



# FORMAL REPORT

**To:** Mayor Stratthdee and Members of Council

**From:** Brent Kittmer, CAO/Clerk

**Date of Meeting:** 25 April 2017

**Subject:** CAO 15-2017 Review of Police Service Delivery Alternatives

## PURPOSE

The purpose of this report is as a public disclosure of the Town's process of reviewing policing alternatives. The Town's application to the Ontario Civilian Police Commission (OCPC) for approval to contract with the Stratford Police service has been approved, and Staff is seeking direction from Council to move forward with negotiating a contract for service with the City of Stratford.

## RECOMMENDATION

THAT the CAO be directed to commence negotiations with the City of Stratford for a contract for service for providing policing in the Town of St. Marys.

## BACKGROUND

Presently the Town of St. Marys is policed by the Ontario Provincial Police as provided for under Section 5.(1)(5) of the *Police Services Act*. Although the Town has continued to fulfill its legislative requirement to provide adequate and effective policing by contracting with the OPP, Town Council has found that this policing model does not always achieve the level of service desired by Town Council and residents.

Accordingly, Council initiated a service delivery review and requested that the CAO present a report reviewing alternative methods for providing policing in the Town:

### ***Resolution 2016-09-13-17***

*THAT Council directs the CAO to review alternative methods for delivering police services in the Town of St. Marys, including contracting with the Stratford Police Department, with a report to be considered by Council no later than the second meeting in October 2016.*

A first report was provided to the St. Marys Police Services Board and Council in October of 2016 via staff report CAO 49-2016. The staff report presented seven possible alternatives for providing policing services in St. Marys which are allowed under the Police Services Act, complete with an analysis of each:

***Alternative 1: The council may establish a police force, the members of which shall be appointed by the board under clause 31 (1) (a).***

The option to reconstitute a municipal police force was considered in Town Council's review as this was assumed to be the alternative that would provide for the most direct control over local police service levels.

Through review, it was determined that Year 1 costs for the Town would be \$3,020,000 plus any lifecycle replacement costs that are placed into reserve. After Year 1 the annual operating budget would be approximately \$2,634,000. Not considered in this costing was the requirement to contract with other police forces for specialized services (for example, the costs of contracting with a tactical unit, hostage support, explosives response, etc.) to meet the minimum requirements of O. Reg. 3/99 *Adequacy and Effectiveness of Police Services*. The Town would also have to budget for a police headquarters and necessary prisoner detention facilities.

Although the alternative of reinstating a municipal police force represented the highest degree of control for the Town over local policing levels, this alternative was ultimately rejected as being an unreasonable cost increase compared to the current policing model which was \$1,167,211 for 2016 and \$1,155,089 for 2017.

***Alternative 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).***

The Town investigated this alternative and found that its natural municipal partner is the City of Stratford given its close geographical proximity to the Town. As a part of the review of policing options, the Town did discuss the alternative of establishing a joint Police Services Board with the City of Stratford. The City confirmed that it would be interested in providing police services to the Town, but not under this section of the Act at this point in time.

As a result, this alternative was rejected.

***Alternative 3: The council may enter into an agreement under section 6 with one or more other councils to amalgamate their police forces.***

This option did not apply to the Town of St. Marys as the Town does not have a current municipal police force to amalgamate with another municipality.

***Alternative 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.***

This option did not apply because the Town of St. Marys is not contiguous with a municipality that receives police services from a third municipality.

**Alternative 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.**

This alternative represents the current policing arrangement in the Town of St. Marys where the Town directly contracts with the OPP.

The review carried out by the Town was driven by concerns about the level of service that is provided to the Town. Establishing the current service level provided through the OPP contract model was critical to the Town’s comparison of the policing options available. The Town drew from several sources to help define the service level provided by the OPP, but found that it was difficult to establish the actual level of service provided in the Town.

