



A Process Guidebook for the Review of Policing Options

2012

Table of Contents

Preface	3
Introduction	4
Responsibility for Police Services Oversight	5
Role of Police Service Advisors	6
<i>Police Services Act RSO 1990 - Legislative Options for Municipal Policing</i>	7
Ontario Civilian Police Commission	13
Business Conduct – a Framework for Positive Communications	16
➤ <i>Business Conduct – Best Practises</i>	16
➤ <i>Information Sessions</i>	17
Flow Chart – Critical Success Factors	18
Suggestions for the Development and Management of the Request for Proposal	19
Suggestions for the Development and Management of a Problem Resolution Mechanism	21
MCSCS Protocol and O.P.P. Process for Assuming Policing Jurisdiction in a Municipality	22
➤ <i>Policy for Contracting Policing Services with the O.P.P.</i>	22
➤ <i>Procedures for Contracting Policing Services with the O.P.P.</i>	23
➤ <i>Factors Considered in the Development of an O.P.P. Proposal</i>	23
➤ <i>Disbanding an Existing Municipal Police Service</i>	25
➤ <i>Arranging Appropriate Funding Agreements</i>	26
➤ <i>Process for Hiring of Municipal Police Officers and Civilian Staff by O.P.P.</i>	27
➤ <i>Pre-Employment Procedures</i>	27
➤ <i>Rank Level Determination</i>	29
➤ <i>Entitlements</i>	31
Sample Request for O.P.P. Police Service Delivery Proposal	32
Sample Council Resolution for O.P.P. Service Delivery Proposal	33
Sample Acceptance of O.P.P. Policing of a Municipality	34
Sample Council Resolution Accepting a Police Service Delivery Proposal	35
Suggested Protocol for Municipal Police Service Assuming Policing Jurisdiction in another Municipality	36

➤	<i>Process for the Employment of transitioned officers and civilians</i>	36
➤	<i>Pre-Employment Considerations</i>	36
❖	<i>Offer of Employment</i>	36
❖	<i>Screening</i>	37
❖	<i>Policing Assignments</i>	37
❖	<i>Orientation Training</i>	37
❖	<i>Appointment</i>	37
❖	<i>Compensation</i>	38
❖	<i>Probationary Period</i>	38
❖	<i>Rank Level Determination</i>	38
	Suggested Protocol for the Amalgamation of Two or More Municipal Police Services	40
➤	<i>Background</i>	40
➤	<i>Engagement</i>	40
➤	<i>Initial Meeting</i>	40
➤	<i>Committees/Sub-Committees/Working Groups</i>	41
➤	<i>Issues for consideration</i>	41
➤	<i>New Police Services Board Responsibilities</i>	42
➤	<i>General Principal Regarding Human Resources</i>	42
➤	<i>Policing Assignments</i>	42
➤	<i>Possible Transitional considerations</i>	43
➤	<i>Content of an Amalgamation Agreement</i>	43
➤	<i>Approval Process</i>	43
➤	<i>Disbandment of Amalgamated Police Services</i>	44

Preface

The Ontario Association of Chiefs of Police (OACP) endorses the *A Process Guidebook for the Review of Policing Options* as a reference tool for the purpose of reviewing policing options in the Province of Ontario. Policing partners are encouraged to familiarize themselves with the *Guidebook* when considering policing options for their community.

A previous version of this *Guidebook* was initially developed in the late 1990s in response to amendments to the *Police Services Act* (PSA) and municipal amalgamations. This led to an increased desire for communities in Ontario to initiate a review of their policing options.

The *Guidebook* is offered as a reference tool for policing partners to assist them during the process of reviewing municipal policing options. It is intended to provide a framework for policing partners to follow, one which implements a clear process from inception through to the final step of decision-making.

Introduction

The *Police Services Act* governs policing in Ontario. Key provisions of the *Act* deal with the following areas:

- Policing responsibilities
- Core functions
- Service delivery
- Civilian governance
- Financing
- Police oversight

A member of the Police Quality Assurance Unit of the Ministry of Community Safety and Correctional Services (MCSCS) Public Safety Division (PSD) is available upon request to meet jointly with a Municipal Council (Council) and the local Police Services Board (Board) to explain the procedure for examining policing options as identified in the PSA. Inquiries should be directed to:

The Manager, Police Quality Assurance Unit
Public Safety Division
Ministry of Community Safety and Correctional Services
25 Grosvenor Street, 12th Floor
Toronto, ON M7A 1Y6

Telephone: (416) 314-3088
Fax: (416) 314-3026

Responsibility for Police Services Oversight

The Ministry of Community Safety and Correctional Services is responsible for overseeing law enforcement and public safety throughout Ontario. Under subsection 3(2) of the *Police Services Act*, MCSCS is required to:

- a. monitor police services to ensure adequate and effective police services are provided at the municipal and provincial levels
- b. monitor boards and police services to ensure they comply with prescribed standards of service
- c. REPEALED: 1995, c.4, s.4 (1)
- d. develop and promote programs to enhance professional police practices, standards, and training
- e. conduct a system of inspection and review of police services across Ontario
- f. assist in the coordination of police services
- g. consult with and advise boards, community policing advisory committees, municipal Chiefs of Police, employers of special constables, and associations on matters relating to police and police services
- h. develop, maintain, and manage programs and statistical records and conduct research studies in respect of police services and related matters
- i. provide to boards, community policing advisory committees, and municipal Chiefs of Police information and advice respecting the management and operations of police services, techniques in handling special problems, and other information calculated to assist
- j. issue directives and guidelines respecting policy matters
- k. develop and promote programs for community-oriented police services
- l. operate the Ontario Police College

Role of Police Service Advisors

Part 3 of the *Police Services Act* empowers the Minister of Community Safety and Correctional Services, formerly noted in the *Act* as the “Solicitor General”, with oversight of policing in Ontario. Part of this responsibility includes monitoring police services and police services boards, and providing them with information and advice.

The Ministry of Community Safety and Correctional Services is responsible for overseeing law enforcement and public safety throughout Ontario as set out in Section 3 of the *Act*:

3. (1) This Act shall be administered by the Solicitor General

Under Section 3(2) of the *Police Services Act*, the Solicitor General is required to:

- monitor police services to ensure that adequate and effective services are provided at the municipal and provincial levels
- monitor boards and police services to ensure they comply with prescribed standards of service
- develop and promote programs to enhance professional police practices, standards and training
- conduct a system of inspection and review of police services across Ontario
- assist in the coordination of police services
- consult with and advise boards, community policing advisory committees, municipal Chiefs of Police, employers of special constables, and associations on matters relating to police and police services
- develop, maintain, and manage programs and statistical records and conduct research studies in respect of police services and related matters
- provide to boards, community policing advisory committees, and municipal Chiefs of Police, information and advice respecting the management and operations of police services, techniques in handling special problems, and other information calculated to assist
- issue directives and guidelines respecting policy matters
- develop and promote programs for community-oriented police services
- operate the Ontario Police College

These responsibilities have been delegated to the Public Safety Division of the Ministry and, in particular, to Police Service Advisors who perform these duties on a regular basis.

During any consideration of policing options, the initial responsibility of the advisor is to outline for the Board and Council their options and responsibilities under the *Act* and the potential implications of each. During a review of Policing Options, the advisor is available upon request to provide information and advice to participants in the process. Their advice is based on the legislation contained in the PSA, its regulations, and Ministry guidelines, as well as best practices that arise from other similar restructuring experiences.

Police Services Act RSO 1990

Legislative Options for Municipal Policing

Under Section 4. (1) of the *Act*, every municipality is required to provide adequate and effective police services in accordance with its needs.

As municipalities have a responsibility to provide police services, they may choose to examine their legislated options as set out in the *Act*. This is done for the purpose of delivering these services in an adequate and effective manner.

Some relevant sections of the PSA are set out below:

Police services in municipalities

4. (1) Every municipality to which this subsection applies shall provide adequate and effective police services in accordance with its needs. 1997, c. 8, s. 3.

