



COUNCIL AGENDA REPORT

TO: Mayor Harding and Members of Council

MEETING DATE: March 11, 2020

SUBJECT: Community Safety and Policing Act,
Regional Round Table Meeting

RECOMMENDATION:

THAT Council receive the report for information purposes

APPROVALS:

Date

Signature

**Submitted: Ken Becking P. Eng.,
Acting CAO**

Mar.4/20

Original signed by K. Becking

EXECUTIVE SUMMARY:

The Act was passed in 2019 and the Ministry of Solicitor General is now preparing the regulatory framework to put the act into effect. The Feb.28, 2020 session in Orillia ON was intended to receive municipal input specifically as it relates to the requirements for Detachment Boards, the makeup of the OPP Advisory Council, and aligning the billing for OPP services with the new act.

ORIGIN:

The Ministry of the Solicitor General's Office invited municipalities to attend the session.

BACKGROUND:

The province passed Bill 68, the Comprehensive Police Services Act 2019 in March 2019. The bill established the Community Safety and Policing Act, (CSPA) which is intended to replace the Police Services Act 1990. It is intended that the act will come into force in 2021. In order for this to occur, approximately 70 separate regulations need to be put in place in order to give effect to the new act. The regulations will affect all aspects of policing in both the municipal police forces and the OPP.

Three initiatives will have a significant impact on municipalities who are policed by the OPP. The first two relate to civilian oversight of the OPP. The new act proposes to create two new bodies to meet this objective. These are:

- The Establishment of Detachment Boards to provide a mechanism for the provision of local input to provision of service through the detachment.
- The establishment of an OPP Governance Council to advise the Solicitor General on the use of his/her powers over the OPP.

Thirdly the new act will be phasing out the Section 10 framework for the provision of municipal policing by the OPP under an agreement. The new regulatory frame work will transition municipalities with Section 10 agreements into the new act where agreements will no longer be required.

The consultation session was the last of seven sessions conducted throughout the province to receive municipal input on these issues.

DISCUSSION

The handout received at the session is attached as Appendix A to this report. Issues to be addressed are as follows:

Detachment Boards

One or more board will be established per detachment. Issues that need to be addressed are summarized in the table below:

Matters to Be Addressed	Issues To Be Considered
Number of Boards per detachment	<ul style="list-style-type: none"> • One board per municipality/FN or one board for all municipalities/FN served
Composition and size of the boards	<ul style="list-style-type: none"> • Fair representation (Councils, Community, factors to be considered in making appointments) • Size of the Board (Min/Max) • Provincial Appointees • Remuneration
Terms of Appointments	<ul style="list-style-type: none"> • Who appoints • Length of term • Rotating/overlapping appointments
Remuneration	<ul style="list-style-type: none"> • How much, minimums
Code of Conduct	<ul style="list-style-type: none"> • Acceptable involvement • Training
Transitional Matters	

OPP Governance Advisory Council

The intent of the Governance Council is to advise the Solicitor General with respect to matters affecting policing by the OPP. While municipalities are to be represented on the Council, there is no intention that the body be an umbrella over the detachment boards. The issues being considered include:

- Council size
- Composition

- Representation from special groups
- Need for specialized expertise

OPP Billing Model

Under the new act base service will be the same for all municipalities. There are no changes proposed to the billing model. Improvements in terms of transparency of the billings are proposed. Municipalities may request additional services be provided by the OPP and they can be arranged on a cost recovery basis. All existing contracts will continue until the new act comes into force. Concern was expressed for the basis on which costs are apportioned. No changes are anticipated at this time.

Next Steps

The session was the last of the regional consultations. The Ministry has a number of consultations planned with special interest group which to take place during March. When the consultations are complete the input received will be consolidated and presented to the Minister. Based on the direction received the regulations will be drafted. This is expected to be completed in the late spring of 20230 at which time they will be posted for public comment. Any member of Council wishing to provide additional comment may do so by submitting it to SolGenInput@Ontario.ca

RATIONALE:

N/A

FINANCIAL:

Unknown at this time

TOWNSHIP STAFF CONSULTED:

N/A

ATTACHMENTS:

Appendix A: Community Safety Act, 2019: Ontario Provincial Police Regulatory Requirements

CONTACT:

Ken Becking P. Eng., Director of Public Work

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Ministry of the Solicitor General

Community Safety and Policing Act, 2019: Ontario Provincial Police Regulatory Requirements

Presented to: Regional Roundtables

Date: February 2020

Purpose

- Provide an overview of:
 - The legislative changes under the Community Safety and Policing Act, 2019 (CSPA,2019) related to the Ontario Provincial Police (OPP);
 - OPP-related engagement; and
 - Stakeholder feedback to date on OPP-related matters for regulation.
- Discuss matters for regulation related to OPP Governance such as:
 - OPP Detachment Boards;
 - OPP Governance Advisory Council; and
 - Transitioning from the section 10 framework under the PSA to the new OPP detachment framework under the CSPA, 2019.

