

To:	Warden Milne and Members of Grey County Council
Committee Date:	July 25, 2024
Subject / Report No:	CAOR-CW-18-24
Title:	Court Security and Prisoner Transportation
Prepared by:	Kim Wingrove, Chief Administrative Officer
Reviewed by:	Mary Lou Spicer, Treasurer
Lower Tier(s) Affected:	All

Recommendation

1. That report CAOR-CW-18-24 regarding court security and prisoner transportation be received; and
2. That staff be directed to prepare an agreement that would provide to the City of Owen Sound the difference between the city's net Court Security and Prisoner Transport costs and the provincial CTSP grant; and,
3. That the funding be included in the annual county budget commencing January 1, 2025, and annually thereafter.

Executive Summary

On June 27, 2024, the Committee of the Whole instructed staff to prepare a report proposing a way to address the funding gap experienced by Owen Sound when providing court security and prisoner transportation (CSPT) at Ontario Court of Justice and Superior Court of Justice facilities. This report covers current laws, provincial funding, service models, impacts of the current system, program costs, mitigation measures, advocacy efforts, recent actions by Oxford County, and discusses alternative funding models.

In 2024, Owen Sound anticipates a CSPT program shortfall of \$229,440. Due to the disproportionate financial strain on Owen Sound to meet their mandated CSPT obligations, the report recommends that Grey County Council direct staff to draft an agreement with Owen Sound. This agreement would establish reporting mechanisms and financial support for CSPT services that would cover the difference between costs and provincial grant funding, to be funded through annual levy allocations.

Background and Discussion

Legislation and Service Model

The Police Services Act of 1990, which was replaced in 2019 by the Community Safety and Policing Act, mandates that court security and prisoner transportation services must be provided by the local police service. Typically, these services are supported by the police service with jurisdiction, whether it be a municipal police service, the Ontario Provincial Police (OPP), or a First Nations police service. Ontario has approximately 156 court locations, with about 45% secured by the OPP and 55% by municipal or First Nations police services.

The legislation requires the area police chief to prepare a court security plan, establish procedures on court security that address supervision and training, and ensure that court security personnel have the knowledge, skills and abilities to perform court security functions. Police services are responsible for perimeter security, security screening at entrances, security in common areas and courtrooms, security during prisoner transport, and security system monitoring. The Act provides some options concerning service delivery and providers used for that purpose, such as contracted court security providers.

Provincial Funding Model

When these and other services were previously delegated from the province in 1999 through the "Local Services Realignment" exercise, it was generally understood that costs were intended to be offset by revenues collected from fines or corresponding provincial funding and have a neutral budget or levy impact. However, this has not been seen in implementation. Ontario is the only province in Canada where legislation dictates court security be paid by the area municipality and delivered through the local police services' police chief.

Following service delivery reviews published in 2012 and 2022, the province documented continued concerns about service improvements, system efficiencies, and the equity and effectiveness of funding models for court security and prisoner transportation. The 2022 review is included as Attachment 1 to this report. The Court Security and Prisoner Transportation (CSPT) Program was introduced in 2012 to support municipalities in funding related services in their jurisdictions.

The CSPT grant requires reporting and the execution of an annual agreement for conditional funding between the municipality and the province. The CSPT grant looks at expenses two years prior and calculates each municipality's allotment of the CSPT grant by their proportionate share of the total province-wide funding from past years within the total limit of \$125 million, which was the cost in 2018.

Implications of the Current Funding and Service Model

Due to the province's current funding model, a municipality's Court Security and Prisoner Transportation (CSPT) Program Funding does not reflect current, actual expenditures and each proportionate share will vary annually based on the relative spending of other municipalities across the province. The third-party review of court security and prisoner transportation services

in Ontario, published in 2022 by the Ministry of the Solicitor General, did not recommend changes to the current funding model.

The review did recommend various system efficiencies and safety improvements while also endeavouring to reduce CSPT costs, which the document estimated to increase in the coming years by 37.6% for municipalities compared to an 8% increase in program costs borne by the ministry. These recommendations included the continued use of technology to reduce the need for prisoner transport, modernizing systems to improve connectivity between institutions, and improving courthouse facilities. The Ministry of the Solicitor General has stated its commitment to prioritizing safety, whether for the public and community, prisoners during transport, or service providers within the justice system. The ministry has indicated it will address the recommendations in a phased approach.