Core police services

- (2) Adequate and effective police services must include, at a minimum, all of the following police services:
1. Crime prevention
 2. Law enforcement
 3. Assistance to victims of crime
 4. Public order maintenance
 5. Emergency response. 1997, c. 8, s. 3

Infrastructure for police services

- (3) In providing adequate and effective police services, a municipality shall be responsible for providing all the infrastructure and administration necessary for providing such services, including vehicles, boats, equipment, communication devices, buildings and supplies. 1997, c. 8, s. 3.

Application

- (4) Subsection (1) applies to,
- (a) single-tier municipalities;
 - (b) lower-tier municipalities in the County of Oxford and in counties; and
 - (c) regional municipalities, other than the County of Oxford. 2002, c. 17, Sched. F, Table
- (5) Repealed: 2002, c. 17, Sched. F, Table.

Exception

- (6) Despite subsection (4), the councils of the County of Oxford and of all the lower-tier municipalities within the County of Oxford may agree to have subsection (1) apply to the County of Oxford and not to the lower-tier municipalities but, having made such agreement, the councils cannot thereafter revoke it. 2002, c. 17, Sched. F, Table.

Methods of providing municipal police services

- 5.** (1) A municipality's responsibility to provide police services shall be discharged in one of the following ways:
1. The council may establish a police force, the members of which shall be appointed by the board under clause 31 (1) (a)
 2. The council may enter into an agreement under section 33 with one or more other councils to constitute a joint board and the joint board may appoint the members of a police force under clause 31 (1) (a)
 3. The council may enter into an agreement under section 6 with one or more other councils to amalgamate their police forces
 4. The council may enter into an agreement under section 6.1 with the council of another municipality to have its police services provided by the board of the other municipality, on the conditions set out in the agreement, if the municipality that is to receive the police services is contiguous to the municipality that is to provide the police services or is contiguous to any other municipality that receives police services from the same municipality
 5. The council may enter into an agreement under section 10, alone or jointly with one or more other councils, to have police services provided by the Ontario Provincial Police
 6. With the Commission's approval, the council may adopt a different method of providing police services. 1997, c. 8, s. 4

Same – different methods in one municipality

- (2) Subject to subsection (3), a municipality's responsibility to provide police services may be discharged in one way set out in subsection (1) in one discrete area of the municipality and in another way or ways set out in subsection (1) in other discrete areas of the municipality if,
- (a) the municipality consists of two or more widely dispersed communities or contains, within its boundaries, one or more communities that are remote from the rest of the municipality; or
 - (b) police services have historically been provided to one or more discrete areas of the municipality in a way that is different from the way police services are provided in the rest of the municipality. 2001, c. 11, s. 1.

One board or joint board

- (3) All the police services provided in one municipality, except police services provided in a way described in paragraph 3 or 4 of subsection (1) or police services provided in the municipality by the Ontario Provincial Police under section 5.1, must be provided under one board or joint board. 2002, c. 18, Sched. N, s. 59.

If municipality fails to provide police services

- 5.1** (1) If a municipality does not provide police services by one of the ways set out in section 5, the Ontario Provincial Police shall provide police services to the municipality.

Municipality to pay for O.P.P. services

- (2) A municipality that is provided police services by the Ontario Provincial Police under subsection (1) shall pay the Minister of Finance for the services, in the amount and the manner provided by the regulations.

Same

- (3) The amount owed by a municipality for the police services provided by the Ontario Provincial Police, if not collected by other means, may be deducted from any grant payable to the municipality out of provincial funds or may be recovered by a court action, with costs, as a debt due to Her Majesty.

Community policing advisory committee

- (4) One or more municipalities served by the same Ontario Provincial Police detachment that provides police services under this section may establish a community policing advisory committee.

Composition

- (5) If a community policing advisory committee is established, it shall be composed of one delegate for each municipality that is served by the same Ontario Provincial Police detachment and that chooses to send a delegate.

Functions

- (6) A community policing advisory committee shall advise the detachment commander of the Ontario Provincial Police detachment assigned to the municipality or municipalities, or his or her designate, with respect to objectives and priorities for police services in the municipality or municipalities.

Term of office

- (7) The term of office for a delegate to a community policing advisory committee shall be as set out by the council in his or her appointment, but shall not exceed the term of office of the council that appointed the delegate.

Same, and reappointment

- (8) A delegate to a community policing advisory committee may continue to sit after the expiry of the term of office of the council that appointed him or her until the appointment of his or her successor, and is eligible for reappointment.

Protection from liability

- (9) No action or other proceeding for damages shall be instituted against a community policing advisory committee or a delegate to a community policing advisory committee for any act done in good faith in the execution or intended execution of a duty or for any alleged neglect or default in the execution in good faith of a duty. 1997, c. 8, s. 5.

Amalgamation of Police Services

6. (1) Despite any other Act, the councils of two or more municipalities that have police forces may enter into an agreement to amalgamate them. R.S.O. 1990, c. P.15, s. 6 (1); 1997, c. 8, s. 6 (1).

Contents of amalgamation agreement

- (2) The agreement shall deal with,
 - (a) the establishment and, subject to section 33, the composition of a joint board for the amalgamated police force;

- (b) the amalgamation of the police forces and the appointment or transfer of their members;
- (c) the joint board's use of the assets and its responsibility for the liabilities associated with the police forces;
- (d) the budgeting of the cost for the operation of the amalgamated police force;
- (e) any other matter that is necessary or advisable to effect the amalgamation. R.S.O. 1990, c. P.15, s. 6 (2); 1997, c. 8, s. 6 (2, 3)

Commission's approval

- (3) The agreement does not take effect until the Commission has approved the organization of the amalgamated police force. R.S.O. 1990, c. P.15, s. 6 (3).

Exception, board appointments

- (4) Appointments to a joint board for an amalgamated police force may be made before the agreement takes effect. R.S.O. 1990, c. P.15, s. 6 (4); 1997, c. 8, s. 6 (4).

Municipal agreements for providing police services

- 6.1** (1) The councils of two municipalities may enter into an agreement for the provision of police services for one municipality by the board of the other municipality, on the conditions set out in the agreement, if the municipality that is to receive the police services is contiguous to the municipality that is to provide the police services or is contiguous to any other municipality that receives police services from the same municipality.

Advisors to board

- (2) The council of a municipality that receives police services pursuant to an agreement made under subsection (1) may select a person to advise the other municipality's board with respect to objectives and priorities for police services in the municipality that receives the police services.

Term of office

- (3) The term of office for a person selected to advise another municipality's board shall be as set by the council when the person is selected, but shall not exceed the term of office of the council that selected him or her.

Same and reappointment

- (4) A person selected to advise another municipality's board may continue to sit after the expiry of the term of office of the council that selected him or her until the selection of his or her successor, and is eligible for reappointment.

Protection from liability

- (5) No action or other proceeding for damages shall be instituted against a person selected to advise another municipality's board for any act done in good faith in the execution or intended execution of a duty or for any alleged neglect or default in the execution in good faith of a duty. 1997, c. 8, s. 7.

Municipal agreements for sharing police services

7. (1) Two or more boards may agree that one board will provide some police services to the other or others, on the conditions set out in the agreement.

Limitation

- (2) Two or more boards may not agree under subsection (1) that the police force of one board will provide the other board or boards with all the police services that a municipality is required to provide under section 4.

Municipal agreements with O.P.P.

- (3) The board of a municipality may agree with the Commissioner or with the local Detachment Commander of the Ontario Provincial Police that the Ontario Provincial Police will provide some police services to the municipality, on the conditions set out in the agreement, and subsections 10 (7) and (8) apply to the agreement. 1997, c. 8, s. 8.

Municipal agreements for provision of police services by O.P.P.

10. (1) The Solicitor General may enter into an agreement with the council of a municipality or jointly with the councils of two or more municipalities for the provision of police services for the municipality or municipalities by the Ontario Provincial Police.

Board required

- (2) In order for a municipality to enter into an agreement under this section, the municipality must have a board.

Same

- (3) In order for two or more municipalities to enter into an agreement under this section, the municipalities must have a joint board.

Transition

- (4) If an agreement under this section was entered into, before section 10 of the *Police Services Amendment Act, 1997* comes into force, by a municipality that did not have a board at the time, the agreement remains valid and enforceable despite subsection (2), but the agreement may not be renewed unless the municipality has a board.