Context

- 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).
 - Once in-force, the CSPA, 2019 will replace the *Police Services Act* (1990).
- The CSPA, 2019 supports the government's commitment to:
 - Strengthen public confidence in policing and maintain key independent policing oversight functions;
 - Demonstrate respect for front line policing personnel by building the right supports and fair processes to enable police to effectively perform their duties and ensure public safety; and
 - Deliver quality and efficient policing while also realizing better value for money.
- The ministry is targeting bringing the CSPA, 2019 into force in 2021.
- There are approximately **50 -70 matters for regulation** that will be developed to bring the CSPA, 2019 into force, including regulations related to the OPP.

CSPA, 2019: Sequencing Regulatory Development



Matters for Regulation	Phase 1	Phase 2	Phase 3
	<ul style="list-style-type: none"> Administrative Matters (e.g., oath of office, CSWB time period for review) Codes of Conduct for Police Officers, Special Constables, Board Members (Municipal, OPP and First Nations) and Advisory Council Members Use of Force, including Race-based Data Collection, and De-escalation Framework 	<ul style="list-style-type: none"> Potential additional, First Nations Policing Opt-in Criteria Special Constables Framework Policing Functions Required in Every Community (Adequate & Effective) Required Adequate and Effective Standards, including: <ul style="list-style-type: none"> Conflict of Interest; General Criminal Investigations; and General Patrol. Delivery of Policing <ul style="list-style-type: none"> Section 14 Agreements 	<ul style="list-style-type: none"> Training for Police Officers, Board Members and Special Constables (e.g., human rights, anti-racism and indigenous training) Training Exemptions for the Appointment of Police Officers Information Sharing (i.e., what information is to be shared with the minister and how) Disclosure and De-identification of Personal Information Reporting on Internal Investigations (i.e., content for Chief's reports)
		<ul style="list-style-type: none"> OPP Detachment Boards OPP Advisory Council OPP Billing (i.e., alignment with CSPA) Ontario Police Arbitration and Adjudication Commission (OPAAC) (e.g., OPAAC and committee composition) Equipment and Weapons Discipline (e.g., defining serious offence) Special Constables Training Additional Priority Adequate and Effective Standards (e.g., Human Trafficking, Domestic Violence) 	<ul style="list-style-type: none"> Alternative Entry Stream for Appointment of Police Officers Post-Secondary Education Equivalency Criteria for Appointment of Police Officers

IMPLEMENTATION AND OPERATIONALIZATION:

- OPP-related matters for regulation to be submitted to Cabinet for decision-making in Spring 2020.
- Transitional matters related to the OPP to be addressed:
 - Dissolving Section 10 (Municipal) Boards;
 - Establishing OPP Detachment Boards (e.g. Recruitment and Appointments.)
 - Training of OPP Detachment Board Members as well as OPP Governance Advisory Council Members.

CSPA, 2019: Engagement Overview

Ministry of the Solicitor General

Engagement Tables with policing, First Nations and community/social services stakeholders support the development of the regulations required to bring the CSPA, 2019 into force. The tables help to identify and address gaps and challenges so that we can support the operational and fiscal sustainability of policing across the province as we develop the required regulations.

Toronto - Ontario
Cooperation and
Consultation
Agreement
(TOCCA)

Association of
Municipalities of
Ontario (AMO)
MOU

Community and
Social Services
Table

Policing
Table

*Members Include: OPP, OPPA
& OSOPA, OAPSB, and AMO.*

First Nations
Policing Table

First Nations
Leadership
Engagement

Technical Working Groups (e.g., OPP Regional Roundtables)

Established to inform the regulatory development process as required on specific topic areas.

