

ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES**IN THE MATTER OF** an application for consent to
the abolishment of the Essex Police Service**Presiding Members:**

Dave Edwards, Member
Hyacinthe Miller, Member

Appearances:

Inspector Rick Derus, Essex OPP Detachment Commander
Tom Gervais, Police Services Advisor, Ministry of Community Safety
and Correctional Services
Chief Roger Hollingworth, Town of Amherstburg Police Service
Wayne Miller, Chief Administrative Officer, Town of Essex
Constable Mike Primeau, President, Town of Essex Police Association
Sergeant Dino Tsitomeneas, OPP Contract Policing Bureau

Meeting Date: Monday, September 8, 2008

The Town of Essex is located in the southern-central portion of Essex County. It is a municipality of some 287.34 square kilometres, located approximately 12 kilometres from the City of Windsor. The Town shares borders with the Town of Tecumseh and the Town of Lakeshore to the north, the Town of Kingsville to the east, the Town of Amherstburg to the west and Lake Erie to the south.

The Town has 4 urban areas, namely Colchester Village including the lakefront, McGregor and the former Towns of Essex and Harrow. These areas contain 80% of the population and comprise approximately 11% of the land area of the municipality. The balance of the land area is predominately agricultural.

In August of 1996, the Commission consented to an application by the municipalities of Colchester South and Harrow to establish a joint service called the Colchester South and Harrow Police Service.

The Town of Essex was incorporated on January 1, 1999 as a result of the amalgamations of the former Corporation of the Town of Essex, the Corporation of the Township of Colchester North, the Corporation of the Township of Colchester South and the Corporation of the Town of Harrow.

In December 1998, the Townships of Colchester North and Colchester South and the Towns of Essex and Harrow received approval from the Commission to amalgamate their police services and establish the Town of Essex Police Service.

The Process:

On March 19, 2007 the Council of The Corporation of the Town of Essex ("Town of Essex") passed Resolution R07-03-136 requesting that the Ontario Provincial Police ("OPP") provide a cost estimate for the provision of police services for the Town of Essex. The Resolution also directed the establishment of the Police Ad Hoc Study Committee (the "Study Committee") to review policing within the Town of Essex.

On May 2, 2007 the Ministry of Community Safety and Correctional Services granted approval for the OPP to provide a costing proposal to the Town of Essex.

An OPP Contract Policing Proposal was prepared and presented to the Town of Essex Council at a Public Meeting held on February 13, 2008 by the Town's Director of Finance & Administration/Treasurer.

On March 17, 2008 the Council of the Town of Essex passed a resolution accepting the Contract Policing Proposal presented by the OPP. During the period March 26, 2007 to April 15, 2008, the Study Committee met 21 times. Ten public meetings/open houses were scheduled and advertisements posted on the Town's website and in local area newspapers.

The first consultation included a presentation explaining the OPP costing process and was followed by an open house. Town residents were able to discuss the process with members of the Committee and voice concerns, offer suggestions and recommendations about policing services in the Town of Essex. Representatives of the OPP Contract Policing Section conducted interviews and consulted with a cross-section of residents, business owners and municipal officials. They also made presentations to Council and residents. Members of the Essex Police Services Board and the Association were also in attendance at these meetings. Six separate meetings and open houses were held - two on June 19, 2007 in Essex, two on June 20, 2007 in McGregor and two on June 25, 2007 in Harrow.

Open houses were held on February 20, 2008 in Harrow, on February 26, 2008 in Essex and on March 1, 2008 in McGregor to provide residents of the Town of Essex with an opportunity to meet with representatives of the Police Ad Hoc Study Committee and the OPP to discuss the OPP Contract Policing Proposal. On March 10, 2008 the Police Ad Hoc Study Committee held a public meeting at the Essex Civic Centre. The majority of Council and the Essex Police Services Board attended and the community had a final opportunity to share their views on the future of policing services.

On the Town's web site was information on the OPP Costing process. Residents could also submit comments using a form available on the Town's website and at the Municipal Office.

On March 27, 2008 the Town wrote to the Commission requesting approval to disband its police service. The Commission requested, and received, detailed background information from the Corporation of the Town of Essex and the Essex Police Services Board. It was agreed at the Commission's monthly meeting in Toronto on June 9, 2008

that a public meeting would be held to consider these matters. The meeting was scheduled for September 8, 2008 at 7:00 p.m. at the Holiday Inn Select in Windsor. Notice of the Public Meeting was published in English and French in the Windsor Star, the Essex Free Press and The Harrow News.

That meeting was held as scheduled and four presentations were received. Since that time we have requested and received additional material from the OPP and the Town of Essex.

The Law:

Policing in Ontario is governed by the provisions of the Police Services Act R.S.O. 1990, c. P.15 as amended (the "Act").

Section 4(1) of the Act imposes upon municipalities the obligation to provide "adequate and effective police services in accordance with its needs". This may be accomplished in a number of different ways. A municipality may establish and maintain its own police force, enter into a joint policing arrangement with another municipality, or contract for policing services from the OPP.

