

OCCPS Disbandment Decision DSB #09-01

OXFORD COMMUNITY POLICE SERVICE
Applications for Consent to Contract Policing Arrangement
and Reduction of Municipal Service

Presiding OCCPS Members:

Murray Chitra, Chair
Hyacinthe Miller, Member

Appearances:

G. Christie, counsel for OCPS and City of Woodstock
W. McKaig, counsel for Townships of Norwich,
Blandford-Blenheim and
East Zorra-Tavistock
I. Roland, counsel for Oxford Community Police Assn.
Sgt. C. Butler, Contract Policing Section, OPP
R. Fraser, Chief, OCPS
Insp. J. Goodlett, Oxford Detachment Commander, OPP
D. Preston, Police Services Advisor, MCSCS

Heard:

May 14, 2008

Date of Decision:

September 4, 2009

JOINT POLICING AGREEMENT - Application for consent to allow contract policing and reduction of municipal service - Oxford Community Police Service comprising three townships and city of Woodstock - Townships resolving to withdraw from joint policing arrangement and to contract with OPP for policing - Woodstock resolving to continue with renamed, restructured and reduced municipal service - Proposals would allow citizens to continue to receive adequate and effective policing - Consent granted subject to conditions.

ADEQUACY AND EFFECTIVENESS - Townships resolving to withdraw from joint policing arrangement while city opting to continue with renamed, restructured and reduced municipal police service - Proposed arrangements assessed with respect to human resources, deployment, communications, facilities, equipment and training - Proposals allowing for continuation of adequate and effective policing - Consent granted subject to conditions including retention of critical officer skills in municipal service.

SEVERANCE - Application for consent to allow contract policing and reduction of municipal service - Proposals providing for continuation of adequate and effective policing - Under city's proposal fourteen officers subject to termination - OPP prepared to offer employment to terminated officers - Board and Association resolving some issues relating to transfer of officers - Consent granted subject to conditions including arbitration of any outstanding severance issues.

Summary of Reasons for Decision

The townships of Norwich, Blandford-Blenheim and East Zorra-Tavistock and the city of Woodstock were all located in Oxford County, which comprised eight area municipalities. In 1998 the Commission consented to a proposal from these four municipalities to establish a joint municipal police service. Accordingly the Oxford Community Police Service (OCPS) was established on February 1, 1999. In 2007 and 2008 the municipal councils of the three townships passed resolutions agreeing in principle to contract policing proposals presented by the Ontario Provincial Police (OPP). Each of the three townships had held public meetings prior to adopting their resolutions. Faced with the proposed withdrawal of the townships from the joint policing arrangement, the city of Woodstock resolved to continue

with a local municipal police service, to be renamed the Woodstock Police Service. The Woodstock proposal called for a reduction in uniform strength of 14 officers. The townships and the city applied to the Commission under s. 40 of the *Police Services Act* for its consent to the contract policing arrangement and the reduction of the police service for Woodstock.

On May 14, 2008 the Commission held a public meeting to receive these proposals and to accept public submissions on three questions: 1) whether the proposed contracts for integrated OPP policing in the townships would allow those communities to continue to receive adequate and effective policing; 2) whether the city of Woodstock would continue to receive adequate and effective policing under the proposed reduction and restructuring of OCPS into a municipal service; and 3) whether members of OCPS were liable to termination and if so, whether the parties had agreed on severance issues.

The OPP currently policed four municipalities in Oxford County. The OPP proposal involved the creation of an integrated detachment to provide policing for seven of the eight County municipalities. The detachment would continue to be managed and supervised by a Detachment Commander, a commissioned officer at the rank of inspector. Both the uniform and civilian complements would increase, as would the number of uniform supervisors. Each township would form a patrol zone, with 24/7 patrol coverage. Proposed equipment would not be reduced, and in some instances would increase. The existing detachment headquarters and satellite office would continue to be used. In addition, reporting centres would be established in the three townships. Existing secure holding facilities would continue to be used and a third civilian court officer would join the current complement of two court officers. With respect to communications, residents of the townships would not experience any changes to the 911 system; and the OPP

Communication Centre in London would continue to provide support services.

