

Draft Minutes
ELGIN GROUP POLICE SERVICES BOARD
January 22, 2020

The Elgin Group Police Services Board met at the County Administration Building, 450 Sunset Drive, St. Thomas, with the following in attendance:

Sally Martyn, Chair
Ida McCallum, Board Member
Trudy Kanellis, Provincial Member
Inspector Brad Fishleigh, Detachment Commander
Jeff McNorgan, Sergeant
Julie Gonyou, Secretary/Administrator
Megan Shannon, Recording Secretary

Call to Order:

The Chair called the meeting to order at 2:00 p.m.

Adoption of Minutes:

Moved by: Trudy Kanellis
Seconded by: Ida McCallum

Resolved that the minutes of the meeting held on October 8, 2019 be adopted.

- Motion Carried.

Disclosure of Pecuniary Interest and the General Nature Thereof:

None.

Reports:

1) OPP Detachment Commander's Quarterly Reports:

- i. Quarterly Reports
- ii. 911 Misdials
- iii. Officer Involved in Crash – PC Phillippo
- iv. Funeral Break & Enters – Additional Arrests
- v. CSCU Stats

The OPP Detachment Commander presented the quarterly information report for October – December 2019 and discussed staffing updates, traffic initiatives, collision statistics for this period, and violent, property, and drug crimes statistics.

2) Community Safety and Well-Being Plan – Consultant Project Award – Secretary/Administrator

The Secretary/Administrator shared information regarding the services of Mischievous Cat Productions, Jennifer Kirkham, to support the development of a Community Safety and Well-Being Plan, in the amount of \$34,500. A kick-off meeting will be held on February 5, 2020 with OPP Detachment Commander, City of St. Thomas and Town of Aylmer Police Chiefs, and Chief Administrative Officers from Elgin County, Town of Aylmer, and City Manager from St. Thomas. The Secretary/Administrator emphasized that this is an exciting and important milestone, and it is anticipated that Police Services Boards and Community Policing groups will be engaged in the process in the near future.

Correspondence:

- 1) Letter from Chair Martyn to Bonnie Vowel thanking her for 8 years of service on the Elgin Group Police Services Board
- 2) OAPSB Zone 6
 - i. October 30, 2019 Minutes of Meeting
 - ii. Membership Directory Form
 - iii. Membership Dues
- 3) Kevin Byrnes, Assistant Deputy Minister, Road User Safety Division, Ministry of Transportation with a memorandum regarding a new pilot project regulation under the Highway Traffic Act to permit electric kick-style scooters on Ontario's roads
- 4) Global News article – 48 more charges laid in connection with Ontario homes broken into during funerals: OPP
- 5) London Free Press article – Woman, man charged in rash of London-area break-ins while families at funerals
- 6) Ministry of the Solicitor General News Release: Investing in Community Safety Across the Province
- 7) Ontario Provincial Police Municipal Policing Bureau December 2019 News Bulletin
- 8) OAPSB Holiday Greetings
- 9) Association of Municipalities Ontario News Bulletin – Government announces consultation on re-composition of OPP Detachment Boards

Moved by: Ida McCallum

Seconded by: Trudy Kanellis

Resolved that Correspondence Items #1-9 be received and filed.

- Motion Carried.

- 2) OAPSB Zone 6
 - i. October 30, 2019 Minutes of Meeting
 - ii. Membership Directory Form

iii. Membership Dues

Moved by: Ida McCallum
Seconded by: Trudy Kanellis

Resolved that the Secretary/Administrator be directed to pay the Zone 6 Membership dues of \$55.00.

Consideration:

6) Ministry of the Solicitor General News Release: Investing in Community Safety Across the Province

Moved by: Ida McCallum
Seconded by: Trudy Kanellis

Resolved that the Chair be directed to send a letter to the Minister of the Solicitor General – Public Safety Division requesting that a new member of the Elgin Group Police Services Board be appointed by the Lieutenant Governor in Council pursuant to Section 27 of the Police Services Act, as amended, as soon as possible, noting that a vacancy has existed on the Board since July 26, 2019; and further, that copies of the letter be sent to Jeff Yurek, MPP and Elgin County Council to encourage additional advocacy efforts for a new appointee, if appropriate.