The review also recognized the unique challenges rural or remote municipalities face where court security and prisoner transportation may cause pressures or disruptions for front-line policing services due to geography and constrained resources. While resource constraints exist for upper-tier, single-tier or large-urban service providers, their pressures are distributed over a more extensive tax base and are felt less acutely than with local-tier and rural or small-urban communities.

The Court System and Considerations for Grey County

In Ontario, the court system has two primary divisions:

- **The Superior Court of Justice**
 - The higher or general division
 - Criminal offences
 - Small Claims Court and civil cases
 - Family Court
 - Challenges to the Canadian Charter of Rights and Freedoms
- **The Ontario Court of Justice**
 - The lower or provincial division
 - Criminal offences except the most serious offences
 - Family cases
 - Preliminary hearings in criminal cases that will go to the Superior Court
 - Provincial offences or violations of municipal by-laws

Ontario has eight judicial regions and more than 150 court locations. Regional populations in Grey and Bruce Counties are typically served by the following locations:

- **Walkerton Superior and Ontario Court of Justice Locations**
 - All Bruce County except for Northern and Southern Bruce Peninsula
 - Hanover and West Grey
- **Owen Sound Superior and Ontario Court of Justice Locations**
 - All Grey County except for Hanover and West Grey
 - Northern and Southern Bruce Peninsula

The OPP provides court security and prisoner transportation for the Walkerton locations of the Superior and Ontario Court of Justice. The associated costs are part of their contract with the

[Municipality of Brockton](#), the total expense of which was budgeted as \$2,534,534 in 2024. The total net cost of the court security program was budgeted as \$531,685, with prisoner transport costs billed individually to the Municipalities of Arran-Elderslie, Brockton, Huron-Kinloss, Kincardine, and South Bruce.

As the host municipality of the local Superior and Ontario Court of Justice locations, the City of Owen Sound and the Owen Sound Police Service must fulfil the legislated requirements to provide court security and prisoner transportation services and bear the corresponding financial burden. The funding shortfalls that result from court security and prisoner transportation place an inequitable financial burden on the City of Owen Sound ratepayers for what is undeniably a service utilized by an inter-county regional population. The total Owen Sound Police Board levy in 2024 was budgeted as \$8,578,808, with the total net cost of the CSPT program being \$559,440.

Program Costs, Mitigation Measures, and Advocacy

The City of Owen Sound Council formally requested net funding from Grey County to cover the CTSP cost gap on April 26, 2024, through report CS-24-036 Build a Business Case to Review Critical Funding Needs – Court Security, included as Attachment 2 to this report.

As provided by the City of Owen Sound's CSPT reporting, from 2018 to 2023, annually on average the City of Owen Sound:

- Reported a **net program expense** of approximately **\$512,798**
- Received a **provincial program subsidy** of approximately **\$382,717 or 74%**
- Subsidized a **program overage** of approximately **\$130,080**

The City of Owen Sound notes that certain administrative costs associated with delivering the program are not eligible for provincial funding, raising the average total gross annual expense to approximately \$910,565 subsidized by levy.

While the ideal solution would be for the province to bear the cost of fulfilling these mandated services, the province has not indicated that it intends to consider changes to the current funding model, and the 2022 third-party review did not recommend changes despite acknowledging its inequity.

The City of Owen Sound and the Owen Sound Police Service have worked to find service efficiencies and advocated along with other municipalities and related associations for the province to address the inequitable financial burden of fulfilling the legislated requirements to provide court security and prisoner transportation services.

This report does not recommend that County staff provide further administrative or operational support to the CSTP program. However, County staff have previously and continue to offer to collaborate on an optimized workstation in partnership with the Owen Sound Police Service for the officers attending the Ontario Court of Justice to enhance their capacity while supporting security at the County Administrative Building.