Collective bargaining

- (5) No agreement shall be entered into under this section if, in the Solicitor General's opinion, a council seeks the agreement for the purpose of defeating the collective bargaining provisions of this Act.

Duties of O.P.P.

- (6) When the agreement comes into effect, the Ontario Provincial Police detachment assigned to the municipality or municipalities shall provide police services for the municipality or municipalities, and shall perform any other duties, including by-law enforcement, that are specified in the agreement.

Payment into Consolidated Revenue Fund

- (7) The amounts received from municipalities under agreements entered into under this section shall be paid into the Consolidated Revenue Fund.

Collection of amounts owed

- (8) The amount owed by a municipality under the agreement, if not collected by other means, may be deducted from any grant payable to the municipality out of provincial funds or may be recovered by a court action, with costs, as a debt due to Her Majesty.

Role of board

- (9) If one or more municipalities enters into an agreement under this section, the board or joint board shall advise the Ontario Provincial Police detachment commander assigned to the municipality or municipalities, or his or her designate, with respect to police services in the municipality or municipalities and shall,
- (a) participate in the selection of the detachment commander of the detachment assigned to the municipality or municipalities;
 - (b) generally determine objectives and priorities for police services, after consultation with the detachment commander or his or her designate;
 - (c) establish, after consultation with the detachment commander or his or her designate, any local policies with respect to police services (but the board or joint board shall not establish provincial policies of the Ontario Provincial Police with respect to police services);
 - (d) monitor the performance of the detachment commander;
 - (e) receive regular reports from the detachment commander or his or her designate on disclosures and decisions made under section 49 (secondary activities);
 - (f) review the Detachment Commander's administration of the complaints system under Part V and receive regular reports from the detachment commander or his or her designate on his or her administration of the complaints system.

Non-application of certain sections

- (10) If one or more municipalities enters into an agreement under this section, section 31 (responsibilities of board), section 38 (municipal police force) and section 39 (estimates) do not apply to the municipality or municipalities. 1997, c. 8, s. 10.

Ontario Civilian Police Commission

Protocol for Amalgamations and Disbandment Hearings

The following information is published on the Ontario Civilian Police Commission website (<http://www.ocpc.ca>) and has been reprinted in this document for consideration. As this information is subject to change, referral to the website of the Commission is recommended.

Protocol for Section 6 Amalgamation Hearings General Principles:

In considering a request to amalgamate police services under Section 6 of the *Police Services Act*, the Commission addresses the following primary issues:

- Does the proposed amalgamation provide adequate and effective police services that meet the needs of the communities?
- Does the proposed agreement provide for the establishment and composition of a joint police services board?
- Does the proposed agreement provide for the amalgamation of the police services and the appointment or transfer of their members?
- Does the proposed agreement provide for the joint board's use of the assets and its responsibility for the liabilities associated with the police services?
- Does the proposed amalgamation provide for the budgeting of the cost for the operation of the amalgamated police service?

It should be noted that the Commission does not decide between alternative proposals or assess which method of providing policing services will be most economical or otherwise preferred. Those decisions rest solely with the local communities through their Municipal Councils. The Commission will, however, ask questions to assure itself that the local authorities have approached their decision to request an amalgamation in a manner that has allowed for public input.

Process for Obtaining Approval

Forward to the Commission, copies of the resolutions passed by the Municipal Council. Attach three (3) copies of the relevant materials including:

- A copy of the draft agreement
- A description of the organization of the amalgamated police service and how it will provide policing in the future
- An outline of the process followed by the local authorities to obtain public input on the proposal
- Other materials that may be relevant or useful to the Commission in determining the issue outlined above

The Commission will convene a public meeting in the community. Two or three members of the Commission will preside. The meeting will be advertised in the local news media. At this meeting, the Commission invites the following parties to make presentations or respond to questions:

- **Representatives for Each Municipality and Police Services Board** to describe the proposed amalgamation, its anticipated impact on the community, the public consultation process employed to help develop the initiative; and their acceptance of the proposal

- **Chiefs of Police** to describe how policing will be applied under the new organization and respond to any questions from the Commission on the effectiveness and adequacy of the proposed amalgamation
- **Police Associations** to confirm that satisfactory arrangements for the appointment and transfer of their members have been made
- **Zone Police Services Advisor**, Policing Services Division, Ministry of Public Safety and Security to discuss adequacy and effectiveness of the proposed amalgamation.
- **Members of the public** to address issues related to the adequacy of the proposal

In addition to the parties listed above, the Commission informs other groups of its plans to hold the public meeting. The groups include: the Police Association of Ontario, the Ontario Senior Officers Police Association, the Ontario Association of Police Services Boards, the Ontario Association of Chiefs of Police, and the Ministry of Public Safety and Security. The Commission will also welcome any relevant submission from those organizations at the meeting.

Upon receiving the above information, the Commission will issue a written decision. Decisions are typically issued within a month of receiving all the pertinent information.

Protocol for Section 40 Abolition Requests

General Principles:

This protocol is a guide for those considering a request to abolish a police service under section 40 of the *Police Services Act*.

In considering such a request, the Commission addresses two primary issues:

- Does the proposed new arrangement appear to provide adequate and effective police services that meet the needs of the community? If in the view of the Commission it does not do so, the abolition will not be approved
- In the proposed abolition, will the current members of the police service be dealt with on a fair and reasonable basis? If the members have not either reached a settlement or agreed to submit the matter to arbitration, the Commission has the authority to order arbitration

It should be noted that under section 40, the Commission does not decide between alternative proposals or assess which method of providing services will be most economical, or otherwise preferred. That decision rests solely with the local community through the appropriate Municipal Council.

The Commission will, however, ask questions to assure itself that the Municipal Council has approached their decision to request an abolition in a manner that has allowed for public input into that decision.

Process to seek approval:

Forward to the Commission a copy of the resolution passed by the Municipal Council indicating their desire to abolish the municipal police service and enter into a new arrangement for policing services. Attach three (3) copies of the relevant materials, including:

- The agreement to provide alternative police services and, in the case of an arrangement to receive policing by the Ontario Provincial Police, the costing proposal that has been accepted. This agreement must set out the final proposal for the new policing arrangement and address all relevant issues
- The details of the process followed by the municipality to obtain public input on the proposal
- Other materials that may be relevant or useful to the Commission in determining the issues outlined above

After a full review of all the documentation, the Commission will convene a public meeting in the community. Two or three members of the Commission will preside. The date and location will be advertised in the local news media. The Commission will invite the following to make presentations and/or respond to questions including:

- **Representative for the Municipal Council** to describe the final proposal, its anticipated impact on the community, the public consultation process employed to help develop the initiative, and their acceptance of the agreement
- **Representative of the Ontario Provincial Police**, if O.P.P. municipal policing is proposed, to describe the new policing arrangement
- **Representative of the municipal Police Services Board** to describe what arrangements, if any, are in place to deal with members of the police service whose employment may be terminated
- **Representative of the local police association** to confirm that employment or severance arrangements are in place for all their members
- **Chief of Police** to respond to any questions from the Commission on the adequacy of the proposed policing arrangement and to advise the status of his or her proposed termination or employment
- **Ministry of Community Safety and Correctional Services**, Policing Services Division, Zone Advisor to discuss the adequacy of the proposed policing arrangement
- **Members of the public** to address issues related to the adequacy of the proposed policing arrangement

In addition to the parties listed above, the Commission will inform other interested parties of its plan to hold a public meeting, such as the Police Association of Ontario, the Ontario Senior Officers Police Association, the Ontario Association of Police Services Boards, the Ontario Association of Chiefs of Police, and the Ministry of Community Safety and Correctional Services and welcome any relevant submissions from those organizations at the meeting.

After receiving and carefully considering all of the information regarding the proposed policing arrangement, the Commission will issue a written decision. For further information, contact the Commission at (416) 314-3004.

Business Conduct – A Framework for Positive Communications

Municipalities have the responsibility to provide adequate and effective police services for their community. This requirement is very important when examining policing options as permitted under the *Police Service Act*.

Advisory Committee Formation and Authority

Upon the official request from a municipality or a designated body (transition board) for a police service delivery proposal, a joint advisory committee should be formed to establish a mutually acceptable framework. Participants on this committee should minimally consist of the local Chief(s) of Police and/or the local O.P.P. Detachment Commander, designated Municipal Officials, representation from the involved Police Associations, and representatives of the Police Services Board(s).

