



Staff Report

Administration – Town Clerk

Report To: Special Committee of the Whole
Meeting Date: June 17, 2024
Report Number: FAF.24.071
Title: Update to Council regarding the Community Safety and Policing Act, 2019 and Impacts to The Blue Mountains Police Services Board
Prepared by: Kyra Dunlop, Deputy Clerk

A. Recommendations

THAT Council receive Staff Report FAF.24.071, entitled “Update to Council regarding the Community Safety and Policing Act, 2019 and Impacts to The Blue Mountains Police Services Board”;

AND THAT Council repeal and rescind By-law 2002-69, being a By-law to establish a new Police Services Board.

B. Overview

The purpose of this report is to provide Council with an overview of the changes that The Blue Mountains Police Services Board has been, and will continue to experience, with the enactment of the *Community Safety and Policing Act, 2019* which came into effect on April 1, 2024.

C. Background

On March 26, 2019 Bill 168: Comprehensive Ontario Police Services Act, 2019 received Royal Assent, and under that legislation the *Community Safety and Policing Act* was created. The *Community Safety and Policing Act, 2019* (the “CSPA”), as well as all applicable regulations under this Act, came into effect on April 1, 2024, and replaced the former *Police Services Act, 1990*. The new legislation has significant impacts on how The Blue Mountains Police Services Board operates as well as the Board’s relationship with Council.

The Blue Mountains Police Services Board was established on September 9, 2002 through the enactment of By-law 2002-69, being a By-law to establish a new Police Services Board. The Board has generally relied on the municipality for its regular operations including meeting management, software/IT usage, staff support, conference registrations, and insurance coverage.

Prior to the enactment of the CSPA on April 1, 2024, the Board was comprised of 3 Members, including 1 Council Appointee (the Mayor), 1 Public Appointee and 1 Provincial Appointee. With the new legislation, the Board is now a 5 Member Board, comprised of Mayor Matrosovs and Councillor Ardiel as the 2 Council Appointees, Jim Oliver and Lynn Church as the 2 Public Appointees, and 1 Provincial Appointee position which is currently vacant. The term of the Board Members runs concurrent with the term of Council, except the Provincial Appointee whose term of office is set out by the Minister of the Solicitor General.

A number of steps have been taken by both staff and Board Members to ensure the Board complies with the new legislation. In order to come into full compliance with the CSPA, there are a number of items the Board must work on in 2024.

D. Analysis

Roles and Responsibilities of the Board under the *Community Safety and Policing Act, 2019*

Under the *Police Services Act, 1990*, the Board was considered a “Section 10 Board” which referred to Police Services Boards that have municipal agreements in place for the provision of police services by the O.P.P. The municipality continues to maintain an agreement with the O.P.P. for the provision of policing services in the municipality and is designated an O.P.P. Detachment Board under the CSPA. We are 1 of 2 Boards operating in the Collingwood/Blue Mountains area, the other Board being the Collingwood O.P.P. Detachment Board (formerly the Town of Collingwood Police Services Board). While we are a separate and distinct Board from the Collingwood O.P.P. Detachment Board, we are designated an O.P.P. Detachment Board under the Collingwood O.P.P. Detachment area.

Under the CSPA, the legislation clarifies the difference between what is considered a Municipal Board and an O.P.P. Detachment Board; whereas municipalities that have their own police services have Municipal Police Services Boards, municipalities that have their policing provided by the O.P.P. have O.P.P. Detachment Boards. The primary function of O.P.P. Detachment Boards is to serve as the conduit for the O.P.P. to receive civilian input into policing delivered by the O.P.P. in their detachment area.

Most of the provisions under the CSPA apply to O.P.P. Detachment Boards, however O.P.P. Detachment Boards have their own section of the Act that specifically details how they are maintained under Section 67, as well as our own specific regulations under the Act, being O.Reg. 135/24 “O.P.P. Detachment Boards” and O.Reg. 409/23 “Code of Conduct for O.P.P. Detachment Board Members”.

The CSPA sets out the duties of an O.P.P. Detachment Board under Section 68(1) and those responsibilities state that the Board shall:

- a. consult with the Commissioner regarding the selection of a detachment commander and otherwise participate, in accordance with the regulations made by the Minister, in the selection of the detachment commander;

- b. 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;
- c. advise the detachment commander with respect to policing provided by the detachment;
- d. monitor the performance of the detachment commander;
- e. review the reports from the detachment commander regarding policing provided by the detachment; and
- f. on or before June 30 in each year, provide an annual report to the municipalities and band councils regarding the policing provided by the detachment in their municipalities or First Nation reserves.

O.P.P. Detachment Boards are an independent and separate legal entity from municipal Councils, and Section 67(5) of the Act states that Detachment Boards are not liable for the actions committed by O.P.P. staff in the course of their employment. The Board Members are required to comply with the Act and its' applicable regulations in the course of their duties, and Section 48(2) of the Act states that they are protected from personal liability when acting in good faith in accordance with their duties and responsibilities. Under the Act, the Board has a clearly defined arms-length relationship with Council which is also reflected in the Boards' reporting and budgeting requirements to Council. The Board now receives authorization not through By-law 2002-69 Being a By-law to establish a new Police Services Board, but instead their authority is derived through the CSPA. Because of this change in relationship, staff are recommending that Council repeal By-law 2002-69.

