

Report to / Rapport au:

**POLICY AND GOVERNANCE COMMITTEE
COMITÉ DES POLITIQUES ET DE LA GOUVERNANCE**

1 August 2023 / 1er août 2023

Submitted by / Soumis par:

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SUBJECT: REVIEW OF BOARD POLICY CR-17 MAJOR EVENTS

**OBJET: EXAMEN DE LA POLITIQUE DE LA COMMISSION CR-17 – GRANDS
ÉVÉNEMENTS**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board's Policy and Governance Committee review Board Policy CR-17 Major Events and endorse the recommended changes for Board approval.

RECOMMANDATIONS DU RAPPORT

Que le Comité des politiques et de la gouvernance de la Commission de services policiers d'Ottawa examine la politique de la Commission CR-17 - Grands événements, et entérine les modifications recommandées en vue de leur approbation par la Commission.

BACKGROUND

In March of 2022, the Ottawa Police Services Board (Board) requested the assistance of the City's Auditor General in reviewing the response of the Ottawa Police Service to the convoy protest that took place in January and February 2022. The Auditor General accepted the request and in February 2023, delivered her reports to the Board, the Service, and the City, depicting key events and describing how all parties could improve

from similar future events. The Board subsequently accepted her report and developed an action plan to address all eleven of the recommendations directed at the Board.

The final report, including the Board's action plan, is available [online](#).

One recommendation arising out of the Auditor General's (AG) review concerned enhancing policies for sharing relevant information during a major event (Section 1.1 - 1.4, Recommendation 1).

In particular, the AG recommended:

“The Board should review and update the Major Events policy and other related Board policies to clarify expectations on the collaboration between the Board and the Chief of Police and the dissemination of intelligence and sharing of operational plans during a major event. The Board should ensure they are consulted when mission, objectives, and priorities are developed in the early stages of a major event.” (p. 13 of the Audit of OPS' Response to the Convoy Protest – The Role of the Ottawa Police Services Board)

In response to the AG's recommendation, the Board committed to having its Policy and Governance Committee review the Board's Major Events policy and related Board policies in order to further clarify expectations regarding collaboration between the Board and the Chief of Police, and the dissemination of intelligence and briefing on operational plans, during a Major Event. The Board noted it would develop clear direction, in consultation with the Chief of Police, on how the Board expects to be consulted on mission, objectives, and priorities in the early stages of a major event, so this direction could be included as part of the Major Events policy. The Board also committed to looking at the best practices undertaken by boards of large police services.

DISCUSSION

Attached at Document 1 is a copy of Board Policy CR-17 Major Events.

In keeping with the recommendations and findings of the AG, changes are being proposed for the Board's policy to ensure increased clarity around the expectations regarding collaboration between the Board and the Chief of Police, and dissemination of intelligence and briefing on operational plans, during a Major Event. These proposed changes are for the consideration of the Committee, in consultation with the Chief of Police.

Since the convoy protest of February 2022, the Service has already made changes in terms of how it notifies the Board of a potential major event and the level of information it provides to the Board, including frequency of updates. The Board and the Service have also had multiple opportunities to collaborate on a variety of major events since the convoy protest where the Board has been provided with detailed briefings on operational plans and opportunities to ask questions and provide input into the mission, objectives, and priorities of those plans.

In order to ensure the continuation of these practices and an ability to maintain the level of collaboration and flow of information for future major events, the policy is being updated with more detailed guidance on Board expectations.

Some of the feedback that has been used to inform the proposed policy changes include the following points taken from the AG's final report:

- The Board cannot adequately perform its oversight functions unless it is provided with relevant and appropriate operational information as soon as the information is available. Timely sharing of this information from the Chief of Police to the OPSB is therefore crucial to the Board's ability to carry out its role.
- The Board should be provided with a copy or a detailed briefing of the initial operational plan as well as consulted and made aware of the objectives and priorities.
- The Board needs to have a thorough discussion of the mission and priorities of a major event to fully meet the expectations of the Major Events policy in terms of the responsibility to be consulted on the mission, objectives, and priorities of the event.
- The Board has a right to contribute to setting priorities and a right to receive operational information to verify consistency with these objectives.

