

## ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES

**IN THE MATTER OF** an application for consent to the  
abolishment of the Temiskaming Shores Police Service

### **Presiding Members:**

Murray W. Chitra, Chair  
Hyacinthe Miller, Member

### **Appearances:**

Mayor Judy Pace, Chair, Temiskaming Shores Police Services Board  
Brenda M. Glover, Counsel, Temiskaming Shores Police Services Board  
Brian Carré, Chief Administrative Officer, City of Temiskaming Shores  
Staff Sergeant Alex Ivanov, Detachment Commander, Temiskaming Ontario  
Provincial Police  
Maurice (Moe) Hodgson, Principal, Hodgson Associates, Keep Our Police Service  
Douglas Jelly, Chief, Temiskaming Shores Police Service  
Shannon Austin, President, Temiskaming Shores Police Association

**Hearing Date:** March 28, 2007

This is an application by the City of Temiskaming Shores (the “City”) pursuant to section 40 of the Police Services Act R.S.O. 1990, c. P.15 as amended (the “Act”) for consent to abolish the Temiskaming Shores Police Service (the “Service”). This is for the purpose of having all policing in the City provided by the Ontario Provincial Police (the “OPP”).

### **Background:**

On January 1, 2004, the former municipalities of Dymond, Haileybury and New Liskeard were amalgamated to form the City.

The City is a single-tier municipality located 160 kilometers north of North Bay and 225 kilometers east of Sudbury on Highway 11. It is situated along the southern edge of the Clay Belt area in Northeastern Ontario near the Quebec border, on the shores of Lake Temiskaming, at the headwaters of the Ottawa River.

According to the 2006 Census, the City has a population of approximately 12,904 people and 5,878 households. Geographically, it occupies 176.99 sq. kilometers with 210 kilometers of roads.

There is considerable history in the communities making up the City. The former Township of Dymond, which occupies 79.15 square kilometers, was incorporated in 1901. Agriculture was the primary economic base until the late 1970s when industrial development began along Highway 11. At the time of the 2001 Census Dymond had a population of 1,181.

The Town of Haileybury, with 90.67 square kilometers, was incorporated in 1904 and in 1912 was designated the seat of Temiskaming District, with a courthouse, land registry office and district jail. At the time of the 2001 Census Haileybury had a population of 4,543.

The former Town of New Liskeard, with an area of 7.17 square kilometers, was incorporated in 1903. The Town was the commercial, industrial, and administrative centre for the area and for a time was the northern hub for the forestry and mining industries. At the time of the 2001 Census it had a population of 4,906.

New Liskeard continues to function as the region's service centre. As well, it draws visitors to events such as Canada Day celebrations, Summerfest, the New Liskeard Bikers Reunion fundraiser for cancer research, an annual Fall Fair, Ontario's largest snowmobile rally, museums and historical sites, a vibrant downtown and revitalized waterfront as well as numerous recreational and tourist activities.

There is an estimated daily influx of over 2,000 workers, students and other persons using local services. Approximately 8,000 people are estimated to pass through the community daily.

### **Current Policing Arrangement:**

The former Town of New Liskeard established a municipal police service on July 1, 1963. That service was renamed the Temiskaming Shores Police Service following amalgamation. It polices the portion of the City that was the Town of New Liskeard.

The Service currently has a complement of ten officers. This includes one chief of police, one staff sergeant, one sergeant and seven constables. The community is patrolled 24 hours a day, seven days a week on a 12-hour shift rotation. There are no auxiliary members.

Based on the 2001 Census, the police officer to citizen ratio for the Service is 1:491 (10 officers for 4,906 citizens).

In 2003, there were 3,311 calls for service; by 2006, the number had declined to 2,373. For the four-year period from 2003 to 2006, the average annual number of calls for service was 2,757 with an annual average of 383 criminal offences. This represents an officer to criminal investigation ratio of 1:38 (10 officers to 383

criminal offences).

The Service also operates a 24-hour emergency communications centre staffed by several civilians. This currently includes a Communications Supervisor, four full and two part-time communicators.

