



THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

Subject: South Bruce OPP Detachment Board Proposal

Report Number: TRE 2021 - 13

Meeting Date: Monday, May 17, 2021

Recommendation: WHEREAS the Province of Ontario passed the Comprehensive Ontario Police Services Act, 2019 (Bill 68) and established the Community Safety and Policing Act, 2019 (CSPA) which, once in force will repeal the Police Services Act, 1990 (PSA) including disbanding existing Policing Service Boards;

AND WHEREAS Section 67 of the CSPA requires there to be an Ontario Provincial Police Detachment Board for each detachment that provides policing in a municipality or in a First Nations community;

AND WHEREAS the South Bruce OPP Detachment currently provides policing for Municipality of Kincardine, Township of Huron Kinloss, Municipality of Brockton, Municipality of Arran Elderslie and Municipality of South Bruce;

AND WHEREAS Municipalities in the detachment area can jointly determine the preferred composition of their detachment board with proposals meeting the base requirements set by the ministry, which includes a minimum of five members per board and a requirement that each board should be composed of 20% community representatives and 20% provincial appointees;

NOW THEREFORE IT BE RESOLVED THAT the Council of the Municipality of Kincardine approve the proposed framework of the new South Bruce OPP Detachment Board consisting of one member of each municipality who receive policing services from the South Bruce OPP, two community members from the detachment area, and 2 provincial appointees;

AND FURTHER THAT the Council of the Municipality of Kincardine will allow the preparation and submission of the proposal to be completed by a partnering municipality.

Date to be considered by Council: Monday, May 17, 2021

Report Summary:

With the passing of the Comprehensive Ontario Police Services Act, 2019 (Bill 68) and the establishment of the Community Safety and Policing Act, 2019 (CSPA) thereby repealing the Police Services Act, 1990, all existing s.10 Police Service Boards will be dissolved, include the Kincardine Police Services Board.

Section 67 of the CSPA requires there to be an Ontario Provincial Police Detachment Board for each detachment that provides policing in a municipality. The South Bruce OPP currently provides policing to the Municipality of Kincardine, Township of Huron Kinloss, Municipality of Brockton, Municipality of Arran Elderslie, and Municipality of South Bruce. All five municipalities are required to jointly submit a proposal for the composition of the new South Bruce OPP Detachment Board to the Ministry of the Solicitor General by June 7, 2021.

The Kincardine Police Services Board supports submitting a board composition that consists of one member of each municipality who receives policing services from the South Bruce OPP, two community members from the detachment area, and two provincial appointees. The proposed board meets the base requirements set by the ministry, which states that each board requires a minimum of five members per board and be composed of 20% community representation and 20% provincial appointees.

Origin: Comprehensive Ontario Police Services Act, 2019 (Bill 68) and the Community Safety and Policing Act, 2019 (CSPA)

Existing Policy: Police Services Act, 1990 (PSA)

Background/Analysis: Ontario passed the Comprehensive Ontario Police Services Act, 2019 (Bill 68) and established the Community Safety and Policing Act, 2019 (CSPA) which, once in force will repeal the Police Services Act, 1990 (PSA). The new Act will dissolve the existing s.10 Police Service Boards and require those Boards to submit proposals for new Boards.

Section 67 of the CSPA requires there to 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”. The framework will ensure that each municipality and First Nation receiving OPP services and supports has an opportunity to represent their local perspectives, needs and priorities. The framework will also allow for municipalities and First Nations to collaborate on efforts to improve community safety. Municipalities can determine the preferred composition of their detachment board by submitting a proposal using a digital form provided by the Ministry. The OPP Detachment Board proposals are due to the Ministry of the Solicitor General by June 7, 2021.

All five municipalities policed by the South Bruce OPP Detachment, the Municipality of Kincardine, Township of Huron Kinloss, Municipality of Brockton, Municipality of Arran Elderslie, and Municipality of South Bruce, will be required to work together and submit one proposal regarding the composition of their OPP Detachment Board. Requirements of the board include:

- Minimum size of 5 members, no maximum size but the Ministry recommends a maximum size of 15 members.
- 20% Community Representation – the Province will appoint community representatives should municipal council fail to appoint representatives by joint resolution.
- 20% Provincial Appointees.