While the AG's recommendation suggests a review of the Board's Major Events policy, "and other related Board policies", Board staff focused exclusively on the Major Events policy as it is the main policy that provides direction to the Chief of Police in terms of information sharing and collaboration with the Board in the case of a major event.

Some additional changes have been proposed under the sub-section, "Major Events Hosted by a Government Entity." These changes are more closely aligned with current practice and consistent with the "Designated Special Events" policy of the Toronto Police Services Board.

Summary of Big 12

As part of its review of its Major Events policy, the Board committed to looking at best practices undertaken by boards of large police services.

Board staff consulted staff from the twelve largest municipal police services in the province of Ontario, namely: Toronto, Peel, York, Ottawa, Durham, Waterloo, London, Halton, Niagara, Hamilton, Windsor, and Greater Sudbury.

Boards across the province have had varying degrees of involvement in major events. As such, from a policy perspective, there is a lack of consistency in terms of policies in place. Neither Peel, Niagara, Hamilton, London, Greater Sudbury, nor Durham have a “Major Events” policy. Toronto has a “Designated Special Events” policy (see Supporting Document 2) which is similar in scope to the Board’s “Major Events” policy, as does Halton in terms of its “Policing Designated Major Events” policy (see Supporting Document 3). At the time of writing, a response was not received from York, Waterloo, and Windsor.

On a practical level, while most Boards do not have a defined or formalized process in place for their Police Service to inform their Board in the case of a major event, most Boards reported the following practices to ensure ongoing collaboration between their Board and their Chief of Police: verbal updates by the Chief or written memos/reports at Board meetings; emails or briefing notes from the Service; and briefings and phone calls to the Chair, who in turn updates the Board.

In terms of the information that is shared by their Police Services, a number of Boards noted they did not receive copies of operational plans during major events. However they did receive background information, updates as the event unfolded, information on strategic considerations and communications, an overview of operational plans, and a summary of the event afterwards. As well, information on the use of specialized units such as Major Incident Command, Community Mobilization and Community Liaison; estimated attendance; likelihood of protests; and interactions with event organizers was also provided.

None of the Boards that were consulted reported any challenges with their current processes with respect to major events.

Of particular note, the Toronto Police Services Board is in the midst of developing a new “Critical Points Policy” in response to a recommendation from the Honourable Gloria J. Epstein’s 2021 report titled, “Missing and missed: Report of the Independent Civilian

Review into Missing Person Investigations”, which reviewed police response to the missing persons investigations in Toronto’s LGBTQ2S+ community. The purpose of the policy is to develop criteria to determine when a critical point has been reached and define the types of information that a chief of police would share with the board once the critical point is reached. Board staff will continue to liaise with the Toronto Police Services Board as this policy is further developed.

Durham Regional Police Services Board is also looking to develop a policy on, “Sharing of Operational Information” however it is still in its early stages.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

There are no financial implications.

SUPPORTING DOCUMENTATION

Document 1: Board Policy CR-17 Major Events

Document 2: Toronto Police Service’s Board Policy - Designated Special Events

Document 3: Halton Police Board Policy Op-04 Policing Designated Major Events

CONCLUSION

The Policy and Governance Committee is being asked to review the proposed changes to Board Policy CR-17 Major Events, in consultation with the Chief of Police, and recommend a revised policy to the Board for approval.

Document 1

Table CR-17 – Policy Number: CR-17 – Policy Name: Major Events

CR-17 MAJOR EVENTS	
LEGISLATIVE REFERENCE / AUTHORITY	<i>Police Services Act</i> , R.S.O. 1990, sections 31 (1)(b), 31 (1)(c) and 41 (1)(a)
DATE APPROVED	24 June 2013
DATE REVIEWED	2017
DATE AMENDED	
DATE TO BE REVIEWED	2021

LEGISLATIVE REFERENCE / AUTHORITY

- Section 31(1)(b) of the Ontario *Police Services Act* states that a board shall “generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality”.
- Section 31(1)(c) of the Ontario *Police Services Act* states that a board shall “establish policies for the effective management of the police force”.
- Section 41(1)(a) of the Ontario *Police Services Act* provides that the duties of the chief of police include “administering the police force and overseeing its operation in accordance with the objectives, priorities and policies established by the Board under subsection 31 (1)”.