For a police service to be "adequate and effective" it must have the necessary staff, administration, equipment, infrastructure and facilities to perform certain functions. According to section 4(2) of the Act these include crime prevention, law enforcement, assistance to victims of crime, public order maintenance, and emergency response.

Once a municipal police force has been established, it can only be abolished for the purpose of putting in place one of the other policing options after following the procedures set out in the Act. Specifically, section 40 provides that:

- 40(1) A board may terminate the employment of a member of the police force for the purpose of abolishing the police force ... if the Commission consents and if the abolition ... does not contravene this act.
- (2) The Commission shall consent to the termination of the employment of a member of a police force under subsection (1) only if,
 - a) the member and the board have made an agreement dealing with severance pay or agreed to submit the matter to arbitration; or
 - b) the Commission has made an order under subsection (3).
- (3) If the member and the board do not make an agreement dealing with severance pay and do not agree to submit the matter to arbitration, the Commission, if it is of the opinion that it would be appropriate to permit the abolition of the police force ... may

order the board to submit the matter to arbitration and give any necessary direction in that connection.

If the Commission is of the view that these requirements have been met, then it may consent to the termination of the employment of the members of the Town of Essex Police Service for the purpose of the abolishment of that police service.

The Issues:

The nature of this scheme is to ensure that no municipal police force is abolished unless arrangements are in place which will satisfactorily meet the policing needs of the community in question. Any new arrangement must provide for the appropriate staff, equipment and facilities to ensure adequate and effective policing. In addition, no member of a municipal police force is to be terminated without steps being taken to allow for proper severance.

There are two fundamental issues to be dealt with:

1. Does the proposed new arrangement appear to provide adequate and effective police services that meet the needs of the community? In this respect, the Commission should receive and review the proposal which has been accepted by the Town Council and consider any public comment and submissions.
2. The next issue is whether, under the proposal, the current members of the police service, that is the subject of the abolition, are being dealt with in a fair and reasonable basis. If any member is liable to termination as a consequence of the abolition, the question then becomes whether the parties have reached an agreement with respect to severance or have consented to having any outstanding matters referred to arbitration. If so, our involvement in this issue would be at an end.

In cases where there is no agreement either with respect to settlement or arbitration, the Commission may direct the parties to arbitration. However, this is only in those cases where, in all of the circumstances, the Commission is of the opinion that it would be appropriate to permit the abolition to proceed.

It should be noted that under section 40 the Commission does not decide between alternative proposals or assess which method of providing policing services will be most economical or otherwise preferred. Those decisions rest solely with the local community through the appropriate municipal council and police services board.

Further, it is not the function of the Commission to determine what may or may not be an appropriate severance agreement. This function rests solely between the bargaining parties and failing an agreement, the arbitration process.

Current Policing Arrangement:

Town of Essex

The proposal for The Town of Essex involves integrating service delivery for the Town into the existing OPP Detachment.

According to the 2006 Census the Town of Essex had a population of 20,032 and 8,377 households. The population increases during the summer months due to an influx of seasonal residents.

At the current time, uniform staffing for the Service includes one chief, one deputy-chief, one staff sergeant, five sergeants and twenty-four constables. This includes one detective sergeant and three detective constables. The constable to supervisor ratio is 3:1. One senior constable is currently on short-term disability, one senior constable is being accommodated and one senior constable is on maternity leave. Additionally, four full-time civilian staff provide support to the Essex Police Service, including one special constable. A civilian member is responsible for court case management. There are no auxiliary police officers. This represents a police to population ratio of 1:655 based on 32 officers to 20,947 people.¹

The Town is divided into three patrol zones. Constables and sergeants work 12-hour rotational shifts. The staff sergeant, deputy chief and the chief of police work an 8-hour shift. Administrative support staff also work an 8-hour schedule. Dispatch services are cost-shared with the towns of Leamington and Amherstburg through a contractual arrangement. The police communicators are located in facilities in Leamington. An Extended Service Office (the "ESO") is located within the Municipal Office building at 33 Talbot Street South.

In 2005, the Service responded to 6,887 calls for service of which 685 were for Criminal Code offences. In 2006 officers were dispatched on 6,496 calls which included 648 Criminal Code offences. In 2007 Essex Police Service officers responded to 6,435 calls.

The Service has nine vehicles including five marked cruisers, two cars assigned to criminal investigations, one to community policing and one to the chief of police. Provincial and POA court matters are heard in Windsor.

The collective agreement with the Essex Police Association expired on December 31, 2007. The expired agreement continues to be used as the standard to determine working conditions. Representatives from the Police Services Board and the Essex Police Association continue to meet for bargaining purposes.

¹ Police Resources in Canada 2007, Statistics Canada

Essex OPP Detachment

The Essex Detachment provides integrated policing services under contract to the towns of Lakeshore, Kingsville and Tecumseh. A statistical overview is provided below.

