

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

**Presented to: Ontario Association
of Police Services Boards (OAPSB)**

Date: January 30, 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).
- 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.

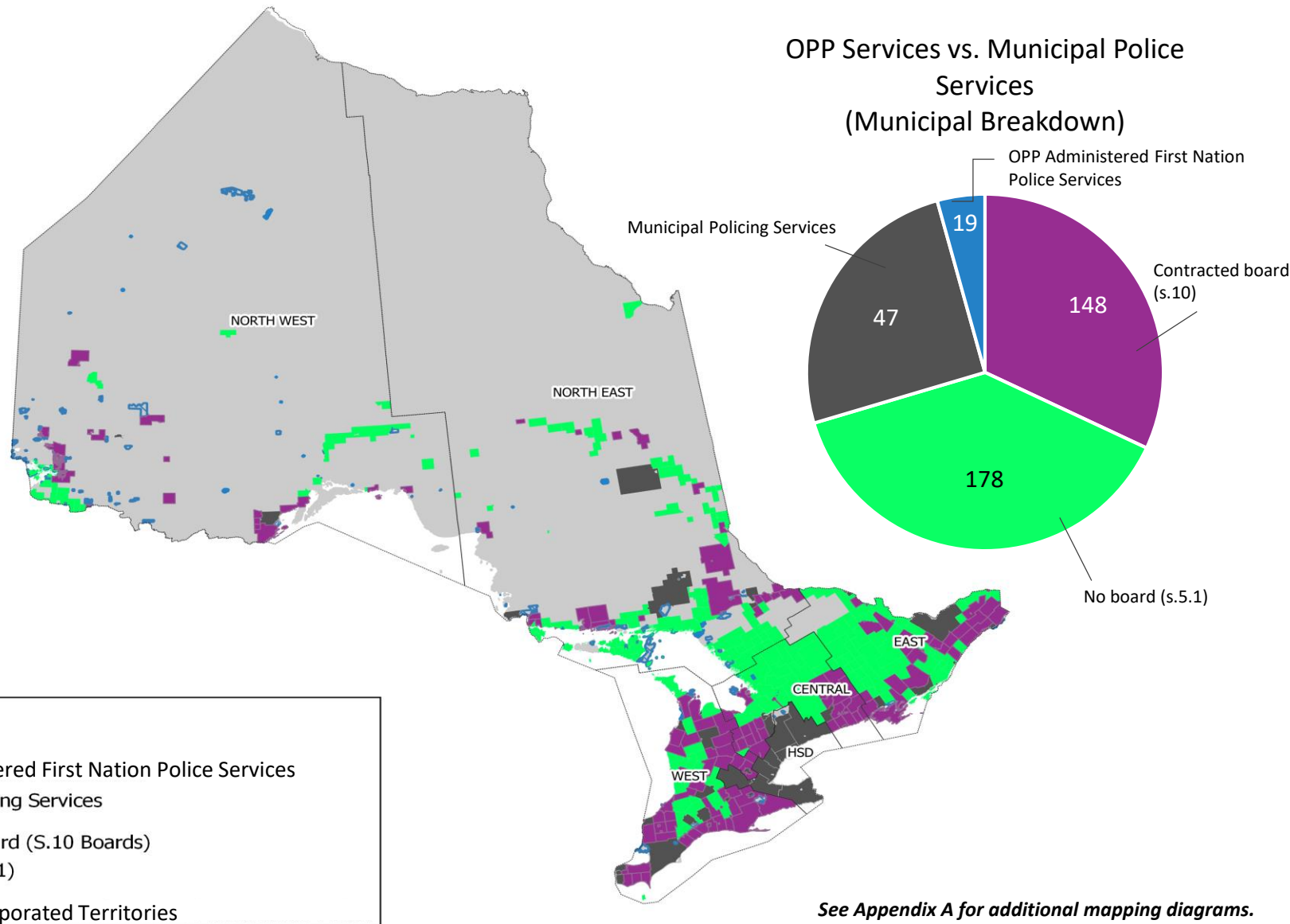
Context

- 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.