The proposal will require the municipalities to identify the number of seats each municipality will have on the board as well as the number of community representatives and provincial appointments. The names of the individuals that will be participating in on the Detachment Board will not be required at this time. The Ministry will work with the Municipalities to provide support during the proposal process.

On April 27, 2021, the Clerk and the Kincardine Police Services Board secretary met with clerks from the other municipalities that receive police services from the South Bruce OPP to discuss the OPP Detachment Board Proposal.

At the May 5, 2021 Special Kincardine Police Services Board Meeting, the Board supported the concept of all the municipalities under the South Bruce OPP Detachment becoming one board. The Board also supported a framework composition consisting of one member of each municipality who receive policing services from the South Bruce OPP, two community members from the detachment area, and 2 provincial appointees. The Board acknowledged that there are still many of logistics to figure out, including meeting locations and how the community representatives will be selected. Inspector Miller also assured the Board that relationships between the South Bruce OPP and individual municipalities will not change.

The Ministry anticipates that the formal establishment of the Board will be in early 2022.

Corporate Strategic Plan 2020-2025: N/A

Financial Implications: N/A

Attachments: OPP Detachment Board Framework, Detachment Board Proposal Factsheet, Detachment Board Proposal Questions and Answers, Virtual Information Session, April 20, 2021

Report Approval Details

Document Title:	South Bruce OPP Detachment Board Proposal - Treasury-2021-13.docx
Attachments:	- 132-2021-404 OPP Detachment Board Framework_SG Outgoing_English.pdf - OPP_DB_PROPOSAL_FACTSHEET_EN.pdf - OPP_DB_PROPOSAL_QA_EN.pdf - Virtual Information Session - April 20, 2021.pptx
Final Approval Date:	May 13, 2021

This report and all of its attachments were approved and signed as outlined below:

Roxana Baumann

Sharon Chambers

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132-2021-404
By email

March 18, 2021

Dear Heads of Council and First Nations Chiefs:

I am writing to provide you with an update on the new Ontario Provincial Police (OPP) detachment boards under the *Community Safety and Policing Act, 2019* (CSPA).

As you may remember, in February 2020, the Ministry of the Solicitor General conducted seven regional roundtable sessions across the province. Discussions at these sessions focused on new OPP-related regulatory requirements under the CSPA. Municipalities and First Nation communities receiving policing services from the OPP were invited to learn more about new OPP-related legislative and regulatory requirements and provide the ministry with feedback to inform the development of related regulatory proposals. In addition, we heard from many of you through various letters and engagement opportunities, including meetings with the Association of Municipalities of Ontario MOU Table and Rural Ontario Municipal Association about what you would like your new OPP detachment board to look like.

In response to your feedback, an OPP detachment board framework has been developed that we hope will provide municipalities and First Nation communities receiving direct and/or supplemental services from the OPP the flexibility to create a board that reflects your community and local needs.

Under this framework, municipalities and First Nation communities receiving direct and/or supplemental services from an OPP detachment are being asked to submit one proposal (per detachment) indicating the composition of their board and, if needed, a rationale for multiple boards and the composition of each additional board.

Municipalities and First Nations within a detachment are asked to work together to determine the composition of their board(s) as well as the manner in which they will submit their proposal to the ministry. For example, after determining the composition of the detachment board(s), municipalities and First Nations within a detachment area may select one municipality or First Nation to complete and submit the proposal.

Dear Heads of Council and First Nations Chiefs
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Proposals must meet base requirements set by the ministry, which include a minimum number of five members per board and a requirement that each board should be composed of 20% community representatives and 20% provincial appointees. To that end, municipalities and First Nations are not required at this time to identify the names of the individuals that will be participating on the detachment board. Rather, you are only asked to identify the number of seats each municipality and First Nation will be allocated on the detachment board as well as the number of community representatives and provincial appointments.

To streamline and support the proposal process, the ministry has developed a digital form that can be accessed using the link included [here](#).

The ministry will work with municipalities and First Nations to obtain outstanding information/proposals and support you in submitting a completed proposal. If, however, a proposal still does not meet the minimum requirements, or a proposal is not submitted and/or if no consensus is reached on the composition of the board then the ministry will determine the composition of the detachment board.