OPP-Related Legislative Changes and Matters for Regulation



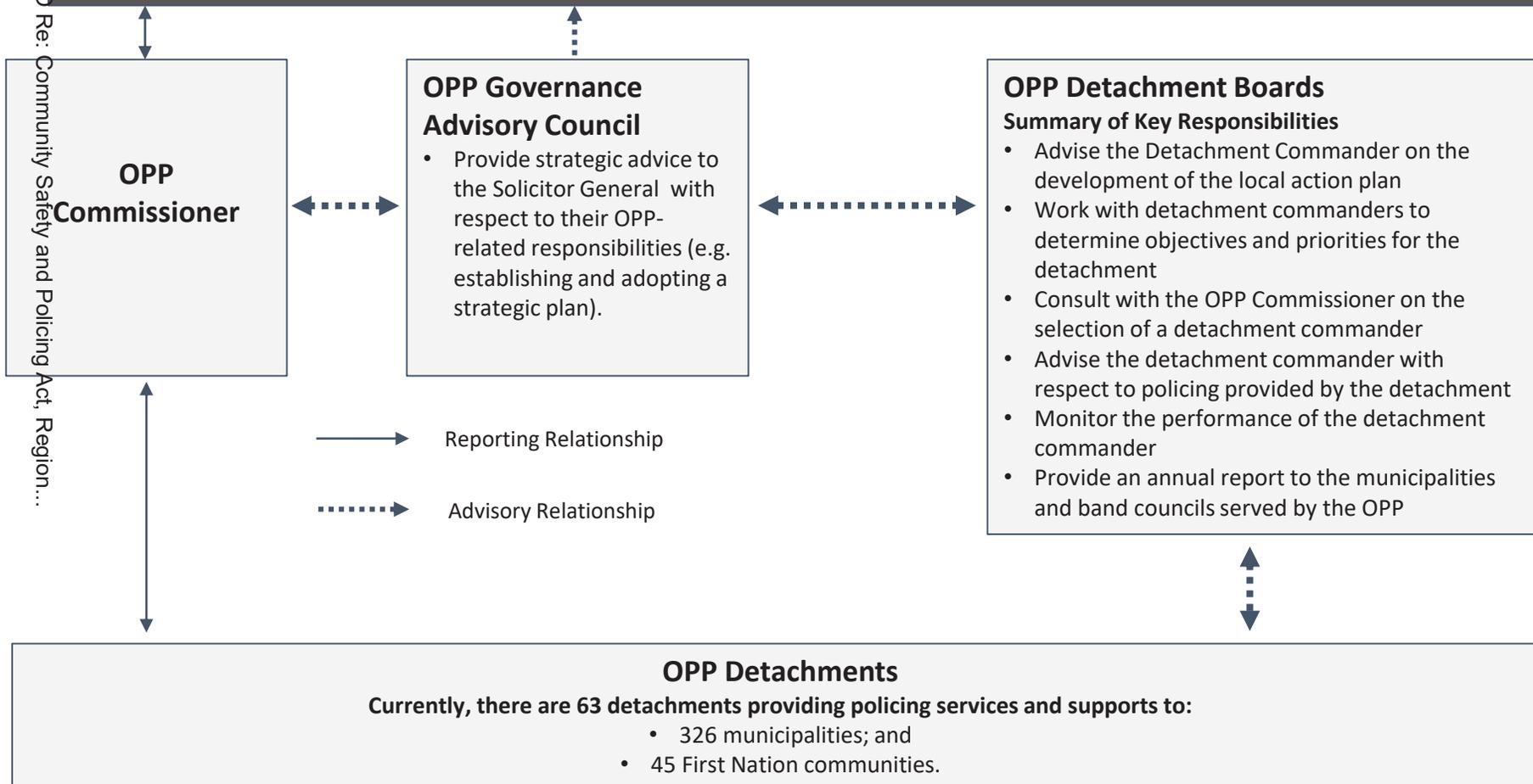
OPP Related Changes: PSA to CSPA, 2019

Items	PSA	CSPA, 2019
Municipalities with a Section 10 Agreements	<ul style="list-style-type: none"> The council of a municipality or two or more municipalities may enter into a “Section 10” agreement with the Solicitor General for the provision of police services by the Ontario Provincial Police. In order for a municipality to enter into an agreement for the provision of police services, the municipality must establish a “Section 10” board. 	<ul style="list-style-type: none"> Transitioning from the section 10 framework under the PSA to the new OPP detachment framework under the CSPA, 2019. <p>NOTE: <i>OPP detachment boards will be created under the CSPA, 2019 for every OPP detachment.</i></p>
Municipalities captured under Section 5.1 (1)	<ul style="list-style-type: none"> If a municipality does not provide police services by one of the ways set out in the legislation, the Ontario Provincial Police shall provide police services to the municipality. Municipalities are not required to establish a board. 	<ul style="list-style-type: none"> No municipalities receiving OPP policing will require an agreement. All municipalities will receive OPP policing by default unless they adopt another method of policing.
First Nations receiving OPP services or supports	<ul style="list-style-type: none"> First Nations receiving OPP services or supports do not have access to a police service board under the PSA. 	<ul style="list-style-type: none"> Per the Act, regulations will be developed to determine the composition of the OPP detachment board.
OPP Governance Advisory Council	<ul style="list-style-type: none"> No OPP Governance Advisory Council under the PSA. 	<ul style="list-style-type: none"> An OPP Governance Advisory Council will be established to advise the Solicitor on the use of her powers regarding the OPP (e.g. the Solicitor’s duties, policies, strategic plan and directions to the Commissioner of the OPP).
OPP Detachment Boards	<ul style="list-style-type: none"> No OPP Detachment Boards under the PSA. <p>NOTE: <i>Under the PSA, municipalities with Section 10 agreements are required to participate on a Section 10 board.</i></p>	<ul style="list-style-type: none"> There will be one, or more than one, OPP detachment board for each OPP detachment providing policing services to a municipality or First Nation. A OPP detachment board will be a vehicle to provide civilian governance (see slide 8 for additional information).