New Business:

- 1) A letter dated January 15, 2020 from the Office of the Solicitor General with respect to anticipated engagement opportunities and regional roundtable sessions to provide feedback on the Community Safety and Policing Act, 2019, which supports the Province's commitment to:
 - Modernize Ontario's police service delivery framework;
 - Strengthen public confidence in policing; and
 - Improve governance, training, and transparency.

It is noted, without specifics, that one session will be held in London. Additional information will be forwarded to Elgin Group Police Services Board Members when it is available.

Closed Session Items:

Inspector Fishleigh requested to enter into closed session to discuss a matter regarding identifiable individuals.

Resolved that we do now proceed into closed meeting session in accordance with the Municipal Act to discuss matters under Municipal Act Section 239 (2):

In-Camera Item #1

(b) personal matters about an identifiable individual, including municipal or local board employees.

- Motion Carried.

Motion to Rise and Report

Moved by: Ida McCallum
Seconded by: Trudy Kanellis

Resolved that we do now rise and report.

- Motion Carried.

Moved by: Ida McCallum
Seconded by: Trudy Kanellis

Resolved that at the request of the Chair, a special meeting of the Elgin Group Police Services Board be held on March 18, 2020 at 2:00 p.m. at the Elgin County Administration Building in Closed Session to discuss an identifiable individual.

Other Items:

1) 2020 Meeting Dates

- April 15, 2020 at 2:00 p.m.
- June 24, 2020 at 2:00 p.m.
- October 21, 2020 at 2:00 p.m.

Adjournment:

Moved by: Trudy Kanellis
Seconded by: Ida McCallum

Resolved that we now adjourn at 3:15 p.m. with the Board to meet on March 18, 2020, at 2:00 p.m.

- Motion Carried.

Julie Gonyou,
Secretary/Administrator.

Sally Martyn,
Chair.



30 December 2019

Membership Update – Development of New Regulations

Introduction

The *Community Safety and Policing Act (CSPA) 2019* requires a number of regulations in order to bring it into effect. These regulations will provide instructions to ensure that the intended implementation, interpretation, enforcement and administration of the CSPA will be carried out. The Ministry of Community Safety and Correctional Services (MCSCS) is currently developing these regulations. The process is expected to take another year and a half.

The term “regulation” is found 305 times in the CSPA. Approximately 50-70 matters need to be addressed in CSPA regulations. By comparison, there are 13 regulations associated with the 1990 *Police Services Act*.

Some of the new regulations will require approval by Order in Council, while others can be approved by the Solicitor General.

The aim of this memo is to update members regarding the development of these CSPA regulations.

Regulation Development Process

The development of these new regulations is a very fluid and multi-faceted process that takes into account such factors as (in no particular order):

- The Government’s stance on police, policing, public safety and public welfare
- Comparator positions regarding police in other provinces,
- Insights from other sectors (legal, medical, social services, etc.)
- Police and non-police stakeholders’ views and interests
- Financial considerations
- Public interest



Generally, the CSPA regulations are being developed in 3 phases as follows:

- By spring 2020:
 - First Nations Policing Opt-in Criteria
 - Special Constables Framework
 - Policing Functions Required in Every Community
 - Priority Adequate and Effective Standards,
 - Police Conflict of Interest
 - Delivery of Policing (options and/or limitations)
 - Administrative Matters (oath of office, Community Safety & Well-being Plans)
 - Codes of Conduct for Police Officers, Special Constables, Board Members and Advisory Council Members

- By fall 2020
 - OPP Detachment Boards
 - OPP Advisory Council
 - OPP Billing
 - Ontario Police Arbitration and Adjudication Commission (OPAAC)
 - Equipment and Weapons
 - Discipline
 - Special Constables Training
 - Additional Adequate and Effective Standards

- By spring 2021
 - Training for Police Officers, Board Members and Special Constables
 - Alternative Entry Stream for Appointment of Police Officers
 - Post-Secondary Education Equivalency Criteria for Appointment of Police Officers
 - Training Exemptions for the Appointment of Police Officers
 - Information Sharing (what information is to be shared with the minister and how)
 - Disclosure and De-identification of Personal Information
 - Reporting on Internal Investigations
 - Use of Force, Race-based Data Collection, and De-escalation Framework



Stakeholder Consultations – The Policing Engagement Table

MCSCS is undergoing an accelerated consultative process based on two concepts: Engagement Tables, and Technical Tables. These Tables are by invite only, and are called together for specific discussion items where MCSCS is looking for stakeholder input. The Solicitor General reserves all the rights to make the final decisions on all issues that the Tables deliberate and/or provide advice on.