Calls for Service & Criminal Statistics					
Essex OPP Policing Contracts	Population 2007	Population Density (person/km²)	Police to Population	2007* Criminal Code charges	Criminal Code per Officer
Town of Kingsville	21,109	43	880	1,033	43
Town of Lakeshore	31,912	30	997	625	19
Town of Tecumseh	26,596	140	858	812	25

**Statistics from OPP Business Intelligence Cube*

The Detachment is also responsible for policing Pelee Island under section 5.1 of the Act. The year-round population is 287 but the population increases significantly during the summer months. There is a summer satellite detachment on Pelee Island.

Essex OPP is responsible for policing Highway 401, Highway 3 and Highway 77, equalling 155 kilometers of provincial highways and for patrolling 142 kilometers of shore line along provincial waterways: Lake Erie, Lake St. Clair and the Detroit River except within the Windsor city limits. The Detachment also responds to marine incidents in Colchester Harbour and the shoreline within the Town of Essex.

There are eight trained marine operators operating three vessels in the Detachment area. Marine patrol and search and rescue are supported by the Canada Coast Guard Base in Amherstburg and a satellite Coast Guard station in Lighthouse Cove.

Uniform resources include a total of 114 members or 87.88 FTE officers for the contract component of the Essex Detachment. This includes one inspector who represents .73 FTE for contract policing responsibilities, 11 sergeants or 8.85 FTEs and 101 constables at 77.57 FTEs. There are 10 clerical support staff, including a caretaker, for an equivalent of 8.85 dedicated to the three existing municipal contracts. The constable to supervisor ratio is 7.8:1. The constable to supervisor ratio based on contracted resources within the Essex detachment area is 7.5:1.

The Essex OPP Crime Unit consists of an area crime supervisor, detective sergeant and ten detective constables responsible for the investigation of serious incidents or

benchmark crimes that occur in the Essex OPP area. In addition to the Crime Unit, the Essex OPP also has a four-member Street Crimes Unit, two-member Youth Crime Unit and a Street Level Drug Enforcement Officer.

The OPP has three dedicated full-time constable positions and one administrative civilian responsible for court case management and four officers responsible for community services. Three constables and one civilian are dedicated to court case management duties. There are 32 auxiliary OPP officers operating out of the Essex Detachment.

Essex Detachment front line officers are deployed on 12-hour rotational shifts. The detachment commander and staff sergeant work an 8-hour shift and the administration support staff work 8-hour shifts; from Monday to Friday.

The police to population ratio for the current Essex OPP Detachment area is 1:908 based on 88 Full-Time Equivalent (“FTE”) contracted resources to 79,904 people.²

The Proposal:

The proposed policing arrangement was described to us by Sergeant Dino Tsitomeneas, OPP Contract Policing Bureau and Inspector Rick Derus, Essex OPP Detachment Commander.

Staffing

The current police to population ratio for the proposed Essex OPP detachment area (current detachment area and the Town of Essex) is about 1:869 based on 116 FTE contracted resources for 100,851 people.

The proposed staffing configuration is illustrated in the following chart.

Proposed Structure			
Position	Detachment Total		
	All Staff	Contract Resources (FTE)*	Town of Essex Portion of Contracted Resources (FTE)*
Inspector/Detachment Commander	1.00	0.92	0.19
Staff Sergeant	2.00	1.11	0.38

² Police Resources in Canada 2007, Statistics Canada (this particular ratio is based on the FTE contracted resources).

Proposed Structure			
Position	Detachment Total		
	All Staff	Contract Resources (FTE)*	Town of Essex Portion of Contracted Resources (FTE)*
Sergeants	15.00	12.85	4.00
Constables	125.00	101.57	24.00
Total - Uniform	143.00	116.45	28.57
Clerical Support	13.00	11.85	3.00
OAG 10 (Special Constable)	1.00	1.00	1.00
Total - Civilian	14.00	12.85	4.00

*FTE = Full-Time Equivalent

The police to population ratio for the proposed integrated Essex OPP detachment area (current detachment area and the Town of Essex) is estimated to be 1:705 based on the proposed authorized uniform strength of the Essex Detachment at 143 officers for 100,851 people.

Deployment:

The existing patrol zones will be retained in the integrated Detachment. There will be at least five officers scheduled to provide front-line policing for the Town of Essex on each shift. These officers will be supported by additional resources assigned within the integrated Essex OPP cluster.

The OPP proposal calls for 24-hour proactive and reactive policing for the Town with officers scheduled to work rotating 12-hour shifts on a four-platoon roster. Each platoon would have five constables and would be supervised by one of the two sergeants assigned to the shift. A sergeant would also be assigned to provide administrative support to the town of Essex Contract. The Detachment administration support staff would work an eight-hour shift from Monday to Friday.