The Service also dispatches and monitors communications for twelve area fire departments. They maintain contact with Emergency Medical Services, hydro and VCARS staff. As well the Centre provides after hours call answering for the Temiskaming Child and Family Services and the City Works Department.

The Service also has one full-time and one part-time clerical support staff. Both communications and clerical staff are designated special constables. As such they transport persons in custody, guard Form 1 detainees in hospital and perform police-related duties at special events such as parades.

The front counter is open to the public 24 hours a day. Given the Service's downtown location, they receive a high volume of walk-ins and provide immediate response to emergent policing issues as well as a secure, safe place for community members seeking assistance.

The budget for municipal policing in 2005 was \$1,517,301.

The remainder of the City is policed by the OPP from the Temiskaming OPP Detachment. The OPP allocates 7.57 officers for this purpose. Based on the 2001 Census this represents an officer to citizen ration of 1:756 (7.57 officers for 5,724 citizens).

The four-year average calls for service for the former Dymond and Haileybury between 2003 and 2006 is 1,693. The average reported criminal statistics for the same period is 388. That works out to an officer to criminal investigation ratio of 1:51.5 (7.57 officers to 388 criminal offences).

### **The Process:**

Temiskaming Shores, like many communities in northern Ontario, has experienced declines in traditional resource-based industries and economic indicators such as housing demand, while the proportion of seniors is expected to double from 16% (2006) to 34% (2026). Faced with these challenges, and the requirement for a significant expenditure of funds to bring the current police facility up to standard, Council has been considering policing options for some time.

Consideration of an alternative to municipal policing began in 1986 with the Town of New Liskeard. A decision to retain the municipal service was made in 1987.

Another policing review commenced in 2001. This was as part of a municipal

restructuring study that originally included Haileybury, Dymond, New Liskeard and the Town of Cobalt. Cobalt subsequently withdrew from these discussions.

Public information sessions and consultations were held in 2001 and 2002 on both the topic of municipal restructuring and policing. Requests for Proposals for policing were solicited from the New Liskeard Police Service and the OPP. The ultimate result was a recommendation for maintaining the policing status quo.

In 2003, municipal restructuring was approved and the Transition Board supported a hybrid policing model. As a result the Service continued to police the former New Liskeard and the OPP the former Haileybury and Dymond.

However, the challenges of a declining population and growing economic pressures have fuelled continuous debate about the future of the post-amalgamation hybrid policing model. There were two developments in 2005: Council passed a resolution requesting an update to the costing proposal previously provided by the OPP and a review was commenced of the Service's facilities and dispatch capacity.

There has been considerable local interest in the former New Liskeard for retaining the municipal police service. Between May 2005 and August 2006, there were 32 deputations and delegations, 39 pieces of correspondence and 623 form letters received by Council largely in support of the Service. The policing issue has been regularly debated during Council meetings and in the local media.

In response to concerns about possible reduced service levels and loss of local control over policing decisions an advocacy group of local residents known as Keep Our Police Service (KOPS) was formed. A consultant was retained to advise it on both practical and technical matters.

KOPS has been active in disseminating information and mobilizing members of the community who expressed the desire to maintain the current level of front-line policing under a municipal service. They have consistently taken the position that the hybrid arrangement has been working well, that citizens have been denied timely input on matters of local safety and that disbandment costs had not been fully discussed with the community.

The updated OPP proposal was delivered in October 2005. It called for an integrated OPP policing arrangement for the whole City. Essentially, all policing for the City would be incorporated into the existing Temiskaming OPP Detachment (the "Detachment"). Council of the day accepted the OPP integrated policing proposal principle on January 9, 2006 and the following August, requested the Commission to hold a disbandment hearing.

Policing remained a key issue leading up to and during the municipal election held in November of 2006. In January 2007, the new Council invited representatives

from the Service and the OPP to attend an open Council meeting and discuss their respective proposals. The meeting was advertised, so that members of the public could examine the policing proposals and ask questions. Following that meeting, Council affirmed the January 2006 decision to contract with the OPP for policing of the entire municipality.