The Committee's terms of reference should include objectives designed to ensure consistent and fair rules of engagement are adopted by all stakeholders to establish a credible and professional process.

➤ Business Conduct – Best Practises

- The Advisory Committee should develop terms of reference that receive approval by Municipal Council and once approved, are available to the public.
- The municipality may wish to use a facilitator who is acceptable to all parties to assist with the process. The role of the facilitator should be clearly set out and may include the co-ordination of meetings, meeting notes, and the flow of information between all parties.
- The release of information concerning the police service delivery proposal is the responsibility of the local Municipal Council. The Advisory Committee should provide regular reports to Council.
- Positive, open, ethical, and professional behaviour should be supported and encouraged by all partners.
- A contact list of all partner groups should be developed and shared amongst the partners.
- A schedule for all meetings planned as part of the review process should be shared with all partners.
- Meetings held as part of the process should be open to the partner groups.
- There should be a full and complete sharing of information pertinent to the proposal process.
- A Chief of Police or Detachment Commander should not meet with municipal officials in another police service's jurisdiction without first notifying the Chief of Police or Detachment Commander of that jurisdiction.

- Each Chief of Police or Detachment Commander should encourage municipalities involved in, or inquiring about, a police service delivery proposal process to invite the affected Chief(s) of Police or Detachment Commander to attend all such meetings.
- A police service should provide information in relation to its service. The services provided by another police service shall not be discussed or reviewed. If requested by a municipality to comment on another police service, the request should be directed to the appropriate police service for a response.
- Each police service should raise issues and concerns with each other during the proposal process.

➤ **Information Sessions**

- The municipal Police Chief and/or local Detachment Commander should meet (jointly) early in the proposal process, along with the rank-and-file of involved police services. This will be done in order to inform their members of the cooperative approach that will be undertaken during the process.
- It is essential that police associations and employee groups are fully informed at the beginning of the process. This allows the opportunity to address employee concerns regarding their future employment status and the resulting impact, if any, on their member's remuneration, pensions and benefits. An open forum will allow employee groups and association members to share information about their current collective agreements and discuss issues or concerns in an open and professional manner.

The chart on the following page sets out the key steps and process structure that may be considered by municipalities and policing partners to ensure an open and transparent process for the review of policing options within a municipality.

Critical Success Factors:
An Illustration of the Key Steps to Success In Municipal Police Costings

Note
Local Stakeholders are:

- Municipal Council
- Police Service
- Police Service Boards
- Police Service Associations



- Assess costs and implications including potential for severance and transfer costs
- Adhere to Business Conduct Framework (See Section II)

Establish Steering Committee

- Include all stakeholders
- Establish working principles
- Consider Involvement of MCSCS Policing Service Advisors

Establish Communications Strategy

- Identify spokesperson for Steering Committee
- Chiefs/Commanders inform all members of process and guidelines
- Establish well-coordinated information flow

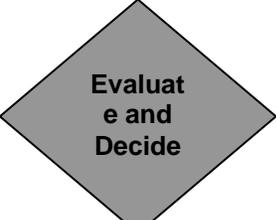
- Stakeholders agree in advance to ongoing mechanism
- Stakeholders commit to act upon directions resulting from process

Establish Dispute Resolution Mechanism

Develop Request for Proposals (RFP)

- Mutual development of cost model
- Public consultation
- Establishment of all criteria
- Fixed period – no changes to bids
- Clear definition of jurisdiction,
- Definition of front-line officers
- Service Delivery Model

- Council makes decision



Issue RFP

- Adhere to process
- Do not permit bid changes
- Inform all respondents of any Q&A, clarifications requested or amendments provided

Follow Appropriate Protocol for Transition

Suggestions for the Development and Management of the Request for Proposal

When developing a Request for Proposal (RFP), it is recommended that a process be put in place to develop and manage the request for proposal. It is also recommended that an advisory committee (or an RFP working team) be struck to facilitate the process.

When developing an RFP, the responsible parties may wish to consider the following overarching principles:

- **Quantitative costs and conditions that will be directly compared in the evaluation of the proposal.**

If you do not plan to let your selection be influenced by a particular quantitative cost or condition, do not include them in your RFP, nor consider them in your evaluation of proposals. If you intend to let your process be influenced by a feature then the requirements of that feature should be clearly identified in the RFP

- **Qualitative features, value-added approaches, and distinctive advantages.**

If particular qualitative features are going to be considered by the committee and council in identifying an overall best value alternative, you may wish to ensure that all parties have the opportunity to address the same criteria by clearly defining those features in your RFP, and by describing the means for their evaluation and weighting in your decision

When developing a police service delivery request for proposal, some elements a municipality may wish to consider for inclusion in the RFP are as follows, but not limited to:

- A description or overview of the level of service and service delivery model required to meet community needs (sworn and civilian)
- Any municipal expectations in relation to the location or use of police facilities and Infrastructure (accommodations, vehicles, etc.)
- Any specific crime prevention initiatives that may be anticipated by the municipality
- Request for an overview of the communication system and dispatch protocol to be deployed
- Request for a detailed description of the proposed service delivery model
- Request for a detailed cost summary for the proposed service delivery

When responding to a request for proposal, a police service may wish to consider the following to assist them with its response:

- Collection and analysis of workload data
- Analysis of deployment issues.
- Community consultation and needs analysis

- The identification of required accommodations, resources, and services to ensure compliance with adequacy standards
- The identification of any value added features for your deployment model
- Detailed descriptions of service delivery models, staffing levels, supporting infrastructure, and the financial breakdown of costs

When analysing a request for proposal, a police service may wish to consider the following to assist them with its selection of a policing option:

- Development of a tool to assist in the scoring of responses to the RFP
- Analysis of the proposed service delivery model
- Analysis of staffing levels
- Facility requirements and any related financial implications
- Financial liabilities related to the transition process including severance and asset disposal if applicable
- Cost savings achieved from the transition process
- Community expectations

Suggestions for the Development and Management of a Problem Resolution Mechanism

It is recommended that all parties engaged in the development and review of the RFP, in conjunction with the responding organizations, consider establishing and agreeing to a forum and binding method for resolving and responding to any issues. As well, this forum can be used to respond to any questions, community concerns, and media issues that may have a negative bearing on the process.

Options that the advisory committee may choose to consider include:

- Appointment of an ombudsperson
- Establishment of a review panel
- Adherence to a regular schedule of review meetings involving all key partners

Whatever method is chosen, the key is to ensure that the partners agree in advance to be bound by the directions and resolutions reached through such a mechanism. The mechanism must also remain objective and effective in hearing and resolving the matters that arise.

Ministry Of Community Safety and Correctional Service Protocol and Ontario Provincial Police Process for Assuming Policing Jurisdiction in a Municipality

Amendments were made to the *Police Service Act (PSA)* in November 1997 by the *Police Services Amendments Act, 1997* (Bill 105).

The Ministry of Community Safety and Correctional Services (MCSCS) revised its *Policy and Protocol for The Ontario Provincial Police (O.P.P.) Policing in Municipalities* to reflect the amendments to the *PSA*. This revision provides clear, concise information about the steps to be taken in developing a costing for O.P.P. service, recognizing the need for flexibility in handling various policing options, and help streamline the application process.