The three clerical positions currently within the Essex Police Service structure will be maintained in the integrated detachment. These positions, along with the existing OPP clerical support equate to 13 clerical support positions, with 11.85 FTEs to be dedicated to the four contracting municipalities. The full-time special constable position will also be

maintained. The Town will have access to 32 auxiliary OPP officers operating out of the Essex Unit.

The Essex OPP Crime Unit will maintain all existing crime positions currently in the Service. Positions for an additional detective sergeant and three detective constables will be added to the current OPP structure. All current court management positions will be retained. The number of officers dedicated to community service activities within the integrated detachment would increase from four to five, with one officer dedicated to the Town.

Operations:

The Detachment Commander is responsible for overall management of the Essex OPP Detachment cluster. An additional staff sergeant position will be created, with one staff sergeant providing operational support and one providing administrative support for the Essex OPP.

A full time dedicated sergeant position will be included to provide support to the Town of Essex. Two sergeants will be assigned to each platoon, with responsibility for supervision of officers working out of the host detachment located at 1219 10th Concession, RR #3 in Essex and the municipal contract/satellite detachments. These sergeants provide front-line supervision to the constables within the Town of Essex. Additionally operational supervision will be available 24-hours a day from on-duty sergeants at the Provincial Communications Centre in London.

The constable to supervisor ratio under the proposed integrated structure for the Essex OPP detachment is 6.8:1. The constable to supervisor ratio based on contracted resources within the Essex OPP Detachment area is 6.4:1. The constable to supervisor ratio based on the contracted FTE's for the Town of Essex is 5.3:1.

Courts:

All current OPP and Essex Police Service court management positions will be retained. It is proposed to include three full-time constables, one special constable position and one administrative support person. While contract officers are in court, officers from the Essex OPP Detachment cluster will provide emergency coverage for the Town of Essex.

Facilities:

The policing facility is located in the Town of Harrow in a bright, well laid-out three storey brick building. Renovations on all but the third floor were completed in 2000. Included in the facility are administrative offices, an enclosed sally port, four cells for adult males, adult females and young offenders, exhibit/property storage areas, a small exercise room, male and female officer change rooms, breathalyzer and fingerprint rooms and secure interview rooms.

The cellblock contains four cells including two small steel prefabricated units which are marginally smaller than adequacy standards for size and height requirements. All cells have been recently renovated and have solid bunks, combo sanitation units and modified cell doors. The bottom bar on all cell doors is higher than the standard height of 18" from the floor and will require upgrading. There are no smoke detectors located in the cells and modification will be needed to the plexiglas panel on each cell door. A closed circuit television ("CCTV") system has been installed in the cell area and can be monitored from several locations in the office.

There currently is no barrier-free access to the building in Harrow and only partial barrier-free access from the side entrance at street level to the lower level. A barrier-free washroom exists. Compliance with the Ontarians with Disabilities Act will require that a lift or elevator and associated renovations be constructed. Council for the Town has approved the tendering of renovations required to upgrade the facilities to meet barrier-free accessibility standards.

The Essex OPP Host Detachment has "hard" and "soft" interview rooms, a lunchroom, constables' work areas, locker rooms for male and female officers and space for property and evidence storage. There are five cells that meet Ministry Adequacy Standards.

Three other year-round satellite detachments are located within the Essex OPP detachment area. These satellites are located in Kingsville, Lakeshore and Tecumseh. All three of these satellite locations are equipped with cells with CCTV. All cells meet Adequacy standards. All satellites have the same features as the host detachment with the exception of soft interview rooms. For long-term incarcerations of males, females and young offenders will be housed in the Windsor Jail. The distance from the Town of Essex to the Windsor Jail is approximately 37.9 kilometres.

The Town of Essex is reviewing the relocation of the ESO from the Municipal Office Building to the Essex Recreation Centre located at 25 Gosfield Townline East, Essex.

Equipment:

Type	Proposed OPP Town of Essex Contract	Essex OPP
Marked Police Vehicles	9	33
Unmarked Police Vehicles	0	12
Motorcycles	*	1
Vans	0	1
Vessels	*	3
Motorized Snow Vehicles	*	Shared
Bicycles	0	6
All-Terrain Vehicles	*	2

Type	Proposed OPP Town of Essex Contract	Essex OPP
Breathalyzer/Intoxilyzer	1	3
Roadside Screening Devices	4	16
Spike Belts	9	32
Radars	5	21
Radar Detector Detector	0	0
Tasers	2	8
Long Guns	8	51
Sidearms**	Sig Sauer P229	Sig Sauer P229

* Equipment available through the Essex OPP Cluster

** Members of the Essex Police Service are currently equipped with the same semi-automatic handgun that is carried by members of the OPP.

Communications:

Under the proposal, officers responding to calls for service from the Town will be dispatched from the Provincial Communications Centre located in the City of London. Residents of the Town of Essex will not experience any changes with respect to the 911 system.