On February 1, 2007 the Commission agreed that a public meeting would be convened in Temiskaming Shores to examine the proposal. The meeting was scheduled for 1:00 p.m. on March 28, 2007 at Riverside Place in Temiskaming Shores. Notice of the meeting was published in local newspapers.

That meeting was held as scheduled and approximately 150 interested residents attended. Several presentations were received. As well, we were provided with written submissions and an electronic copy of the OPP and KOPS presentations. Following the meeting we inspected the Service's and OPP's local stations.

Since that time we have requested and received additional material from the OPP.

### **The Law:**

Policing in Ontario is governed by the provisions of 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.

There are a number of provisions in Regulation that describe these requirements in further detail and set out the responsibilities of various officials in ensuring that they are met. These are found at O. Reg. 3/99.

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 (i.e. OPP contract policing) after following the procedures set out in the Act. To assist parties involved in such endeavours, the Ministry of Community Safety and Correctional Services sponsored the creation of a Guidebook and Resource Kit entitled "Restructuring Police Services in Ontario" (the "Guidebook").

The Guidebook was the result of a cooperative effort amongst major stakeholders

in the Ontario policing community to set an industry standard that would ensure consistency in municipal police restructuring. It has been endorsed by the OPP, Association of Municipalities of Ontario, OPP Association, OPP Commissioned Officers Association, Ontario Association of Police Services Boards, Ontario Senior Officers Association and Ontario Public Service Employees Union.

The relevant provision in the Act is found at section 40. It reads:

- 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 the 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 member and the board to submit the matter to arbitration and may give any necessary directions in that connection.

If the Commission is of the view that these requirements have been met, then it may authorize a municipality to enter into a contract with the Minister of Community Safety and Correctional Services under section 10 of the Act for policing to be provided by the OPP.

### **The Issues:**

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

There are two fundamental issues to be dealt with. First, 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 must receive and review the proposal that has been accepted by Council and consider any public comments and submissions. Given that the proposal in question not only calls for the abolition of the Service, but to replace it with an arrangement that would integrate the policing resources with the Detachment, it is necessary to examine the proposal in total.

The next issue is whether, under the proposal, the current members of the police service that are 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. This, however, 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, arbitration.

### **Proposed Policing Arrangement:**

In order to assess the proposed OPP integrated policing proposal it is important to have an understanding of the current structure and functioning of the Detachment.

As well as policing the former Township of Dymond and Town of Haileybury the Detachment is responsible for law enforcement in eighteen other municipalities and one unorganized area. These include Charlton-Dack, Temagami, Cobalt, Englehart, Latchford, Armstrong, Brethour, Casey, Chamberlain, Coleman, Evanturel, Harley, Harris, Hilliard, Hudson, James, Kerns and Thornloe.

In 2006, these twenty communities and unorganized area had a population of 20,773 people in 10,909 households within a geographic area of 17,686 square kilometers.

In addition to their municipal policing responsibilities in these communities, officers

from the Detachment carry out provincial policing duties on approximately 578 kilometers of provincial and secondary highways. There are three provincial parks that fall under the responsibility of the Detachment: Finlayson Point Provincial Park, which includes Lady Evelyn Smoothwater and Finlayson Point (37 hectares), Kap-Kig-Iwan Provincial Park near Englehart (428 hectares) and Marten River Provincial Park at the southern gateway to the Temagami lakes (400 hectares).

The Detachment is also responsible for law enforcement on all inland waters, Lake Temagami and part of Lake Temiskaming. Marine patrol, search and rescue for the Detachment area is supported by the Canada Coast Guard based in Parry Sound and Search and Rescue in Trenton, on Lake Ontario.

The current authorized uniform complement of the Detachment is forty-seven police officers, consisting of one staff sergeant, five sergeants and forty-one constables. There are also two cadets, three clerical support personnel and three caretakers.