The police services agreement between the Town and the OPP provides the following description which relates to the level of service provided to the Town:

- The OPP will provide “adequate and effective” police services in accordance with the needs of the Town, including agreed upon by-law enforcement. “Adequate and effective” police services means meeting and maintaining the mandatory standards of O. Reg 3/99.
- Provide any additional services requested by, and dedicated to, the Town on a “for cost” basis.

Within the January 2015 “Contract Policing Proposal” provided to the Town by the OPP the following service levels are articulated:

- All existing community service programs and community policing committees will be maintained. Any new community service program or committee may be implemented after agreed upon by the Board and the Detachment Commander.
- Access to additional staff from neighbouring detachments, as the need arises.

Neither of these service level descriptions provided sufficient detail to be able to compare OPP service level and operational plan to the other alternatives considered. Through further conversation with the OPP the Town was able to determine: that the Town does not have a dedicated officer in St. Marys, and the detachment does not guarantee there will be an officer in Town twenty-four hours per day especially if crime levels do not justify regular or focused patrols. To meet the mandatory standards of O. Reg. 3/99 an OPP officer is always available for response, but may have to respond from outside of St. Marys if they are stationed in another part of the County. As necessary, additional resources can be called upon if the situation specific response requires those resources. There is currently one service level enhancement provided to the Town through the provision of a school resources officer. This position has been modified over the years and is currently equivalent to 0.25 of an officer (one officer, shared between two locations, when the officer rotates through day shift).

The second key indicator used when comparing the service delivery options was the cost of policing. The Town’s cost for OPP services over the past several years under the contract policing model is shown below:

	2010	2011	2012	2013	2014	2015*	2016*	2017
Cost	1,346,108	1,389,212	1,441,215	1,418,912	1,531,380	1,173,755	1,167,211	1,155,089
Credit	(173,833)	(110,055)	(111,672)	(113,519)	(352,227)			
<b>Net</b>	<b>1,172,275</b>	<b>1,279,157</b>	<b>1,329,543</b>	<b>1,305,393</b>	<b>1,173,153</b>	<b>1,173,755</b>	<b>1,167,211</b>	<b>1,155,089</b>

\* 2015/2016 are subject to wage settlement reconciliations that will be billed in 2018.

Because the Town was interested in having a higher service level for policing, the Town learned that service level increases are possible with an approximate cost of \$200,000 per officer required to achieve the service level desired.

**Alternative 6: With the Commission's approval, the council may adopt a different method of providing police services. 1997, c. 8, s. 4.**

In this alternative the Town focused on researching a "for service" contract with the City of Stratford. Although the City and the Town are not contiguous, the City of Stratford was viewed as a natural partner with the Town given the City's close geographic proximity to St. Marys and the two municipalities' long history of sharing services.

The City of Stratford was asked to provide a detailed operational plan for policing the Town, complete with a detailed costing summary. The minimum requirements for service level that the Town stipulated was that the requirements of O. Reg. 3/99 had to be met.

Within Stratford's proposal, the level of service to the Town for day-to-day policing is described as:

- A total staff complement of 5.0 full time constables.
- One dedicated officer to work Monday to Friday on alternating shifts of 8:00 am – 4:00 pm and 2:00 pm – 10:00 pm. This officer would have the duties of community resources, school officer, daytime calls for service, and follow-up investigations.
- Four dedicated officers for 24-hour patrol (i.e. one cruiser on patrol 24 hours per day).
- Access to additional resources as situation dictates either through Stratford Police Services own staff, or reciprocal support agreements with other police forces.
- An option to employ cadets for increased service levels.
- An option to hire bike patrols as an added cost to the contract. In the summer months, these increased bike patrols have the option of being performed by Police Foundation students as is the current practice in Stratford. The students can also be responsible for by-law enforcement.

To ensure that The Town of St. Marys has the ability to have input into local policing priorities and objectives, the City of Stratford proposed that the St. Marys Police Services Board be replaced by a local Community Policing Advisory Committee. The Community Policing Advisory Committee would meet with the Chief on a monthly basis and would have the same responsibilities that the Town's current Police Service Board has been provided under Section 10.(9) of the *Police Services Act*.