Completed proposals are to be submitted to the ministry by **Monday, June 7, 2021**.

We recognize the significant implications that the current COVID-19 emergency has had on municipalities and First Nations across the province. To this end, in addition to the written supporting material attached here, we are also pleased to work with you directly through virtual information sessions.

If you have questions related to OPP detachment boards under the CSPA, please contact Sarah Caldwell, Director of Community Safety and Intergovernmental Policy, at sarah.caldwell@ontario.ca. If you have questions about the proposal process or would be interested in a virtual information session, please contact Joanna Reading, Senior Policy Advisor, at joanna.reading@ontario.ca

Sincerely,



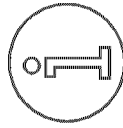
Sylvia Jones
Solicitor General

Enclosures

c: Chief Administrative Officers

Municipal Clerks

OPP DETACHMENT BOARD PROPOSAL PROCESS



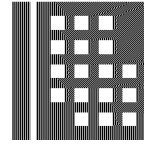
CONTEXT

- Ontario passed the *Comprehensive Ontario Police Services Act, 2019* (Bill 68) and established the *Community Safety and Policing Act, 2019* (CSP) which, once in force, will repeal the *Police Services Act, 1990* (PSA).
- Section 67 of the CSPA requires there be **an Ontario Provincial Police (OPP) detachment board, or more than one OPP detachment board**, for each detachment of the OPP that provides policing in a municipality or in a First Nation community.
- The Ministry is required to develop a regulation related to the composition of each OPP detachment board. To achieve this, the ministry has developed an “OPP Detachment Board Framework”.

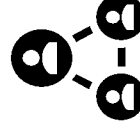
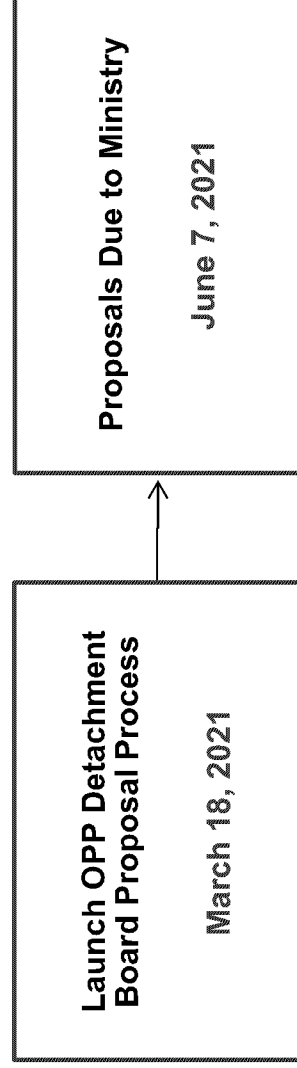


FRAMEWORK

- The new **OPP Detachment Board Framework** for Municipalities and First Nations including those that:
 - Are directly policed by the OPP;
 - Employ their own First Nations Constables;
 - Receive “OPP Dedicated” policing (i.e. OPP Dedicated Constables).
- By enhancing civilian governance, the **OPP Detachment Board Framework** will:
 - Ensure each municipality and First Nation has a board to represent their local perspectives, needs and interests;
 - Provide opportunities for municipalities and First Nations to have a say in their own policing.



TIMELINES



PROCESS

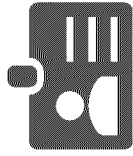
- To ensure the objectives of the **OPP Detachment Board Framework** are met, the Ministry will develop a proposal that allows municipalities and First Nations to develop a proposal using a digital form provided by the ministry.
 - Link to Digital Form: [OPP Board Proposal Form](#)
- Municipalities and First Nations within a detachment board will be required to identify the composition of their board(s). The proposal will be submitted to the ministry (See [Page 2 & Qs and As](#)).
- Municipalities and First Nations will not be required to have a detachment board but will be required to identify the composition of their detachment board as well as the number of community members to be on the board.