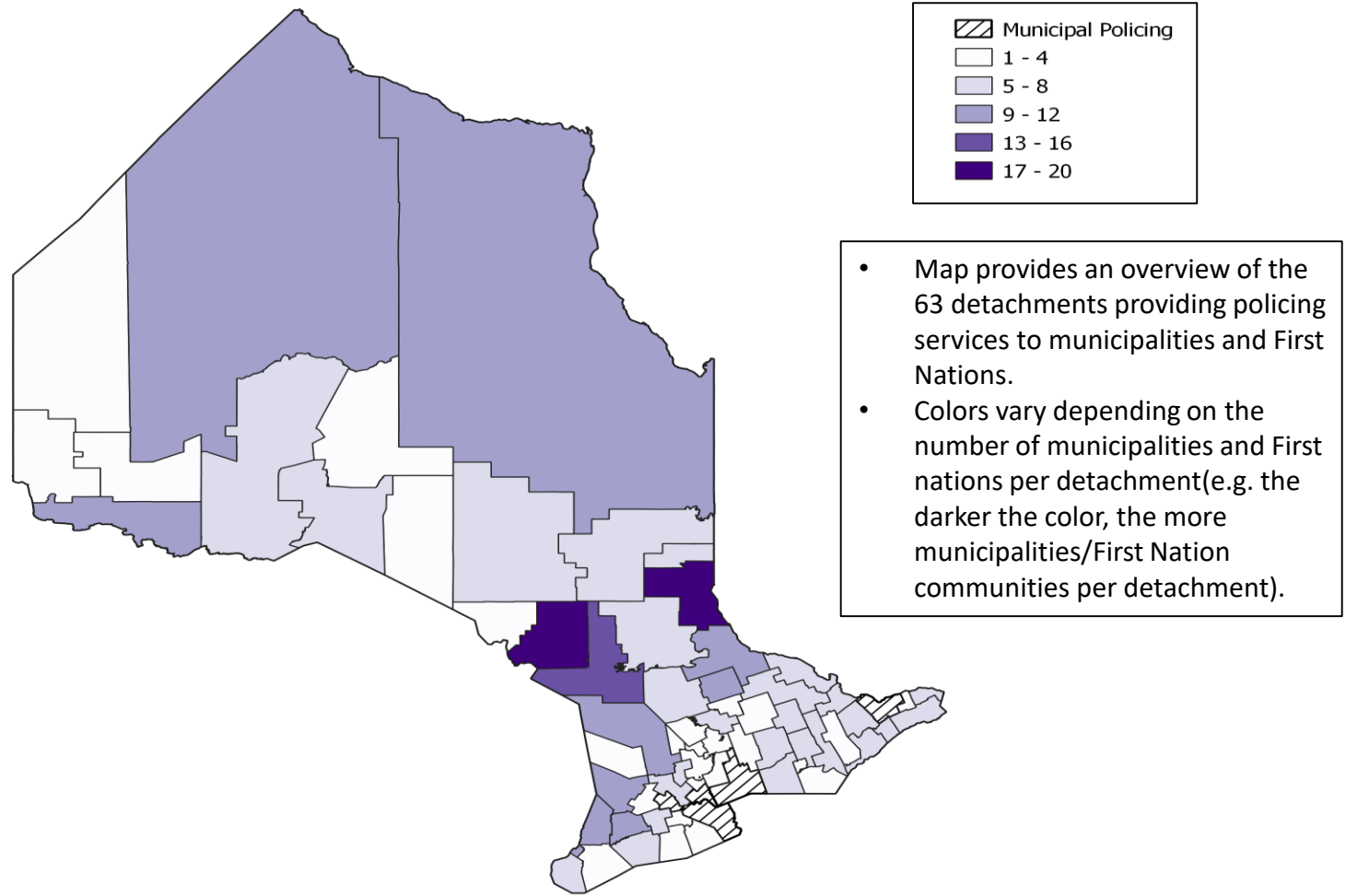
Current Landscape: Policing Services Across Ontario