As noted above, these OPP officers perform both municipal and provincial policing duties. It is difficult to parse the two. The 2006 population of the Detachment area was 20,773. This would represent a combined officer to citizen ratio of 1:442.

However, it would appear that in 2006 the twenty municipalities in the Detachment area were allocated the services of 18.14 officers. This is for a total population of 15,760. This results in a municipal police officer to population ratio of 1:869.

The latter figure is not particularly helpful given that the Detachment essentially provides the equivalent of municipal policing to the 5,013 citizens living in the unorganized area.

The proposed policing arrangement, accepted in principle by the City, was described to us by Staff Sergeant Alex Ivanov, Detachment Commander. The model calls for the provision of 24 hour reactive and proactive policing.

It proposes a Detachment consisting of fifty-five uniform officers. Of this total, 8.96 full time equivalent (FTE) officers would be allocated to the former Town of New Liskeard. Combined with officers allocated to the former Township of Dymond and Town of Haileybury, the City would have a total municipal policing complement of 16.53 officers.

The following chart illustrates the proposed breakdown of the FTE officers:

Position	City of Temiskaming Shores				Detachment Total
	New Liskeard	Dymond	Haileybury	Total	
Inspector/ Detachment Commander	0.16	0.06	0.10	<b>0.32</b>	1.00
Staff Sergeant					1.00
Sergeant (Team Leaders)	0.80	0.30	0.51	<b>1.61</b>	4.00
Constables	8.00	2.38	4.22	<b>14.60</b>	49.00
<b>Total Uniform</b>	<b>8.96</b>	<b>2.74</b>	<b>4.83</b>	<b>16.53</b>	<b>55.00</b>
Cadets					2.00
Clerical Support	0.48	0.24	0.30	<b>1.02</b>	3.00
Caretaker	0.16	0.06	0.29	<b>0.51</b>	3.00
<b>Total Civilian</b>	<b>0.64</b>	<b>0.30</b>	<b>0.59</b>	<b>1.53</b>	<b>8.00</b>

The City would be invoiced for these 16.53 officers. Other officers from the Detachment complement would be available to provide policing to the City, if necessary.

An Inspector would be responsible for the overall administration of the Detachment. An administrative Staff Sergeant would be available to provide assistance or direction to officers.

The Detachment has a Community Services Officer. The Community Services Officer also serves as the Detachment Media Relations Officer. Community service and school programs currently being provided by the Service would continue. The Detachment Commander, in consultation with the Police Services Board, would consider any additional community service and policing programs.

There are four detective constables deployed from the Detachment who would be available to assist in the investigation of serious crimes. There is a detective sergeant assigned to the Detachment from North East Region Headquarters to provide supervision to these officers.

The Service currently does not have auxiliary officers. Under the proposed arrangement the City would have access up to 15 OPP auxiliary officers from both

the Temiskaming and Kirkland Lake Detachments. These officers are deployed from Temiskaming. An auxiliary member's duties include attending at and participating in parades, traffic control, community services activities and accompanying regular members on patrol.

It is intended that front line Detachment officers be assigned to four platoons working on a rotating 12-hour shift. There would be three platoons with eleven constables and a sergeant and the fourth platoon with ten constables and a sergeant. A copy of the proposed duty roster was provided to us.

Patrol officers would report to work from three locations: Temiskaming, Englehart and Temagami.

The former Town of New Liskeard will be a separate patrol zone with two officers per shift. They would perform municipal policing duties. Enforcement of municipal by-laws (except for those dealing with building standards and animal control) will be done in consultation with the Police Services Board, City and the Detachment Commander.

The remaining two officers on the shift would police Dymond, Haileybury, Cobalt, Latchford, Casey, Coleman, Harley, Harris, Hudson and Kerns and perform provincial policing duties.

They would be deployed from the current OPP Detachment facility located at 300 Armstrong Street North in New Liskeard. This single-level facility, which was recently renovated, occupies approximately 9,134 sq ft. and includes administrative and officer work areas, separate male and female locker and change rooms, an attached double garage and sally port. A diesel backup generator is located in a brick outbuilding a short distance from the detachment proper.