➤ ***Policy for Contracting Policing Services with the O.P.P.***

- After the request for a police service delivery proposal has been examined by Ministry officials, the MCSCS will then ensure it is satisfied that the relevant sections of the *PSA* have been complied with. Following these steps, the MCSCS may authorize the O.P.P. to provide a proposal for the provision of policing
- A needs study, which should include public consultation, will be conducted in all cases by the O.P.P. in conjunction with municipal officials. Following the study, a detailed proposal with one or more options will be presented to the municipality for consideration
- Any proposal for the provision of O.P.P. service will be based on full-cost recovery
- No contract can be entered into if, in the Minister's opinion, the council seeks the agreement for the purpose of defeating the collective bargaining provisions of the *PSA*
- Ministry officials should make it clear in dealing with municipalities that, notwithstanding O.P.P. proposal and needs studies and the subsequent acceptance of the contract by a municipality, and notwithstanding that the Ontario Civilian Police Commission (OCPC) has consented to the disbanding of the municipal police service, there is no commitment on the part of the Government until Treasury Board approval is obtained
- It is the role of OCPC to review and approve all requests for disbandment of municipal police services. As part of this review, OCPC must be satisfied that all employees of the disbanded police service will be treated fairly and equitably. This includes ensuring an agreement is in place with regard to severance pay or the matter is referred to arbitration

➤ ***Procedures for Contracting Policing Services with the O.P.P.***

Any council wishing to request a proposal for the provision of policing services by the O.P.P. must submit a council resolution requesting a police service delivery proposal from the O.P.P. to the attention of:

The Honourable (name of the Minister of Community Safety and Correctional Services)
Ministry of Community Safety and Correctional Services
George Drew Building
25 Grosvenor, 18th Floor
Toronto ON
M7A 1Y6

Copies of the request are to be forwarded to the following stakeholders:

- Police services board
- Chief of municipal police service
- Municipal police association

Where municipalities are amalgamating or are subject to any legislative provisions, a request for the provision of O.P.P. policing will only be acted upon where each council (or transition board, where applicable) submits a resolution requesting same.

The ministry will acknowledge receipt of the resolutions in a timely manner and inform the stakeholders of the request. Once the MCSCS has approved the costing request, the authorization is forwarded to the O.P.P. to begin the proposal process.

➤ ***Factors Considered in the Development of an O.P.P. Police Service Delivery Proposal***

An analyst from the Municipal Policing Bureau is assigned to create a file on the specific municipality and to prepare a proposal. The analyst will act as the main contact for the municipality throughout the costing process.

The O.P.P. has utilized the following proposal development methodology since 1991. The methodology is utilized in both renewals of existing contractual agreements and agreements with numerous municipalities that were previously policed by other service providers.

The following factors are included in developing a proposal:

- Collection and analysis of workload data
- Analysis of deployment issues
- Community consultation and needs analysis
- The identification of required accommodations, resources, and services to ensure adequacy standards

- The O.P.P. Deployment Model is a computerized model used by the O.P.P. to effectively staff detachments. This is done by calculating the number of constables required to respond to calls for service.

The model examines the following five (5) parameters:

- Calls for service
- The availability factor
- Policing standards
- Patrol standards
- Detachment characteristics

The first step in determining the policing needs of a municipality is an analysis of all calls for service in the municipality from statistics provided by the municipality's current police service. Data is examined over multiple years to provide data accuracy. The O.P.P. has calculated the average time required to investigate each type of incident.

The next step is to determine the deployment issues. This is accomplished by examining the amount of time an officer is available for front-line services. Many aspects of police work, as well as terms of employment, impact on a Constable's availability to respond to calls for service.

To determine the availability factor these impacts are tabulated using the O.P.P.'s Daily Activity Reporting System (DAR) as an information source and averaged on a per officer basis. The availability factor takes into account weekends (two days), vacation, statutory holidays, sick leave, maternity/parental leaves, mandatory/legislated training requirements, court, and administration time.

To maximize constable safety, O.P.P. policy directs mandatory policing standards be met to provide safety and backup coverage. O.P.P. policy directs mandatory two Constable patrols be assigned during specific hours of operation. The model further determines the number of officers required for patrol, and patrol-related activities referred to as patrol standards.

Calculation is based on patrol intervals and the number of kilometre and traffic volumes of 400 Series and King's highways, as well as rural roads located within the boundaries of each detachment. The need for officer safety, geographical size of patrol areas, and community service requirements (e.g., the number and size of area schools) is taken into consideration when developing a costing. Added to this total is a proactive factor based upon the actual experience of the O.P.P. This factor includes general patrol and community policing proactive initiatives such as attending community policing meetings, directed patrols, and such program activities as Reduce Impaired Driving Everywhere (RIDE). The proactive factor also provides for elasticity in policing as workload varies annually.

In developing the staffing model, the O.P.P. also examines the structure of the existing municipal police service. Community consultation is accomplished through discussions incorporating key community stakeholders, municipal representatives, affected police personnel, and members of the community to ensure that the policing structure meets the needs and desires of all stakeholders in the process. Discussions include the current level of service and

what, if any, changes the community would like to occur in the way its police service is delivered.

Section 4 (3) of the PSA sets out the responsibility of the municipality in providing all infrastructure and administration necessary for providing adequate and effective police services, including buildings. If consideration is given to the possibility of the delivery of policing services for the contract being provided from an existing municipal police services building, an inspection of the site will be conducted by the O.P.P. Facilities Section. Such aspects of the building to be examined include the building condition, cell area, parking area, signage, closed circuit television system, door hardware, and millwork.

Should the contract proposal be accepted by the municipality and the existing municipal police services building be utilized by the O.P.P., further consultation between the municipality and the O.P.P. Facilities Section will take place. If the delivery of policing services for the contract is provided from an existing O.P.P. detachment, and that detachment building must be requires renovation to accommodate increased personnel and equipment of an amalgamated police service, the cost of renovation shall be borne by the municipality contracting services from the O.P.P.

Upon completing the necessary analysis, the contract policing analyst will present the completed policing proposal to Council. The proposal expires six months from the date of the presentation to Council. At that time, the costs and service levels identified in the proposal will be subject to review and revision where necessary.

A complete description of services provided by the O.P.P. and civilian governance issues is also presented in an accompanying document entitled, *O.P.P. Municipal Policing Framework*. The services described are included in the overall O.P.P. costing formula.

If the Council accepts or rejects the proposal, the Council will provide a copy of the resolution to MCSCS. The Council must advise the Police Services Board, the Chief(s) of Police, and the local police association(s) of the decision reached.

➤ ***Disbanding an Existing Municipal Police Service***

If the Council chooses to abolish an existing municipal police service and contract for O.P.P. service, the Council shall apply to the OCPC for consent in accordance with section 40 of the *PSA*. The Council shall supply the OCPC with sufficient information on which the OCPC may be satisfied that the abolition of the police service will not contravene the *PSA*. It must also ensure that severance conditions have been complied with.

The O.P.P. Municipal Policing Bureau will, upon request, assist Council with the preparation of the required briefing materials compiled in the proposal to OCPC for a disbandment hearing pursuant to section 40 of the *PSA*.

The OCPC will convene a public hearing in the community to receive input and consider the request to abolish the municipal police service. Notice of the meeting will be given to the public, Council, Board, Chief of Police, the local

police association(s), MCSCS, the Commissioner of the O.P.P., and other stakeholders.

The disbandment hearing is held before two or three Commissioners appointed by the OCPC for the purpose of determining:

- The adequacy of the service contained in the proposal
- The fair and equitable treatment of the members of the municipal police service to be disbanded

The OCPC shall communicate its findings and decision to the Council, Board, the Chief of Police, the local police association(s), MCSCS, the Commissioner of the O.P.P., and other stakeholders. If the OCPC approves the disbandment of the municipal police service, Council shall advise the MCSCS of its intention to disband the municipal police service and enter into a contract for O.P.P. policing.

➤ ***Arranging Appropriate Funding Agreements***

The MCSCS will consider the request of the Council and the findings of the OCPC. If the ministry approves the request, the O.P.P. will make application, through the Ministry, to Treasury Board.

This application is created to establish the funding arrangement and staffing approvals necessary to enter into a contract for policing of the municipality by the O.P.P.

The Treasury Board will either approve or deny the request for funding and staffing as follows:

- If approval is given, a date is agreed upon for the commencement of the contract for O.P.P. policing of the municipality and the Minister signs the agreement. A joint news release may be issued locally by the MCSCS and the Council to inform the general public
- If the application is denied, the MCSCS may, upon request, through its Public Safety Division, assist the municipality to investigate other options for meeting its policing obligations

Upon notice of OCPC approval, the O.P.P. will send the finalized policing Agreement to the municipality for the appropriate signatures. Upon receipt of the signed Agreement, the O.P.P. forwards a submission (TB20) to the Ministry where it is finalized for furtherance to Treasury Board for final approval.

The purpose of the TB20 is to request release of funds into the O.P.P. budget to cover the additional cost of the new policing agreement. Upon Treasury Board approval, the Minister of Community Safety and Correctional Services signs the Agreement.

