



ONTARIO ASSOCIATION OF POLICE SERVICES BOARDS  
"Commitment to Excellence in Civilian Police Governance"

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November 25, 2013

Ms. Mary Silverthorn  
Provincial Commander, Corporate Services  
OPP Municipal Policing Bureau  
777 Memorial Avenue  
Orillia, ON L3V 7V3

Ms. Karen Maxwell  
Assistant Deputy Minister - Policy and Strategic Planning Division  
Ministry of Community Safety & Correctional Services  
George Drew Bldg  
9th Flr, 25 Grosvenor St  
Toronto ON M7A1Y6

Dear Commander Silverthorn and Assistant Deputy Minister Maxwell:

**Re: Ontario Provincial Police Alternative Billing Consultations**

I am writing on behalf of the Board of Directors of the Ontario Association of Police Services Boards to provide our views on the current proposal to revise the method of billing municipalities for Ontario Provincial Police Services.

Our remarks are based on a review of the proposal as outlined in the PowerPoint presentation distributed in late October 2013; consultations with a sample of our members and feedback received from our members who have attended the consultation sessions with municipalities particularly in north-western Ontario.

Our observations focus on three specific areas of concern – overall process including background research; process implications for citizen oversight of policing in municipalities that draw their policing services from the Ontario Provincial Police; and, the potential impact of the proposal on some municipalities.

**Process and Research**

OAPSB understands that the options considered in the on-line survey were derived from consultations with a randomly selected sample of approximately 49 municipalities. We believe that municipalities entering into these and subsequent consultations would have been well served through an independent survey of alternatives to police funding in other jurisdictions including international examples. This would have yielded a broader and conceivably more modern and creative menu of alternatives.

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OAPSB believes that the Billing Reform process would also have been well served by rigorous and independent research into variations in policing costs among Ontario municipalities deriving their service from the OPP. Many of our members have suggested to us that variability is not necessarily an indicator of unfairness. They suggest, for example, that high policing costs associated with commercial hubs can, to a degree, be regarded as a cost of doing business that is offset at the municipal level by higher tax revenue from the commercial activity. They have also suggested that some policing costs are occasioned by the existence of nearby unincorporated or other lands from which they derive no revenue – lands falling under the jurisdiction of other orders of government.

Understanding of the drivers would also help the Province and municipalities identify these anomalies and quite possibly other sources of revenue to help defray high policing cost in some municipalities.

Finally, OAPSB shares concerns of the Association of Municipalities of Ontario that the process will not address broader concerns about increasing policing costs. The “base plus calls for service” approach simply moves the burden around and tends to entrench the status quo policing model rather than serving as launching pad to meaningful change. Alternative approaches to OPP billing would have, in fact, been more appropriate if considered within the context of the broader FPAC process.

#### **Implications for Citizen Oversight of Policing**

OAPSB is very concerned that actions surrounding the Billing Reform process may have the effect, intentionally or otherwise, of reducing effective citizen oversight of policing among the 323 municipalities who derive their policing from the OPP.

Citizen oversight of policing independent of elected officials is an entrenched principle of democratic life with roots back to the nineteenth century and before. Ontario’s Police Services Act accords important oversight roles to Police Services Boards in municipalities with their own police services. The Act, unfortunately in our view, dilutes citizen oversight in municipalities with contracts for OPP Services and provides for little citizen oversight where there are policing arrangements pursuant to Section 5.1 of the Act.

We believe that it is an important responsibility of the Provincial Government to champion the concept of citizen oversight of policing particularly for Ontario municipalities that receive their police services from the OPP. This responsibility, in our view, extends to ensuring that communications present balanced information to municipalities when those communications might impact on citizen oversight.

As part of the Billing Reform initiative, Superintendent Philbin of the Municipal Policing Bureau has written to municipalities with expiring contracts signalling that it will not be possible to enter into new contracts until the new billing approach is determined. Municipalities have been offered the option of extending their current Section 10 arrangements or converting to a Section 5.1 arrangement. This communication has been supplemented by a “Fact Sheet” comparing the two policing arrangements.

Further to these two communications, we are advised by our members that some government/OPP representatives at the municipal consultations on billing reform have “appeared” to suggest that a Section 5.1 arrangement might have cost advantages to municipalities.

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We take no issue with the Municipal Policing Bureau making municipalities aware of their policing arrangement options. We do have great concern, however, that presentation of these options has not included a statement from government urging consideration of these options within the context of citizen oversight.

It appears to us that the Ontario Government has decided that the principle of citizen oversight is less important for municipalities receiving their policing from the OPP than it is for municipalities with their own police services. We noted a similar lack of concern for citizen oversight in the OPP provisions for consultations associated with the issuance of Conducted Energy Weapons.

#### **Potential Impact on Individual Municipalities**

We are concerned that the new billing approach has not been considered through the lens of the Province's rural agenda to strengthen rural communities. Many OAPSB members are concerned that an impact of the "base plus calls for service" approach to billing for OPP services will be felt most predominantly by rural municipalities where the assessment mix is largely residential, agricultural and forestry-related, with little or no commercial properties. The new formula will likely result in increased policing costs with no change in policing demand or levels of service.

One comment we have heard frequently is that the method of calculating OPP policing charges based on households does not take into account the other elements of municipal revenue – some of which, as noted above, are important consumers or drivers of policing services. One of our municipal members has observed that the proposed model based on per household costs "implies that only residential taxes pay for police services" which is clearly not the intent of our assessment and municipal taxation system.

Some small, rural municipalities report to us that their policing costs will increase several hundred thousand dollars per year when the new billing approach and labour settlements are taken into consideration. One estimate provided to us suggests that this will translate into a residential tax increase of more than 10% when fully implemented. The burden of increased costs is likely to be felt disproportionately by municipalities with high seasonal populations. Household based deployment and billing models assume a stable year round population whereas "cottage country" experiences significant population fluctuation and variable policing demand.

We raise the "impact on individual municipalities" issue fully understanding its complexities acknowledging that there is no easy pathway to ensuring equity in the assignment of OPP municipal policing costs. We do, however, suggest that shifting the burden around through alterations to the current billing regime begs the bigger question of overall fairness of the tax regime.

#### **Summary**

In summary, we would like to emphasize the following:

- There is a need to "retool" how the Province bills for the provision of policing services to municipalities but modification of the approach needs to be based on improved understanding of the "drivers" of policing costs and on an exploration of other options for paying for policing.

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- We fully agree that some municipalities pay very high costs for policing but this does not, in and of itself, equate to unfairness. Where policing costs are high due to factors beyond a municipality's control, such as unincorporated or other lands or unforeseen loss of a major industry, the province should provide assistance. Across the board redistribution of costs is not a wise response.
- The province needs to play a stronger role in building and defending mechanisms for citizen oversight that serve all taxpayers including those who contract for police services with the OPP.
- Future billing models should recognize complexities in the economic and taxation base of municipalities and ensure that it is not only the residential taxpayer that carries the burden of policing costs.
- The Province needs to consider their approach to billing for OPP policing services in light of their commitment to strengthen rural municipalities.

Yours truly,



Ken East  
President

c.c. Mr. Russ Powers, President, AMO  
Commissioner Chris Lewis, Ontario Provincial Police  
The Honourable Madeleine Meilleur, Minister Ministry of Community Safety & Correctional Services  
The Honourable Jeff Leal, Minister, Ministry of Rural Affairs  
Police Services Boards