The adult and young offender prisoner cells were recently renovated with installation of a closed circuit television monitoring system (CCTV) for persons in custody, stainless steel toilets and sinks and removal of points of ligation and areas of concealment. To accommodate the additional officers from the Service, an additional twelve handgun lockers would be constructed.

The Detachment offices will be open during regular business hours from 8:00 a.m. to 4:00 p.m. Monday through Friday and will be staffed by a civilian clerical person. After hours, the public would access an exterior mounted telephone that rings automatically in the OPP Provincial Communications Centre in North Bay.

Ten constables would operate from a facility located at 334415 Highway 11 in the Township of Enanturel with administration provided by the Temiskaming Detachment. That facility has a single cell. Officers working from this location would continue to provide provincial policing services as well as general policing

duties in Englehart, Charlton/Dack, Thornloe, Armstrong, Brethour, Chamberlain, Evanturel, Hilliard and James.

Eight constables would report from a facility at 32 Lakeshore Drive in the Town of Temagami to provide services under an existing contract. That building is being replaced by a new facility that is scheduled to be completed in October of 2007. That building will have two cells.

In addition to the above, extended service offices are located in the Town of Cobalt Fire Hall, Haileybury Arena and the Elk Lake Municipal Office. They are equipped with a telephone and computer and are available to officers for returning phone messages, completing reports and meeting with community members.

The Detachment has six guards on call to provide visual monitoring and physical checks of any person in police custody. This is augmented by closed circuit television. These guards are trained in prisoner monitoring, first aid and CPR. OPP Offender Transport is responsible for transporting adult prisoners to lockup facilities. Officers are responsible for transporting young offenders to the appropriate facility.

Provincial and Provincial Offences Act (POA) court matters arising from the Detachment are heard in the courts located in City in the former Town of Haileybury. This is the current situation for the Service. It is proposed that when officers assigned to the City are in court, other officers from the Detachment cluster will provide emergency coverage.

Both the Service and Detachment OPP currently utilize the North Bay Jail located at 2550 Trout Lake Rd., for long-term incarcerations of male and female offenders. The distance from Temiskaming Shores to the North Bay Jail is approximately 160 kilometers.

Young Offenders are placed at the following open and closed facilities: Nick Kuzmick Residence in Iroquois Falls, Mee-Quam Youth Residence in Cochrane, Cecil Facer Youth Centre in Sudbury and Pineger Youth Centre in Kirkland Lake.

Members of the Detachment will have the following equipment available to them.

<b>Equipment</b>	<b>Number</b>
Marked Police Vehicles	19
Unmarked Police Vehicles	4
Vessels	3
Motorized Snow Vehicles	4

<b>Equipment</b>	<b>Number</b>
Bicycles	2
Breathalyzers	3
Roadside Screening Devices	7
Spike Belts	16
Radar	9
Radar Detector Detector	1
Tasers (Issued to Sergeants & ERT Members)	8
Long Guns	28
Sidearm	Sig Sauer P229*
*Temiskaming Shores Police Service uses the same firearm	

The OPP use the Bell Mobility Radio (BMR) communications system. It is a hybrid microwave system, utilizing several communications towers strategically placed throughout the area to provide overlapping coverage.

The OPP BMR communication system is a fail-safe system with battery and diesel generator power backup. The system allows for the following communications modes: Communication Centre to vehicle/portable; phone patch to vehicle/portable; and tower to vehicle/portable.

The Provincial Communication Centre (PCC) in North Bay uses the Intergraph/Computer Aided Dispatch (I/CAD) system functions for dispatching. The I/CAD system is an "intelligent" interactive mapping and data entry system to dispatch, monitor, and manage emergency services. The PCC also monitors OPP Simplex, and the Provincial Common channel. All incoming and outgoing telephone and radio communications to and from the PCC are recorded.