Once signed, all copies of the Agreement are returned to the O.P.P. for distribution. The Agreement commences on the stipulated date, and those municipal police officers and civilians who transfer to the O.P.P. are sworn in.

➤ **Process for the Hiring of Municipal Police Officers & Civilian Staff by O.P.P.**

A municipality that enters into an agreement with the Ministry for the provision of police services by the O.P.P. will be guided by the Career Development Bureau (CDB) for matters relating to the hiring process of the uniform and civilian members of that police service.

In order to comply with the OCPC decision to provide policing services to a municipality, and to complete the pre-employment process in a timely manner, the O.P.P. will require a moratorium on the hiring of additional members by the transitioning police service after the OCPC decision has been made.

After the OCPC decision has been announced, CDB staff will attend information sessions to explain the amalgamation process to the uniform and civilian members of the municipal police service.

➤ **Pre-Employment Procedures**

Pre-employment Forms

Municipal police officers who are considering employment with the O.P.P. will be provided with a list of required documents to submit with their pre-employment package.

Municipal civilian members will be provided with a list of required documents to submit with their pre-employment package, unless a competitive process is required to select the members to fill the positions that are required to support O.P.P. contract operations. Information will be provided to the civilian members who are considering entering the competitive process.

Background Investigation

The CDB will conduct a background investigation on all employees who are involved in the transition process.

Offer of Employment

The O.P.P. will offer employment to all municipal civilian employees of the police service whose positions are required to support O.P.P. contract operations. However, the Commissioner reserves the right to review the suitability of any civilian employee.

The O.P.P. will offer employment to all serving uniformed municipal police officers who, in the sole discretion of the O.P.P., meet the requirements of the *PSA*. The Commissioner reserves the right to review the suitability of any officer.

Section 43.1 of the *PSA* identifies the requirements that must be met in order to be appointed as a police officer in Ontario and states:

43. (1) No person shall be appointed as a police officer unless he or she,
- (a) is a Canadian citizen or a permanent resident of Canada
 - (b) is at least 18 years-of-age
 - (c) is physically and mentally able to perform the duties of the position, having regard to his or her own safety and the safety of members of the public
 - (d) is of good moral character and habits
 - (e) has successfully completed at least four (4) years of secondary school education or its equivalent.

Postings

Upon joining the O.P.P., a member must be willing to serve at any O.P.P. location within the Province. During the pre-employment stage, a municipal police officer is given the opportunity to identify their posting preferences.

The Commissioner reserves the right to relocate personnel in the best interests of the community and the O.P.P. The O.P.P., however, will not transfer a municipal police officer who is hired by the O.P.P. for the first three (3) years after the hiring unless:

- The officer requests a transfer
- The officer is required to relocate for a promotional opportunity (officer is not eligible to compete for a position until successfully completing their probationary period – *Public Service Act*)
- The officer is successful through the Rank Level Determination process
- The officer is unable in the opinion of the Commissioner to perform his or her duties effectively in the community

Orientation Training

The O.P.P. will provide orientation training to the municipal police officers who receive offers of employment. Training at the Provincial Police Academy at General Headquarters in Orillia includes, but is not limited to, the O.P.P. communications system, firearms, use of force, O.P.P. policy, DAR, and the NICHE Records Management System. Transitioned members will be issued O.P.P. uniforms, firearms, and use of force equipment. Civilian members are also provided with training opportunities to ease the transition into the O.P.P.

Appointment

At the time of appointment, municipal police officers are required to take the Oath (or Affirmation) of Office and the Oath (or Affirmation) of Secrecy as required under the O. Reg. 144/91 made under the *Police Services Act*.

Municipal civilian employees are required to take the Oath (or Affirmation) of Office and Secrecy and the Oath (or Affirmation) of Allegiance pursuant to the *Public Service Act*.

The salary for municipal officers accepting employment with the O.P.P. will be at the current rate established for the particular rank in the O.P.P.

Uniformed and civilian members of the O.P.P. are employees of the Ontario Public Service and are represented by the appropriate Ontario Provincial Police association.

Probationary Period

The *Public Service of Ontario Act*, Part III section 37(1), provides that all new employees are subject to a probationary period of not more than one (1) year.

➤ **Rank Level Determination**

Eligibility

To be eligible to seek appointment to the O.P.P. at a rank other than Constable, an officer must hold a confirmed rank above Constable in the municipal police service and apply for an equivalent rank within the O.P.P. through Rank Level Determination (RLD).

Note: This is a rank equivalency and is not intended as a promotional process.

Process

RLD is a process used to evaluate the knowledge, skills, and abilities of a member of a municipal police service in relation to the O.P.P. core competencies for the supervisor, mid-manager, and management roles as follows:

- All eligible members seeking entry to the O.P.P. at a rank above Constable will be provided with documentation setting out the core competencies of the Constable, Sergeant, Staff Sergeant, or commissioned officer ranks of the O.P.P. Upon request, a member of the O.P.P. CDB will meet with any eligible member to explain the necessary procedures and provide the documentation
- The applicant must submit the necessary documentation, including references, as required, and
- A background investigation will be completed which will include the performance and experience of the applicant

RLD Process (Sergeant)

Applicants at the Sergeant level will be subject to a background investigation followed by an analysis and recommendation for the Sergeant rank.

The CDB will do the background investigation for the Sergeant level. Provided the background investigation results reflect competency at the supervisor level and the applicant has the required service in the rank as defined below, the candidate will be confirmed in the Sergeant rank.

RLD Panel

A RLD Panel shall be convened for an applicant:

- Who was confirmed in the rank of Sergeant subsequent to the date of the request for costing
- Who has been confirmed in the rank of Sergeant for less than one year prior to the date of the amalgamation, or
- For whom the background investigation results are not adequate to determine competency at the supervisor (Sergeant) level, and
- The Chair of the RLD panel will present recommendations to the Commissioner of the O.P.P. for a decision.

RLD Process (Staff Sergeant and Above)

Applicants above the rank of Sergeant will appear before a RLD Panel.

An applicant above the rank of Sergeant may elect to enter the O.P.P. at the Sergeant rank and will not be required to appear before the RLD Panel unless the background investigation results are not adequate to determine competency at the Sergeant level.

The Chair of the RLD Panel will present recommendations of the RLD Process to the Commissioner for a decision.

A RLD process candidate who appears before the RLD Panel will be granted a rank of at least Sergeant, providing the background investigation results are adequate to determine competency at the supervisor level.

The RLD Board will be chaired by the Commander, CDB or designate. The RLD Board shall be composed of members from the following groups that represent the applicant and the O.P.P.'s interests. This is based on the current or applied for rank level of the RLD applicant:

- A representative of the Ontario Association of Chiefs of Police
- A representative of the Ontario Senior Officers Police Association
- A representative of the O.P.P. Commissioned Officers Association
- A representative of the Police Association of Ontario
- A representative of the Ontario Provincial Police Association

Where a RLD Board has been activated, the board will interview the applicant to assess experience in relation to the core competencies of the rank being sought. The applicant's knowledge of O.P.P. policy and procedures will not form part of the interview. Where activated, the RLD Board will determine the applicant's entry-level rank by assessing demonstrated knowledge, skills and abilities in conjunction with the findings of the background investigation. The RLD Board will make its report in writing to the Commissioner of the O.P.P.

The Commissioner will make the final determination of the assigned rank. The Commissioner's decision shall be communicated to the applicant and the RLD Board members as soon as possible. Applicants identified for confirmation of rank, in accordance with this policy, shall receive supervisor/management training and work with their manager to create a Learning Plan designed to familiarize them with O.P.P. policy, core values, and management philosophy.

➤ **Entitlements**

Continuous Service

For uniform members, the Continuous Service Date (CSD) will be the total recognized years of service from the transitioning police service. This date must be calculated based upon the total combined years of unbroken full time uniform service.

Civilian employees hired as a result of this process will be credited with all unbroken full time service with the amalgamated police service. Unbroken service is defined as a period of time not more than 90 days between leaving one service and joining another.

Vacation Credit Date

For uniform members, the Vacation Credit Date (VCD) will be the established CSD plus any continuous full time service as a uniform member of any Canadian Police Service. For civilian members the VCD will be based on their CSD.