Engagement Tables are the high-level consultative forums, of which there are five:

- **Policing Engagement Table**
- Toronto-Ontario Cooperation and Consultation Agreement (TOCCA)
- Association of Municipalities of Ontario (AMO) MOU
- Community and Social Services Engagement Table
- First Nations Leadership Engagement Table

The Policing Engagement Table serves as the ministry's primary instrument for consultation with policing stakeholders. It exists to:

- provide advice to the ministry on policing policy matters, including:
 - Adequate and Effective Police Service Delivery;
 - Governance and Professionalism;
 - Accountability and Discipline; and
 - Education and Training
- if and as requested, consider community safety, operational, labour, and fiscal impacts of policy proposals advanced by the ministry
- provide input for consideration to help address gaps and emerging challenges in the delivery of police services and to support the operational and fiscal sustainability of policing across the province

Thus far the Policing Engagement Table has met three times. It consists of representatives from the ministries of the Solicitor General, the Attorney General, Housing and Social Services plus senior representatives from:

- Ontario Provincial Police (OPP)
- Ontario Association of Chiefs of Police (OACP)
- Ontario Provincial Police Association (OPPA)
- Police Association of Ontario (PAO)
- Toronto Police Association (TPA)
- Ontario Senior Officers' Police Association (OSOPA)
- Association of Municipalities of Ontario (AMO)
- City of Toronto



- Ontario Association of Police Services Boards (OAPSB)
- Toronto Police Services Board (TPSB)

OAPSB is represented on the Policing Engagement Table by Chair Phil Huck and Executive Director Fred Kaustinen, while Toronto Police Services Board is represented by Executive Director Ryan Teschner.

Stakeholder Consultations – Technical Tables

Complimenting the five Engagement Tables are subject-specific Technical Tables. The Technical Tables are cross-functional and include subject matter experts and/or advocates from across the five Engagement Tables, as deemed appropriate by ministry staff. OAPSB, represented by Fred Kaustinen, is currently involved with the following Technical Tables (each of which have met three times):

- Special Constables, which also includes special constable representatives from a number of non-police entities:
- Police Officer Code of Conduct
- Adequacy Standard - General Patrol
- Adequacy Standard – General Investigation

Thus far, discussions have consisted of jurisdictional scans/research, and government policy options. Draft regulations have not yet been revealed. These regulatory policy options are an extension of the Future of Policing process that began over seven years ago in 2012.

OAPSB Advocacy

OAPSB Advocacy began in earnest in 2010 with our first OAPSB-only Queen’s Park Day, and accelerated with our 2011 publication of the white paper “Provincial Offense Act Unpaid Fines – A \$Billion Problem”. Shortly thereafter, OASPB was invited to participate in the Provincial Government’s Future of Policing Committee (FPAC) and its five Working Groups, and contributed in over 200 meetings between 2012 and 2017. This process culminated in the *Police Services Act 2018*. Although this Act was soon replaced by the *Community Safety and Policing Act (CSPA) 2019*, much of the new Act’s substance flows from the FPAC exercise. The vast majority of OAPSB’s advocacy priorities are reflected in CSPA 2019, particularly regarding strengthening police governance.

OAPSB positions are products of research, submissions by members, surveys of members, and presentations and dialogue in OAPSB spring conferences and labour seminars. A summary of



these positions is posted on the Advocacy page of our website, and comprises (web links provided):

- [KOAPSB Outline Key Issues Regarding the 2018 Police Services Act for the Solicitor General – 15 January 2019](#)
- [Key Passages & Concerns - 2018 Police Services Act](#)
- [Review of OAPSB Legislative Submissions and Positions – 2016 to 2018](#)
- [Police Board Education & Training – The Need – 15 January 2019](#)
- [SOAPSB Submissions on Bill 175 – 1 March 2018](#)
- [OAPSB Presentation to the Standing Committee on Justice Policy - 22 February 2018](#)
- [OAPSB Roundtable Presentation at Queen’s Park – 26 April 2017](#)
- [OAPSB Police Services Act Rewrite - Survey Results – 6 February 2017](#)
- [OAPSB response to Justice Tulloch’s Independent Police Oversight Review – 30 May 2017](#)
- [IOAPSB response to IPORR Chapter 9](#)
- [OASPB Response to IPORR Chapter 12](#)
- [OAPSB-Proposed Legislative Language regarding Police Board Responsibilities - 14 March 2017Language](#)
- [OAPSB position on Post-Traumatic Stress Disorder \(PTSD\) 4 February 2017](#)
- [Police Governance Reform – The Age of Enlightenment – 23 Feb 2016](#)
- [Independent Citizen Governance of Police – Reasons and Principles](#)
- [OAPSB Election Statement - 5 June 2014](#)
- [White Provincial Offenses Act Unpaid Fines – A \\$Billion Problem – 1 November 2011](#)