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



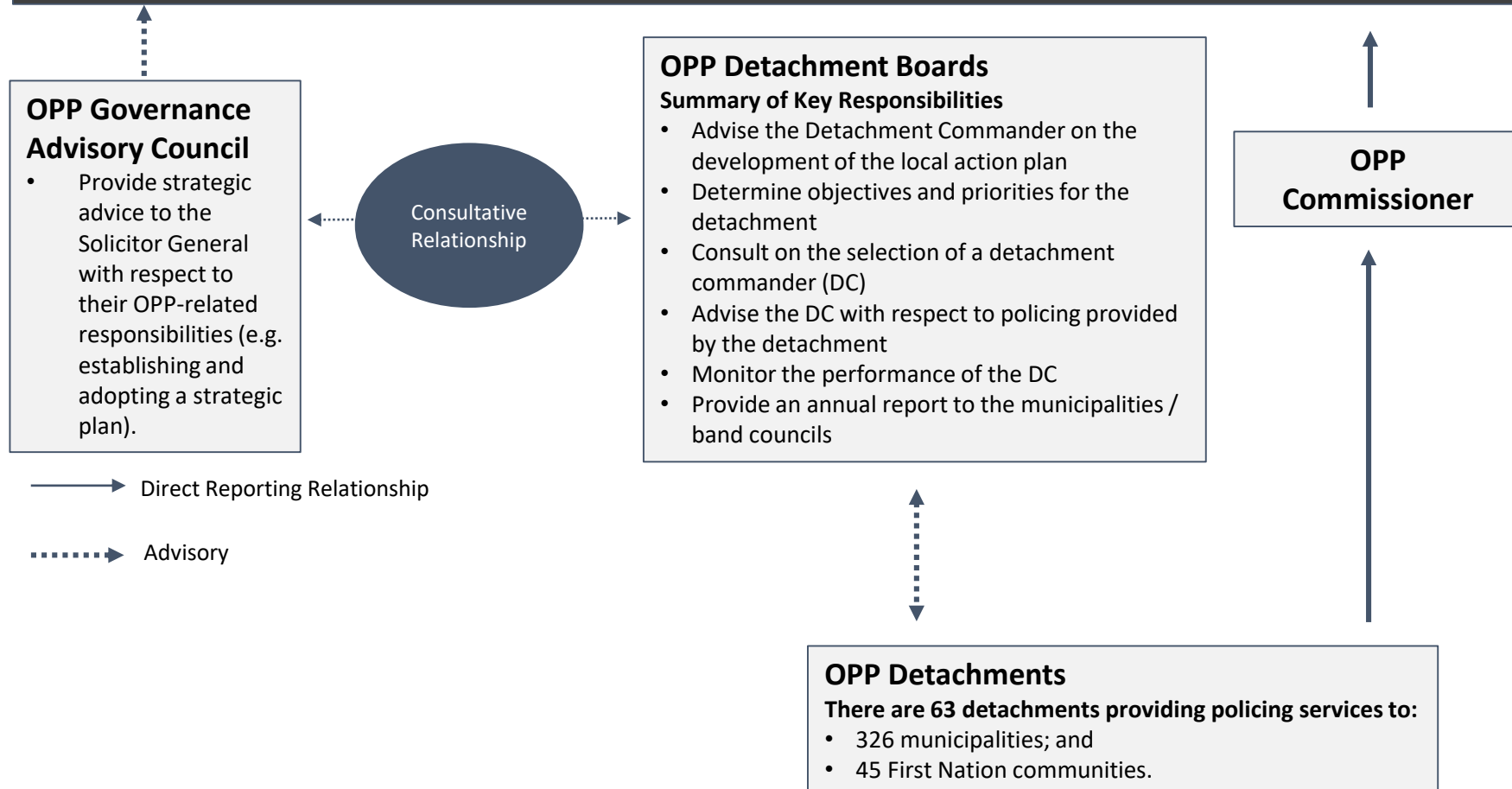
OPP Related Changes: PSA to CSPA, 2019

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"> Section 10 service agreements will be terminated and section 10 boards will be dissolved once the CSPA, 2019 comes into force. <p>NOTE: <i>New OPP detachment boards will be created under the CSPA, 2019 for every 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.
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 reserve. A OPP detachment board will: <ul style="list-style-type: none"> 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.

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.



CSPA, 2019: Detachment Board Member Governance

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

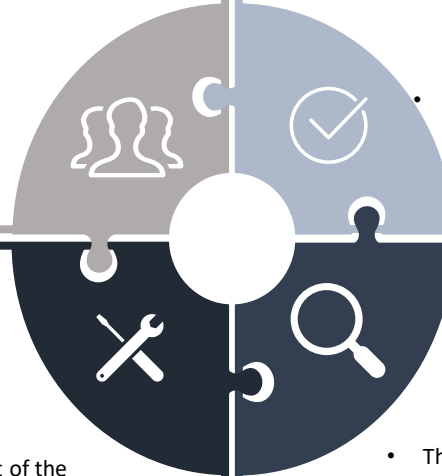
- Detachment board members must successfully complete training on:
 - Role of detachment board and responsibilities of members of the board;
 - Human rights and systemic racism;
 - The diverse, multiracial and multicultural character of Ontario society;
 - The rights and cultures of First Nation, Inuit 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 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.



CSPA, 2019: Sequencing Regulatory Development

Phase 1

- 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
- 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 Conflict of Interest
- Delivery of Policing

Phase 2

- 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)

Phase 3

- 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)
- Alternative Entry Stream for Appointment of Police Officers
- Post-Secondary Education Equivalency Criteria for Appointment of Police Officers
- Use of Force, including Race-based Data Collection, and De-escalation Framework

Matters for Regulation

Note: The phased sequencing of the work is based on the ministry's planned filing and in-force dates.

