

# **OPP aspects in the Police Services Act:**

## **Police services in municipalities**

**4 (1)** Every municipality to which this subsection applies shall provide adequate and effective police services in accordance with its needs.

## **Methods of providing municipal police services**

**5 (1)** A municipality's responsibility to provide police services shall be discharged in one of the following ways:

1. The council may establish a police force, the members of which shall be appointed by the board under clause 31 (1) (a).
2. The council may enter into an agreement under section 33 with one or more other councils to constitute a joint board and the joint board may appoint the members of a police force under clause 31 (1) (a).
3. The council may enter into an agreement under section 6 with one or more other councils to amalgamate their police forces.
4. The council may enter into an agreement under section 6.1 with the council of another municipality to have its police services provided by the board of the other municipality, on the conditions set out in the agreement, if the municipality that is to receive the police services is contiguous to the municipality that is to provide the police services or is contiguous to any other municipality that receives police services from the same municipality.
5. The council may enter into an agreement under section 10, alone or jointly with one or more other councils, to have police services provided by the Ontario Provincial Police.
6. With the Commission's approval, the council may adopt a different method of providing police services. 1997, c. 8, s. 4.

## **Same – different methods in one municipality**

(2) Subject to subsection (3), a municipality's responsibility to provide police services may be discharged in one way set out in subsection (1) in one discrete area of the municipality and in another way or ways set out in subsection (1) in other discrete areas of the municipality if,

- (a) the municipality consists of two or more widely dispersed communities or contains, within its boundaries, one or more communities that are remote from the rest of the municipality; or
- (b) police services have historically been provided to one or more discrete areas of the municipality in a way that is different from the way police services are provided in the rest of the municipality. 2001, c. 11, s. 1.

## **One board or joint board**

(3) All the police services provided in one municipality, except police services provided in a way described in paragraph 3 or 4 of subsection (1) or police services provided in the municipality by the Ontario Provincial Police under section 5.1, must be provided under one board or joint board. 2002, c. 18, Sched. N, s. 59.

## **Section Amendments with date in force (d/m/y)**

### **If municipality fails to provide police services**

**5.1 (1)** If a municipality does not provide police services by one of the ways set out in section 5, the Ontario Provincial Police shall provide police services to the municipality.

## **Police services absent or inadequate, O.P.P. assistance**

**9 (1)** If the Commission finds that a municipality to which subsection 4 (1) applies is not providing police services, it may request that the Commissioner have the Ontario Provincial Police give assistance.

### **Inadequate police services**

**(2)** If the Commission finds that a municipal police force is not providing adequate and effective police

services or is not complying with this Act or the regulations, it may communicate that finding to the board of the municipality and direct the board to take the measures that the Commission considers necessary.

Idem

(3) If the board does not comply with the direction, the Commission may request that the Commissioner have the Ontario Provincial Police give assistance.

Crown Attorney's request

(4) In any area for which a municipality is required to provide police services, the Crown Attorney may request that the Commissioner have the Ontario Provincial Police give assistance.

Board's request

(5) A board may, by resolution, request that the Commissioner have the Ontario Provincial Police give assistance.

Request of chief of police in emergency

(6) A municipal chief of police who is of the opinion that an emergency exists in the municipality may request that the Commissioner have the Ontario Provincial Police give assistance.

Chief of police to advise board

(7) A chief of police who makes a request under subsection (6) shall advise the chair of the board of the fact as soon as possible. R.S.O. 1990, c. P.15, s. 9 (1-7).

Assistance of O.P.P.

(8) When a request is made under this section, the Commissioner shall have the Ontario Provincial Police give such temporary or emergency assistance as he or she considers necessary and shall have the Ontario Provincial Police stop giving temporary or emergency assistance when he or she considers it appropriate to do so. 1997, c. 8, s. 9 (1).

Cost of services

(9) The Commissioner shall certify the cost of the services provided under this section by the Ontario Provincial Police and, unless the Solicitor General directs otherwise, the municipality shall pay that amount to the Minister of Finance. R.S.O. 1990, c. P.15, s. 9 (9); 1997, c. 8, s. 9 (2).

Same

(10) The amount owed by a municipality for the police services provided by the Ontario Provincial Police, if not collected by other means, may be deducted from any grant payable to the municipality out of provincial funds or may be recovered by a court action, with costs, as a debt due to Her Majesty. 1997, c. 8, s. 9 (3).

#### **Municipal agreements for provision of police services by O.P.P.**

**10** (1) The Solicitor General may enter into an agreement with the council of a municipality or jointly with the councils of two or more municipalities for the provision of police services for the municipality or municipalities by the Ontario Provincial Police.

#### **Sanctions for failure to comply with prescribed standards of police services**

**23** (1) If the Commission is of the opinion, after holding a hearing, that a board or municipal police force has flagrantly or repeatedly failed to comply with prescribed standards of police services or standards established under the *Police Record Checks Reform Act, 2015*, the Commission may take any of the following measures or any combination of them:

1. Suspending the chief of police, one or more members of the board, or the whole board, for a specified period.
2. Removing the chief of police, one or more members of the board, or the whole board from office.
3. Disbanding the police force and requiring the Ontario Provincial Police to provide police services for the municipality.
4. Appointing an administrator to perform specified functions with respect to police matters in the municipality for a specified period.