The OPP Communication Centre in London is a downstream agency for the Enhanced 911 system and provides services to a number of communities in the area, including Essex County (excluding, Leamington, Essex, Windsor, Amherstburg, LaSalle); Lambton County (excluding Sarnia); Elgin County (excluding St. Thomas); Oxford County (excluding Woodstock and the north and central part of the county such as Norwich, Tavistock and Innerkip); Brant County (excluding Brantford City); Norfolk County, Haldimond County, Middlesex County (excluding London and Strathroy); Huron County (excluding Wingham); Perth County (excluding Stratford); Wellington County (excluding Guelph); Grey County (excluding Durham/West Grey, Hanover and Owen Sound); Bruce County (excluding Port Elgin/Southampton).

Records Management:

The Essex Police Service and the OPP currently use NICHE RMS. All police records and indices involving the Town of Essex will be maintained consistent with the requirements of the OPP Records Management System. Canadian Police Information Centre ("CPIC") files from the Town of Essex will be transferred to the Provincial Communications Centre in London where there are 11 people in the unit responsible for the maintenance of these files.

Transition:

All uniform members of the Essex Police Service and all civilians will be offered employment with the OPP in accordance with the policy and procedures as outlined in Section IV of the *Restructuring Police Services in Ontario Guidebook (1998)*. Those officers who intend to join the OPP upon disbandment and hold a rank of sergeant or higher are eligible to enter the OPP Rank Level Determination Process.

As part of the amalgamation Service officers will participate in joint orientation patrols with OPP officers. Essex police officers will attend a two-week OPP orientation course at the Provincial Police Academy in Orillia. Officers will also receive training on the OPP telecommunications system, firearms, use of force, OPP policy, NICHE Records Management System. They will be issued with OPP uniforms, firearms and use of force equipment. They will meet with members of senior OPP Command, the Ontario Provincial Police Association (“OPPA”) and members of OPP HR Services.

Decision:

Is this proposal likely to provide the Town of Essex with adequate and effective police services?

The Act does not provide an exhaustive list of the elements that constitute adequate and effective police services. However, interpretive aids are available to assist in this determination as to what constitutes adequate and effective police services, namely: the provisions of the Act itself and precedent, i.e., past decisions of the Commission. In particular, section 4(2) of the Act states:

4(2) Adequate and effective police services must include, at a minimum, all of the following police services:

1. Crime prevention.
2. Law enforcement.
3. Assistance to victims of crime.
4. Public order maintenance.
5. Emergency response.

Section 4(3) sets out that a municipality must provide “all the infrastructure and administration necessary for providing such services, including vehicles, boats, equipment, communication devices, buildings and supplies”.

Commission decisions in various contexts have articulated different tests to assess or determine adequacy. At page 15 of Municipality of Chatham-Kent (14 August, 1998) we stated:

Broadly these tests have been comparative or alternative. The comparative tests may be applied historically or geographically. Where it is applied historically, the current or proposed staffing level is compared to that which the municipality has received in the past. If past staffing levels

were considered adequate the proposed or current level is normally presumed to be adequate and effective.

Where the comparative test is applied geographically, the proposed or current staffing level is measured against those found in communities of similar size or needs. If the levels are considered adequate in those communities a similar level proposed is generally presumed to be adequate and effective. These presumptions are by definition rebuttable.

How does this test apply to the facts of this case?

The county of Essex is a primarily agricultural area. Amalgamations of the former Corporation of the Town of Essex, the Corporation of the Township of Colchester North, the Corporation of the Township of Colchester South and the Corporation of the Town of Harrow on January 1, 1999 resulted in establishment of the incorporated Town of Essex. According to the 2006 census, the Town's population is 20,032.

There are four urban areas: Colchester Village, McGregor and the former Towns of Essex and Harrow. These areas contain 80% of the population and comprise approximately 11% of the land area. Approximately 70% of the labour force is employed outside the municipal limits, with the majority employed within the City of Windsor. While highly dependent on the automobile and agriculture industries, the average household income in Essex is higher than the Provincial average (\$57,364 vs. \$53,626).

Uniform Resources:

Uniform staffing for the Essex Police Service consists of one chief, one deputy-chief, one staff sergeant, five sergeants and twenty-four constables. The police to population ratio for policing the Town of Essex by the Essex Police Service is 1 to 655, based on 32 officers, which includes the chief and deputy chief.

To answer the first question, we must examine and compare what exists now and what is proposed, in detail. The following charts outline the current staffing configuration for the Essex Police Service and the Essex OPP Detachment and the proposed structure, with a satellite office to be located in the Town of Essex.