Since August 2019, OAPSB has participated in the development of regulations for *COPS 2019*.



Current Regulatory Policy Issues

Special Constables

MCSCS is considering the establishment of “tiers” of special constables to address the various roles of special constables on Ontario (i.e. campus security, housing security, transit security, court security, prisoner care and transport, and others). Their research indicates public support for this approach. Authorities, equipment and training would likely be scaled according to these work environments.

Special constables employed outside police services are generally advocating for expanded powers, to correspond with what they see as growing demand in their jurisdictions. Police labour representatives are advocating for strictly limited special constable roles, in order to preserve police jobs. OAPSB and OACP are advocating for limited expansion of special constables’ roles, as a means of augmenting the overall safety and security capacity in the community (i.e. the “security web” concept as described in the publication “Policing Canada in the 21st century: new Policing for new challenges The Expert Panel on the Future of Canadian Policing Models https://ccla.org/cclanewsitewp-content/uploads/2015/05/policing_fullreporten.pdf).

Police Code of Conduct

MCSCS is trying to prohibit biased policing in this Code of Conduct. Police labour and police management are resisting this initiative. Police labour wants to dilute the current code of conduct, prevent the practise of ‘catch all’ charges such as “cause discredit to the service”, and resist any attempts to enter new prohibitions. Labour is also challenging the prohibition on being “intoxicated” on duty, assuming anyone in this situation has a mental health issue that needs a remedy other than discipline.

Board Member Code of Conduct

All stakeholders agree that the existing code of conduct needs clarification regarding board members’ obligations to get behind decisions of the board, on one hand, and their individual right to share a “personal opinion when expressing disagreement with a decision of the board”. Discussions continue to find the right language to maintain board integrity without unduly infringing on individual rights. The OAPSB Board policy on Directors’ Code of Conduct and Ethics is one of the ministry’s references (page 15 of <https://oapSB.ca/members/wp-content/uploads/OAPSB-BOARD-POLICY-MANUAL-Approved-9Oct19.pdf>).



General Patrol Adequacy Standard

MCSCS is considering addressing anti-racism in this regulation, and again police labour and police management are resisting.

Additionally, police labour wants this regulation to ensure robust minimum staffing of police officers, and only police officers, and that all patrols are carried out by police officers, thereby preserving and protecting police jobs. OAPSB and OACP, meanwhile, are advocating for a flexible approach to patrol and response that facilitates matching the right type of resource to the situation, rather than deploying only one type of resource to all situations. Decisions to deploy which resource would be based on benefit, cost and risk. Flexible deployment, flexible response, and flexibility among deployed resources, in consideration of Ontario's diverse geography and population densities, as well as evolving technological response capabilities (e.g. drones), is the most appropriate public-interest approach to general patrol and response.

Investigative Adequacy Standard

Police labour is resisting the idea that non-police should be allowed to investigate anything, even though this is done already today by retail loss prevention officers, bank fraud investigators, cyber analysts, transit and campus security, etc. Police labour has characterized the United Kingdom experience with "tiered" investigations by "tiered" police employees as a total failure, though no evidence to support this conclusion has been provided.

OAPSB and OACP advocate that having lower-risk investigations performed by non-police is in the public interest, and that regulations should facilitate such innovation and flexibility.

Upcoming Regulatory Priorities & Anticipated Issues

OPP Detachment Boards

Clearly this is a hugely important issue for OAPSB. Key issues include:

- OPP detachment board composition
- Criteria and approval process for any OPP governance boards that will be additional to the detachment boards
- Training new detachment boards and detachment commanders on new OPP board responsibilities and the board-detachment commander relationship

OAPSB is hosting the first-ever OPP Governance Summit on 30 January 2020

<https://oapsb.ca/news/2020-oapsb-opp-governance-summit/> . Delegates will include OAPSB



members, OPP and OPPA leadership and staff, and the Solicitor General’s policy staff and regulation writers. Additionally, Commissioner Carrique will be there to address delegates.