The price proposal for the City of Stratford to provide services to the Town is:

- Annual operating costs: \$929,953.12
- One-time start-up costs (capital equipment): \$308,584.47

Under the Stratford model, Year 1 costs for the Town would be \$1,238,537.59. After Year 1 the annual operating budget would be \$929,953.12. The Town would have options to purchase additional services if and when periodic service level increases are needed.

The proposed term of the initial contract with the City of Stratford for policing services is five (5) years.

**Alternative 7: OPP default policing as provided for under 5.1 (1) of the Police Services Act.**

The final alternative considered was to have the OPP provide services on a "no contract" basis. Under this model, the Town would pay a fixed fee to the Province for the OPP to provide a base level of policing, and then pay a "fee per service call" for all other services rendered.

This option was found to be the one that would result in the lowest level of service and the lowest costs to the Town. Given that this review was undertaken due to concerns with the current level of service in St. Marys, this option was rejected.

At their October 19, 2016 meeting the Police Services Board considered each of the seven possible options for policing and made the following recommendation to Council:

**Moved by: Board Member McAsh**

**Seconded by: Board Member Stam**

*THAT the PSB recommends to Council that the Town pursue further investigation into the Stratford policing model.*

**CARRIED**

Council considered the same report, and the recommendation from the Police Services Board, at the October 25, 2016 meeting and passed the following resolution:

**Resolution 2016-10-25-21**

*THAT the Town pursue further investigation into the Stratford policing model.*

**CARRIED**

The Stratford Police Service was then asked to prepare a detailed proposal including an operations plan and costing summary to police the Town, and presented that proposal to a joint meeting of Town Council and the St. Marys Police Services Board on January 10, 2017. That same evening, a public meeting was held to hear from the public in regards to the Town's proposal to contract with the City of Stratford for Policing.

Key to Council's consideration was the comparison of the current OPP policing model to the proposed Stratford model. A summary of the key points of each policing model is provided below:

	<b>OPP Model</b>	<b>Stratford Model</b>
Service Level	<ul style="list-style-type: none"> <li>Officer available to respond 24/7.</li> <li>0.25 of a school resource officer.</li> <li>Access to Provincial resources as situation dictates.</li> <li>Opportunity to increase service levels by hiring additional officers at \$200,000/year (estimate).</li> <li>Fully compliant with requirements of O. Reg. 3/99</li> </ul>	<ul style="list-style-type: none"> <li>One (1) officer stationed in St. Marys 8 hours per day, 5 days a week, rotating on day and afternoon shift, acting as school resource officer, local investigator, and responding to calls for service.</li> <li>One (1) officer on patrol 24 hours per day, 7 days per week.</li> <li>Opportunity to increase service levels by hiring cadets at \$45,000/year.</li> <li>Opportunity to increase service levels by hiring police foundations students for park patrol and by-law enforcement.</li> <li>Access to additional resources as situation dictates either through Stratford Police Services own staff, or reciprocal support agreements with other police forces.</li> <li>Fully compliant with requirements of O. Reg. 3/99.</li> </ul>
Year 1 Costs	\$1,155,089 <sup>1</sup>	\$1,238,537.59
Year 2+ Costs	TBD <sup>1</sup>	\$929,953.12 <sup>2</sup>

In addition to the service levels and costing above, the following risks to contracting with the Stratford Police service were considered with their respective risk management plans:

- 1. Proximity and response time:** Given that the Town of St. Marys and the City of Stratford are not contiguous, there is a natural concern that responses to calls for service will be delayed. This concern was quickly put to rest when the Stratford model was compared to the current OPP model.

The OPP detachment that serves St. Marys is located in Sebringville which is north of St. Marys and is approximately a 20.1 km or a seventeen (17) minute drive. Comparatively, the Stratford police headquarters is located at 17 George Street in Stratford which is approximately 20.3 km or a twenty-three (23) minute drive.