The PCC is a downstream agency for the Enhanced 9-1-1 system. We are advised that residents of the City will not experience any changes with respect to the 9-1-1 system as a result of the transition in policing.

All officers are to be equipped with portable radios while on patrol. This will allow communications with the PCC via in-car repeater. The portable will also allow for

portable-to-portable communications.

The North Bay Communications Centre is resourced with an inspector, staff sergeant, ten sergeants, sixty-five full-time communication operators, twenty-six part-time communication operators and two technologists. The Centre is responsible for the maintenance of Canadian Police Information Centre (CPIC) files for the Detachment. There are five people working out of the CPIC Unit.

The OPP policy and procedures on hiring officers from a municipal police service being disbanded are contained in the Guidebook. The OPP proposes that Service officers involved in the amalgamation process would take part in joint patrols with OPP officers, to allow for familiarization of the OPP and municipal policing area and persons of interest. Officers transitioning to the OPP will also attend a two-week orientation course at OPP Academy at General Headquarters in Orillia.

The Service and the OPP currently use the NICHE automated Records Management System (RMS). Service officers would receive a refresher course at the Provincial Police Academy in Orillia during their orientation course, as they will be responsible for data entry.

CPIC files generated by the Service will be transferred to the CPIC Unit in North Bay upon amalgamation. All police records and indices involving policing matters from the Service will be maintained consistent with the requirements of the OPP RMS.

**Decision:**

Is the proposal as presented by the OPP and approved by Council likely to provide the City with adequate and effective police services?

The Act does not currently define what constitutes adequate and effective police services. However, certain sections of the Act and prior Commission decisions provide assistance. 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. Police 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, building 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.

How do these tests apply to this application?

At the present time the former Town of New Liskeard in the City is policed by a municipal service. It deploys a total of ten officers (one chief, one staff sergeant, one sergeant and seven constables). The proposal presented by the OPP is for the services of 8.96 police officers. This would include eight constables, .8 sergeant and .16 Inspector.

Based on the most recent Census data available for the Town of New Liskeard (2001), the current municipal police to population ratio is 1:491. Using the same dated numbers, the proposed arrangement would reduce that ratio slightly to 1:548 (8.96 officers for 4,906 citizens).

Census data is available for the City for 2006. When the OPP resources currently allocated to Dymond and Haileybury are combined with existing municipal resources the City has an overall officer to citizen ratio of 1:734 (10+7.57 to 12,904 citizens). Under the proposed arrangement there would be a slight reduction to 1:780 (16.53 officers for 12,904 citizens).

These ratios are helpful, but the more relevant consideration is workload. Over the past four years the OPP and municipal officers have been dealing with a combined annual average of 771 reported crimes. Under the new arrangement, this would work out to an officer to crime ratio of 1:47 (16.53 officers to 771 crimes).

This is within the range for the historical Canadian average<sup>1</sup>. Expressed another way, the proposed reduction of one officer from the current allocated City complement should not result in an unmanageable workload. As well, we note that the calls for service in the former Town of New Liskeard have declined from 3,311

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<sup>1</sup> See Township of Atikokan (20 July, 2005, O.C.C.P.S.) at page 15

in 2003 to 2,373 in 2006. This is striking and certainly not indicative of an expanding workload.

Further, this reduction in complement is attributable to a flattening of management and not frontline policing. One constable would be added to bring the number of front line officers from the current 7 to 8.

However, the overall proposed span of control between manager and officers in the Detachment is favourable.<sup>2</sup> There would be six supervisory staff for 49 constables for a supervisor to officer ratio of 1:8. This is well within the accepted range.

In the past, we have acknowledged that it can be difficult to compare policing arrangements in northern communities. See Town of Red Rock (26 May, 2000, O.C.C.P.S.). This is particularly the case when discussing smaller population centres separated by large distances.

The former Town of New Liskeard occupies 7.17 square kilometers. Under the proposed arrangement the Detachment would police an area totaling 17,693.17 square kilometers.