Ontario Police Arbitration and Adjudication Commission (OPAAC)

The existing Ontario Police Arbitration Commission (OPAC) will have expanded powers under CSPA 2019, to include Adjudication on such matters as police (board) budgets. This is currently the purview of the Ontario Civilian Police Commission (OCPC), which will be disbanded.

OAPSB representatives on OPAC (Fran Calderelli and Pat Weaver) are working with OAPSB staff and the Police Association of Ontario (PAO) to jointly propose regulatory authorities, accountabilities and procedures regarding the new OPAAC.

Board Training

Development and implementation of effective board and board-member training is OAPB’s top priority. CSPA 2019 outlines some rules regarding police board governance, and requires that police board members are trained on the governance rules, on anti-racism, and anything else the Solicitor General prescribes. OAPSB advocates that, into addition to learning the “rules”, new board members need education on “how best to govern”. All police stakeholders agree.

As part of the work to operationalize the regulations, the ministry will consider how training for board members will be developed and the delivery mechanism for that training. The ministry has previously commented that going forward, all police sector training will be competency-based. OAPSB staff are researching police board competencies, based in part on the Institute of Corporate Directors Education Program.

Board Performance Evaluations

According to the CSPA 2019, the Inspector General is responsible, among other things, to monitor and inspect police boards. The ministry is actively considering the types of governance standards that may be required for police service boards. OAPSB anticipates, and advocates for, the development of board performance criteria and standards that will frame these inspections. Such board performance criteria and standards will inform boards of what is expected of them, and the inspection results will provide boards with valuable feedback. OAPSB anticipates working with the ministry and the Inspector General on the development of board performance criteria and standards.

Prepared by: Fred Kaustinen, Executive Director

Solicitor General

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132-2019-3184

By e-mail

January 15, 2020

Dear Warden:

As you may know, on March 26, 2019, Ontario passed the *Comprehensive Ontario Police Services Act, 2019* (Bill 68), which established the *Community Safety and Policing Act, 2019* (CSPA, 2019). The CSPA, 2019 supports our government's commitment to:

- Modernize Ontario's police service delivery framework;
- Strengthen public confidence in policing; and
- Improve governance, training, and transparency.

I am writing to update you on the work that is currently underway to bring the CSPA, 2019 into force in 2021, and inform you of upcoming engagement opportunities.

We are engaging a number of our stakeholders, to develop more than 50 required matters for regulation. These include several Ontario Provincial Police (OPP) related matters for regulation such as:

- Establishing OPP governance-related regulations, including the composition of OPP detachment boards and the OPP Governance Advisory Council;
- Developing an approach to determine when it is appropriate to have more than one OPP detachment board for a detachment of the OPP that provides policing to municipalities or First Nations;
- Aligning the existing OPP billing framework with the CSPA, 2019.

We recognize the significant implications these regulatory changes will have on communities that receive direct and/or supplemental services from the OPP.

Given these impacts, my ministry will engage communities through regional roundtable sessions. The regional roundtables will be an opportunity for the ministry to provide an overview of upcoming regulatory changes related to OPP services and for communities to identify pertinent local issues and provide feedback on OPP-related policy proposals.

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The regional roundtables will take place in the following locations:

OPP Region	Regional Roundtable Locations
North West	<ul style="list-style-type: none">• Kenora• Thunder Bay
North East	<ul style="list-style-type: none">• Sudbury• Timmins
West	<ul style="list-style-type: none">• London
East	<ul style="list-style-type: none">• Brockville
Central	<ul style="list-style-type: none">• Orillia

Ministry staff will reach out to you with additional information regarding the regional roundtable sessions in the coming weeks.

We look forward to continuing our work with you to better understand local priorities, examine strategies to improve community safety and ensure the transparent and effective governance of OPP services across the province.

Should you have any questions, please contact Mr. Derwin Remedios, Team Lead, Strategic Policy, Research and Innovation, by e-mail at: Derwin.Remedios@ontario.ca.

Sincerely,



Sylvia Jones
Solicitor General