

# **TOWN OF LEAMINGTON**

## **POLICING OPTIONS**

MPM Consulting

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## **Responsibility for Policing**

Section 4. (1) of the Police Services Act (the Act) clearly establishes policing as a municipal responsibility. It obligates municipalities to meet the core functions identified in Section 4. (2) of the Act as well as the minimum adequacy and effectiveness standards contained in Regulation (O. Reg. 3/99) of the Act. The Act also identifies a variety of options from which a municipality can choose to deliver this service. These include; establishing a municipal service, amalgamating their service with one or more other municipalities, contracting for police service from another municipality, or contracting police service from the Ministry of the Solicitor General through the Ontario Provincial Police (OPP).

The Town currently contracts policing from the Ministry. Amalgamation is not an option, so the only two alternatives to receiving police service from the OPP involve the re-establishment of a municipal police service or contracting with another municipality. This later option has recently become more viable because of a decision by the Ontario Civilian Police Commission (the Commission) in April 13, 2017 that permitted the Town of St. Mary's to contract for policing from the City of Stratford. Section 5. 4 of the Act limits municipal policing contracts to municipalities that are "contiguous" to each other, but the Commission used its authority under Section 5. 6 of the Act to allow the municipality to adopt a "different method of providing police services".

The Commission has had this authority since the Police Services Act of Ontario was passed in 1990, but the St. Mary's decision was the first time that it had been exercised. Since then the Commission has allowed the Town of Amherstburg to enter into a policing contract with the City of

Windsor although the two municipalities do not share a contiguous boundary.

## **Re-establish a Municipal Police Service**

This option is allowable under the Act but would be the most difficult to pursue. At least two municipalities have examined this possibility in the past few years, but it would require the construction or refurbishment of a building that meets all of the standards for a police facility. It would also require significant one-time, start up expenditures pertaining to capital costs for vehicles, uniforms and equipment. In addition, this option would need substantial administrative effort to create a new organization and recruit the uniformed and civilian members to staff it. The current Leamington Police Services Board would have to assume all the authorities and responsibilities that boards exercise in other municipalities that maintain a municipal police service.

## **Contracting for Service from another Municipality**

This option is viable and is one that is being explored by other Ontario municipalities as they seek to reduce policing costs and/or improve service. Thanks to the Commission decisions noted previously, Leamington has, potentially, three viable options. The Town could contract with Windsor, LaSalle, or Chatham Kent provided that those municipalities were willing to develop and present a proposal. Ideally, Leamington would initiate a competitive process, such as a “request for proposals”, in the hope of receiving at least two responses that could be compared with respect to the key policing priorities that Council established prior to initiating the competitive process.

## **Municipal Act**

The Municipal Act of Ontario provides another option in Section 189. This section allows an upper tier municipality to pass a bylaw to provide for the transfer of all or part of a lower tier power. Essex County could pass a bylaw transferring responsibility for policing from the lower tier of government to the County. This requires what is referred to as the triple majority. That is;

1. A majority of the votes at the County Council.
2. A majority of the seven lower tier Councils voting in favour of transfer of policing responsibility.
3. The total number of electors in the lower tier municipalities in favour of the County's bylaw must represent a majority of all voters in the County.

Based on the census data from 2016, this final factor (#3) might result in five of the seven lower tier municipalities being required to approve County Council's bylaw rather than the simple majority of four.

If responsibility for police service delivery was transferred to the upper tier, Essex County would have the same policing options to consider that the Town of Leamington has. That is; create a municipal (county police service), or enter into a county wide contract to obtain policing from another municipality or the OPP.

## Process

There is no rigidly defined process for exploring contract policing options. Leamington could contact one or more of the three municipalities and enquire what they would charge to provide contract policing to the Town. Another option, similar to the process recently followed by Amherstburg, would involve documenting the level of police service that is currently being received, determining what level of service the public expects or prefers, quantifying the individual criteria to the extent possible, and initiating a competitive process. While this is a more involved process, the Town determines what level of service is required and ensures that any contract for policing provides assurances that the Town is receiving the level of service, and human resources, for which it is paying. In this respect it more closely approximates the process normally followed when a municipality considers contracting out other public services.

In Amherstburg the municipal decision to contract with Windsor required approval from the Commission. This was granted after Commission members visited Amherstburg and completed a series of public hearings. Leamington could transfer policing from the OPP to a municipal police service without having Commission approval, or having its members hold any public hearings in Town, because the Commission only gets formally involved when it is required to use its authority to disband a municipal police service.

## **Factors to Consider**

Too often municipalities have only considered cost when determining what police service delivery option to choose. While cost is an essential criterion for decision making, two other significant elements should also be examined.

Firstly, the municipality must clearly understand the level of authority and influence it will be able to exert if it decides to transition to another police service option. The Act outlines the different methods for local, civilian governance that are allowable in each situation. In addition, in a contract policing situation the respective level of input for the contracting municipality can be defined within the contract itself.

Secondly, the level of service to be received should be clearly defined. Public expectations vary from municipality to municipality. If a municipality contracts for policing, Council should have a clear understanding of the level of service and the level of staffing that will be provided to the community, as well as the manner in which it will be provided. Almost ninety percent of police expenditures are payroll related and any evaluation of police budgets or chargebacks must be based on a fundamental understanding of the actual staff resources that are dedicated to the community. Ideally, Council should also have the contractual right to initiate mechanisms to ensure that the expected level of service and staffing are actually being received.