



Karen General
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09/30/2015 09:02 AM

To "jlogel@alnwickhaldimand.ca"
<jlogel@alnwickhaldimand.ca>, "dmaciver@amaranth.ca"
<dmaciver@amaranth.ca>, "harold.mosley@atikokan.ca"
cc 'Woody McKaig' <wbmckaig@sullivanmahoney.com>,
DL-Police Services Board
<DL-PoliceServicesBoard@haldimandcounty.on.ca>,
bcc

Subject Recommendations re: OPP Reports to Section 10 PSB's

Good Morning

In early September, you would have been forwarded the email below which included a copy of Haldimand's report on recommendations to improve the monthly OPP Detachment Commander reports to Section 10 Police Services Boards. This report was prepared in response to the OPP's request for feedback and suggested improvements to the standardized reporting template that is under development. The report notes that Haldimand County was pleased with the OPP's initial template but, from a PSB and municipal perspective, felt there were some enhancements needed. (A copy of our initial letter to the OAPSB and the report is attached again for your info.)

Accompanying the OAPSB email below were comments regarding our suggestions for certain human resource data to be included in the monthly OPP reports. Following further review, we maintain our position that this information is warranted and necessary for both Section 10 PSBs and municipalities to meet their legislative responsibilities and governance obligations.

We understand that there is an OAPSB conference this week which includes discussions on "governance". Given the significance of this issue, we felt it was necessary for all Section 10 Boards to read our response below to the OAPSB, as we believe it has not been forwarded to the members. Having an open dialogue on such an important matter can only lead to better results for all.

Haldimand County is respectfully requesting your consideration and support of the suggested improvements. We believe this information will greatly assist Section 10 PSB's and municipalities in understanding and providing more effective policing services to our constituents.

Thank you,

Karen General, CPA, CGA
General Manager, Corporate Services

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Please consider the environment before printing this e-mail.

From: Karen General
Sent: September-17-15 12:37 PM
To: 'kathy.wallace@oapsb.ca'
Cc: 'Woody McKaig'; DL-Police Services Board
Subject: FW: New OPP Board Reports - Recommendations from Haldimand PSB
Importance: High

Hi Kathy,

Would you please forward these comments to the OAPSB Section 10 Members, in response to the email below from your Board as we do not have the email distribution list? It is very important that Haldimand receives the support of other municipalities, Police Services Boards, and the OAPSB in order to convince the OPP to provide this essential information. This response has been prepared based on a thorough review of the Police Services Act and current OPP contract language, together with our solicitor's extensive knowledge of policing.

If you have any questions on this submission, please don't hesitate to contact me. Also, please add my email address to your distribution list.

Thank you

Haldimand County's response to the OAPSB E-Blast of September 3/15:

We respectfully disagree with the comments made by the OAPSB as follows and urge a closer look:

1. "Human Resource data related to staffing and capacity
 - We note that these matters are currently outside the current scope and mandate of a section 10 board or Section 5.1 CPAC
- ...In our opinion, however, enhancements to this tool should be limited to those enhancements that would be consistent with existing legislation (i.e. groups 1 and 2 above only)."

We believe the comments are likely based on reference to adequate and effective policing (adequacy) in the Police Services Act S. 31 (relating to municipal boards) and the lack of reference to adequacy in S. 10 (OPP contracts). I doubt that anyone would suggest that staffing information is irrelevant to an examination of the adequacy issue. The Ontario Civilian Policing Commission (OCPC) is given a significant amount of staffing data in S. 40 disbandment hearings where the predominant issue to be decided is the adequacy of the proposed policing model. Thus, OPP staffing information is most definitely relevant to the adequacy issue and should not be publicly transparent only in a disbandment hearing.

There are three sets of reason why we disagree with the comments in the OAPSB E-Blast, and why we hope that the OAPSB will support its S. 10 Boards on the need for "Human Resource data related to staffing and capacity."

First, as raised in the Haldimand report, the Provincial Auditor recommends increased transparency and accountability in government. It is bordering on the absurd to suggest that the OPP can refuse to divulge staffing information to its civilian oversight body, including authorized and actual strength of a detachment, patrol zone staffing and the other matters raised in the report. This is neither transparent, nor does it suggest any accountability to local taxpayers whatsoever on the part of the OPP. In fact, it suggests the opposite - numbers and related staffing information are to be hidden from disclosure to Board members, all of whom are of course bound by the oath they swore, and by the Code of Conduct which contains confidentiality provisions.