However, as noted above, two officers per shift would be assigned to the former Town of New Liskeard as a separate patrol zone. It is also an obvious benefit that the Detachment's administrative headquarters and the facility from which these officers would be deployed is located in the former Town of New Liskeard.

The OPP has a long history of providing police service in more sparsely populated areas of Ontario, and through the contract with the local council, there are provisions for discussion of and adjustments to accommodate local priorities.

Clearly there are obvious advantages to the City to being able to pool its municipal policing resources with neighbouring communities and take advantage of the range of specialized services provided by the OPP. This would include access to 15 auxiliary officers and a large number of officers to serve as backup. On the latter point, we note that in the Detachment area (inclusive of the City) the police to population ratio would be a very favourable 1 to 486, based on 55 officers to 26,734<sup>3</sup> people.

Given the above, we are satisfied that the proposed staffing arrangement should allow for adequate and effective policing. Overall, we believe that what is being proposed should permit an effective management of workload in order to provide the services required by section 4(2) of the Act.

That brings us to the question of facilities, communications and equipment. In

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<sup>2</sup> See Town of Goderich (27 October, 1997, O.C.C.P.S.)

<sup>3</sup> Statistics Canada 2006 Census data

1968 the Service and New Liskeard Fire Department co-located to a building at 28 Wellington Street. Chief Jelly toured us through this facility. Renovations have been undertaken over the years to accommodate additional staff and police programs and services. However, successive Ministry of Community Safety and Correctional Services inspections have identified deficiencies in the building, including lack of adequate office and storage space. There are no longer viable options for reconfiguring the existing space to meet Provincial adequacy standards.

We were impressed by the creativity of Chief Jelly and his staff with respect to working around the limitations of their building and their dedication to continuing to deliver policing services to the community despite the shortcomings of their accommodations. That being said, the current police station is clearly not adequate. A new building is required. This is a significant consideration.

We toured the Detachment facility located at 300 Armstrong Street North. It is on a main thoroughfare across from a major shopping area. The building has been recently renovated and has been configured for efficiency of use. We found sufficient space to accommodate the additional eight police officers and a variety of policing functions. There is a front counter for daytime access for the public. It is certainly adequate for the proposed purpose.

Concern was expressed that this building is only to be open to members of the public during normal business hours. The Service's building is open twenty-four hours a day. There is little doubt that keeping the station available to the public at all times would be preferable. The reality is that in many communities staffing a local police facility twenty-four hours a day is not the norm.<sup>4</sup> This is particularly so where there are no local dispatch staff.

Such a situation does not necessarily mean that a police service is inadequate. The key is whether or not citizens have access to adequate and effective policing. Citizens of the City would continue to have 24-hour policing coverage. The Detachment front counter will be open during the day. Residents will still be able to call 9-1-1 for emergencies. A fixed phone with direct free access to the North East Region Communications Centre in North Bay will be outside the building for use during the evening hours. There will be a minimum of two constables patrolling the community at any time. Given the above, while the reduced office hours may be regrettable, operationally the situation is acceptable.

That brings us to the question of communications. 9-1-1 calls for the City are currently answered by civilian communications staff located in the municipal police building. Under the proposal calls would be answered by trained communications staff in North Bay. We have received a detailed description of the communications centre facilities in North Bay. We have been assured that it has the capacity to assume the additional workload generated by the addition of City calls to the

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<sup>4</sup> See Township of Red Rock (26 May, 2000, O.C.C.P.S.)

system. We have no reason to believe that there will be any problem managing the increased dispatching activity on a day-to-day basis.

Concerns were expressed about community safety in the context of having individuals not familiar with the City dispatching police officers to calls. This is not an uncommon practice across Ontario. The essential issue is not where the dispatchers are located, but how well they are organized, trained and managed.<sup>5</sup> As part of the proposal, we were advised that OPP staff in North Bay would receive training to familiarize them with the City. We have been advised that the transition of communications response from the City to North Bay will be seamless.

We were asked to consider the implications for fire and other emergency services of disbanding the City's Communications Centre. Such questions are not within our mandate. Clearly, they will have to be addressed.