OPP Governance Overview

Solicitor General

- Develop the Strategic Plan for the OPP, in accordance with requirements in the CSPA, 2019;
- Establish policies that ensure the Commissioner provides adequate and effective policing in accordance with the needs of the population in the areas for which the Commissioner has policing responsibility; and
- Monitor and review Commissioner's performance.



OPP Detachment Board Member Governance

Report from the Acting CAO Re: Community Safety and Policing Act, Region...

RECRUITMENT AND APPOINTMENT

The appointing person/body shall take into consideration:

- the representation of the area the board serves, having regard for the diversity of the population;
- the need for the board to have members with the prescribed competencies; and
- results of a potential appointee's police record check that was prepared within the past 12 months.

TRAINING

- Detachment board members must successfully complete training on:
 - Role of detachment board and responsibilities of members of the board;
 - Human rights and systemic racism;
 - The diverse, multiracial and multicultural character of Ontario society;
 - The rights and cultures of First Nation, Inuit and Métis Peoples; and
 - Additional training as prescribed in regulation by the Solicitor General.
- A detachment board member can not exercise the powers or perform the duties of their position until they have successfully completed the training on roles and responsibilities.

SUPPORTING TOOLS

- OPP detachment boards must:
 - advise the Detachment Commander on the development of the local action plan;
 - determine objectives and priorities for the detachment, not inconsistent with the strategic plan prepared by the Minister, after consultation with the detachment commander or his or her designate.; and
 - consider any community safety and well-being plan adopted by a municipality or First Nation that receives policing from the detachment.
- The Code of Conduct will identify what behaviors detachment board members are prohibited from engaging in or required to perform.

COMPLIANCE AND ENFORCEMENT

- The CSPA, 2019 requires all detachment board members to comply with the Code of Conduct.
- The CSPA, 2019 establishes the role of the Inspector General (IG) to monitor, inspect, and ensure compliance with the act.
 - It also empowers the IG to monitor and conduct inspections of members of a OPP detachment board to ensure they do not commit misconduct.
- The IG will be able to impose remedies for detachment board members' misconduct and non-compliance under the CSPA, 2019.
- The IG and inspectors will be required to complete training on the rights and cultures of First Nation, Inuit and Métis Peoples.

Report from the Acting CAO Re: Community Safety and Policing Act, Region...

OPP Governance Under the CSPA, 2019

Ministry of the Solicitor General

Principles of the OPP Framework

1. Support and enhance local civilian governance by ensuring municipalities and First Nation communities receiving policing services from the OPP have an opportunity to represent their local perspectives, needs, and priorities;
2. Provide opportunities for municipalities and First Nations to collaborate on efforts to enhance community safety;
3. Enable OPP services to be delivered in a transparent, coordinated and more efficient manner.

OPP Related Matters for Regulation

Matters for Regulation		
OPP Detachment Boards	OPP Governance Advisory Council	Transition of OPP Billing Model
<ul style="list-style-type: none"> • Composition of OPP detachment board (e.g., size and representation); • Establishing whether there will be more than one OPP detachment board for detachment; • Remuneration of detachment board members; • Terms of office; • Estimates related to board operating costs; • Code of Conduct for Detachment Board Members; and • Any additional prescribed standards. 	<ul style="list-style-type: none"> • Composition of the OPP Governance Advisory Council. • Code of Conduct for Advisory Council Members. 	<ul style="list-style-type: none"> • Transitioning the OPP billing model under the PSA to the CSPA, 2019.

Transitional Matters
<ul style="list-style-type: none"> • The ministry will also address transitional matters prior to the Act coming into force related to Section 10 (municipal) boards, including contract renewals taking place before the Act comes into force.

Matter for Regulation: Detachment Boards

Matter	Key Objectives	Items for Discussion
<p>Size and composition of an OPP detachment board.</p>	<ul style="list-style-type: none"> • OPP detachment boards should be representative of the communities the OPP serves. 	<p>Principles for consideration:</p> <ol style="list-style-type: none"> 1. Representation from every municipality and band council receiving policing from the detachment. 2. Community members who do not sit on a municipal/band council and are not an employee of the municipality/band council. <ul style="list-style-type: none"> • Appointments could be determined provincially or by the municipal/band council. 3. Establishing a minimum number of board members. <ul style="list-style-type: none"> • For example, OPP detachment boards be composed of no less than 5 members.

Key Considerations

- Composition requirements should account for the unique factors impacting OPP detachments (e.g. geography, population size, and service demands) across the province.
- Methods to ensure fair representation and enhance civilian governance while trying to minimize barriers that may adversely impact effective governance (e.g. large, unwieldy sized boards) are under consideration.
 - E.g. rotating appointments (see Appendix A.1).
- A minimum size requirement should be consistent with size requirements for municipal police services boards under the CSPA, 2019 but also allow for variations where appropriate (e.g. increase the size of a board).