OPP DETACHMENT BOARD PROPOSAL PROCESS

✓ OPP DETACHMENT BOARD COMPOSITION REQUIREMENTS

MINIMUM REQUIREMENTS

Minimum Size	5 members
Maximum Size	None
Community Representatives	20% Community Representation <ul style="list-style-type: none">• Province to appoint community representative(s) if municipal council/band council fails
Provincial Appointments	20% Provincial Appointees



CONTACT INFORMATION

General Information/OPP
Detachment Board Proposal

Community Safety and Intergovernmental Policy Branch
Irene Reading / Irene.Reading@ontario.ca

Q1: What are the key differences between the section 10 board framework under the *Police Services Act* (PSA) and OPP detachment board framework under the *Community Safety Policing Act, 2019* (CSPA)?

A1:

- The OPP currently polices 326 municipalities. Of these, only those under a section 10 agreement have civilian governance. This means there are 178 municipalities that do not participate on a board and do not have access to civilian governance.
- Under the CSPA, all municipalities receiving OPP policing services will have the opportunity to have a OPP detachment board.
- In terms of the roles and responsibilities of board members, the role of OPP detachment boards will include additional responsibilities not required for section 10 boards under the PSA (1990) such as:
 - considering any community safety and well-being plan adopted by a municipality that receives policing from the detachment;
 - establishing local policies, in consultation with the detachment commander, with respect to the area receiving policing from the detachment; and
 - ensuring local action plans prepared by the detachment commander address the objectives determined by the board.
- Under the CSPA, OPP detachment board members will be required to:
 - consult with the OPP Commissioner on the selection of a detachment commander;
 - monitor the performance of the detachment commander; and
 - provide an annual report to the municipalities and band councils served by the OPP.
- OPP detachment boards will also provide a venue for the municipalities and First Nations within the detachment to coordinate and collaborate on strategies to address common issues that is not present under the PSA.

Q2: What does the transition to the new OPP detachment board framework mean for municipalities and First Nations currently receiving policing services by the OPP?

A2:

- Until the Act comes into force, the ministry will continue to renew section 10 agreements that are currently in place until 2021.
- However once the CSPA comes into force all existing section 10 agreements will be terminated and all section 10 boards will be dissolved.
- To do this, the ministry is committed to providing sufficient time and adequate supports to municipalities currently participating on a Section 10 board or, in the case of municipalities that receive OPP policing without a section 10 agreement/contract (i.e. Section 5.1 municipality), a Community Policing Advisory Committees to dissolve their current board structures and transition to the new OPP detachment board model.

Q3: When will the CSPA come into force?

A3:

- The ministry is working towards the act being proclaimed in early 2022.

Q4: Which municipalities and First Nations are included in the OPP detachment board framework?

A4:

- The OPP detachment board framework provides civilian governance to the municipalities and First Nations receiving policing from OPP detachments.

Q6: What information is the ministry requesting in the proposal form?**A6:**

- Municipalities and First Nations within a detachment area will be required to submit a proposal and identify the composition of their board(s).
- Municipalities and First Nations will not be required to identify the names of the individuals that will sit on the detachment board. Rather, they will be required to identify the number of seats each municipality and First Nation will be allocated on the detachment board as well as the number of community representatives and provincial appointments.
- If a municipality and/or First Nation chooses not to participate on a detachment board and forfeits its seats, it will be required to indicate this in the proposal.

Q7: Factors to consider when requesting more than one detachment board.**A7:**

- The CSPA allows an OPP detachment to establish one, or more than one, OPP detachment boards.
- Detachments that are considering requesting more than one detachment board should consider:
 - Geography (e.g. distance between municipalities and First Nations);
 - Variations in population size and;
 - The number of municipalities and First Nations within an OPP detachment; and
 - Service demands (e.g. calls for service).
- However, if proposing more than one OPP detachment board, municipalities and First Nations should consider challenges associated with recruiting board members (e.g. inability to fill vacancies) and the costs associated with operating additional boards.

Q8: Will municipalities/First Nations that are receiving policing and/or supports and services by both OPP detachments be allowed to participate on both OPP detachment boards?**A8:**

- Yes. Municipalities and First Nations that are receiving policing and/or supports and services by both OPP detachments can participate on both OPP detachment boards, or can choose to participate on one of the detachment boards.
- Representation must be determined in collaboration with the other municipalities and First Nations within the detachment, as a consensus on the composition of the OPP detachment board is required.
- Municipalities that wish to be represented on both OPP detachment boards will be required to cover the costs associated with participating on two boards (i.e. operational costs).

