

May 31 2021

Report to Council – OPP Detachment Boards

The Ontario Association of Police Service Boards (OAPSB) states that the responsibilities of Municipal Police Service Boards are two-fold:

- establishing priorities, objectives and policies for police services in their community;
- monitoring performance of their police service and its leader

Municipal Councils are elected to provide governance for all departments of the Municipality – including Policing as laid out in the Municipal Act. Policing is largest component of the Municipal Budget in every municipality in Ontario. Yet, in Orangeville 5 members of a majority non-elected committee have been given the authority to oversee multi-million dollar spending decisions – without the Municipality being involved. In Orangeville's case the Article 29 Disbandment Clause inserted by the 2014-2018 PSB into the Uniform and Civilian Collective Bargaining Agreements and into Executive contracts was put in as a purely punitive measure to dissuade any further Town Council from considering a contract with OPP. In the case of the last Collectively Bargained Agreements, Orangeville Town Staff was removed from the meetings when this financially damaging clause was put into the agreements.

The PSB is supposed to be an oversight body. A referee, so to speak, between the Municipality and the Police Force. Unfortunately, in Orangeville's case, the PSB was run out of the Police Chief's office in a clear conflict of interest. When I became Chair of the Police Service Board – the agendas were prepared by the Executive Assistant to the Police Chief. Meetings were held in the secure Police Station instead of in a neutral site – where members of the Public could feel free to comment, positively or negatively about the operation of the Police Service. Open and transparent Police Service Boards are not run out of the Police Station. Historically, the PSB was too close to the Police Service in Orangeville.

The bold step taken by this Town Council to move forward, despite the financial land mines set by the last Police Service Board – and the subsequent financial decisions by the Chief of Police after the OPP decision to further damage the fiscal operations of the Police Service – and ultimately the Town of Orangeville – has resulted in an incredible improvement in the quality of policing in Orangeville and Dufferin County. Other issues uncovered by the Stephen Fisher trial illustrated that the Police Service was dysfunctional and the PSB was ineffective in controlling the quality of Policing in Orangeville.

All of what I have witnessed has led me to the conclusion that Police Service Boards do not work. They have not worked effectively in Orangeville for decades. It is my firm opinion, based on close observation of the Police Service and the Police Service Board – that the elected members of the Town Council are fully capable – and have been given the power through the Municipal Act to govern all departments of the Municipality. In the attached letter from AMO providing guidance to Municipalities – it states - ***“If municipalities are to be adequately represented on consolidated OPP detachment boards, the province should relinquish responsibility for provincial appointments to OPP detachment boards”***

This underlines the point that the responsibility for oversight of Policing in the Municipality should lie with the elected Town Council – not provincial political appointees. Effectively, through the existing legislation the Province has told the Municipality that you have to pay for policing in your Town – but you don't have fiscal control over major contract and budgetary decisions. Under the OPP – that power

has been taken from the PSB. The contract with OPP is with Orangeville Town Council. Orangeville Town Council now makes fiscal decisions regarding policing.

Another interesting recommendation of the May 2021 AMO report is the suggested inclusion of Municipal Employees on Police Services Boards. From the AMO letter -

*In **Alberta**, police boards (called policed commissions or committees) are composed entirely of municipal council appointees which include municipal staff and community representatives.*

*Similarly in **Quebec**, Surete du Quebec (SQ) policed municipalities have public security committees composed of 4-7 members of a municipal council.*

*In **Saskatchewan**, police commissions are composed of all municipally appointed representatives, including the mayor, councillors, and community representatives (members at large).*

Manitoba permits the appointment of municipal employees to boards

My position is clear – Municipalities do not need Police Service Boards with provincial political appointees. It would make much more sense to me that the CAO of a municipality was involved in a Policing Oversight Committee. Let me re-iterate, the Town Council, as elected by the residents and taxpayers is fully capable of providing governance over Police Matters – in fact, anything to the contrary flies in the face of transparency and democracy. Adding trusted municipal staff to the Policing Oversight Committee would only strengthen it.

The letter that will come from Orangeville Town Council to the Solicitor General will be developed through consensus and voted on by all 7 members of Council. There are other divergent views. I look forward to the discussion and will accept and support the wishes of Council

Option 1 – status quo – leave the PSB set up as it is.

Option 2 – Dufferin County Joint PSB Statement – a joint meeting of the Dufferin County Police Service Boards adopted a recommendation of one (1) OPP Detachment Board for the urban municipalities of Orangeville and Shelburne and two (2) OPP Detachment Boards for the combined municipalities of a) Mulmur, Melancthon and Mono and b) Grand Valley, Amaranth and East Garafraxa

Option 3 – the Orangeville PSB has weighed in wishing to keep its autonomy

Option 4 – Mayor's recommendation that PSB's be disbanded under OPP when the new CSPA becomes law and that the Detachment Commander is required to report quarterly to Town Council to discuss issues and be available for additional meetings in the event of Special Circumstances. This arrangement would allow the input and support of all senior Town Staff.

Option 5 – a Dufferin County Police Commission which is composed of the Mayor's and CAO's of each municipality.

Sincerely

Mayor Sandy Brown
Town of Orangeville