Matter for Regulation: Detachment Boards Cont'd

Matter	Key Objectives	Items for Discussion
<p>Approach for establishing more than one board for a detachment.</p>	<ul style="list-style-type: none"> • Ensure every municipality and band council served by the OPP has access to civilian governance and fair representation. 	<ul style="list-style-type: none"> • Factors for consideration when establishing more than one OPP detachment board per detachment to include: <ul style="list-style-type: none"> • Geography; • Variations in population size; • The number of municipalities and band councils within an OPP detachment; and • Service demands.

Key Considerations

- Each OPP detachment board would be required to meet the composition/size requirements set out in regulation.
- Establishing multiple OPP detachment boards per detachment could be a barrier to coordination and communication between municipalities and band councils in the detachment.
- Challenges with respect to recruiting members to boards (e.g. inability to fill vacancies) may be heightened when establishing more than one board per detachment.
- Municipalities in a detachment would be responsible for the costs of operating any additional OPP detachment boards, which is consistent with current practice.

OPP Detachment Boards

1. What approaches (e.g. rotating appointments) could be leveraged to ensure municipalities and First Nations are appropriately represented on OPP detachment boards?
2. What are some examples of situations or circumstances that would make it necessary for there to be more than one OPP detachment board per detachment?
3. Are there specific community groups/specializations (e.g. mental health, youth) that should be represented on an OPP detachment board?
4. Should there be a maximum size requirement that OPP detachment boards cannot exceed?

Matter for Regulation: OPP Governance Advisory Council Composition

Matter	Key Objectives	Items for Discussion
Composition of the OPP Governance Advisory Council	<ul style="list-style-type: none"> The OPP Governance Advisory Council will advise the Solicitor General on the exercise of her OPP-related duties (e.g. establishing and adopting a strategic plan for the OPP). 	<ul style="list-style-type: none"> Specific groups to be considered for representation on the OPP Governance Advisory Council include: <ul style="list-style-type: none"> Municipalities including regional representation; Indigenous communities; and Members that represent the diversity of Ontario (e.g. youth, Francophone populations, rural and urban representation, members of marginalized and racialized groups, mental health and addictions experts).

Key Considerations

- Members of the OPP Governance Advisory Council should be representative of the interests of populations and groups receiving policing services from the OPP.
 - Under the CSPA, 2019, the Solicitor General is required to develop a strategic plan for the OPP that addresses several matters including interactions with specific groups and people youths, members of racialized groups, members of First Nations, Inuit and Métis communities, and persons who appear to have a mental health condition.
- Jurisdictional scans indicate that legislated advisory councils operating in Ontario range from 3-20 members.
 - E.g. Ontario’s Death Investigation Oversight Council consists of 14 members.

OPP Governance Advisory Council

1. What expertise and/or knowledge requirements should OPP Governance Advisory Council members have?
2. What methods could be used to ensure the interests of all communities receiving OPP services are represented by the OPP Governance Advisory Council?

Matter for Regulation: Transition of OPP Billing Model

Matter	Key Objectives	Items for Discussion
<p>Aligning existing OPP billing framework to the CSPA, 2019</p>	<ul style="list-style-type: none"> Ensuring the current OPP billing model under the <i>Police Services Act</i> (1990) corresponds with the provisions/language of the CSPA, 2019. Supporting the termination of section 10 municipal agreements established under the <i>Police Services Act</i> (1990) and transitioning to the new OPP detachment framework under the CSPA, 2019. 	<ul style="list-style-type: none"> Section 10 policing agreements between municipalities and the OPP will no longer exist under the CSPA, 2019. <ul style="list-style-type: none"> Municipalities captured under section 10 and section 5.1 of the PSA will be required to transition to the new OPP Detachment framework. Transition to CSPA, 2019 will provide an opportunity to identify and address concerns regarding the transparency of the OPP billing model while retaining the principles and methods of the current model. Municipalities may continue enter into agreements for additional services and enhancements (for policing that is not required as a component of adequate and effective) under the CSPA, 2019.

Key Considerations

- The required OPP policing services will continue to be delivered, either through agreements/contract extensions or renewals, until the CSPA, 2019 comes into force.
- Ministry to consider non-regulatory approaches to support municipalities to better understand their OPP billing statements and estimates.
 - E.g. Supplementary Information and references could be posted online to support municipalities.

Transition of OPP Billing

1. What, if any, are some examples of issues or challenges related to the current format of the OPP billing statements?
2. What are some ways in which the OPP billing model could be made more transparent?