Board Function and Oversight

O.P.P. Detachment Boards are still required to maintain Local Action Plans and Community Safety and Well-being Plans. The Ministry of the Solicitor General sets the Strategic Plan for the O.P.P., which is implemented by the O.P.P. Commissioner. O.P.P. Detachment Boards may create additional local policies and Board By-laws, but they must be consistent and align with the Minister's Strategic Plan.

One of the key functions of the Board is to participate in Detachment Commander Reviews; under the CSPA the Board will continue to work with the Collingwood O.P.P. Detachment Board to conduct Detachment Commander Reviews. These reviews have occurred annually and our Board Chair attends those sessions with the Collingwood O.P.P. Detachment Board Chair and Detachment Commander.

A significant change resulting from the CSPA is the creation of the position of Inspector General, whose mandate under Section 102(4) of the Act is to:

- a. monitor and conduct inspections of police service boards, O.P.P. detachment boards, First Nation O.P.P. boards, chiefs of police, special constable employers, police services, and prescribed policing providers to ensure that they comply with this Act and the regulations;

- b. consult with and advise police service boards, O.P.P. detachment boards, First Nation O.P.P. boards, chiefs of police, special constable employers, police services, prescribed policing providers and prescribed entities regarding compliance with this Act and the regulations;
- c. monitor and conduct inspections of members of police service boards, O.P.P. detachment boards and First Nation O.P.P. boards to ensure that they do not commit misconduct;
- d. develop, maintain and manage records and conduct research and analyses regarding compliance with this Act and the regulations;
- e. deal with complaints under sections 106 and 107 and with disclosures of misconduct under section 185;
- f. submit an annual report to the Minister; and
- g. perform such other duties as are assigned to him or her by or under this or any other Act, including any prescribed duties. 2019, c. 1, Sched. 1, s. 102 (4); 2023, c. 12, Sched. 1, s. 41 (1-4); 2024, c. 2, Sched. 4, s. 3.

If there is an alleged breach by one of the Board Members under O.Reg. 409/23 “Code of Conduct for O.P.P. Detachment Board Members”, the CSPA sets out the process the Inspector General must follow before they can impose restrictions or measures on the Board Member.

Board Compliance with the *Community Safety and Policing Act, 2019: Steps taken to date*

In December 2023, The Town of The Blue Mountains and Town of Collingwood CAO’s, Police Services Board Chairs and Detachment staff had an informal meeting to discuss how the CSPA was expected to impact the Board’s operations and how the Collingwood and Blue Mountains Police Services Boards could ensure alignment with one another, since the Boards work in the same geographic area. Staff conducted some information sharing around Corporate policies and By-laws that applied to the Boards, agreed on each bringing forward a report to their respective Council’s on the changes the CSPA would have on the Boards, and confirmed a plan to move forward with bringing forward Board budgets for 2025 to their respective Council’s.

Staff were in consistent contact with the Ministry of the Solicitor General and the Ontario Association of Police Services Boards (“OAPSB”) throughout the first quarter of 2024 to be in a position to quickly pivot to the new changes our Board would be required to comply with under the Act. Notably, Board Members were required to complete mandatory Ministry-issued training relating to their roles and responsibilities under the Act, a copy of which training is attached as Attachment 2 to this report. In addition, all Board Members were required to complete Police Record Checks before a meeting of the Board could take place. All Board Members have successfully completed the training and have received satisfactory record checks.

Board Members were also to be sworn in under the CSPA by taking the Oath and Affirmation of Office and this was completed at the May 6, 2024 Special Police Services Board Meeting. The Board also re-affirmed the appointment of Kyra Dunlop as the Recording Secretary to the Board, and the appointment of Corrina Giles as the Alternate Recording Secretary to the Board.

Next Steps for the Board

Notwithstanding the steps that Board Members and Town and Detachment staff have taken to date there remains a number of important requirements the Board must achieve to comply with the CSPA and ensure best practices are being followed as recommended by the Ministry of the Solicitor General and the OAPSB.

Though not required by the CSPA, the OAPSB is recommending that Boards undertake the process of creating their own Terms of Reference and Procedural By-law at a minimum. This item will be a topic of discussion at a future Police Services Board Meeting. It should be noted that the Board will be responsible for creating and approving their own Terms of Reference and Procedural By-law.

As a primary function of O.P.P. Detachment Boards is to serve as a conduit for public feedback on O.P.P. policing, Board members are likely to receive more interest and correspondence from members of the public. Town staff have had preliminary discussions regarding the provision of Board-specific email addresses and devices that would be used by Board Members to streamline these connections with the community.

The Board will continue to be required to submit annual Freedom of Information Reports to the Information and Privacy Commissioner of Ontario ("IPC"). At a future Board Meeting, the Board will need to designate their Head of MFIPPA for the purposes of responding and handling Freedom of Information requests as well as filing annual reports to the IPC.