INTRODUCTION

From time to time, the City of Ottawa is the site of major events that are outside regular day-to-day police operations and require a higher than normal degree of resources, advance planning, and partnerships with other levels of government, police agencies and City departments. They may also present a higher than normal level of potential risk to public order and security.

During the planning and implementation of such events, the role of the Police Services Board is to provide appropriate civilian oversight and governance to ensure the continued delivery of adequate and effective police services in the City of Ottawa, as it is mandated to do under the *Police Services Act*. In order to fulfil its statutory responsibility of determining objectives, priorities, and policies for the police service and,

in the context of this policy, for major events, it is critical that there be an open exchange of information between the Board and the Chief of Police.

This policy sets out the Board's expectations with regard to major event planning and policing, and provides direction to the Chief of Police to ensure the Board's expectations and obligations are met.

DEFINITION

A **Major Event** is defined as an exceptional, out-of-the-ordinary policing operation or event that is characterized by one or more of the following:

- a) Is a federally designated meeting involving international representatives
- b) Involves an "internationally protected person"
- c) Will tax the Service's ability to provide regular policing services to the citizens of Ottawa
- d) Requires resources from other police agencies
- e) Is a major community event that has the potential to significantly disrupt public peace, order or security
- f) Is designated as such by the Chief of Police.

BOARD POLICY

1. Communication & Consultation with the Board

It is the policy of the Ottawa Police Services Board with respect to the planning and policing of Major Events that the Chief of Police will ensure that:

1. **Once the Ottawa Police Service becomes aware there is a reasonable possibility that it may be involved in the policing of a major event, the Board is informed as soon as is practicable.** ~~when there is a reasonable possibility that the Ottawa Police Service may be involved in the policing of a major event.~~ **To ensure timely notification of the Board, the Chief of Police may communicate the possibility of a major event through an email update to the Board; a verbal briefing at an upcoming scheduled meeting, either public or in-camera, provided it does not result in an unreasonable delay in notifying the Board of the major event; or at a special meeting of the Board, in consultation with the Chair.**
2. The Board is provided, at the earliest possible stage, with sufficient relevant operational and other information to allow it to understand details of the major

event, what legislation and other legal requirements may apply to the policing of the major event, the role that other organizations may play, any existing Board policies that may apply, or any new policies that might be required. For greater clarity, this would include detailed overviews of operational plans.

3. The Board is consulted, preferably during a meeting of the Board, in determining the mission and appropriate objectives, priorities and policies for the major event, in advance of the event occurring (in the case of a planned/known event). Once these have been defined, the Police Service will maintain the autonomy to develop and execute the appropriate operational plans. At any time, the Board may request additional relevant and appropriate operational information in order to adequately perform its oversight functions.
4. The Board is provided with sufficient and detailed information to allow it to ensure that operational plans:
 - a. Are consistent with the mission and objectives;
 - b. Are consistent with applicable Board policies; and
 - c. No additional policies are required to provide guidance to the Police Service.

Through this review process the Board may provide recommendations to the Chief where it believes the mission, objectives and priorities are not being achieved. However, the Chief remains free to accept or reject the Board's recommendations.

5. The Board is advised of what mechanisms exist to capture, during the planning process, the input of those who will have operational decision-making responsibilities during the event, and what testing of the operational plans will be conducted before the event.
6. The Board is advised of continuity of service plans so that it can assure itself that the rest of the City will be adequately and effectively policed during the major event.
7. The Board receives confirmation that a complete operational plan has been created that addresses all applicable policies and procedures.
8. The Board is briefed on the final operational plan.
9. The Board is provided with regular updates on the progress of the Ottawa Police Service's planning for the policing of the event.