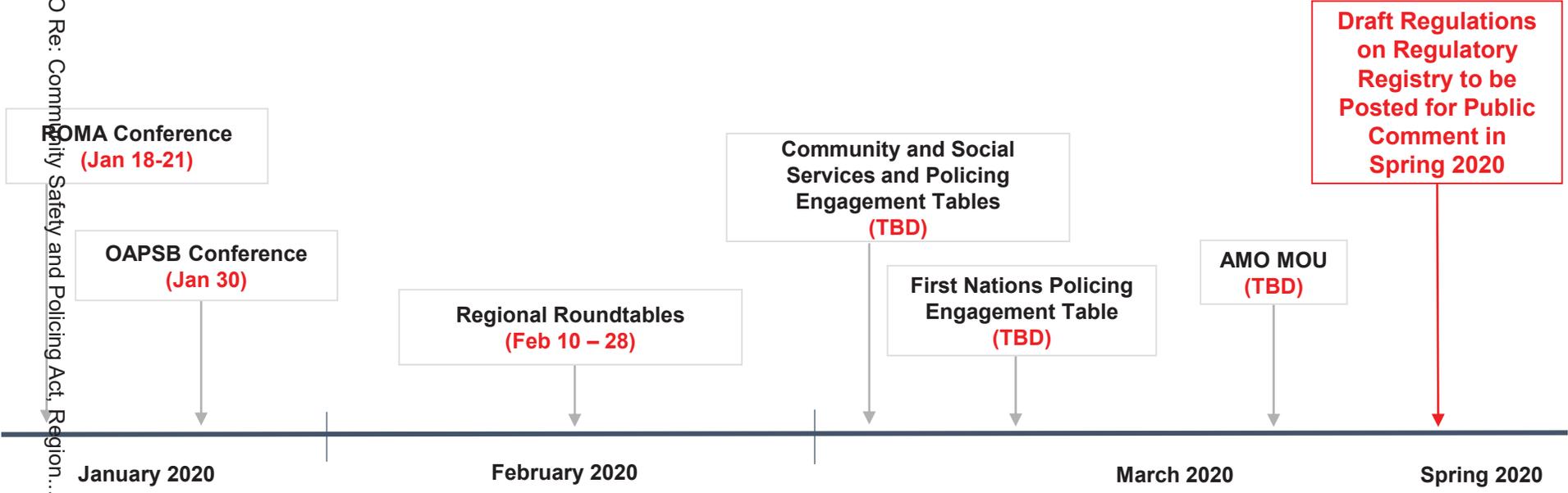
OPP-Related Engagement

Report from the Acting CAO Re: Community Safety and Policing Act, Region...

Ministry of the Solicitor General

OPP-Related Engagement

Winter to Spring 2020



To Be Completed by Target 2021 In-Force Date
Ministry & Sector
<ul style="list-style-type: none"> Finalize regulatory options; File and post regulations for public consideration; Operationalize OPP-related regulations; Dissolve section 10 boards; Recruit and appoint board members; and Ensure board members successfully complete training.

Communities have opportunity to provide feedback

OPP-Related Regulatory Engagement to Date: OAPSB Conference

Summary of OAPSB Conference Feedback

- General agreement with the principles identified for the OPP detachment framework. Participants emphasized their support for opportunities to enhance collaboration between municipalities and First Nation communities.
- A “one-size-fits-all” detachment board model would not be feasible especially for detachments in the North due to several factors including geography and population size.
 - E.g. Municipalities policed by the same detachment in North Western Ontario can be up to 140km apart.
- OPP-related regulations should not be overly prescriptive and should enable local decision-making. OPP-related regulations could include a set of principles and/or performance requirements that local decision-makers would be required to meet.
 - E.g. Establishing more than one OPP detachment board per detachment should be based on a set of criteria prescribed in regulation. Local decision makers could determine whether an additional OPP detachment board is required based on the criteria while also taking into account local challenges and priorities.
- Several participants indicated that they would be sharing proposals with the ministry in the coming weeks.

Next Steps

- Ministry to summarize and share feedback from Regional Roundtables with all invitees at the end of the Regional Roundtable engagement process.
- Feedback from Regional Roundtables and Engagement Tables will be used to develop policy proposals for OPP-related matters for regulation.
- Draft regulatory language will be posted for public comment and written submissions will also be accepted by the ministry (SolGenInput@Ontario.ca).

Appendix

Report from the Acting CAO Re: Community Safety and Policing Act, Region...

