members.

The Law Enforcement Complaints Agency (LECA), formally known as the Office of the Independent Police Review Director (OIPRD) is an important change to the public complaints process. The LECA will now be responsible for receiving, managing and overseeing public complaints about misconduct and issues of a systemic nature.

The Inspector General of Policing is a new policing oversight body and the first of its kind in Canada. The new role will be to support the Inspector General in driving improvements in policing performance and governance.

The definition of Adequate and Effective Policing has been refined and now includes the following policing functions: crime prevention, law enforcement, assistance to victims of crime, public order maintenance and emergency response. The legislation provides flexibility to add other policing functions by regulation. The CSPA clarifies that the enforcement of municipal by-laws (except as may be set out in regulation) and court security are no longer considered part of the requirement for adequate and effective police service delivery within the legislation. However, the CSPA still addresses these two functions as responsibilities of the O.P.P., just not through the policing contract with Haldimand County. As such, it is expected that these two functions will be considered enhancements to the base contract and treated independently.

There is a new Code of Conduct for Board members (Regulation 409/23) which is intended to strengthen civilian governance by clarifying the behaviours that are expected and prohibited of individual board members.

Section 35(2) of the CSPA prescribes that all Board members must complete mandatory Roles and Responsibilities training. This is the only training requirement to be an active voting member of the Board. There is also mandatory thematic training which is still under development. Once it becomes available, board members will have six months to complete it.

General responsibilities with respect to policing:

Section 10(1) of the CSPA includes updated language with respect to policing responsibility, stating that the O.P.P. Commissioner “shall ensure adequate and effective policing is provided in the area for which they have policing responsibility in accordance with the needs of the population in the area and having regard for the diversity of the population in the area.” As mentioned above, the legislation also includes an updated definition of “adequate and effective policing,” as set out in Section 11 and Regulation 392/23.

Matters that may affect future Council processes and decisions:

1. Board budget matters and process – The CSPA has changed the budget process for detachment boards. Staff will provide additional information prior to the 2025 budget process.
2. Board planning and reporting – Detachment boards will be required to adopt a local action plan for the provision of policing, and in doing so will be required to consult with various entities, including Council. The Board also will be required to provide an annual report to Haldimand and MCFN Councils regarding various matters, including the implementation of the action plan. The local action plan and annual report must be published on the website.
3. Community safety and well-being plan – The CSPA continues the requirement for such a plan and adds a requirement upon the municipality to consult with individuals who have received or are receiving mental health or addiction services in its preparation. The new regulation also requires Council to review and, if appropriate, revise the plan every four years.

Other potential impacts:

Under the CSPA, a detachment board is no longer defined as a local board under the *Municipal Act, 2001* as the former Section 10 Police Services Board was. As such, the Haldimand O.P.P. Detachment Board may require its own form of insurance. Staff have reached out to the County’s insurance provider for advice and options.

Additionally, all municipalities policed by the O.P.P. will be subject to Regulation 413/23 Amount Payable by Municipalities for Policing from Ontario Provincial Police. This regulation preserves the cost-recovery methodologies currently in effect. The O.P.P. Billing Model cost allocation method remains the same under the regulation and there are transitional provisions included in the regulation that stipulate that 2024 annual billing statements will not need to be reissued. The current O.P.P. contract will continue throughout the transition.

Since the Board will be comprised of both Haldimand County and MCFN members, both Councils will share a similar role as it relates to budget matters, providing input on the local action plan, and being provided with an annual report from the Board. The new legislation will be a significant transition and there are still a number of impacts that remain unknown. Staff are reviewing legislative requirements and transition-related matters. It is anticipated that items Council must address will be brought forward at a future Council in Committee meeting although at initial review of the new legislation, it appears that the intent is to have municipalities and First Nations be at arms length from the new Boards with the exception of high level approval of budgets, appointments to the Board and covering the Board expenses.

FINANCIAL/LEGAL IMPLICATIONS:

The 2024 Council-approved operating budget for the Haldimand County Police Services Board is \$25,090 and the Police Reserve Fund is \$8,262.73 as at December 31, 2023. The remaining budget as at March 31, 2024 would be rolled over to the Haldimand O.P.P. Detachment Board for 2024 along with funds from the Police Reserve Fund. This would become the budget for the Board for 2024.

Once established, per Regulation 135/24, the Board will be required to prepare estimates on an annual basis detailing the total amount necessary to cover the operational expenses of the Board. The full extent of any changes to the budget is unknown at this point, but may include insurance premiums, professional development, interdepartmental chargebacks for administration support, legal fees, etc. Historically, most of these expenses have been absorbed within the Haldimand County municipal budget, but as staff develop a better understanding of the new legislative requirements and partnership with MCFN, more appropriate separation of expenses will likely be necessary.

It is expected that MCFN Council would determine the appropriate stipend for their Council and community appointments, as would Haldimand County. The Act requires each party to cover the costs associated with the stipends for their respective representation, while the municipality has historically been responsible for the provincial appointment. Details related to cost sharing of other Board expenses have not yet been confirmed by the Ministry.

STAKEHOLDER IMPACTS:

Haldimand County has been communicating directly with the Ontario Association of Police Services Boards, the Ministry and the MCFN on this matter.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

REFERENCES:

1. [Community Safety and Policing Act, 2019](#)
2. [Report CAO-05-2023 O.P.P. Detachment Board](#)

ATTACHMENTS:

None.