

2018 Ontario Association of Police Services Boards Annual General Meeting Executive Summary

The following is an Executive Summary of the items discussed at the Ontario Association of Police Boards Annual General Meeting which was held in Collingwood. I attended the meetings for two days, May 24th and 24th 2018.

Bill 175, The Safer Ontario Act for OPP Governors

This legislation was given royal assent the day prior the writ being dropped

Attached to this report is a summary that was provide to the delegates but I will provide some important key points of Bill 175.

The principles behind this Bill were as follows

- Increase Police Oversight
- Police Governance
- Modernize Labour Practices
- Section 10 Boards

The Regulations (in excess of 330) to this Bill still have to be worked on and presented.

Declaration of Principles

Point 7- The need to ensure that police services and police service boards are representative of they communities they serve. The Government wants to ensure that all cultures are represented by Police Services and Police Service Boards.

Ministers General Duties

3(1) © This is a new section.

Use of Personnel

Section 14(4) - Allows for contracting out of certain policing functions. The functions are listed in this section

Temporary Emergency Assistance

Section 19(6) - The Commissioner of the OPP shall provide temporary or emergency assistance is a request is made. The Commissioner shall decide when that assistance will stop when it is appropriate to do so. Charges for this assistance are to be applied to the Police Services Board requesting the assistance. Failure to pay for that assistance can be recouped via court action.

Appointment of Police Service Board Members

Section 33(4)-Now declares ineligible persons from serving on a Police Service Board.

- A Judge or Justice of the Peace
- A member of a police service, special constable or First Nation Officer
- A person who practises criminal law as a defence counsel or as a prosecutor
- A director, officer or employer of a prescribed policing provider
- Former member of a police service unless two years have passed since the person ceased to be a member of any police service, the police service board does not maintain a police service that the person was a member of

Oath, Training and Conduct

Section 35(1) - An oath or affirmation shall be taken when a person is appointed to a police service board

Training, Section 35(2), Members of police services boards are now required to take training courses that are at least five days in length. The required training is listed in this section. It should be noted that the actual training courses have not yet been developed. This is in progress. It also not known if the 5 days training would be 5 days in a block and the issue of who is responsible for the expense of this training or location of the training has not yet been determined.

Failure to take the training shall not exercise their powers or perform their duties.

O.P.P Detachment Board

Section 67(1) will replace Section 10 of the PSA with respect to O.P.P Detachment Boards

This section sets out that there shall be a board and the conduct of the board

Section 68(1) The O.P.P Detachment Board in consultation with the Commissioner will select the detachment commander and determine objectives and priorities for the detachment that is consistent with the strategic plan prepared by the Minister.

Provide an annual report to municipal council regarding policing provided by the detachment in their respective community.

Section 69-Set local policies in consultation with the detachment commander. I inquired if that permitted the detachment board could direct deployment (i.e. foot patrol). They did not know the answer to this.

Detachment Commander is to prepare a local action plan and consult with the Board, municipal council, band councils, and groups representing diverse communities in the area, school boards, community organizations, businesses and members of the public in the area in which receives the policing.

Ontario Provincial Police Governance Advisory Council

Section 72(1) this is a new addition.

Inspector General

Section 79(3) introduces an Inspector General which is covered off in Section 79(3). The Inspector Generals duties will include

- Monitor and conduct inspections of Police Service Boards, OPP Detachment Boards, Chiefs of Police, First Nation OPP Boards, specials constable employers, police services to ensure compliance of the Act.
- Consult with those mention above regarding compliance
- Monitor and conduct inspections to ensure compliance with the code of conduct
- Develop, maintain and manage records and conduct analyses regarding compliance with the Act and regulations
- Deal with complains under sections 83 and 84 and with disclosures of professional misconduct under section 136
- Submit annual reports to the Minister

Municipal community safety and well-being plan

Section 195(1) Every municipal council shall prepare and adopt a community safety and well-being plan. This plan must be in place by January 1st 2020.

Council is to create a committee which will research and provide input to the plan.

Committee members are to include the following;

- LHIN'S
- Mental Health Services
- Community Social Services
- Youth Services
- Social Services
- Municipal Council
- Police Service Board
- Municipal Employees
- First Nations Members

Failure to have the plan in place by the date in question will have a community safety and well being planner prepare a plan and the costs will be charged to the municipality (Section 195(10))

Council must adopt the plan and publish it once it is completed.

Private Sector Partnerships

There was a presentation on Private Sector Partnerships by Accident Support Services and Gardaworld Security. This was in response to Bill 175 Section 14 (4)

My thoughts are that is really is not a factor for our Board.

Gardaworld Security as well as the Canadian Corps of Commissionaires were present with display booths as well with several members present who were introducing themselves to Board members in attendance.

Cannabis Legislation Workshop

A panel discussion was held on the impending Cannabis Legislation legalizing Cannabis.

The proposed bill which is being reviewed in the Senate was discussed.

Highlights are as follows;

- Each residence will be permitted to grow up to 4 cannabis plants. There is no height restriction on the plants. A question was asked that if a person owned two residences (principal and a cottage for example) could that permit the individual have up to 8 plants. The panel could not answer that as the legislation was not clear.
- There is no limit to the amount of cannabis that a person can possess in their residence. This has caused concerns for a potential spike in home invasions.
- A person in public may have up to 30 grams of cannabis on their possession lawfully.
- A concern has been raised on the growing of cannabis plants in residence as to increased exposure to mold and fire hazards. This may have an affect on real estate deals
- In the US States that legalized cannabis, calls for police service increased within the first two years of legalization.
- Concerns were raised on storage at police facilities if a seizure takes place via warrant or other means. If person is found not guilty, they are entitled to their cannabis back. Storage for the time period from arrest to court date will be difficult. Thoughts were raised by the Provincial Government of offering a voucher for redemption at Provincial outlets. This is due to cannabis not storing well over a long period of time.
- Also concerned about long term storage in police facilities in the event there is cross contamination with other seized product that may be laced with something other than cannabis. The Police Service and Municipality would have some civil liability if this occurs. Overall, there is a concern that this will cause a financial burden to Police Services and the Municipality.
- The Bill also strengthens impaired driving laws for both alcohol and drug induced impairment
- Amendments will provide front line officers with new authorities and tools that include Oral Fluid Drug Screening. There are still some outstanding issues though. They are;
 - o Standards are still being developed
 - o Requires Attorney General Approval
 - o Funding for the Devices
 - o Forensic Lab Testing
 - o How to make the proper blood demands
- Enforcement challenges include By-law Vs. Police?
- Costs for enforcement actually went up significantly in the United States with legalization

Overall it was very apparent there still was much more work that was required by the Federal Government on the legalization issue prior to Royal Assent. There are a number of unknowns that come into play on this issue both from an enforcement and funding standpoint.

If you have any questions, please don't hesitate to contact me to ask.

Brian READ

Member

Brockton Police Services Board