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).

• 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.
CSPA, 2019: Implementation Plan

- 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.

- OPP related matters are under the following three thematic areas:
  - OPP Detachment Boards;
  - OPP Advisory Council; and
  - Transitioning from the section 10 framework under the PSA to the new OPP detachment framework under the CSPA, 2019.
Current Landscape: Policing Services Across Ontario

OPP Services vs. Municipal Police Services (Municipal Breakdown)

See Appendix A for additional mapping diagrams.
Current Landscape: OPP Services Across Ontario

• The OPP provides policing services through 63 OPP detachments across five OPP regions.

• Through the 63 detachments, the OPP provides policing support and services to:
  • 326 of the 443 municipalities across Ontario; and
  • 45 First Nation communities.

• Each detachment serves anywhere from 1 to 20 municipalities and/or First Nation communities (see Appendix A.1) through a “host” detachment. Some detachments may also have multiple “satellite” detachment locations.
  • A detachment host location is the main operational center for the detachment and the commander.
  • A satellite location is a smaller report location that has some of the host detachments functionality (e.g., cells, administrative support, property vault, etc.).
Current Landscape: OPP Policing Services Across Ontario by Detachment

- Map provides an overview of the 63 detachments providing policing services to municipalities and First Nations.
- Colors vary depending on the number of municipalities and First nations per detachment (e.g., the darker the color, the more municipalities/First Nation communities per detachment).
## OPP Related Changes: PSA to CSPA, 2019

<table>
<thead>
<tr>
<th>Items</th>
<th>PSA</th>
<th>CSPA, 2019</th>
</tr>
</thead>
</table>
| **Municipalities with a Section 10 Agreements** | • 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. | • Section 10 service agreements will be terminated and section 10 boards will be dissolved once the CSPA, 2019 comes into force.  
**NOTE:** New OPP detachment boards will be created under the CSPA, 2019 for every detachment. |
| **Municipalities captured under Section 5.1 (1)** | • 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. | • No municipalities receiving OPP policing will require an agreement. All municipalities will receive OPP policing by default unless they adopt another method of policing. |
| **OPP Governance Advisory Council**         | • No OPP Governance Advisory Council under the PSA.                 | • 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**                   | • No OPP Detachment Boards under the PSA.                           | • There will be one, or more than one, OPP detachment board for each OPP detachment providing policing services to a municipality or First Nation reserve.  
• A OPP detachment board will:  
  • monitor the performance of the detachment commander;  
  • advise on policing provided by the detachment;  
  • review reports provided by the detachment commander; and  
  • provide an annual report to the municipal councils and band councils on the policing provided to those communities.  
  **NOTE:** Under the PSA, municipalities with Section 10 agreements are required to participate on a Section 10 board. |
CSPA, 2019: 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 Governance Advisory Council
• Provide strategic advice to the Solicitor General with respect to their OPP-related responsibilities (e.g. establishing and adopting a strategic plan).

Consultative Relationship

OPP Detachment Boards
Summary of Key Responsibilities
• Advise the Detachment Commander on the development of the local action plan
• Determine objectives and priorities for the detachment
• Consult on the selection of a detachment commander (DC)
• Advise the DC with respect to policing provided by the detachment
• Monitor the performance of the DC
• Provide an annual report to the municipalities / band councils

OPP Detachments
There are 63 detachments providing policing services to:
• 326 municipalities; and
• 45 First Nation communities.
The CSPA, 2019 requires all detachment board members to comply with the Code of Conduct.

The CSPA, 2019 establishes the role of the 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 CPSA, 2019.

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.

- 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.
### CSPA, 2019: Sequencing Regulatory Development

**Operationalization:**
- Front-line training to be updated on an on-going basis to reflect regulatory changes (e.g. core policing standards).
- Sector to address and implement the appropriate system changes (e.g. IT) and ensure policies and procedures meet new requirements.
- Additional transitional matters related to the OPP:
  - Dissolving Section 10 Boards;
  - Establishing OPP Detachment Boards (e.g. Recruitment and Appointments.)
  - Training of OPP Detachment Board Members as well as OPP Governance Advisory Council Members.