2. Major Events Hosted by a Government Entity

When the Police Service is asked to develop operational plans to police a major event hosted by a government entity, the following provisions will apply:

1. As soon as the Board ~~or the Chief of Police~~ learns of the potential for Ottawa to be selected as the host city for an event sponsored by the federal or provincial government, the ~~Board~~ Chief of Police shall make a formal request to the host government that it be consulted in advance of final decisions being made on matters relevant to the Ottawa Police Service's policing function at the event. In particular, the ~~Board~~ Chief of Police shall request that it ~~they~~ receive information that will enable it ~~them~~ to understand the Ottawa Police Service's role at the event, the proposed decision-making structure and process, the legal framework applicable to the event's policing, and any other relevant information. ~~This information will be provided by the Chief of Police to the Board.~~
2. The Chief shall review whether there is sufficient time to plan for the event and specifically, whether the adequacy and effectiveness of policing for the event may be compromised by the time available to plan. If the adequacy and effectiveness of the Ottawa Police Service's policing may be affected by the amount of time available for planning, the Chief shall advise the Board and the Board will communicate this to the government entity hosting the event, and seek assistance to address challenges and gaps.
3. The Police Service shall negotiate a framework funding agreement with the host entity setting out the funding and reimbursement conditions with respect to the Ottawa Police Service's expenses associated with planning and policing the event. The agreement shall be reviewed by the Board Solicitor for potential risk and financial exposure, and the Board will be a signatory to the agreement.
4. When the RCMP will be involved in an international event for which security arrangements are required, and they include the participation of the Ottawa Police Service, the Board should encourage the federal and provincial governments to enter into an arrangement under section 10.1(4) of the *Foreign Missions and International Organizations Act (FMIOA)*. Furthermore, the Board should seek an opportunity to provide input concerning the details of such an arrangement with respect to the policing functions that the Ottawa Police Service can fulfill for the event and the legal authorities on which the Ottawa Police Service's involvement will be based.

3. Multi-Jurisdictional Policing Events

When the Ottawa Police Service is involved in a joint operation related to the policing of a major event, the following provisions will apply:

1. A formal agreement will be entered into with any other police agency assisting the Ottawa Police with policing a major event in Ottawa, or with other police agencies that have asked the Ottawa Police Service to assist them in their jurisdiction. The agreements shall be reviewed by the Board Solicitor and the Board shall be a signatory to them.
2. Formal agreements with other police agencies that are providing personnel to assist the Ottawa Police Service with an event in Ottawa shall set out the Ottawa Police Board policies and Ottawa Police Service procedures that will apply to police personnel who are under the command and control of the Ottawa Police Service. These policies shall include the requirement that all uniformed officers must wear name badges at all times. If external police officers violate identified Board policies or Ottawa Police Service procedures while carrying out their duties in assisting the Ottawa Police Service, the home board or their complaints and disciplinary oversight body shall have the authority to discipline those officers. This should also be stated in the formal agreement.
3. The Board shall be provided with detailed information and briefings concerning the planning structure, including the Ottawa Police Service's role in that structure, and whether planning decisions by the Ottawa Police Service are subject to the approval of any other entity.
4. The Board shall be provided with information concerning the command and control structure for the event. The Board shall assure itself that the command and control structure will enable the Ottawa Police Service to adequately and effectively provide police services for the event and for the rest of the City of Ottawa.
5. The Board shall receive sufficient information on training developed by the Ottawa Police Service for a major event and offered to its own officers and external police officers seconded to assist the Ottawa Police, to assure itself that training will be provided, whether any gaps exist in Board policies that need to be addressed prior to the event, and how the Ottawa Police Service plans to monitor compliance with the training.

4. Mass Demonstrations, Arrests and Detention

The Chief shall ensure that:

1. There is a policy in place to deal with crowd control at mass demonstrations that addresses: necessary preparation times for adequate planning; command structures; the organization and dissemination of intelligence; incident management systems; the adaptation, if necessary, of existing services procedures for use during the contemplated event; and, training.
2. There is a policy in place pertaining to mass detention that includes the specific procedures required to adequately address the rights of a large number of prisoners, and that the procedures are in accordance with current Canadian legal standards. (*Morden Recommendation #35*)
3. There is an operating plan for a temporary mass prisoner processing centre if one is needed. The plan shall address the design and processes for the facility, including procedures concerning prisoner care and management. The Ontario Ministry of Community Safety and Correctional Services should be consulted with respect to the development of this operational plan.
4. The Board is provided with sufficient information to be assured that the above-noted plans and policy requirements are in place.