The view of the OAPSB would, unfortunately, reinforce the perception that the OPP considers staffing information to be "operational" and that the Board is therefore not entitled to it. In our view, this is wrong on all fronts. Boards cannot direct a Chief or Detachment Commander on operational matters, but they can receive information about them. Staffing numbers are not "operational" matters, particularly historical data. In disbandment hearings, OCPC is given significant staffing information in the context of a public meeting, and which is then the subject of a public written decision. And as noted above, board members all swear an oath, and are subject to the Code of Conduct. So in my view, the "operational" argument has no merit. Authorized strength is included on municipal Police Service websites. Other staffing information is readily discernable from police budgets, which are of course public documents. In some collective agreements, minimum staffing numbers per area are included, and these are public documents. So the "operational" position of the OPP in our view has no merit.

Second, there is ample language in the Act which supports the right of a Board to ask for and receive staffing information.

S. 4 requires that a municipality provide adequacy. S. 10 requires that a Municipality contracting with the Solicitor General for OPP services must have a Board. The Board is the only ongoing means of ensuring that the municipality is satisfying its adequacy obligation, so by necessary implication, the Board should be entitled to information to allow it to assess adequacy. This is confirmed by the contract provisions referenced below.

S. 10(9) requires that the Board advise the Detachment Commander on policing. It is required to generally determine objectives and priorities, and to establish local policies, both in consultation with the Detachment Commander. It is inconceivable that a priority of a Board would not include adequacy in the municipality. Regardless, without staffing information, the Board cannot advise the Detachment Commander, nor can it determine priorities or local policies, as all of that would be done in a vacuum since the primary source of policing data - that being staffing resources - would not be available.

Those comments lead into the third set of reasons, which relates to specific contract terms. Various contract provisions reflect the Board's and municipality's adequacy obligations, including:

- Recital (e), which makes reference to the OPP's proposal, which includes staffing numbers;
- 3, which obligates Ontario to provide adequacy;
- 4, which obligates Detachment Commander response to Board priorities;
- 5, which obligates the Detachment Commander to report to the Board on the provision of police services;
- 7, which obligates the Detachment Commander to assign police officers to the municipality as per the proposal, subject to S. 9 situations;
- 14, which obligates the OPP to provide adequacy;
- 15, which obligates the Detachment Commander to provide the Board with reasonable information to satisfy itself that adequacy is being met. This is subject to agreement with the Detachment Commander, but the operative word is reasonable, and it is entirely unreasonable to withhold staffing information when the purpose of the provision of information is to allow an assessment of adequacy;
- 16, which obligates the Board to monitor delivery of police services to ensure adequacy is being met;

In our view, monitoring and assessing adequacy is clearly within the Board's statutory and contractual mandate. And staffing information is crucial to that assessment. In conclusion, without staffing information, a S. 10 Board has no means of meeting its statutory and contractual obligations.

Haldimand hopes that the OAPSB, other Boards and municipalities will support our view on this very important issue.

Thank you.

Karen General, CPA, CGA

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Please consider the environment before printing this e-mail.

From: Wallace, Kathy [<mailto:Kathy.Wallace@oapsb.ca>]

Sent: Thursday, September 03, 2015 2:36 PM

To: Wallace, Kathy

Subject: New OPP Board Reports - Recommendations from Haldimand PSB

OAPSB E-BLAST

Greeting Colleagues,

Please find attached the Haldimand Police Services Board (PSB) recommendations regarding enhancements to the new OPP monthly PSB Reporting Tool. Haldimand PSB has requested that we distribute their recommendations to you.

Generally, Haldimand PSB's recommendations address 3 areas for enhancement. We've added our own comments at the end of each category:

1. Comparative data from both the previous year, as well as the Detachment, Regional and Provincial
 - We think this enhancement would provide much needed context to a PSB's understanding and appreciation of statistical information
2. "Provincial" (in addition to municipal) police activity in the local jurisdiction
 - We think this enhancement is a novel concept that would also provide context to a PSB's understanding of their community safety environment
3. Human Resource data related to staffing and capacity
 - We note that these matters are currently outside the current scope and mandate of a section 10 board or Section 5.1 CPAC

Overall, the OPP PSB Reporting Tool is an extremely useful enterprise, and we applaud the OPP's initiative and PSB engagement. In our opinion, however, enhancements to this tool should be limited to those enhancements that would be consistent with existing legislation (i.e. groups 1 and 2 above only).

Meanwhile, your OAPSB Board of Directors will continue to concentrate on reforming governance legislation, such that PSBs will have clearer roles, better training, more support and meaningful feedback.

Thanks,

Russ & Fred
President & ED

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