The renamed/restructured Woodstock Police Service would have a total sworn officer complement of 63 officers, supported by a staff of 25 full-time civilians and 12 part-time civilians. Patrol coverage would be 24/7. Existing departments including criminal investigations, domestic violence, drugs & intelligence, community services/crime stoppers, canine and traffic enforcement would be maintained. The service would use existing equipment. Current facilities consisting of a service headquarters and a satellite facility would also continue to be used. With respect to communications, the OCPS was in the process of replacing/upgrading analog vehicle and handheld radios. Following the reduction, the service would continue to provide 911 dispatch emergency medical service for the County of Oxford. Fourteen officers were liable to termination if the proposals were approved. All would be offered employment with the OPP. The Board and the Association had already had considerable discussion about identifying surplus officers. Attempts were being made to accommodate officer preferences; however no supervisors or specialist constables would be eligible to move to the OPP.

Held, applications granted subject to conditions.

Section 4(1) of the *Police Services Act* imposed upon all municipalities an obligation to provide adequate and effective police services. A police service, in order to be adequate and effective, had to have the necessary staff, administration, equipment, infrastructure and facilities to perform certain minimum functions: crime prevention, law enforcement, assistance to victims of crime, maintenance of public order and emergency response (ss. 4(2) and 4(3)). A municipality could provide policing by establishing its own

force, by entering into a joint arrangement with another municipality, or by contracting for services with the OPP.

In this case the applicants proposed to dissolve a joint policing arrangement and to reduce, restructure and rename the existing force serving the city of Woodstock. In order to grant these applications, the Commission had to be satisfied that the proposed arrangements met the requirements of ss. 4(2) and 4(3), as well as the requirements of s. 40, which provided that adequate severance agreements must be in place for any members terminated as a result of the abolishment or reduction of a police service.

Commission decisions in the past had posed different tests to determine adequacy, including comparative tests, both historical and geographical.

With respect to the staffing component of the OPP proposal, the number of constables would increase by 22; there would be an additional sergeant, and three additional administrative support staff. The proposed police to population ratios were low for each of the three townships. In terms of workload, as measured by reported occurrences and criminal offences, the proposal represented a manageable workload for all three townships. Furthermore, the officers would be deployed in an integrated policing arrangement as part of a larger regional policing organization, and would thus have access to a larger pool of resources. The overall police to population, officer to crime and supervisor to constable ratios were acceptable.

Detachment headquarters would remain at the present location, and would be sufficient to accommodate the additional officers. The Commission had approved this facility in **Town of Tillsonburg** (June 13, 2000, OCCPS). The satellite office in Ingersoll would continue to be open to the public Monday to Friday, 8:30 a.m. to 4:30 p.m. Although the reporting centres to be established in each of

the townships would not be staffed on a regular basis, exterior mounted telephones that connected to the Provincial Communications Centre in London would be installed for the public. Finally, the proposed additional equipment was satisfactory.

Thus measured both historically and comparatively, the three township proposals represented adequate and effective policing arrangements.

For Woodstock, the officer complement would be reduced from 85 to 63. The proposed complement would still represent a manageable workload (officer to criminal offences), but would have to be adjusted if the current slight upward trend in occurrences continued. The ratio of supervisors to officers was also acceptable.

Officers would patrol in five patrol zones, deployed from facilities already approved in previous Commission decisions. Existing equipment would be used. The proposal also called for an enhanced and improved communications and dispatch system.

The fourteen officers who stood to be terminated as a result of the proposal had been offered employment with the OPP. The Board and the Association had held discussions concerning the proposed terminations and some severance issues had already been resolved. The Association had identified a suitable number of front line officers who were interested in moving to the OPP. The Board and the Association were agreeable to remitting any outstanding disputes to arbitration.

Thus the proposal for a restructured/renamed Woodstock Police Service likewise satisfied the adequacy and effectiveness requirements of the *PSA*.

Accordingly the Commission consented to the applications. The Woodstock application was subject to two conditions: that any outstanding severance issues would be submitted to arbitration, and that the OCPS Board would confirm that the transfer of officers to the OPP would not represent a material loss of critical skills to the proposed Woodstock Police Service.

Statutes cited

Police Services Act R.S.O. 1990, c.P.15 as amended, ss. 4(1), 4(2), 4(3) and 40

Authorities cited

Municipality of Chatham-Kent (Aug. 14, 1998, OCCPS)
Township of Atikokan (July 20, 1995, OCCPS)
Oxford Community (Dec. 18, 1998, OCCPS)
Wellington County (July 19, 1999, OCCPS)
Town of Tillsonburg (June 13, 2000, OCCPS)
Regional Municipality of Haldimand-Norfolk (Sept. 24, 1998, OCCPS)
Brant County (June 2, 2000, OCCPS)