Q9: What is considered a “completed” proposal?**A9:**

- Each detachment will be required to complete one proposal using the digital form provided by the ministry. The link to the digital form can be found here: [Ontario Provincial Police Board \(OPP\) Proposal Form](#).
- A completed proposal must be submitted using the digital form provided by the ministry and meet the minimum composition requirements provided by the ministry.
- The ministry will work with each detachment to obtain outstanding information/proposals and submit a completed proposal.
- If however in the end if a proposal does not meet the minimum requirements set by the ministry, the detachment will be required to resubmit a proposal.

Q12: Will the government address the current backlog in provincial appointments?**A12:**

- We know there are concerns related to the number of vacant provincial appointments and the length of time that appointments remain unfilled.
- We have made significant progress in reducing the backlog of provincial appointments. Since opening our office in 2018, we have filled approximately 124 provincial appointment vacancies on section 10.
- We will continue to work with municipalities and First Nations to ensure provincial appointees are appointed in a timely manner.

Q13: Why are First Nations with Self-Administered Police Services not included in the OPP detachment board framework?**A13:**

- First Nations that receive policing from a Self-Administered First Nation Police Service (SA FNPS) are not included in the OPP detachment board framework as they are already represented on boards and/or have their own governing authorities. In addition, SA FNPS boards have existing relationships and alternate methods to communicate with the OPP with respect to supports and services the OPP provides to their communities.

Q14: Are there other civilian governance options for First Nation communities that are captured in the OPP detachment board framework?**A14:**

- As an alternative to participating on an OPP Detachment board, under the CSPA First Nations request to form a First Nation OPP Board.
- Where a First Nation or multiple First Nations has entered into an agreement with the Minister for policing and other specified services by the Commissioner, the First Nation(s) may request that the Commissioner constitute a First Nation OPP board.
- A First Nation OPP board would perform similar functions and responsibilities as an OPP Detachment board, providing advice and oversight over the policing services provided by the OPP to a First Nation community.
 - This includes determining objectives and priorities, supporting development of the strategy, and advising the Detachment Commander with respect to policing provided to a First Nation community.
 - A First Nation OPP board could also establish local policies, in consultation with the OPP, regarding the detachment's provision of policing.
- Please contact Ashley O'Connell, Indigenous Engagement Unit, Ministry of the Solicitor General at Ashley.OConnell@ontario.ca for more information on requesting a First Nation OPP Board.

ADDITIONAL INFORMATION**Q15: What training will OPP detachment board members be required to complete?****A15:**

Q18: Will there be an opportunity to provide additional feedback on other OPP-related matters

A18:

- All OPP-related matters for regulation will be posted on the Ontario Regulatory Registry for pub

Ministry of the Solicitor General

***Community Safety and Policing
Act, 2019: Ontario Provincial
Police Detachment Board
Framework and Proposal
Submission Process***

Virtual Information Session

April 20, 2021

Purpose

- Provide an overview of:
 - The legislative changes under the *Community Safety and Policing Act, 2019* (CSPA) related to OPP detachment boards;
 - Feedback from engagement;
 - The OPP detachment board framework under the CSPA including:
 - Composition requirements
 - Proposal process
 - Next Steps

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). Once in-force, the CSPA, 2019 will replace the *Police Services Act* (1990).
- The Ministry is working to bring the CSPA into force by early 2022.
- To bring the CSPA into force, the Ministry is required to develop several matters for regulation, including regulations related to the Ontario Provincial Police (OPP) such as:
 - OPP Detachment Boards;
 - OPP Governance Advisory Council; and
 - OPP Billing.
- To do this work, the ministry has engaged several key stakeholders and partners through:
 - OPP Regional Roundtables (February 2020);
 - CSPA Engagement Tables (Community & Social Services, Policing and First Nations Policing);
 - The Ministry/Association of Municipalities of Ontario (AMO) MOU Table; and
 - Conferences (AMO, Rural Ontario Municipalities Association and Ontario Association of Police Service Boards).