Ministry of the Solicitor General

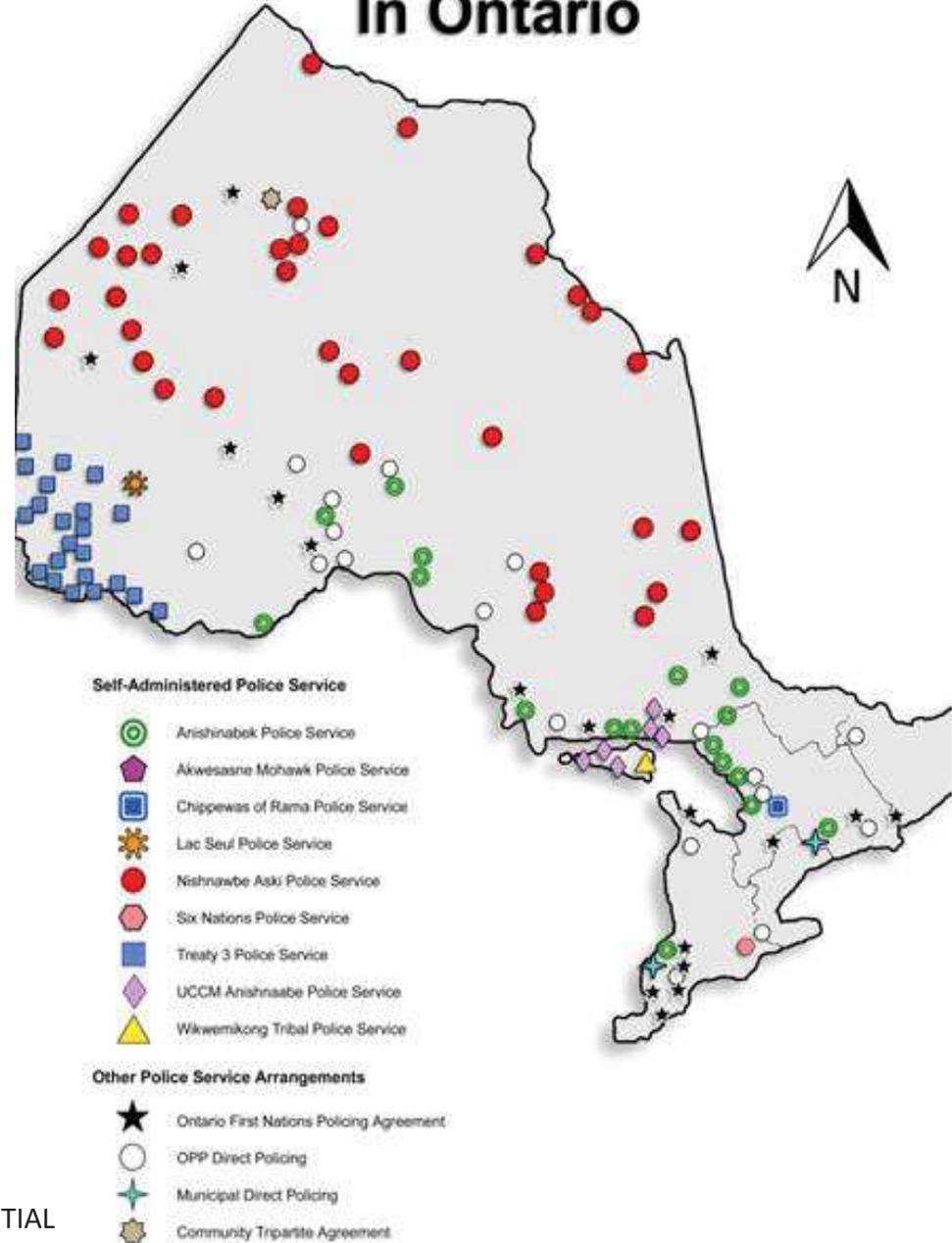
Appendix A.1: Existing Joint Section 10 (Municipal) Boards

Report from the Acting CAO Re: Community Safety and Policing Act, Region...