The Board is required to submit annual reports to Council by June 30th of each year. This year, the reporting being provided by the Board will be very high-level, and it is the hope of Town and Detachment staff that there will be an O.P.P. reporting template in 2025 so all Boards can report to their respective Council's in a more consistent manner.

The Board will also be required to obtain its own insurance policy as it is no longer covered under the Town's insurance policy. This policy will be reflected in the Board's 2025 estimates and Finance staff have been assisting in obtaining the policy for the Board. O.P.P. Detachment Boards can contract, sue and be sued in their own name under Section 49(1) of the CSPA, so it is critical that the Board obtain this coverage. At this time, many Boards have reported that there has been an unanticipated difficulty in obtaining their own insurance policies, and the OAPSB has been working with staff to navigate this new responsibility of the Board.

Another requirement that Board's must comply with under the CSPA is to provide estimates to Council for consideration and approval. Previously, the Board's budget would be allocated in different sections of the Town's Budget. Section 71(1) of the CSPA requires that the Board must prepare estimates for the total amount that will be required to pay the expenses of the Board's operation. Estimates will include items such as staff resourcing, IT/infrastructure usage, conference attendance fees, and insurance costs. This requirement to provide estimates will likely provide not only clarity on the types of expenses the Board must undertake to comply with the CSPA, but also provide greater transparency to Council and the public as all items specifically relating to the operational functions of the Board will be captured in the estimates

provided to Council. In addition, should there be a dispute about the estimates prepared and provided by the Board, there is an arbitration mechanism under Section 71 of the CSPA that allows for a further review of the estimates between the Board, municipality and an arbitrator.

The Board has historically met 4 times a year, which was the minimum amount required under the *Police Services Act, 1990*. Under the CSPA, the Board is still required to meet a minimum of 4 times per year and in fall 2023 the Board approved their quarterly meeting schedule for 2024. Given the increased volume of work that the CSPA requires of its' Board Members and support staff it is expected that the meeting schedule for 2025 and beyond will require an increase to the number of Board meetings to be able to efficiently and effectively communicate with the public and move tasks forward.

The Police Services Act O.Reg. 268/10, Part 2, required that the municipality was responsible to provide reimbursement to the Provincial Appointee and this amount was based on the population size. For the Town of The Blue Mountains the minimum amount required to be paid on an annual basis to our Provincial Appointee is \$100.00. The CSPA continues to require that we reimburse our Provincial Appointee. In consultation with Town of Collingwood staff, who pay their Public Appointees the same honorarium as their Provincial Appointee, in 2023 the Town also opted to pay the honorarium to all Board Members whether they be Provincially or Publicly appointed in fairness and recognition of the contribution each member provides to the Board. Council Appointees do not receive the annual honorarium. At present the amount reimbursed to our 2 Public Appointees is \$100.00 per person for the year; when our Provincial Appointee is appointed they will also receive the annual honorarium of \$100.00. Given the volume of work and responsibilities Board Members are tasked with under the CSPA, the Board is considering requesting in their estimates for 2025 an increase to that honorarium fee. Any change to reimbursement would be required to be approved by Council through its' budget process, however the municipality under Section 34(3) of the CSPA will still be required to reimburse Provincial Appointees in accordance with regulations.

While the Board does not require municipal authority to take the above-noted steps to ensure they are complying with the new legislation, in order to continue to maintain a positive working relationship with Council the Board will fully comply with the CSPA requirements to bring forward a fulsome annual report by June 30 of each year for Council review, and will continue to send its' minutes for inclusion on Council Agenda's for information and review. Board Members have long expressed the need for positive working relationships with not only the municipality but all stakeholders and citizens to spread greater awareness of Detachment and Board initiatives in the municipality.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

F. Environmental Impacts

No environmental impacts are expected as a result of this report.

G. Financial Impacts

It is expected that the Board's estimates for 2025 will be considered at their upcoming July 17, 2024 Board Meeting for consideration before being included for Council consideration in the 2025 Budget.

H. In Consultation With

Corrina Giles, Town Clerk

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Kyra Dunlop, Deputy Clerk townclerk@thebluemountains.ca.

J. Attached

1. By-law 2002-69 being a By-law to establish a new Police Services Board, dated September 9, 2002
2. Ministry of the Solicitor General: Ontario Provincial Police Detachment Board Member Roles and Responsibilities Training Aid

Respectfully submitted,

Kyra Dunlop
Deputy Clerk

For more information, please contact:
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Report Approval Details

Document Title:	FAF.24.071 Update to Council ReCommunity Safety and Policing Act and Impacts to The Police Services Board.docx
Attachments:	- Att 1- 2002-69 By-law to establish a new Police Services Board.PDF - Att 2- Roles and Responsibilities - OPP Detachment Boards Training Aid.pdf
Final Approval Date:	Jun 6, 2024

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Corrina Giles was completed by assistant Kyra Dunlop

Corrina Giles - Jun 6, 2024 - 9:15 AM

Shawn Everitt - Jun 6, 2024 - 12:54 PM