Existing Policing Structure				
Essex Police Service		Essex OPP	All Staff	Contract Component
Chief	1	Inspector	1	0.73
Deputy-Chief	1			
Staff Sergeant	1	Staff Sergeant	1	0.73

Existing Policing Structure				
Essex Police Service		Essex OPP	All Staff	Contract Component
Sergeant	5	Sergeants	11	8.85
Constables	24	Constables	101	77.57
Total - Uniform	32	Total - Uniform	114	87.88
Civilian (Part-Time)		Clerical Support	10	8.85
Civilian (Full-Time)	4	Caretaker		
Total - Civilian	4	Total - Civilians	10	8.85

Proposed Structure - Town of Essex Satellite			
Position	Detachment Total		
	All Staff	Contract Resources (FTE)	Town of Essex Portion of Contracted Resources (FTE)
Inspector Detachment Commander	1.00	0.92	0.19
Staff Sergeant	2.00	1.11	0.38
Sergeants	15.00	12.85	4.00
Constables	125.00	101.57	24.00
Total - Uniform	143.00	116.45	28.57

Based on the data provided, the police to population ratio for the Town of Essex under the proposed arrangement would be 1:733 based on 28.57 FTE contracted resources for 20,947 people. This is a slight reduction from the current ratio of 1:655, based on 32 officers in the Service, but can be attributed largely to removing the positions of chief and deputy chief from the calculations and a redistribution of other Detachment management resources among a larger number of platoons that include more officers.

A full-time dedicated contract sergeant position will be included to provide support to the Town of Essex. Two sergeants will be assigned to each platoon, with responsibility for the supervision of officers working out of the host and satellite detachments, including

constables within the Town of Essex. There is also operational supervision available 24 hours a day from on-duty sergeants in the Provincial Communications Centre.

The constable to supervisor ratio based on the contracted FTE's for the Town of Essex is projected to be 5.3 to 1.

How will the expansion of OPP responsibilities for municipal policing in Essex impact the existing policing arrangements previously approved by the Commission? The chart below outlines how Detachment resources will be allocated.

Proposed Essex Detachment Policing Structure (FTE Uniform Resources)						
Position	Town of Essex	Town of Kingsville	Town of Lakeshore	Town of Tecumseh	Remaining Resources	Detachment Total
Inspector/ Detachment Commander	0.19	0.20	0.27	0.26	0.08	1.00
Staff Sergeant	0.38	0.20	0.27	0.26	0.89	2.00
Sergeant (Team Leaders)	4.00	2.62	3.16	3.07	2.15	15.00
Constables	24.00	20.73	28.51	28.33	23.43	125.00
Total - Uniform	28.57	23.75	32.21	31.92	26.55	143.00

The constable to supervisor ratio under the proposed integrated structure for the Essex OPP detachment is to be 6.8:1. The constable to supervisor ratio based on contracted resources within the Essex OPP detachment area is 6.4:1, which is an acceptable level. The police to population ratio for policing the existing Essex OPP Detachment area is 1:701, based on the current uniform strength of the Essex Detachment at 114 officers to 79,904 people.³

In the proposed Essex OPP detachment area (current detachment and the Town of Essex), the police to population ratio for policing is projected to be 1:705 based on the proposed authorized uniform strength of 143 officers for 100,851 people. Residents of the communities in the Detachment area would experience virtually no reduction in the number of officers available.

³ Police Resources in Canada 2007, Statistics Canada (this particular ratio is based on the total detachment uniform strength).

Consistent with the drop in the overall crime rate, the rate of crime incidents per officer has generally been decreasing since 1991. In 2006, there were 39 incidents per officer, the lowest in over 25 years. Although the number of incidents per officer has been decreasing in recent years, it is important to recognize that the level of complexity involved in investigations such as organized crime and sophisticated internet frauds have increased. This has created a need for specialized units and training.⁴

Criminal Investigations Per Officer (3-Year Average)			
	Criminal Statistics	Number of Officers	Ratio
Essex Police Services	681	32	21
Essex OPP (current)	2,913	87.88*	33
Proposed Essex OPP including Town of Essex	3,594	116.45*	31

*Contracted FTE uniform resources

We are satisfied that police officer workload, as reflected in the estimate of 31 Criminal Code offence cases per officer should be manageable.

Crime Unit:

The Essex Police Service has one detective sergeant and three detective constables.

The Essex OPP Crime Unit consists of an area crime supervisor, detective sergeant and ten detective constables. These units are responsible for the investigation of any serious incidents or benchmark crimes that occur in the Essex OPP area. There is also a four-member Street Crimes Unit, a two-member Youth Crime Unit and a Street Level Drug Enforcement Officer.

It is proposed that the Essex OPP Crime Unit will retain all existing crime positions currently in the Essex Police Service. An additional detective sergeant and three detective constables will be added to the current OPP structure.

Community Services:

There is a dedicated full-time officer who is responsible for community services within the Town of Essex. All members of the police service provide community services duties as required. The OPP has four officers providing community services. Other members of the OPP Detachment perform community services activities as required.

⁴ Police Resources in Canada, 2007, page 8

The existing police-related community services programs in the Town would be continued, with the result that the number of officers dedicated to community service activities within the Essex OPP area would increase to five. Additional community programs would be considered upon consultation with the Detachment Commander and the Police Services Board.