PSA vs. CSPA: OPP Detachment Boards

Current State

- Municipalities must have a police service board to enter into an agreement with the OPP under section 10 of the Police Services Act 1990 (PSA).
- All other municipalities policed by the OPP (i.e., section 5.1) may establish a Community Policing Advisory Committee (CPAC) but are not required to do so.
- Currently, many municipalities and First Nation communities receiving OPP policing services are unable to provide effective civilian governance due to:
 - Variances in geography, population size, and service demands;
 - Lack of flexibility, adequate funding and communication;
 - Failure to adequately represent the needs of all communities receiving OPP services within a detachment; and
 - High rates of vacancies on boards, specifically related to provincial appointments.

New Legislative Requirements

- Section 67 of the CSPA requires there be an OPP detachment board, or more than one OPP detachment board, for each detachment of the OPP that provides policing in a municipality or in a First Nation community.
- Each municipality and First Nation community receiving OPP services will have an opportunity to participate on an OPP detachment board.
- An OPP detachment board will be required to, among other things:
 - Advise the detachment commander with respect to policing provided by the detachment and on the development of the local action plan;
 - Consult with the Commissioner on the selection and monitor the performance of the detachment commander; and
 - Provide an annual report to municipalities and band councils.
- In addition to the training required for all board members under the Act, detachment board members are required to successfully complete training on the role of boards and responsibilities as members prior to exercising their powers.
- Members must abide by a Code of Conduct that will be in regulation.

OPP Detachment Board Framework

The **OPP Detachment Board Framework** under the CSPA will provide municipalities and First Nation communities receiving OPP policing services with greater civilian governance by:

- Ensuring each municipality and First Nation community receiving policing services from the OPP has an opportunity to represent their local perspectives, needs, and priorities;
- Providing opportunities for municipalities and First Nations to collaborate on efforts to enhance community safety; and
- Enhancing the transparent, coordinated and efficient delivery of OPP services.

The **OPP Detachment Board Framework**:

- Provides each municipality and First Nation community receiving OPP services with the ability to sit on an OPP detachment board.
- Requires the municipalities and First Nations within the jurisdictional area of a detachment to submit one proposal indicating the composition of their board and, if requested, their rationale for multiple boards.
- Includes a set of composition requirements set by the ministry that completed proposals must meet.
 - The ministry will follow up with detachment areas that fail to submit a proposal or where proposals do not meet the composition requirements.
- Establishes a ministerial working group to review each proposal submitted to the ministry.

OPP Detachment Board Composition

Overview

- Municipalities and First Nations within a detachment will be required to submit a proposal that meets the composition requirements (below), indicating the proposed composition of your board.
- All municipalities and First Nations within the detachment area must agree on the proposal.
- One municipality/First Nation must be designated to submit the proposal.
- The proposal must include a rationale for more than one detachment board (if needed/ desired).

Composition	Minimum Requirements
Minimum Size	Minimum of 5 members
Maximum Size	No maximum
Community Representatives	20% community representation (minimum)
Provincial Appointments	20% provincial appointees

First Nation OPP Boards

- First Nations may request that the Solicitor General constitute a First Nation OPP board to oversee the policing provided by the OPP Commissioner **pursuant to an agreement** in a First Nation reserve or other specified area.
- First Nation(s) making the request to the Solicitor General propose their own:
 - Area in respect of which the board will operate;
 - Composition of the proposed board;
 - Method of appointing members of the proposed board;
 - Name of the proposed board; and,
 - Term of office of members of the proposed board.
- There are limitations in the CSPA on the ability to amend or revoke a regulation that constitutes a First Nation OPP board to help to ensure long-term sustainability of First Nation OPP boards.

For more information relating to:

- First Nations Policing in Ontario please contact Alana Jones at Alana.Jones@Ontario.ca
- First Nation OPP Boards please contact Elsbeth Schokking at Elsbeth.Schokking@Ontario.ca

Next Steps

- OPP detachment board proposal process
 - Launched: March 18, 2021
 - Deadline for submissions: June 7, 2021
 - Ministry review and approval of proposals (Summer 2021)
- Development and filing of OPP-related matters for regulation (Spring – Fall 2021)
- Formal establishment of OPP detachment boards – early 2022 (TBC)