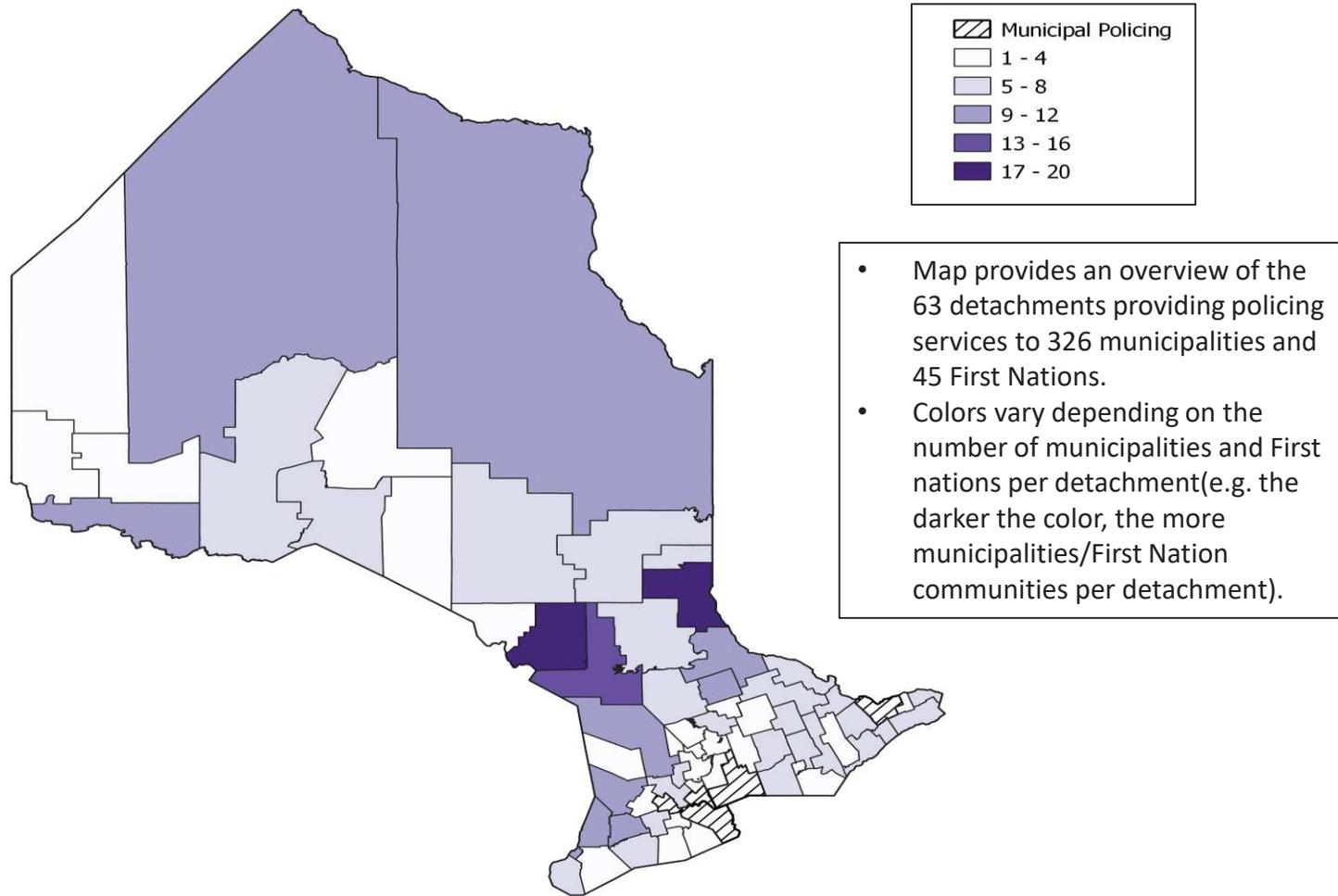
Section 10 Board	Notes
Lakehead Group	Five member board representing four municipalities.
Mattawa & Area	Five member board representing four municipalities. The municipalities agree on a rotation schedule. The community member residence also rotates.
Nottawasaga	Five member board representing three municipalities.
Elgin Group	Five member board representing six municipalities. Board administration and appointments managed at upper-tier by agreement of municipalities. Each council appointee represents one of three areas that the county is split into.
Lambton Group	Five member board representing nine municipalities. Board administration and appointments managed at upper-tier by agreement of municipalities. The two municipalities with the highest population each have a council member seat.

Appendix A.2: First Nations Policing in Ontario

First Nations Policing In Ontario



Appendix B.1: OPP Policing Services Across Ontario by Detachment



Appendix C.1: OPP- Related Regional Roundtables



Appendix C.2: OPP-Related Regional Roundtables

Report from the Acting CAO Re: Community Safety and Policing Act, Region...

- In addition to municipalities and First Nation communities, OPP Detachment commanders have also been asked to participate as observers.
- The ministry is working with the OPP to organize a set of OPP Detachment Commander meetings. These meetings will be an opportunity for the ministry to share OPP-related policy proposals and for OPP Detachment Commanders to identify potential challenges and opportunities.

OPP Region	Locations	Date	Date and Location
North West	• Thunder Bay	Feb 10, 2020	Valhalla Inn Hotel Scandia Room 1 Valhalla Inn Rd Thunder Bay, ON P7E 6J1
	• Kenora	Feb 12, 2020	Kenora Recreation Centre Rotary room, (1st floor) 18 Mike Richards Way Kenora Ontario P9N 1L2
West	• London	Feb 19, 2020	Goodwill Industries, Community Hall, 3 rd floor Ontario Great Lakes 255 Horton Street, London, ON N6B 1L1
East	• Brockville	Feb 20, 2020	Brockville Memoria Civic Centre The Hall 100 Magedoma Blvd Brockville, ON K6V 7J5
North East	• Sudbury	Feb 24, 2020	Northbury Hotel & Conference Centre Hemlock Hall 50 Brady Street, Sudbury ON P3E 1C8
	• Timmins	Feb 25, 2020	McIntyre Community Centre Hall Facility – Auditorium 85 McIntyre Rd Timmins, ON P4N 8R8
Central	• Orillia	Feb 28, 2020	Best Western Plus Mariposa Inn & Conference Centre Hermitage Ballroom 400 Memorial Ave, Orillia, ON L3V 0T7