Auxiliary Police Resources:

The Essex Police Service does not have any auxiliary police officers.

Under contract with the OPP, the Town of Essex will have access to 32 auxiliary OPP officers operating out of the Essex Unit. An auxiliary member's duties include attending/participating in parades, traffic control, community services activities and accompanying regular members on patrol.

Court Case Management:

Provincial and POA court matters will continue to be heard in the City of Windsor.

The Essex Police Services has a civilian responsible for court case management. The OPP has three full-time constable positions and one full-time administrative civilian position responsible for court case management.

All current court management positions will be maintained. The proposed structure will include three dedicated full-time constables, one special constable position (the position with the Essex Police Service) and one administrative support position responsible for court case management to the Essex OPP Detachment area. While officers are in court, officers from the Essex OPP Detachment cluster will provide emergency coverage for the Town of Essex.

Clearly, the proposed staffing levels for the integrated detachment appear reasonable. The proposed span of control between the Detachment Commander, supervisors and officers is favourable. Provided the proposal is implemented as presented, it should allow for adequate and effective policing in the Town of Essex.

Civilian Resources:

The Essex Police Service has three full time clerical support persons and one full-time special constable. The Essex OPP detachment has 10 full-time clerical support persons, of which 8.85 FTE positions are within the three existing municipal contracts.

Proposed Civilian Resources - Town of Essex Satellite			
Position	Detachment Total		
	All Staff	Contract Resources (FTE)	Town of Essex Portion of Contracted Resources (FTE)
Clerical support	13.00	11.85	3.00
OAG 10 (Special Constable)	1.00	1.00	1.00
Total - Civilian	14.00	12.85	4.00

The proposal is to maintain the three clerical positions currently within the Essex Police Service structure. These positions, along with the existing OPP clerical support equate to a total of 13, with 11.85 FTEs dedicated to the four contract policing municipalities. The full-time special constable position will also be maintained.

We are of the view that the proposed allocation of clerical resources, including a special constable, will enhance delivery of services in the Detachment area.

Proposed Essex Detachment Policing Structure (FTE Civilian Resources)						
Position	Town of Essex	Town of Kingsville	Town of Lakeshore	Town of Tecumseh	Remaining Resources	Detachment Total
Clerical Support	3.00	2.81	3.04	3.00	1.15	13.00
Special Constable	1.00					1.00
Total - Civilian	4.00	2.81	3.04	3.00	1.15	14.00

Facilities:

There are other factors to be considered, including the location(s) from which police services will be delivered, office accessibility, accommodations for persons in custody, patrol zones, scheduling of personnel, supervision and equipment.

The Essex OPP Host Detachment will remain at 1219 10th Concession, R.R. #3, Essex. There is also an Extended Service Office (ESO) located at 33 Talbot Street South. Policing will continue to be provided to the citizens of Essex from the existing Essex

Police Service building located in Harrow at 44 King Street East. This facility will be one of four year-round satellite detachments within the Essex OPP structure.

However, while the police facility in Harrow was renovated in 2000 and contains sufficient space for operational use and future expansion, the building does not meet provincial standards for full barrier-free access. The front entrance and all levels must be renovated. A lifting device or elevator will be required. The Town of Essex has contracted with an architectural firm to design the project, prepare tender documents and follow through to completion of construction. The architect has prepared preliminary designs for the lift and ramp to provide for accessibility. The preliminary designs were presented to Council on Monday, October 6th for purposes of obtaining approval for the design.

The Detachment Commander has indicated that the proposed relocation of the existing Community Police Office to the Essex Community Centre would adequately serve the needs of the community. The proposed office would be accessible for police officers and highly visible to residents using the Community Centre, the library and the new arena. Renovations would be required to update the space proposed for police use.

Following the meeting, we were advised that Council for the Town of Essex provided the architect with the necessary approval to proceed to final drawings, tender and construction in September and that the tender will be issued on October 27, 2008. Renovations have been completed to retrofit Room 4 at the Essex Community Centre as a Community Policing Office. Installation of a telephone line and a high speed internet connection to meet the needs of the OPP will be completed once a disbandment date is provided. Furniture and equipment currently located in the Community Policing Office at the Municipal Offices will be moved to the new location immediately upon disbandment.

The existing patrol zones will be retained. At least five officers will be deployed on each shift to provide front-line policing for the Town. They will be supported by additional resources assigned within the integrated Essex OPP cluster.

Cell Area:

All cells have been recently renovated. However, the bottom bar on all cell doors will require a simple adjustment to lower it to a height of 18" inches from the floor. There are no smoke detectors located in the cells; therefore the plexiglas on each cell door would require removal.

In response to our request for additional information about the structural changes proposed for the Harrow office, we have been advised that a welding contractor will be secured in advance of the disbandment date to ensure that the required alterations can be made immediately following disbandment. It is not anticipated that these adjustments will take more than one to two days to complete. The second adjustment involves the removal of bolts that secure the plexiglas and can also be performed immediately following disbandment by a contractor or staff of the Town of Essex within one day.