Options or Alternate Models for Funding

Upper tier municipalities are engaged in providing CSPT funding under several models. For example, policing in Dufferin County (Orangeville) and Bruce County (Walkerton, as noted above) is contracted to the OPP and CPST costs are part of the OPP contract. Northumberland receives the CSPT grant and transfers it to the Town of Coburg. Lambton County transfers a portion of the provincial offenses revenue to support the cost of the Sarnia Police Service providing CSPT. During their 2024 budget deliberations, Oxford County established a special tax levy for court security and prisoner transportation costs to support the services provided in its region. The corresponding report from Oxford County is included in Attachment 3 to this report.

Section 326 of the Municipal Act, 2001, provides municipal councils the authority to establish special levies or designated service areas where ratepayers benefit from a special service not received or that will not be generally undertaken or received in other areas of the municipality. As such, area rating is a tool of municipal property taxation policy permitted by the province where it is necessary to account for significant differences in service levels or the cost of providing services across different parts of the municipality. Similarly, special levies can be used to recover the costs of providing a service where specific ratepayers benefit beyond the service levels provided to others within their community. An example of where such municipal property taxation policy tools are used can include special levies or services areas established to support business improvement areas or to offset the costs of installing or maintaining municipal drains.

However, subsidization through the general levy would be the most appropriate municipal property taxation policy tool available to Grey County to offset the expense of the CSPT program because the manner and cost of providing services are generally consistent across the region. While the province would ideally support services that benefit inter-regional populations, CSPT is a permanent municipal activity that offers long-term community benefits and warrants an equitable financial burden applied more tolerably across the County through the general tax levy and aligned with the County's established principles of transparency, accountability, and consistency.

Financial and Resource Implications

The City of Owen Sound's CSPT program overages are recommended to be provided by levy funds beginning with the 2025 County budget and annually until the province supplies more fulsome support to municipal providers. Financial support for shortfalls related to the City of Owen Sound's court services and prisoner transportation program (CSTP) would be a previously unbudgeted County expense, which would be expected to vary annually due to irregular funding and service demands.

In 2024, the anticipated overage of the CSPT program to be subsidized by the City of Owen Sound was budgeted at \$229,440. However, variable provincial contributions and annual program demands will also create fluctuations in expenses.

Should County Council direct staff to proceed, an agreement with the City of Owen Sound would be developed to provide financial support for shortfalls related to the City of Owen Sound's court services and prisoner transportation program. Revenues related to the CSPT program received by the City of Owen Sound, such as property taxes or building rental

opportunities, will be better understood and documented through the collaborative development of the funding agreement in partnership with City staff. Further, the agreement is anticipated to provide for annual reporting or disclosure in alignment with Grey County's commitment to efficient and sustainable service delivery and fiscal accountability to residents, subject to the adoption of that agreement by the Councils of the City of Owen Sound and County of Grey.

Outside of the agreement and reporting processes noted, which will be clarified in any future agreement, this report does not recommend that County staff provide further administrative or operational support to the CSTP program.

Relevant Consultation

- ☒ Internal: Amanda Kokas, Provincial Offences Court Manager; Mary Lou Spicer, Director of Finance/County Treasurer

Appendices and Attachments

[Attachment 1 - Correspondence from the Minister of Solicitor General Letter Regarding Court Security and Prisoner Transportation Costs](#)

[Attachment 2 - City of Owen Sound Report CS-24-036 Build a Business Case to Review Critical Funding Needs – Court Security](#)

[Attachment 3 - Oxford County Report CS 2023-41 2024 Court Security Grant Special Tax Levy](#)

Attachment 4 - Owen Sound Court Security and Prisoner Transportation Costs

Year	Total Court Security Costs	Total Prisoner Transportation Costs	Total NET C/P Costs	Provincial Allocation	Owen Sound Tax Levy Subsidy
2018	546,249.46	8,852.19	555,101.65	365,319.60	189,782.05
2019	545,663.85	10,864.56	556,528.41	454,519.32	102,009.09
2020	404,429.48	11,452.87	415,882.35	422,212.71	-6,330.36
2021	405,978.83	12,657.85	418,636.68	403,984.89	14,651.79
2022	506,457.97	11,970.27	518,428.24	373,648.56	144,779.68
2023	556,169.15	9,400.00	565,569.12	329,336.12	236,233.00
2024	545,440.00	14,000.00	559,440.00	330,000.00	229,440.00