That brings us to the proposed equipment for the integrated Detachment. This is certainly in order.

We were also asked to consider projections for severance and disbandment costs, the potential in the future for the escalation of policing contract costs and the lack of a budget dispute resolution mechanism. As noted earlier, these are issues for Council, who in law is responsible for policing expenditures. Our issue is the adequacy of any proposed policing arrangement.

Some presenters commented that Council, in choosing not to engage in a broad public consultation process when the most recent decision was made to seek an updated costing proposal from the OPP, did not respect the provisions of the Guidebook. Indeed, the Guidebook does suggest that community members should be involved in the process through formal meetings during the information and data-gathering process.

Council determined that no additional community consultations would be conducted for the most recent costing process. Determining the level of local input is within the purview of Council. The Guidebook is just that - a guide of best practices.

That being said, we were informed of the history of police service delivery reviews in the City, including the numerous public discussions, debates and open meetings. It is clear that the subject of municipal policing in the former Town of New Liskeard has been the centre of much vigorous public discussion in the community for many years. Indeed, it would appear to have been one of the main issues in the recent municipal elections.

While it might be possible to disagree with the way in which the most recent

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<sup>5</sup> City of Orillia (17 January, 1996, O.C.C.P.S.) at page 10.

process was organized or the result or aspects of the result, it cannot be said that the successor Council has not received public input.

The decision to disband has obviously been a difficult one. There will, no doubt, be continuing debate about policing issues in the community. We commend the Board, members of the Service, the Temiskaming Shores Police Association, KOPS and City Council for their professionalism and continuing commitment to ensuring that the citizens of their community receive quality police services.

We are satisfied that the proposed arrangement should allow for the necessary staffing, infrastructure, training and administration to provide adequate and effective policing in the integrated Detachment area and meet the requirements of the Act. Overall, the proposal is very well considered and should serve the citizens of the City.

This brings us to the issues of termination and severance of Service members.

Chief Jelly advises us that arrangements have been concluded with respect to his severance or termination. On January 22, 2007, he signed a new contract with the Board for the period ending December 31, 2007. The contract includes a clause stating that severance issues will be referred to binding arbitration for settlement.

We have been informed the OPP will offer full time employment to all uniform officers from the Service, conditional on these officers meeting the requirements of the Act. Any Service officer holding the rank of sergeant or higher will be eligible to participate in the OPP Rank Level Determination Process. The OPP will require approximately 75 days to process the applications of officers before they would be able to formally provide them with offers of employment.

On November 28, 2006, the Board and Association agreed to the terms of a new Collective Agreement. The Memorandum of Settlement between the parties has been ratified. The agreement states that: "differences between the parties on the subject of severance will be referred to arbitration pursuant to Section 40 of the Police Services Act".

We were informed that the City's authorized representative has advised the Police Association that civilian members of the Association will be invited to submit their resumes to the City. They will be given preference to fill vacant positions with the City based on their qualifications.

In addition, there are a number of civilian staff currently on contract with the Board, but not members of the Police Association. We are advised that their formal contracts ended on December 31, 2005, and that if they remain in the employ of the Board, the contract remains in full force. Each contract can be terminated by either party on 30 days notice without cause. The Board intends to provide notice that the contracts will be terminated upon disbandment, unless there is an earlier

separation for other reasons.

Our mandate is limited to ordering unresolved disputes to arbitration. Accordingly, we direct that severance issues that remain outstanding ninety calendar days from the date of this decision shall proceed forthwith to arbitration. This applies to any disputes arising with respect to the severance entitlement of officers, civilians (full and part-time) and contract employees.

Subject to the above, we consent to the disbandment of the Temiskaming Shores Police Service pursuant to section 40 of the Police Services Act.

We thank all of those individuals who assisted and participated in the meeting on March 28, 2007.

DATED AT TORONTO THIS 15<sup>TH</sup> DAY OF JUNE 2007.

Murray Chitra  
Chair, OCCPS

Hyacinthe Miller  
Member, OCCPS