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.

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.

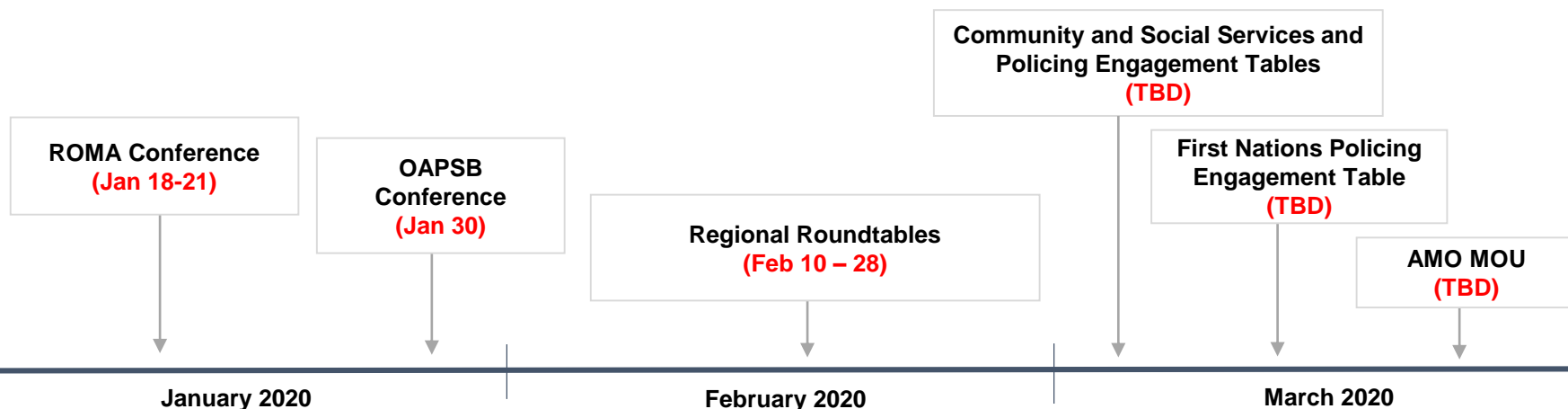
CSPA, 2019: OPP Related Matters for Regulation

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; • Renumeration 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 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	
Ministry	Sector
<ul style="list-style-type: none"> Finalize regulatory options; File and post regulations for public consideration; and Operationalize OPP-related regulations. 	<ul style="list-style-type: none"> Provide feedback on publicly posted regulations; Dissolution of section 10 boards; Recruit and appoint board members; and Ensure board members successfully complete training.

CSPA, 2019: OPP-Related Regional Roundtables



CSPA, 2019: OPP-Related Regional Roundtables

OPP Region	Regional Roundtable Locations	Date	Date and Location
North West	<ul style="list-style-type: none"> Thunder Bay 	Feb 10, 2020	Valhalla Inn Hotel 1 Valhalla Inn Rd Thunder Bay, ON P7E 6J1
	<ul style="list-style-type: none"> Kenora 	Feb 12, 2020	Kenora Recreation Centre Rotary room, (1st floor) 18 Mike Richards Way Kenora Ontario P9N 1L2
West	<ul style="list-style-type: none"> London 	Feb 19, 2020	Goodwill Industries, Community Hall, 3 rd floor Ontario Great Lakes 255 Horton Street, London, ON N6B 1L1
East	<ul style="list-style-type: none"> Brockville 	Feb 20, 2020	Brockville Memoria Civic Centre The Hall 100 Magedoma Blvd Brockville, ON K6V 7J5
North East	<ul style="list-style-type: none"> Sudbury 	Feb 24, 2020	Northbury Hotel & Conference Centre Aspen Hall 50 Brady Street, Sudbury ON P3E 1C8
	<ul style="list-style-type: none"> Timmins 	Feb 25, 2020	McIntyre Community Centre Hall Facility – Auditorium 85 McIntyre Rd Timmins, ON P4N 8R8
Central	<ul style="list-style-type: none"> Orillia 	Feb 28, 2020	Best Western Plus Mariposa Inn & Conference Centre Hermitage Ballroom 400 Memorial Ave, Orillia, ON L3V 0T7

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

Matter	Key Objectives	Items for Discussion
Size and composition of an OPP detachment board.	<ul style="list-style-type: none">• OPP detachment boards should be representative of the communities the OPP serves.	<p>The composition of OPP detachment boards should be based on principles such as:</p> <ol style="list-style-type: none">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.<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.

