

# ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES

## Protocol for Section 40 Abolition Requests

### General Principles:

This protocol is a guide for those considering a request to abolish a police service under section 40 of the Police Services Act.

In considering such a request, the Commission addresses two primary issues:

- Does the proposed new arrangement appear to provide adequate and effective police services that meet the needs of the community? If in the view of the Commission it does not do so, the abolition will not be approved.
- In the proposed abolition, will the current members of the police service be dealt with on a fair and reasonable basis? If the members have not either reached a settlement or agreed to submit the matter to arbitration, the Commission has the authority to order arbitration.

It should be noted that under section 40, the Commission does not decide between alternative proposals or assess which method of providing services will be most economical, or otherwise preferred. That decision rests solely with the local community through the appropriate municipal council. The Commission will, however, ask questions to assure itself that the municipal council has approached their decision to request an abolition in a manner that has allowed for public input into that decision.

### Process to seek approval:

1. Forward to the Commission a copy of the resolution passed by the Municipal Council indicating their desire to abolish the municipal police service and enter into a new arrangement for policing services. Attach 3 copies of the relevant materials, including:
  - a) The agreement to provide alternative police services and, in the case of an arrangement to receive policing by the Ontario Provincial Police, the costing proposal that has been accepted. This agreement must set out the final proposal for the new policing arrangement and address all relevant issues.
  - b) The details of the process followed by the municipality to obtain public input on the proposal.
  - c) Other materials that may be relevant or useful to the Commission in determining the issues outlined above.

2. After a full review of all the documentation the Commission will convene a public meeting in the community. Two or three members of the Commission will preside. The date and location will be advertised in the local news media. The Commission invites the following to make presentations and/or respond to questions including:
  - a) Representative for the municipal council to describe the final proposal, its anticipated impact on the community, the public consultation process employed to help develop the initiative, and their acceptance of the agreement.
  - b) Representative of the Ontario Provincial Police, if OPP contract policing is proposed, to describe the new policing arrangement.
  - c) Representative of the municipal police services board to describe what arrangements, if any, are in place to deal with members of the police service whose employment may be terminated.
  - d) Representative of the local police association to confirm that employment or severance arrangements are in place for all their members.
  - e) Chief of Police to respond to any questions from the Commission on the adequacy of the proposed policing arrangement and to advise the status of his or her proposed termination or employment.
  - f) Ministry of Community Safety and Correctional Services, Policing Services Division, Zone Advisor to discuss the adequacy of the proposed policing arrangement.
  - g) Members of the public to address issues related to the adequacy of the proposed policing arrangement.

In addition to the parties listed above, the Commission informs other interested parties of its plan to hold a public meeting, such as the Police Association of Ontario, the Ontario Senior Officers Police Association, the Ontario Association of Police Services Boards, the Ontario Association of Chiefs of Police and the Ministry of Community Safety and Correctional Services and welcomes any relevant submissions from those organizations at the meeting.

3. After receiving and carefully considering all of the information regarding the proposed policing arrangement the Commission will issue a written decision.

**For further information, contact the Commission at (416) 314-3004.**

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