Provincial Responsibility Incentive

The Provincial Responsibility Incentive (PRI) is a financial incentive to recognize the contribution made by O.P.P.A uniform members to policing across the Province. The O.P.P. will recognize any unbroken full time service from any Canadian Police Service.

Civilian Service Pay

Civilian members will receive service pay as per the provisions of the O.P.P.A Civilian Collective Agreement. The service pay is based on the member's continuous service.

Severance Credit Date

The severance credit date is the date of transition to the OPP.

Benefits

The benefits package provided to transitioned members is the same as that provided to members of the OPP.

**SAMPLE MUNICIPAL LETTER TO ACCOMPANY A RESOLUTION
REQUESTING A POLICE SERVICE DELIVERY PROPOSAL FOR
O.P.P. CONTRACT POLICING SERVICES**

The Honourable (name of the Minister of Community Safety and Correctional Services)

Ministry of Community Safety and Correctional Services
George Drew Building
25 Grosvenor, 18th Floor
Toronto ON
M7A 1Y6

Dear Sir (or Madam):

In accordance with section 10 of the *Police Services Act*, the Council of the (municipality name) passed motion no. ____ of 20__ at its session on (date of Council meeting).

Please find attached a certified copy of the relevant section of the minutes of the meeting requesting approval of a Police Service Delivery Proposal for the provision of police service by the Ontario Provincial Police in our community.

We trust you will be able to honour our request in the near future.

Yours truly,
(Signed by the Clerk/Administrator)
(Municipality name)

Attachment

c. Police Services Board
Chief of Police
Local Police Association

**SAMPLE COUNCIL RESOLUTION REQUESTING A
POLICE SERVICE DELIVERY PROPOSAL FOR O.P.P. CONTRACT
SERVICES**

Motion No. _____

Date: _____

Moved by: (Council member's name)

Seconded by: (Council member's name)

That the Council for (municipality name) requests the Ministry of Community Safety and Correctional Services approve a Police Service Delivery Proposal for policing of (municipality name) by the Ontario Provincial Police.

Carried, Mayor / Reeve (name)

I hereby certify that this is a true copy of the resolution, motion # _____, which was adopted by the Council of (municipality name) on (date of Council meeting).

(Signed by the Clerk-Treasurer)

***SAMPLE MUNICIPAL LETTER TO ACCOMPANY A COUNCIL
RESOLUTION ACCEPTING POLICE SERVICE DELIVERY PROPOSAL
FOR O.P.P. POLICING
OF A MUNICIPALITY AND REQUESTING DISBANDMENT OF THE
MUNICIPAL POLICE SERVICE***

The Honourable (name of the Minister of Community Safety and Correctional Services)

Ministry of Community Safety and Correctional Services
George Drew Building
25 Grosvenor, 18th Floor
Toronto ON
M7A 1Y6

Dear Sir (or Madam):

Enclosed are the resolutions from the Council of the (municipality name) stating that Council accepts, the proposal for O.P.P. contract policing and indicating a willingness to negotiate an appropriate contract.

Please initiate the process necessary to accomplish the transition in our community. I also request that the Ontario Civilian Police Commission be requested to hold a disbandment hearing for our existing police service as soon as possible.

Thank you for your assistance in this matter. I would appreciate receiving your confirmation in the near future.

Yours truly,

(Signed by the Mayor of the municipality)

Attachment

- c. The Chair, Ontario Civilian Police Commission (250 Dundas Street West, Suite 605, Toronto, Ontario. M7A 2T3)
 - Police services board
 - Chief of Police
 - Local police association

**SAMPLE COUNCIL RESOLUTION ACCEPTING
A POLICE SERVICE DELIVERY PROPOSAL**

Attachment #1:

Motion No. _____

Date: _____

Moved by: (Name of Council member)

Seconded by: (Name of Council member)

That the Council of the (municipality name) accepts the proposal for contract policing with the Ontario Provincial Police and agrees to enter into an agreement.

Carried, Mayor (name)

Certified as a true copy by: (name of secretary)

Suggested Protocol for Municipal Police Service Assuming Policing Jurisdiction in another Municipality

The information contained in this section is intended to facilitate the transition of policing responsibilities from the Ontario Provincial Police or other police service to an existing municipal police service. The process, as suggested, will assist in easing the transfer of all administrative, operational and human resources as required. By clearly defining a fair and equitable process, it will help to reduce the uncertainty and complexity of the transitional process.

As in any other process intended to review policing options, use of the Best Practices provided in the Business Conduct section on this document, including the formation of a steering committee, will help to ensure an open and transparent process.

➤ ***Process for the Employment of serving Police officers and civilians***

The employment of personnel required to police a municipality that enters into an agreement with another municipality for the provision of police services, will be guided by the human resource policies of the police service who will be conducting the employment process as required.

➤ ***Pre-Employment Considerations***

❖ **Offer of Employment**

In order to fill the required number of positions set out in the Police Service Delivery Proposal, the newly appointed police agency should consider providing the first opportunity to fill the required positions to members of the Ontario Provincial Police Detachment or Municipal Police Service that is currently responsible for policing the jurisdiction being transferred.

The first option to transition to the service should be offered to officers who, in the sole discretion of the Chief of Police, meet the requirements of the *Police Services Act*, and have indicated a desire to transition to the new agency.

Section 43.1 of the *Police Services Act* identifies the requirements that must be met in order to be appointed as a Police Officer in Ontario and states:

43. (1) No person shall be appointed as a police officer unless he or she,
 - a) is a Canadian citizen or a permanent resident of Canada
 - b) is at least 18 years-of-age
 - c) is physically and mentally able to perform the duties of the position, having regard to his or her own safety and the safety of members of the public

- d) is of good moral character and habits
- e) has successfully completed at least four (4) years of secondary school education or its equivalent.

In order to fill the required number of civilian positions set out in the Police Service Delivery Proposal, the newly appointed police agency should consider providing the first opportunity to fill the required positions to the civilian members of the Ontario Provincial Police Detachment or Municipal Police Service that is currently responsible for policing the jurisdiction being transferred.

First option to transition to the new service should be offered to civilians who, in the sole discretion of the Chief of Police, meet the requirements of the Service and have indicated a desire to transition to the new agency.

❖ **Screening**

Members of the Ontario Provincial Police or Municipal Police Service of jurisdiction (sworn and civilian) may be required to engage in an employment process as set out by the policies of the police service they are applying to which could include application forms, background investigations and interviews.

❖ **Policing Assignments**

It is clear that the Chief of Police has the discretion to relocate personnel in the best interests of the community and the Service. However, it is suggested that consideration be given not to transfer an officer who transitions to the new Service of jurisdiction for the first three years after the hiring unless:

- The officer requests a transfer
- The officer is required to relocate for a promotional opportunity
- The officer is successful through the Rank Level Determination process, or
- The officer is unable in the opinion of the Chief to perform his or her duties effectively in the community they are currently policing

❖ **Orientation Training**

Police services are encouraged to provide orientation training for the transitioning officers and civilians who receive offers of employment in order to ease their transition into the police service.

❖ **Appointment**

At the time of appointment transitioning, officers may be required to take the Oath (or Affirmation) of Office and the Oath (or Affirmation) of Secrecy as required under the O. Reg. 144/91 made under the *Police Services Act*.

Civilian employees who transition to a police service may be required to take the Oath (or Affirmation) of Office and Secrecy and the Oath (or Affirmation) of Allegiance.

Uniformed and civilian members of the service are employees of the police services board of jurisdiction. As such, the members are represented by the appropriate local Police Association.

❖ **Compensation**

All salary and benefits for members who transition to the new police service of jurisdiction are subject to the terms and conditions set out in the Collective Bargaining Agreements that govern that service.

❖ **Probationary Period**

Any probationary period that may apply is subject to the policies of the police service of jurisdiction.

❖ **Rank Level Determination**

The Rank Determination process falls within the purview of the Chief of Police. However, any Board or Panel established to make such a determination should be structured in a way which ensures the process is meant to determine that the member possesses the required competencies (knowledge, skills, and abilities) of that rank. Also, the determination should not be based on the applicant's knowledge of the policy and procedures of the police service assuming jurisdiction.