#### Phases

<table>
<thead>
<tr>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Administrative Matters (e.g., oath of office, CSWB time period for review)</td>
<td>• Potential additional, First Nations Policing Opt-in Criteria</td>
<td>• Training for Police Officers, Board Members and Special Constables (e.g., human rights, anti-racism and indigenous training)</td>
</tr>
<tr>
<td>• Codes of Conduct for Police Officers, Special Constables, Board Members (Municipal, OPP and First Nations) and Advisory Council</td>
<td>• OPP Advisory Council</td>
<td>• Post-Secondary Education Equivalency Criteria for Appointment of Police Officers</td>
</tr>
<tr>
<td>• Policing Functions Required in Every Community (Adequate &amp; Effective)</td>
<td>• OPP Billing (i.e., alignment with CSPA)</td>
<td>• Use of Force, including Race-based Data Collection, and De-escalation Framework</td>
</tr>
<tr>
<td>• Required Adequate and Effective Standards, including Conflict of Interest</td>
<td>• Ontario Police Arbitration and Adjudication Commission (OPAAC) (e.g., OPAAC and committee composition)</td>
<td>• Training Exemptions for the Appointment of Police Officers</td>
</tr>
<tr>
<td>• Delivery of Policing</td>
<td>• Equipment and Weapons</td>
<td>• Information Sharing (i.e., what information is to be shared with the minister and how)</td>
</tr>
<tr>
<td>• OPP Detachment Boards</td>
<td>• Discipline (e.g., defining serious offence)</td>
<td>• Disclosure and De-identification of Personal Information</td>
</tr>
<tr>
<td>• OPP Advisory Council</td>
<td>• Special Constables Training</td>
<td>• Reporting on Internal Investigations (i.e., content for Chief’s reports)</td>
</tr>
</tbody>
</table>

Note: The phased sequencing of the work is based on the ministry’s planned filing and in-force dates.
Engagement
CSPA, 2019: Engagement Overview

Ministry of the Solicitor General

- Input from all engagement streams will be provided to the Ministry of the Solicitor General for all final decision-making on regulatory development under the CSPA, 2019.
- Engagement Tables will serve as the ministry’s primary instrument for engagement with policing, First Nations and community/social services stakeholders to address gaps and emerging challenges, while supporting the operational and fiscal sustainability of policing across the province.

- Toronto - Ontario Cooperation and Consultation Agreement (TOCCA)
- Association of Municipalities of Ontario (AMO) MOU
- Community and Social Services Table
- Policing Table (Members Include: OAPSB)
- First Nations Policing Table
- First Nations Leadership Engagement

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

To be established to inform the regulatory development process as required on specific topic areas.
### CSPA, 2019: OPP Related Matters for Regulation

<table>
<thead>
<tr>
<th>Matters for Regulation</th>
<th>OPP Governance Advisory Council</th>
<th>Transition of OPP Billing Model</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OPP Detachment Boards</strong></td>
<td><strong>Composition of the OPP Governance Advisory Council.</strong></td>
<td><strong>Transitioning the OPP billing model under the PSA to the CSPA, 2019.</strong></td>
</tr>
<tr>
<td>- Composition of OPP detachment board (e.g., size and representation);</td>
<td>- Code of Conduct for Advisory Council Members.</td>
<td></td>
</tr>
<tr>
<td>- Establishing whether there will be more than one OPP detachment board for detachment;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Renumeration of detachment board members;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Terms of office;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Estimates related to board operating costs;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Code of Conduct for Detachment Board Members; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Any additional prescribed standards.</td>
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</tr>
</tbody>
</table>

### Transitional Matters

- The ministry will also address transitional matters prior to the Act coming into force related to Section 10 boards, including contract renewals taking place before the Act comes into force.
CSPA, 2019: OPP-Related Engagement

Winter 2020

To Be Completed by Target 2021 In-Force Date

<table>
<thead>
<tr>
<th>Ministry</th>
<th>Sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Finalize regulatory options; • File and post regulations for public consideration; and • Operationalize OPP-related regulations.</td>
<td>• Provide feedback on publicly posted regulations; • Dissolution of section 10 boards; • Recruit and appoint board members; and • Ensure board members successfully complete training.</td>
</tr>
</tbody>
</table>
CSPA, 2019: OPP-Related Regional Roundtables

Ministry of the Solicitor General
## CSPA, 2019: OPP-Related Regional Roundtables

<table>
<thead>
<tr>
<th>OPP Region</th>
<th>Regional Roundtable Locations</th>
<th>Date</th>
<th>Date and Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>North West</td>
<td></td>
<td>Feb 10, 2020</td>
<td>Valhalla Inn Hotel</td>
</tr>
<tr>
<td></td>
<td>• Thunder Bay</td>
<td></td>
<td>1 Valhalla Inn Rd</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Thunder Bay, ON P7E 6J1</td>
</tr>
<tr>
<td></td>
<td>• Kenora</td>
<td>Feb 12, 2020</td>
<td>Kenora Recreation Centre</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rotary room, (1st floor)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>18 Mike Richards Way</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kenora Ontario P9N 1L2</td>
</tr>
<tr>
<td>West</td>
<td>• London</td>
<td>Feb 19, 2020</td>
<td>Goodwill Industries, Community Hall, 3rd floor</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ontario Great Lakes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>255 Horton Street, London, ON N6B 1L1</td>
</tr>
<tr>
<td>East</td>
<td>• Brockville</td>
<td>Feb 20, 2020</td>
<td>Brockville Memoria Civic Centre</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The Hall</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>100 Magedoma Blvd Brockville, ON K6V 7J5</td>
</tr>
<tr>
<td>North East</td>
<td>• Sudbury</td>
<td>Feb 24, 2020</td>
<td>Northbury Hotel &amp; Conference Centre</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Aspen Hall</td>
</tr>
<tr>
<td></td>
<td>• Timmins</td>
<td>Feb 25, 2020</td>
<td>McIntyre Community Centre</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hall Facility – Auditorium</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>85 McIntyre Rd Timmins, ON P4N 8R8</td>
</tr>
<tr>
<td>Central</td>
<td>• Orillia</td>
<td>Feb 28, 2020</td>
<td>Best Western Plus Mariposa Inn &amp; Conference</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Centre</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hermitage Ballroom</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>400 Memorial Ave, Orillia, ON L3V 0T7</td>
</tr>
</tbody>
</table>
OPP Governance
Under the CSPA, 2019
CSPA, 2019: 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.
## CSPA, 2019: OPP Detachment Boards

