



Municipality of Port Hope

Staff Report

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Report Title: Community Safety and Policing Act, 2019 (CSPA) Section 22(2)2 Assuming Policing Responsibilities

Report to: Council

Date of meeting: November 26, 2024

Report Author:

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Department responsible:

Office of the CAO

Report Number: CAO-04-24

Recommended Action:

That Report CAO-04-24 be received for information.

That Council pass a Bylaw at the Meeting of November 26, 2024 to enter into an agreement with His Majesty the King in Right of Ontario as represented by the Solicitor General for the Commissioner to assume Policing Responsibility for the Rural Ward of the Municipality of Port Hope as per the Community Safety and Policing Act, 2019.

Highlights:

- Historically, policing in the rural ward has been provided by the OPP under the “Agreement for the provision of police services” according to section 10 of the Police Services Act (PSA).
- The Community Safety and Police Act (CSPA) came into force on April 1, 2024 and thereby repealed the PSA. This means that the PSA section 10 agreement is no longer in effect.
- To continue with OPP Police Services for the rural Port Hope area, the Municipality is required to enter into an “Agreement for the Commissioner to Assume Policing Responsibility” under section 22(2)2 of the CSPA
- Policing service delivery and billing remain the same and will be delivered based on the OPP’s integrated service delivery model and the OPP billing model.

Background:

The Police Services Act became law in 1990 as a legal means to define the role of all police forces in Ontario (excluding the RCMP). As of April 1, 2024 this act is repealed and is replaced with the Community Safety and Policing Act, 2019. The intent of the new act is to modernize policing, enhance oversight and address community safety.

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In December of 2019, the Municipality of Port Hope entered into a 5-year agreement with the Ontario Provincial Police (OPP) under the Police Services Act. This agreement incorporated a police services agreement for the Municipality with OPP highway patrol services and provincial responsibilities under one administration. With the repeal of the PSA, this agreement is null and void and a revised contract is required.

The relevant section (22) of the CSPA is included below:

22 Methods of providing municipal policing

Same — different methods in one municipality

(2) In the circumstances listed in subsection (3) and with the Minister's approval, the municipality may allow policing to be provided in more than one way in different areas of the municipality by doing either or both of the following:

1. Providing policing in different ways in different areas by doing more than one of the actions listed in subsection (1).

2. Entering into an agreement with the Minister to have the Commissioner assume policing responsibility for the area.

Circumstances

(3) Subsection (2) applies 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, and the policing responsibility will be split among those communities; or

(b) policing has historically been provided to one or more discrete areas of the municipality in a manner that is different from the manner policing is provided in the rest of the municipality, and the split will continue that historic difference.

Discussion:

The OPP has continued to operate within rural Port Hope without an agreement in place since April 1, 2024 but requires a formal Bylaw to continue to provide services. The contract may be terminated upon one-year written notice of termination, should Council elect to move forward with alternative policing solutions in future.

Financial Considerations:

There are no financial impacts for signing the agreement. The OPP billing model will not change.

Communication and Public Engagement:

Not Applicable

Conclusion:

As per the terms of the Community Safety and Policing Act, 2019 the Municipality of Port Hope is required to enter into an agreement with the Commissioner to Assume Policing Responsibility for the rural area in order to maintain OPP presence in the rural area.

The office of the Solicitor General has prepared a draft agreement which does not change service levels or billing models. Executing the agreement for the OPP to service the rural area supports public safety and is fiscally responsible. Should there be a desire to change the policing structure for the Municipality in future, this agreement may be terminated.

Attachments:

Attachment 1 - Draft CSPA Sec22(2)2 Agreement Port Hope

Attachment 2 - OPP 2024 Annual Billing Statement Port Hope

Attachment 3 - Draft Bylaw CSPA s22 agreement