In practical terms, the Stratford officer deployment model represents an advantage compared to the current OPP officer deployment model. Stratford plans to have an officer stationed within the Town twenty-four hours per day whereas the OPP only commits to having an officer available to respond twenty-four hours per day (not necessarily stationed within the Town).

The ability for the Stratford Police Service to respond to St. Marys calls in a timely fashion was determined not to be a concern.

- 2. Public buy-in for the change from the OPP:** When considering the change to the Stratford Police Service there was a concern that the public may view this change as impacting community safety. Since undertaking the review of policing alternatives public comments have been collected by the Town in both a formal and informal manner.

A formal public meeting to collect feedback was completed at the January 10, 2017 regular Council meeting. In total, nineteen (19) members of the public and press attended the public meeting. The Town received three (3) oral submissions from members of the public and no written submissions as a part of the public meeting. Two (2) of the oral submissions were in favor of the change to the Stratford Police Service, and one (1) asked general questions. Councillors have also reported receiving a number of informal comments from residents in support of making this change.

Since the time of making a submission to the OCPC, the Town has received one (1) formal submission and two (2) informal submissions expressing concerns with the Stratford Police Service's statistics reported in a Globe and Mail article re: Unfounded Sexual Assaults. The Mayor, Councilor Van Galen (as Chair of the PSB) and the CAO have met with the Chief of Police for Stratford to complete our own due diligence on these concerns. We have learned of the internal review that is being completed in Stratford, with oversight being sought from a third-party. The Stratford Police Service has committed to keeping the Town briefed on the results of their review. The Police Services Board has exercised its due diligence by broaching this same issue with the OPP where the Board learned of the internal review being completed by the OPP.

After review, it was determined that there appears to be public support for this policing change.

- 3. Risk of financial exposure:** When considering the change to the Stratford Police Service there was a concern of potential financial risk exposure for the Town. The exposure was perceived as arising from the risk of a significant policing event occurring in the Town, and the resultant cost (i.e. a homicide investigation, hostage event, disaster, etc.). Under the current arrangement of contracting with the OPP if an event like this were to occur the Town pays no additional cost if there is a Provincial responsibility to respond.

If an event like this were to occur under the Stratford model there was a question of what the direct cost to the Town would be. As a part of the Town's due diligence, the Stratford Police Service was asked to comment on if additional costs would be borne by the Town as a result of a response to a significant policing event. Stratford was also asked how often their police service was drawing on the specialized policing services available to their department through reciprocal support agreements.

The Stratford Police Chief confirmed that in the instance of a major event, the Town would have to pay for costs incurred in that response. The Chief's response was qualified with an explanation that, as currently constituted, the Stratford Police Service is able to provide almost all services directly and is rarely calling in aid from other police services. The Chief further explained that each time the Stratford Police Service has had to draw on their reciprocal support arrangements with other police services there has been no charge.

When reviewing the change to the Stratford model this financial risk was carefully considered, but it is a risk that the Town can manage now that it is understood. If the Stratford model is approved by the Commission, the Town will take steps to establish its own police cost stabilization reserve so that costs outside of the annual contract can be funded. It is proposed to fund the reserve from the annual savings realized from switching from the OPP model to the Stratford model (i.e. in contract years 2 and on, the Town will internally charge itself the same for policing costs and deposit the surplus into a reserve until the reserve balance reaches a desired level).

After review, the risk of financial exposure was deemed to be manageable.

- 4. The Stratford Police Services model will not meet the requirements of O. Reg 3/99 Adequacy and Effectiveness of Police Services in their service delivery to the Town of St. Marys:** Within the Town's review the Stratford policing model there was a question of whether or not the Stratford Police Service will be able to maintain the minimum requirements of O. Reg 3/99 while policing St. Marys. The Stratford Police Chief was asked to provide confirmation that the Stratford Police Services operational plan for policing St. Marys will remain compliant with all statutory requirements.