<table>
<thead>
<tr>
<th>Matter</th>
<th>Key Objectives</th>
<th>Items for Discussion</th>
</tr>
</thead>
</table>
| Size and composition of an OPP detachment board. | • OPP detachment boards should be representative of the communities the OPP serves. | The composition of OPP detachment boards should be based on principles such as:  
1. Representation from every municipality and band council receiving policing from the detachment.  
2. Community representatives who are not members of the municipal/band council nor an employee of the municipality/band council.  
3. A minimum number of board members.  
   • 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.
### Key Objectives

**Approach for establishing more than one board for a detachment.**

- Ensure every municipality and band council served by the OPP has access to civilian governance and fair representation.

**Items for Discussion**

- Factors to be taken into consideration when determining if there should be more than one OPP detachment board per detachment include:
  - Geography;
  - Variations in population size;
  - The number of municipalities and First Nation communities within an OPP detachment; and
  - Service demands.

### Key Considerations

- Each OPP detachment board per detachment would be required to meet the composition/size requirements set out in regulation.
- Establishing multiple OPP detachment board 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.
# CSPA, 2019: OPP Governance Advisory Council

<table>
<thead>
<tr>
<th>Matter</th>
<th>Key Objectives</th>
<th>Items for Discussion</th>
</tr>
</thead>
</table>
| **Composition of the OPP Governance Advisory Council** | • 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). | • To support the Minister in the exercise of her duties with respect to the OPP, specific groups that should be represented on the OPP Governance Advisory Council include:  
  • First Nations;  
  • Indigenous Communities;  
  • Municipalities;  
  • OPP Regional Representatives; 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 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 Nation, 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 Lung Health Advisory Council consists of 20 members.
## CSPA, 2019: Transition of OPP Billing Model

<table>
<thead>
<tr>
<th>Matter</th>
<th>Key Objectives</th>
<th>Items for Discussion</th>
</tr>
</thead>
</table>
| Aligning existing OPP billing framework to the CSPA, 2019 | • Ensuring the current OPP billing model under the *Police Services Act* (1990) corresponds with the provisions/language of the CSPA, 2019.  
• Supporting the termination of section 10 agreements established under the *Police Services Act* (1990) and transitioning to the new OPP detachment framework under the CSPA, 2019. | • Section 10 policing agreements between municipalities and the OPP will no longer exist under the CSPA, 2019.  
• 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 enhance 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 various methods to support municipalities to better understand their OPP billing statements and estimates.
Next Steps

• Ministry to launch Regional Roundtable discussions in mid-February.
• Feedback from Regional Roundtables and Engagement Tables will be consolidated and used to formulate policy proposals for OPP-related matters for regulation.
• Draft regulatory language to be publicly posted for feedback.
Discussion Questions
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. Are there specific community groups/specializations (e.g. mental health, youth) that should be represented on an OPP detachment board?

3. Should there be a maximum size requirement that OPP detachment boards cannot exceed?

4. 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?
OPP Governance Advisory Council

1. What methods (e.g. rotating appointments) could be used to ensure the interests of all communities receiving OPP services are represented by the OPP Governance Advisory Council?

2. What expertise and/or knowledge requirements should OPP Governance Advisory Council members have?
Transition of OPP Billing

1. What are some ways in which the OPP billing model could be made more transparent?

2. What, if any, are some examples of issues or challenges related to the current format of the OPP billing statements?
Appendix
## Appendix A.1: Existing Joint Section 10 Boards

<table>
<thead>
<tr>
<th>Section 10 Board</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lakehead Group</strong></td>
<td>Five member board representing four municipalities.</td>
</tr>
<tr>
<td><strong>Mattawa &amp; Area</strong></td>
<td>Five member board representing four municipalities. The municipalities agree on a rotation schedule. The community member residence also rotates.</td>
</tr>
<tr>
<td><strong>Nottawasaga</strong></td>
<td>Five member board representing three municipalities.</td>
</tr>
<tr>
<td><strong>Elgin Group</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Lambton Group</strong></td>
<td>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.</td>
</tr>
</tbody>
</table>
Appendix A.2: Policing Services Across Ontario