CCTV exists in the cell area.

The Town of Essex satellite detachment will have an exterior-mounted telephone with a direct connection to the Provincial Communications Centre in London for members of the public attending the detachment after business hours wishing to see an officer or to report an incident.

While the address remains the same, the proposal provides for a number of upgrades and renovations to bring the Town's facility up to provincial standards. We are satisfied that when the additions and renovations are completed, there will be adequate and effective facilities for the police officers and the community.

Communications:

The proposal provides for 9-1-1 and routine call-taking and radio communications to be done by staff located in London. The OPP Communication Centre is staffed with an Inspector, a staff sergeant, 10 sergeants, 100 full-time communication operators, and 31 part-time communication operators, two technologists and two administrative support positions. The Communications Centre is also responsible for the maintenance of CPIC files for the Essex OPP. There are 11 people working out of the CPIC Unit.

All officers will be equipped with portable radios while on patrol. This will allow communications with the Provincial Communications Centre via an in-car repeater. The equipment will also allow for portable-to-portable communications.

For public access when the Town of Essex satellite detachment front office is closed, an exterior mounted telephone will be installed. The telephone will connect directly to the Provincial Communications Centre in London.

Other Matters:

Chief Roger Hollingworth outlined concerns on behalf of the remaining partners in the police communications cooperative hosted by Leamington Police Service under contract with Amherstburg and Essex since 2002. He noted the financial impact of Essex withdrawal from the cooperative of approximately \$108,000 on the municipality of Amherstburg and asked us to consider that there will be operational considerations for the remaining two partners. This is indeed unfortunate. However, while we can appreciate those concerns, responsibility for negotiating or terminating contractual arrangements rests with the respective police services boards and municipal councils. We encourage the current partners to work together to resolve any outstanding contractual issues.

Overall the proposal has addressed the five core police service principles set out in section 4(2) of the Act with respect to adequacy. Under the proposed contractual arrangement with the Town of Essex and expansion of the Essex OPP Detachment to include the Town as a satellite office, it would appear that the plan meets the criteria set out above for human resources, vehicles and equipment, training and facilities. Taking what was presented to us into consideration, we conclude that the residents of the

Town of Essex should continue to receive adequate and effective policing in their community.

The Policing Services Advisor, Tom Gervais, indicated the Ministry found no issues of concern with the proposal. Based on the considerable attendance at the public meeting in Windsor, there is a great deal of interest in policing matters in the Town of Essex. Several members of the local media were also present. No one expressed concerns or opposition to the proposed policing arrangements.

This brings us to the important issue of termination and severance, i.e., whether or not a member of the police service is to be terminated as a consequence of abolishing the Town of Essex Police Service. We must also consider whether the parties involved have reached an agreement with respect to severance or if they have consented to have the matter referred to arbitration.

Constable Mike Primeau, President of the Essex Police Association, observed that the proposed OPP policing model mirrors that of the Essex Police Service. He also raised a number of points about the economic impact for members of the Service moving to employment with the OPP. With respect to the Chief and Deputy Chief and the future of their employment with the Essex Police Services Board, we are advised by Chief Gregory Pigeon and Deputy Chief Chris Southward that discussions with the Board continue.

Conclusion:

Overall, we are satisfied that the proposed arrangements for human resources, deployment, communications, facilities, equipment, training and delivery of community policing services to the Town of Essex are adequate.

As noted earlier, our mandate includes ensuring that all employment matters have been dealt with appropriately. Accordingly, we direct that if there are any severance issues outstanding 90 days from the date of this decision, the parties must proceed forthwith to arbitration.

Accordingly, pursuant to section 40 of the Act we hereby consent to the termination of employment for the purpose of abolishing the Essex Police Service. This consent is subject to the following conditions:

1. The Essex Police Services Board will submit a report to the Commission confirming completion of the barrier free and cell renovations, by March 1, 2009;
2. The policing proposal as submitted will be implemented without amendment or alteration unless the express written consent of the Commission is obtained in advance.

Disbanding a long-standing municipal police service that has the support of the community is neither an easy decision nor one that is taken lightly. We would like to

publicly recognize the Town of Essex Police Service for its years of dedication to the communities served.

We also wish to acknowledge the work of the Police Ad Hoc Study Committee and in particular, Donna Hunter, Director of Finance & Administration/Treasurer for the Town, who coordinated production of the high quality, detailed briefing material that informed our deliberations before and following the meeting.

In conclusion, we would like to express our appreciation to all the presenters at the meeting and commend all involved in development of the proposal for the professional manner in which the entire process was carried out. We would also like to express our appreciation to the members of the public who attended the meeting to express their support for the proposal.

DATED AT TORONTO THIS 31st DAY OF OCTOBER 2008.

David Edwards
Member, OCCPS

Hyacinthe Miller
Member, OCCPS