As a part of the City of Stratford's detailed proposal to the Town, Chief Bellai provided confirmation that Stratford's delivery of police services in St. Marys will be fully compliant with O. Reg. 3/99. The OCPC considered this information within the Town's submission to the Commission and did not have any concerns with the ability of the Stratford Police Service to meet the legislated requirements for service levels.

Through its final review of policing alternatives St. Marys Town Council carefully considered the service level, costs, and risk of entering into a cost for service relationship with the City of Stratford for policing. Through the following resolution Council decided that the Stratford policing model was the preferred alternative for the Town, and provided direction to the Chief Administrative Officer to make an application to the Ontario Civilian Police Commission for approval of this model:

***Resolution 2017-01-10-06***

*THAT Council for the Town of St. Marys supports the Stratford policing model as the preferred method for providing policing within the Town, and*

*THAT the Chief Administrative Officer be directed to make a submission to the Ontario Civilian Police Commission requesting that the Commission provide approval of the Stratford policing model for the Town of St. Marys per Section 5.(1)(6) of the Police Services Act.*

**CARRIED**

## REPORT

The submission to the OCPC requesting approval of the Stratford Policing model was made on January 13, 2017. The decision from the OCPC was received by the Town on April 13, 2017 and approves the Town making this change. The Order from the OCPC is attached to this report for Council's information. The approval comes with two conditions:

- The Town must negotiate a contract for service with the Stratford Police Service, and submit a copy of the executed agreement to the OCPC as proof of policing in Town.
- The Town must develop a terms of reference for the proposed Community Policing Advisory Committee that is compliant with the requirements of the Police Services Act.

The Town's contract with the OPP expires on December 31, 2017 and we expect the Stratford Police Service to assume policing of the Town as of January 1, 2018. The Stratford Police Service prefers a ten (10) month period for transition, but is committed to working towards this expedited timeline.

The first step in the transition process is to negotiate a contract for service, and staff are seeking Council's approval to begin this process. As per previous police negotiations, the contract for service will be negotiated by staff and vetted through the Police Services Board for recommendation to Council.

In addition, the practical steps of transitioning from one contract service provider to another will need to be addressed. The OPP is supportive of meeting with the Town and the Stratford Police Services to begin this planning process.

## SUMMARY

The Town's application to the Ontario Civilian Police Commission to enter into a contract for service with the Stratford Police Service has been approved. The Town's contract with the OPP expires as of December 31, 2017 and the contract with the Stratford Police Service will need to be in place for January 1, 2018. Negotiating the agreement with the Stratford Police Service needs to be started as soon as possible, and staff are recommending that Council provide direction to begin this process immediately.

## FINANCIAL IMPLICATIONS

The financial implications of the current OPP policing model to the Stratford policing model are shown in the following chart for comparison purposes:

	OPP Model	Stratford Model
Year 1 Costs	\$1,155,089 <sup>1</sup>	\$1,238,537
Year 2+ Costs	TBD <sup>1</sup>	\$929,953 <sup>2</sup>

### Notes:

1. This cost is reflective of the 2017 annual billing statement. Not included are the reconciliation costs for wage settlements for 2015 and 2016 which will be applied to the 2018 billing statement.
2. This cost does not include the cost of contribution to a lifecycle replacement reserve or an inflationary increase which still needs to be negotiated.

Once the new policing model is implemented, it is staff's recommendation that the Town establish a police cost stabilization reserve. Staff proposes that this reserve be funded from the savings realized by the changeover to the Stratford Police Service, and that the reserve serve as a cost buffer in the event that actual costs incurred in a given year exceed budgeted amounts.



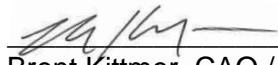
**OTHERS CONSULTED:**

Inspector Rob Scott, Perth County OPP Detachment Commander  
Chief Mike Bellai, Chief of Police, City of Stratford

**ATTACHMENTS:**

1. April 13, 2017 Decision from the Ontario Civilian Police Commission.

Respectfully submitted,



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Brent Kittmer, CAO / Clerk