

Staff Report to Council

Title: South Bruce OPP Detachment Board

Report Number: Legislative Services-2024-02

Director: Corporate Services

Manager: Legislative Services

Meeting Date:
Wednesday, February 14, 2024

Date to be considered by Council:
Wednesday, February 14, 2024

Recommendation:

That _____ be appointed as the Council representative for the South Bruce OPP Detachment Board; and

That Council authorized staff to continue working with the Working Group (Clerks/Deputy Clerks from South Bruce, Huron-Kinloss, Brockton and Arran-Elderslie) to prepare the necessary drafts and proposals relating to the South Bruce OPP Detachment Board in anticipation of the Community Safety and Policing Act, 2019 coming into effect on April 1, 2024; and

That the correspondence and resolution from the Municipality of Brockton, proposing to convene a Transition Committee related to the South Bruce OPP Detachment Board be noted and filed.

Executive Summary:

The new Community Safety and Policy Act (CSPA) will come into effect on April 1, 2024, which will repeal the existing Police Services Act, 1990. As part of this change, the existing Kincardine Police Services Board will be disbanded and replaced with a single board for the South Bruce Ontario Provincial Police Detachment. The Solicitor General approved the board composition earlier this year and the Municipality of Kincardine is being asked to appoint one Council representative to the new Board.

Strategic Priorities:

C.13-Protect people, property and the environment from the effects of dangerous conditions caused by people and nature

Financial Considerations:

The draft net Operating 2024 Budget for the Kincardine Police Services Board is \$16,110. These funds would be rolled over to the South Bruce OPP Detachment Board for 2024 along

with funds from the other partnering Municipalities' budgets. These combined funds would be the budget for the Detachment Board for 2024.

Once established, per the proposed Regulation, 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 costs would then be allocated equally amongst all the municipalities or in a manner unanimously decided by the municipalities (i.e., per household, population etc.).

Policy:

[Community Safety and Police Act, 2019, S.O. 2019 c. 1 Sched. 1 \(CSPA\)](#)

Context and Background Information:

Ontario passed the Comprehensive Ontario Police Services Act, 2019 (Bill 68) and established the Community Safety and Police Act, 2019 (CSPA). The CSPA comes into effect on April 1st, 2024.

Section 67 of the CSPA requires that there be an Ontario Provincial Police Detachment Board for each detachment that provides policing in a municipality or in a First Nations community. The Ministry was required to develop a regulation related to the composition of each OPP Detachment Board. To achieve this the Ministry developed the "OPP Detachment Board Framework."

Staff brought forward reports on May 17, 2021, and June 14, 2021, with further details about this Framework and the next steps to ensure compliance. The report requested authorization for staff to work with the other participating municipalities (Arran-Elderslie, Brockton, Huron-Kinloss and South Bruce) on the OPP Detachment Board Proposal. Council approved a recommendation of the proposal that the composition of the Board would be:

- One (1) member of Council from each participating municipality;
- Two (2) members from the community as a whole; and
- Two (2) Provincial appointees.

This proposal was submitted jointly through the Municipality of Huron-Kinloss in 2021. The proposal was approved by the Solicitor General in July 2023 (attached).

Update

In accordance with the initial reports in 2021, as additional information became available, staff have continued to work with the partnering municipalities who are in the South Bruce OPP Detachment and formed a working group of Clerks/Deputy Clerks to understand the next steps and start preparing for the transition to the CSPA.

The Province announced on December 18, 2023, that the CSPA would come into force on April 1, 2024. With the knowledge of the force and effective date of the Act and the availability of the regulations for guidance, the Working Group began to draft governance documents, terms of reference for a Community Appointee Advisory Committee, and other documents related to the creation of the Board based on the CSPA and the just released draft regulation. The Working Group is also investigating plans for finances, communications, insurance, and roles within the Board.

These draft documents will be reviewed by the local police services boards and representatives from South Bruce and Arran-Elderslie (which do not currently have a police services board). They will ultimately come to Council for review. The Kincardine Police Services Board has been kept apprised of this process and has asked that the Chairs of the

various Police Services Boards and Secretaries as well as representatives from South Bruce and Arran-Elderslie meet informally to provide their input.

On January 17, 2024, staff received correspondence and a resolution from the Municipality of Brockton (attached), proposing to convene a Transition Committee. In review of the proposal against the tight timeline of April 1, 2024, the following concerns were noted: time to create and convene a Transition Committee, scheduling, cost, and workflow.

With these concerns in mind and the compressed timeline, staff are recommending that Council approve having the Working Group continue on their path. This path includes an opportunity for the existing Police Services Boards to share their input prior to submission to the respective Councils.

Council Representative

Staff are asking for Council to appoint their representative to the new South Bruce OPP Detachment Board. This representative must be a member of Council and their term will be until the end of this term of Council.

[Section 33](#) of the CSPA outlines the considerations in appointing a member including that the member must have a police record check that was prepared with the past 12 months. In addition, the following persons are not eligible:

- A judge or justice of the peace.
- A member of a police service, a special constable, or a First Nation Officer.
- Any person who practices criminal law as a defence counsel or a prosecutor.
- A director, officer, or employee of a prescribed policing provider.
- Any other prescribed persons.

It also outlines the circumstances when a former member of a police service can be appointed.

A process is currently being developed to determine the appointment of the two community members and this process will be brought back to Council in the near future. The process for Provincial appointees is developed by the Province.

Consultation Overview:

Staff have been providing the Kincardine Police Services Board with updates and they have requested that the draft documents be reviewed informally the Chairs of the police services boards and secretaries as well as representatives from South Bruce and Arran-Elderslie. The current Chair of the Kincardine Police Services Board is Stellina Williams.

Through the working group, Staff has engaged in consultation with the following:

- Other Detachment Board working groups;
- The Ministry of the Solicitor General;
- The Ontario Association of Police Services Boards;
- Municipal Insurer; and
- OPP South Bruce Detachment.

Origin:

[The Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1](#)

Implementation Considerations:

The implementation of the new Detachment Board will occur on April 1, 2024, and will cause the Kincardine Police Services Board to cease to be in effect.

Risk Analysis:

The documents created for the new South Bruce OPP Detachment Board will be required to meet the new legislation and regulations. Clerks/Deputy Clerks are the best positioned to draft these documents to ensure that these requirements are met.

Attachments: Reports: Treasury 2021-13 and Clerks-2021-22

Memo re In Force Date of the Community Safety and Policing Act, 2019

Confirmation of South Bruce OPP Detachment Board

Getting Ready for the OPP Detachment Boards

Prepared by: Jennifer Lawrie, Manager of Legislative Services/Clerk

Submitted by: Jennifer Lawrie, Manager of Legislative Services/Clerk