

## Staff Report 2023-0100

---

Meeting Date: April 4, 2023

Subject: Community Safety and Policing Act, 2019 and OPP Detachment Board / Municipal Board

Submitted By: Laura Hall, Director, Corporate Services / Town Clerk

---

### RECOMMENDATION

That Option 1 as outlined in Staff Report 2023-0100 to Maintain Status Quo and continue to participate in the Peel Police Service Board, be selected and approved;

That staff be directed to request support from the Region of Peel to remain as a participant in the Peel Police Service Board; and

That staff be directed to advise the Office of the Solicitor General of the Town's position to maintain the current policing service board model.

### REPORT HIGHLIGHTS

- The intent of this report is to determine Council's interest in establishing an OPP Detachment Board or continuing with the current Board model
- On March 26, 2019, the Province passed the *Comprehensive Ontario Police Services Act, 2019* (Bill 68) and established the *Community Safety and Policing Act, 2019* (CSPA). The intent of the CSPA is an opportunity to modernize policing and enhance community safety in Ontario.
- Section 67 of the CSPA requires each municipality and First Nation community receiving OPP services to create an OPP Detachment Board.
- Through a contract and agreement between the Town of Caledon, the Region of Peel and the Solicitor General, policing services in the Town are fulfilled by the Ontario Provincial Police (OPP).
- The Town's police services agreement (PSA) directs the Detachment Commander to report to the Peel Police Services Board and the Town of Caledon at mutually agreed upon intervals in accordance with the PSA, regarding police services in the Town.
- Staff have reviewed the changes and requirements outlined in the new legislation and have developed two options for consideration – maintain status quo or develop an OPP Detachment Board in Caledon.
- At this time, staff recommend Option 1, maintaining the status quo. To date, the Town has not received concerns about the oversight and accountability of the current Board model.
- Should Option 2 be selected, staff will need to explore potential resourcing needs to support a local Detachment Board and how such arrangement would impact the current policing services Agreement with the Region of Peel and the Solicitor General.

## **DISCUSSION**

The intent of this report is to determine Council's interest in establishing an OPP Detachment Board or continuing with the current Board model.

### **Background**

On March 26, 2019, the Province 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 will replace the *Police Services Act, 1990* (PSA). The intent of the CSPA is an opportunity to modernize policing and enhance community safety in Ontario.

#### *Policing Services in Caledon*

Pursuant to section 4(1) of the PSA, the Region of Peel is required to provide adequate and effective police services in accordance with the needs of the community. Under section 5 of the PSA, the Region of Peel may discharge such duties by entering into an Agreement with the Solicitor General under section 10. Through a contract and agreement between the Town of Caledon, the Region of Peel and the Solicitor General, policing services in the Town are fulfilled by the Ontario Provincial Police (OPP).

#### *Police Services Board*

Every municipal and regional police service in Ontario has a civilian police services board to provide general management, set policies and oversee the police service. Ontario Provincial Police detachments may also have a local police services board.

#### *Peel Police Services Board*

The Peel Police Service Board consists of seven members consisting of the Regional Chair, the Mayor of Brampton, the Mayor of Mississauga and four appointed citizen members. One of the citizen members is appointed by the Region and the other three are appointed by the province. The Board has three standing committees to advise on Human Resources, Governance and Human Rights and Finance.

The Town's police services agreement directs the Detachment Commander to report to the Peel Police Services Board and the Town of Caledon at mutually agreed upon intervals in accordance with the PSA, regarding police services in the Town. Further, the Detachment Commander responds to the Board's objectives and priorities for police services. The Caledon Detachment Commander attends quarterly meetings with the Board to provide updates, present progress reports and deliver on any other items as deemed necessary regarding policing in Caledon.

**Community Safety and Policing Act – OPP Detachment Board / Municipal Board**

Section 67 of the CSPA requires each municipality and First Nation community receiving OPP services to create an OPP Detachment Board. An OPP detachment board is 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. The requirements for board composition are a minimum of 5 members, minimum of 20% community representation and 20% provincially appointed representation. The Ministry has not set a maximum board size. Board composition is determined by local needs. Detachment boards will be responsible for remuneration of provincial appointees and community representatives; the rates will be prescribed in the legislation.

