



SECTION 10 PSB RELATIONS WITH COUNCIL

Background

Every municipality in Ontario is required to provide adequate and effective police services in accordance with its needs, including:¹

- Crime prevention
- Law enforcement
- Assistance to victims of crime
- Public order maintenance
- Emergency response

Approximately 144 Ontario municipalities have chosen to have their police services provided by the Ontario Provincial Police (OPP) through a contract as per Section 10 of the *Police Services Act*.

Why Police Services Boards?

Reasons for independent civilian governance of police forces:²

- To ensure adequate and effective police services in their municipality
- To hold detachment commanders accountable for their responsibilities
- To oversee the provision of police services in accordance with principals established in the *Police Services Act*:
 1. The need to ensure the safety and security of all persons and property in Ontario.
 2. The importance of safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedom and the Human Rights Code.
 3. The need for co-operation between the provider of police services and the communities they serve.
 4. The importance of respect for victims of crime and understanding of their needs.
 5. The need for sensitivity to the pluralistic, multi-racial and multicultural character of Ontario society.
 6. The need to ensure the police forces are representative of the communities they serve.

Of note, “in order for a municipality **to enter into an agreement** under this section [10], the **municipality must have a [police services] board.**”³ Furthermore, a “[Section 10] **agreement may not be renewed unless a municipality has a board.**”⁴

¹ *Police Services Act*, article 4(1) and 4(2)

² OAPSB e-learning S10 Session 1 http://www.oapsb.ca/members/elearning/sect_1_Intro_08-04-11_Sect10/index.html; developed with MCSCS & OPP

³ *Police Services Act*, article 10(2)

⁴ *Police Services Act*, article 10(4)



Roles & Responsibilities – Municipal Council & the Police Services Board

The role of the municipality is to:⁵

- Enter into the contract for the provision of OPP services, and renew it as required
- To fund the provision of police services, in accordance with the contract and associated invoices

The role of a Section 10 police services board is:⁶

- Participate in the selection of the detachment commander
- Generally determine objectives and priorities for police services to the community, in consultation with the detachment commander
- Establish, in consultation with the detachment commander, local policies regarding police services
- Monitor the performance of the detachment commander
- Receive regular reports from the detachment commander regarding secondary employment of police officers
- Receive and review regular reports from the detachment commander regarding administration of the complaints system

The police services board is led by a chair who is elected annually by the members of the board. The Police Services Act contains a code of conduct for board members, which is binding on each member. Clearly there is a very real **need for council and the police services board to understand and respect each other's roles**, and to **work collaboratively** to ensure each has the best information to make their own decisions.

In summary, the **municipality is responsible to fund** the provision of police services and the police services **board is responsible to govern** the police services. They are linked but operate independently.⁷

Linking the Community to Police Service

The link between the community and the detachment commander is the police services board.

The Adequacy Standard requires that each police services board and its associated municipal council **establish a protocol** addressing:⁸

⁵ Police Services Act, articles

⁶ *Police Services Act*, article 10

⁷ OAPSB e-learning S10 Session 1 http://www.oapsb.ca/members/elearning/sect_1_Intro_08-04-11_Sect10/index.html; developed with MCSCS & OPP

⁸ Ontario Regulation 3/99 *Adequacy and Effectiveness of Police Services*, article 32



- The sharing of information with municipal council, including the type of information to be shared and frequency for sharing such information
- The dates by which the business plan and annual report shall be provided to municipal council
- The responsibility for making public the business plan and annual report, and the dates by which the business plan and report must be made public
- If the municipal council chooses, jointly determining, and participating in, the consultation processes for development of the business plan

Concluding Remarks

Public safety is serious and risky business. It's also expensive business. Council, the police services board, the Detachment Commander, and the public each have a role to play. It is in the best interests of public safety that each party learn and fulfill their appropriate roles and responsibilities.

Questions regarding existing legislation should be referred to the applicable Zone Advisor from the Ministry of Community Services and Correctional Services.

Questions about contracts, contract renewal, and bridging one contract to another should be referred to Contact Policing of the OPP.

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