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Date: April 29, 2021

To: Kingsville Town Council

Author: Nelson Santos, Mayor & Chair of Kingsville PSB

RE: Community Safety & Policing Act, 2019 (CPSA):
OPP Detachment Board Framework and Proposal

Report No.: PS-2021-01

RECOMMENDED ACTION

That Council receives this report for information, and

FURTHER THAT Council confirms that the Municipality of Kingsville wishes to maintain representation on the new detachment board and supports the composition of a single detachment board for Essex County to include representation of OPP policed municipalities of Kingsville, Essex, Lakeshore, Tecumseh, Pelee Island and the Caldwell Nation; and

FURTHER that Council endorses in principle the proposed composition for the new Essex County Detachment Board as provided in this report; and

THAT this resolution and report be circulated to each municipality and current police service board for their information.

BACKGROUND

As previously provided to Council in initial reports last year, the pending transition from the current Police Services Act (1990) to the Community Safety and Policing Act, 2019 provides for legislative reform on the current Section 10 Police Boards for OPP Served Communities.

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 in early 2022.

In the interim, to bring the new Act into force, the Ministry is required to and is developing several regulation matters including specific regulations related to the OPP which include OPP Detachment Boards, an OPP Governance Advisory Council and OPP Billing. The chart below identifies more examples of the new legislative requirements.

New Legislative Requirements
<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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.

DISCUSSION

In keeping with the Ministry's process and intended timelines, they launched the OPP Detachment Board Proposal Process on March 17, 2021.

As outlined in the SolGen framework, it requires municipalities and First Nations within a Detachment to work together to develop and submit one proposal indicating the composition of their board(s) by June 7, 2021, and if requested, their rationale for multiple boards within the same region/detachment area. This proposal must meet the minimum composition requirements as established by the Ministry. (See Page 5)

In consultations with the SolGen, including most recently on April 20, 2021, Ministry representatives confirmed the minimum composition for a new board is 5 members. While they also qualified that there is no maximum size outlined in the new Act, their discussion acknowledged that proposed amalgamated boards that exceed 15 members could prove to be too large. The Ministry representatives confided that this would be a reasonable consideration for requesting or proposing more than one new police board for any area.

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 Representative	20% community representation (minimum)
Provincial Appointments	20% provincial appointees

As previously provided under a separate report to Council, the Joint Police Services Boards of Essex County engaged Foresight Management Consulting who provided a final report outlining the considerations for the newly proposed Essex County Detachment. The January 2020 report outlined the considerations for the OPP policed communities of Essex, Kingsville, Lakeshore, Leamington, and Tecumseh. It also noted considerations under the CSPA which bring the Township of Pelee and potentially the Caldwell Nation should they opt to participate as a member of this detachment.

Since the initial report, the Municipality of Leamington has served notice that they are pursuing a new policing model and will no longer be policed by the OPP by the time the new act comes into effect. In light of this change, the proposal as outlined under the Foresight report provided the following considerations for the composition of the new detachment board:

- A) There was agreement that every municipality needs a voice and should be represented on the detachment board. This approach could also assist in meeting the CSPA diversity requirements.
- B) Representatives by municipal population: up to 10,000 has one member appointed to the detachment board, and two members to be appointed for municipalities with a population of over 10,000; and 2 provincial representatives (in keeping with the 20 percent provincial requirement).
- C) There was consensus that equal representation by municipality is not the ideal situation. It was proposed that the above form of representation by population be instituted. The group agreed and offers the composition formula as a recommendation to each municipality.

Based on the context above, the recommended composition of the new Essex County Detachment Board (Tecumseh, Lakeshore, Essex, Kingsville, Pelee Island and potentially the Caldwell Nation) include at least one elected and/or community member from each municipality, township or First Nation with a second representative based on population.

Municipality	Community Members - Elected	Community Members - Community Representative	Provincial Appointees	Total
Caldwell Nation	1		3	
Essex	1	1		
Kingsville	1	1		
Lakeshore	1	1		
Pelee	1			
Tecumseh	1	1		
Composition with Caldwell Nation	6 46%	4 31%	3 23%	13 100%

Municipality	Community Members - Elected	Community Members - Community Representative	Provincial Appointees	Total
Essex	1	1	2	
Kingsville	1	1		
Lakeshore	1	1		
Pelee	1			
Tecumseh	1	1		
Composition without Caldwell Nation	5 45%	4 36%	2 19%	11 100%

These scenarios are conditional on each municipality's independent approval and confirmation and as such is subject to change. There was previous discussion and consideration of potentially pursuing a second Detachment Board for Essex County (i.e. North/ South concept). However, given the provincial updates and recent discussions around the new policy, the composition numbers above are under 15 members which the Ministry identifies as a reasonable expectation. Consideration for a second board, in this writer's opinion, would need to identify unique and other challenging circumstances that would provide sufficient warrants for the Province to support.

Finally, it is important to note the proposed composition(s), as presented, are in keeping with the Ministry requirements. These options must be agreed to by all municipalities before submitting the proposal to the Ministry. A regional meeting including each municipal CAO, local OPP PSB Chairs/Board Reps and Mayors, Pelee Township and the Caldwell Nation is planned in the next few weeks to explore these options. The expectation is that each will ultimately provide direction in supporting a final recommendation on the board composition.

KINGSVILLE ADMINISTRATION COMMENTS

Administration does not think this change in Board governance is a positive step forward and would prefer that Kingsville be able to retain its own police board. If the Ontario Government has already decided to proceed with this change in governance model and is making this change regardless of Kingsville's input, then the proposal for composition of the new amalgamated board is acceptable recognizing that we are losing representation.

It is not controversial to say that Canadian police chiefs and police departments have become less accountable to local politicians over time and that these changes in board governance will hasten that evolution. We do not understand why this is considered a step forward.

In addition, we are concerned about the upcoming renewal of our contract with the OPP and uncertain about what these governance changes mean for the future. Will these changes in governance have a positive or negative effect on costs for Kingsville?

LINK TO STRATEGIC PLAN

To promote a safe community

LINK TO COUNCIL 2021-2022 PRIORITIES

☒ COVID-19 and the health and safety of the community

FINANCIAL CONSIDERATIONS

There are no financial impacts at this time.

Updates on the renewal process around the current policing contract will be provided in late Summer 2021 by the OPP Contract Division. It is anticipated under the new CSPA that individual municipal contracts will be terminated while billing under the new model will continue to individual municipalities based on their local experience and statistics and will operate as a separate function from the proposed Detachment Board.

CONSULTATIONS

Kingsville Chief Administrative Officer
Kingsville Director of Financial & IT Services
Kingsville Senior Management Team Kingsville Police Service Board
Ministry of Solicitor General
OPP Contract Division

Nelson Santos

Nelson Santos
Mayor

John Norton

John Norton
CAO