The Office of the Solicitor General has requested a proposal from the Town to determine a model that meets the service needs of the municipality. The Region of Peel is the only upper tier municipality in Ontario that has two policing services within its boundaries. This creates an opportunity to request an exception to the province to continue to support the current Board model or present a proposal to develop a Caledon Detachment Board. The Town, Province, and (if they have a role) the Region would develop a new Police Services Agreement reflecting the arrangement and any requirements of the CSPA. This new agreement will be brought forward at an upcoming meeting once an option is selected and next steps are completed.

**Options for Consideration**

Staff have reviewed the changes and requirements outlined in the new legislation and have developed the following options for consideration.

**Option 1 – Maintain Status Quo as a participate in the Peel Police Service Board**

The policing services Agreement directs the OPP Detachment Commander to report quarterly to the Peel Police Service Board and the Town (as deemed necessary). The Peel Police Service Board meetings are open to the public and livestreamed through the Boards website. The Inspector presents an update to the Board at the quarterly meetings

and would address any concerns as part of the Board meetings. Any issues or concerns regarding the Caledon OPP would be managed through the Board. To date, the Town has not received any requests for greater oversight with the accountability of the policing services at the OPP Detachment. Complaints can be filed with the Board should there be any concerns.

Should Council decide to move forward with Option 1, staff will seek support from the Region to maintain the status quo. In addition, a request will be sent to the Office of the Solicitor General with a proposal to maintain the current police services board model. This would form part of the new CSPA regulations.

### **Option 2 – Develop an OPP Detachment Board / Municipal Board**

The CSPA presents an opportunity for the Town to create a local Detachment Board. The intent of a Board is to ensure each municipality receiving policing services from the OPP has an opportunity to represent their local perspectives, needs, and priorities; provide opportunities to collaborate on efforts to enhance community safety; and enhance the transparent, coordinated and efficient delivery of OPP services.

Should Council decide to move forward with Option 2, a request will be sent to the Region of Peel and the Solicitor General outlining the proposed new model. The jurisdiction of the Peel Police Services Board would need to be amended to accommodate the role of the new Detachment Board, and staff will prepare a proposal to submit to the Solicitor General outlining the composition and membership requirements. In essence, Caledon would be requesting that the OPP report only to the new OPP Detachment Board and are removed from reporting to the Peel Police Services Board.

### **Recommendation**

At this time, staff recommend Option 1, maintaining the status quo. To date, there hasn't been a need for Town oversight and involvement in the current Board model and the OPP policing service. The Detachment Commander provides annual updates to Council and maintains an active relationship with Caledon's Leadership Team. A representative of the OPP participates in the Town's Joint Enforcement Team and other town initiatives, such as visitor management, community events and transportation initiatives. Council could consider advocating for a Caledon Council appointment to the Region's Police Service Board to join the Mayors of Brampton and Mississauga so that Caledon has representation.

Should Council decide to proceed with Option 2, staff will work with the Region, the OPP and the Office of the Solicitor General to determine next steps. It should be noted that an OPP Detachment Board may require additional resources to support the administration and activities of the Board. The Town has never had a policing service Board so it's

## **Staff Report 2023-0100**

---

unknown what resources will be needed to adequately support the actions resulting from the decisions of the Board.

Through the development of an OPP Detachment Board / Municipal Board, Council would be delegating its authority and powers to the Board to oversee policing services in the Town, this includes annual budget approval, updates on policing matters, etc. The current Agreement provides more of a direct relationship with the Detachment Commander and Council as a whole.

### **FINANCIAL IMPLICATIONS**

Should Council proceed with Option 1, there are no immediate financial implications with maintaining status quo. Moving forward with Option 2 will likely require additional resources that will be explored pending the outcome of Council's decision.

### **COUNCIL WORK PLAN**

Subject matter is not relevant to the Council Workplan.

### **ATTACHMENTS**

None.