In addition, consideration should be given to allow representatives from those police associations, impacted by the transfer of police jurisdiction, to be involved in the process of Rank Determination, if that involvement is requested by the Member standing the Board.

It should be the general practice to acknowledge that, subject to a favourable background investigation, a member who holds the confirmed rank of Sergeant should not be required to stand before a Rank Determination Board, unless the member:

- was confirmed in the rank of Sergeant subsequent to the date of the request for costing, or
- has been confirmed in the rank of Sergeant for less than one year prior to the date of the amalgamation, or
- was the subject of a background investigation which did not provide results adequate to determine the member's competency at the Supervisor (Sergeant) level.

It is within the purview of the Chief of Police to make the final determination of the assigned rank. The Chief's decision should be communicated to the applicant and the RLD Board members as soon as possible.

It is recommended that applicants identified for confirmation of rank in accordance with this process should receive supervisor/management training. The applicant must also work with their manager to create a Learning Plan designed to familiarize them with the police service policy, core values, and management philosophy.

Suggested Protocol for the Amalgamation of Two or More Municipal Police Services

➤ **Background**

The suggested methodology for the amalgamation of two or more existing police services, or the establishment of shared police services, outlined on the following pages, is similar to the process for other police service delivery reviews mentioned in this guidebook. It is recognized that the final agreement reached will depend on the requirements of the specific communities; however, there will be some commonalities with respect to the structure and process to be followed for the amalgamation.

➤ **Engagement**

As in any other process intended to review policing options, use of the best practices provided in the Business Conduct section of this document (including the formation of a steering committee) will help to ensure an open and transparent process.

The process flowchart in that section is intended to provide a framework for the municipality to follow. The chart provides a clear process from inception to the conclusion of the police service delivery review. Whenever possible, parties to a police service delivery review are encouraged to ensure that all meetings related to the process are open and informative.

➤ **Initial Meeting**

Objectives:

- To provide information to the involved organizations to ensure issues, constraints, and concerns can be discussed candidly, and to make a decision on whether or not to proceed.
- To determine if resolutions will be obtained from the Municipal Councils in support of the amalgamation process authorizing the formation of a Steering Committee.
- To study issues relating to the amalgamation or sharing of municipal police services.

Possible Agenda Items:

- Overview of the purpose of the meeting
- Introduction of partner organization representatives
- Discussion of proposal for change:
 - Background - contributing factors
 - Draft outline of process
 - Timetable - highlighting key tasks, deadlines
- Request for resolutions from the councils to continue investigation into alternatives

- Establishment of a Steering Committee and working groups
- Development of draft media release if required
- Establishing Steering Committee meeting schedule.

➤ ***Committees/Sub-Committees/Working Groups***

Working Groups or sub-committees may be necessary to complete work in support of the Steering Committee. An agreement should be reached by all participants on the mandate of the Steering Committee, Sub-Committees or Working Groups. Also, consideration should be given to the following:

- Budgets should be established for things such as travel, printing, meeting costs, consulting contracts, and other expenses that may be identified as necessary to support the process
- A cost sharing mechanism should be established for the participating organizations
- Meeting schedules, duration, and location should be decided in advance and, whenever possible, meeting locations should be rotated
- A Chair or Co-Chairs should be chosen from individuals on the Steering Committee who represent the governing or Municipal Authorities. In addition, a Chair should be selected for each Working Group.

➤ ***Issues for consideration***

The following captures some of the issues that may need to be addressed by the Steering Committee and Working Groups in order to develop the Amalgamation Agreement:

- Development of the Service Delivery Model and Service Levels, including police service delivery, dispatch functions and administrative services
- Organizational and reporting Structure of the police organization
- Itemized list and values of existing assets
- Financial liabilities of organizations
- Process for transfer of assets to the new organization and the disposition of liabilities
- Method of calculation for an adjustment factor to bring all municipalities to a common base following asset transfer (per capita or some other method of equitable assessment)
- Funding model for ongoing cost-sharing process between the police services boards, including recognition of services provided to the amalgamated police service by an individual municipality such as human resource management, accounting or payroll services
- Facility needs assessment and determination of facility locations
- Preparation of resolutions and presentation to Municipal Council(s)
- community meetings
- Timing and terms of agreement

- Police service board requirements, including the size, composition, remuneration, and the process to transition from current Boards
- Name of new police service
- Shoulder flash
- Motto/logo
- Utilization of auxiliary police
- Utilization of special constables

➤ ***New Police Services Board Responsibilities***

- Determining rank structure for the new police organization
- Negotiation of a collective agreement for the new police service with the appropriate bargaining units
- Budget development for new police service
- Selection of new Chief of Police and other senior managers
- Swearing in of all members of new police service and police services board
- New governance policies, procedures, by-laws, standards, codes of conduct
- Strategic planning and Board Business Plan development

➤ ***General Principles Regarding Human Resources***

- All organizations representing employee groups, including Chiefs and Deputy Chiefs, should be included in the process and should have equal representation before the Steering Committee
- Every attempt should be made to transition all current members of the organizations to the new agency. If that is not possible, ensure that proper severance is addressed
- Consideration should be given to ensuring that current salary and benefit levels are maintained
- Consideration should be given to ensure that all members' ranks/positions within the organizations are maintained in the new organization. If not, ensure a proper process is in place to determine ranks/positions within the new organization

➤ ***Policing Assignments***

It is clear the Chief of Police has the discretion to relocate personnel in the best interests of the community and the service. However, it is suggested that consideration be given not to transfer a member of the new police service for the first three (3) years after the amalgamation, unless:

- The officer requests a transfer
- The officer is required to relocate for a promotional opportunity
- The officer is unable in the opinion of the Chief to perform his or her duties effectively in the community they are currently policing

➤ **Possible Transitional considerations**

- Uniforms
- Crests
- Vehicles
- Radio licenses, CPIC ORI's, records management systems, etc.
- Revised policies and procedures, general orders, rules and regulations, operating procedures

➤ **Content of an Amalgamation Agreement**

Section 6(2) of the *Police Service Act* sets out the requirements for the content of an Amalgamation Agreement as follows:

(2) *The agreement shall deal with,*

- (a) *the establishment and, subject to section 33, the composition of a joint board for the amalgamated police force;*
- (b) *the amalgamation of the police forces and the appointment or transfer of their members;*
- (c) *the joint board's use of the assets and its responsibility for the liabilities associated with the police forces;*
- (d) *the budgeting of the cost for the operation of the amalgamated police force;*
- (e) *any other matter that is necessary or advisable to effect the amalgamation. R.S.O. 1990, c. P.15, s. 6 (2); 1997, c. 8, s. 6 (2, 3).*

Care should be taken to ensure all the requirements under section 6(2) of the *Act* are addressed prior to requesting approval from the Ontario Civilian Police Commission.

➤ **Approval Process**

An agreement for Amalgamation of Police Services cannot take effect until the Ontario Civilian Police Commission has approved the organization of the amalgamated police force.

The Commission will generally require the following:

- Copies of the resolutions passed by the Municipal Councils
- A copy of the draft agreement
- A description of the organization of the amalgamated police service and how it will provide policing in the future
- An outline of the process followed by the local authorities to obtain public input on the proposal
- Other materials that may be relevant or useful to the Commission in determining the issues outlined above

➤ ***Disbandment of Amalgamated Police Services***

In order to move forward with the new amalgamated police service, a request for the disbandment of the existing police services must be made to the Ontario Civilian Police Commission.

When making an application to the Ontario Civilian Police Commission to abolish the amalgamated police services, a copy of the resolutions passed by the Municipal Council and Police Services Board will have to be forwarded to the Commission. These resolutions must indicate the desire to abolish the municipal police service and enter into a new arrangement for policing services. Some of the documents that may be required are as follows:

- A draft of the proposed agreement to provide alternative police services and, in the case of an arrangement to receive policing by the Ontario Provincial Police, the costing proposal that has been accepted
- An outline of the process followed by the local authorities to obtain public input on the proposal
- Other materials that may be relevant or useful to the Commission in determining the issues outlined above

For more detailed information, please refer to the Section of the *Guidebook* that sets out information in relation to the Ontario Civilian Police Commission's Protocols for Section 6 Amalgamation Hearings and Section 40 Disbandment Hearings.