

***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)