CSPA, 2019: OPP Detachment Boards Cont'd

Matter	Key Objectives	Items for Discussion
Approach for establishing more than one board for a detachment.	<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 to be taken into consideration when determining if there should be more than one OPP detachment board per detachment include:<ul style="list-style-type: none">• 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

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">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:<ul style="list-style-type: none">First Nations;Indigenous Communities;Municipalities;OPP Regional Representatives; andMembers 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

Matter	Key Objectives	Items for Discussion
Aligning existing OPP billing framework to the CSPA, 2019	<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 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 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

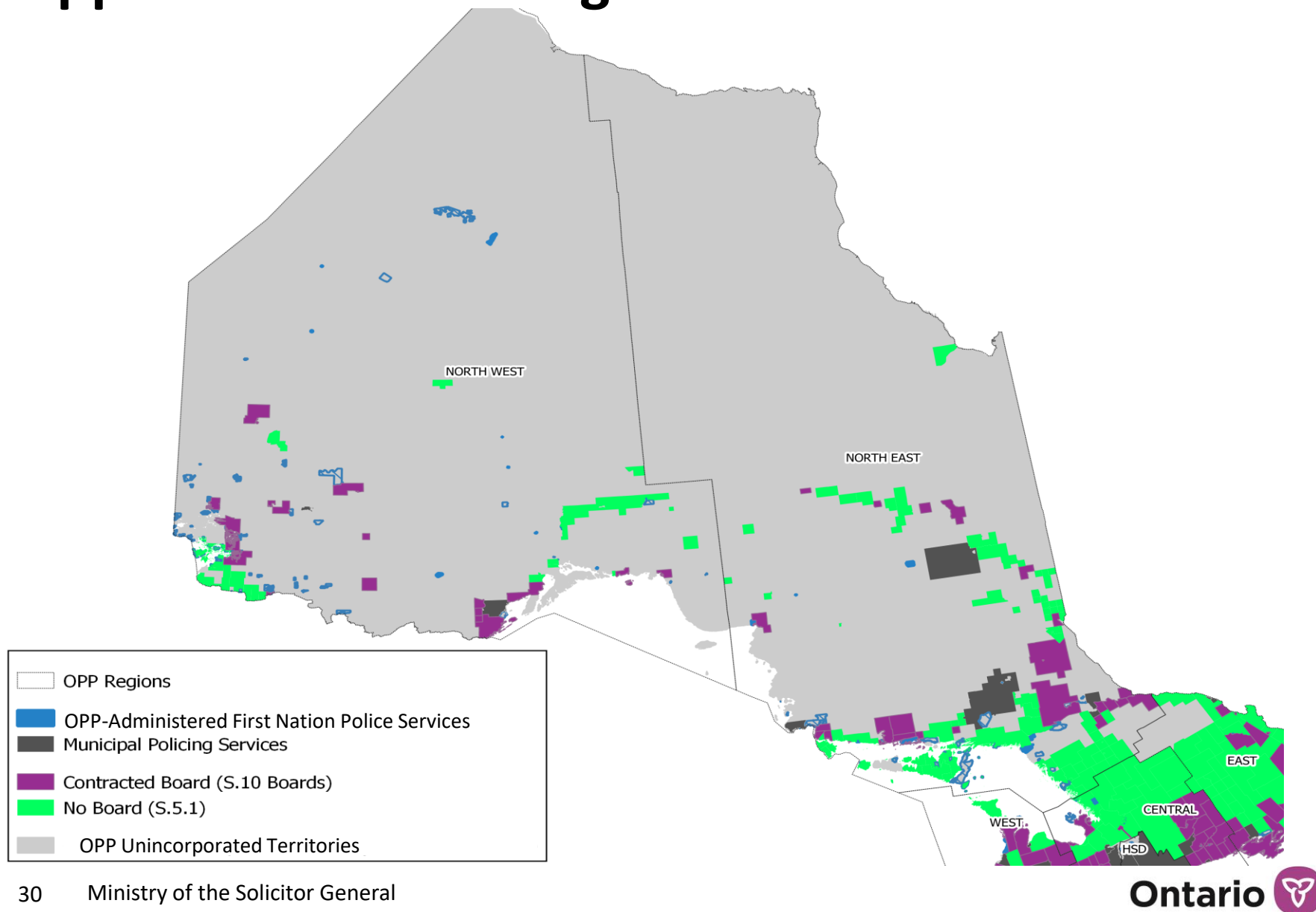
1. What are some ways in which the OPP billing model could be made more transparent?
2. What, if any, are some examples of issues or challenges related to the current format of the OPP billing statements?

Appendix

Appendix A.1: Existing Joint Section 10 Boards

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: Policing Services Across Ontario



Appendix A.3: Policing Services Across Ontario

