

Report to / Rapport au:

**OTTAWA POLICE SERVICES BOARD
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

22 January 2024 / 22 janvier 2024

Submitted by / Soumis par:

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SUBJECT: COMMUNITY SAFETY AND POLICING ACT, 2019 (CPSA)

**OBJET: LOI DE 2019 SUR LA SÉCURITÉ COMMUNAUTAIRE ET LES SERVICES
POLICIERS**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board receive this report for information.

RECOMMANDATIONS DU RAPPORT

**Que la Commission de services policiers d'Ottawa prenne connaissance du
présent rapport à titre d'information.**

BACKGROUND

Over the past 30 years, the nature of policing and community safety has significantly changed, resulting in the need to replace the current Police Services Act, 1990 with the Community Safety and Policing Act, 2019 (CSPA). In March 2019, the government passed this legislation, and published most of its proposed regulations in mid-December 2023. The 30 proposed Regulations under the CSPA will apply and extend to municipal police services and municipal police service boards, including the Ottawa Police Service Board (Board) as of April 1, 2024. The impact of the legislation and its Regulations will

require Ottawa Police Service (OPS) and the Board to change their policies and procedures significantly. See Appendix A for list of Regulations. The Board office and the OPS are currently working on creating an implementation plan to address the changes under the Act. This report provides the Board with information on the Act and its Regulations as well as preliminary information on the Board and OPS implementation plan.

The timeline:

- In 2012, the Government of Ontario agreed to the OACP's request for a Policing Summit with all major police stakeholders to discuss a process for developing a new Act.
- In March 2017, Justice Tulloch's Independent Police Oversight Review informed some of the changes in the new legislation.
- In 2018, Bill 175, the Safer Ontario Act, 2018, was passed into law.
- In 2019, a new Provincial Government withdrew the Safer Ontario Act and introduced (and subsequently passed) the Bill 68, the Comprehensive Ontario Police Services Act, 2019. Part of the Act was the Community Safety and Policing Act, 2019 (CSPA, 2019)
- In March 2019, the government passed this legislation, and published most of its proposed regulations in mid-December 2023.

The majority of the 30 proposed Regulations under the CSPA will apply and extend to municipal police services and/or municipal police service boards, including the Ottawa Police Service Board (Board) as of April 1, 2024. Some of these Regulations will be effective as of April 1st, however others will have transitional periods. The Regulations have not been finalized, and a thorough review by the Board office and the OPS has not been completed. Therefore, deadlines will be provided to the Board at a future date. The impact of the legislation and its Regulations will require Ottawa Police Service (OPS) and the Board to change their policies and procedures significantly. See Appendix A for list of Regulations. See Appendix B for changes for Municipal Police Boards.

The Board office and the OPS are currently working on creating an implementation plan to address the changes under the Act. This report provides the Board with information on the Act and its Regulations as well as preliminary information on the implementation plan.

DISCUSSION

The Community Safety and Policing Act, 2019 (CSPA) focuses on addressing community safety, enhancing police oversight, modernizing policing, and establishing consistent mandated training requirements. Transition periods will allow for compliance with updated provisions (e.g., mandatory training and equipment obligations).

Significant changes to the province's legislative framework include but are not limited to:

- **Refined definition of Adequate and Effective Policing (O. Reg 392):** Under the CSPA, police service boards and the Commissioner of the OPP will be required to provide adequate and effective policing in their area of policing responsibility, in accordance with the needs of the population in the area and having regard for the diversity of the population in that area. The proposed regulation sets out certain standards, as well as requiring chiefs of police to develop procedures and take other steps, in relation to the following policing functions: Crime Prevention; Law Enforcement; Maintaining the Public Peace; Emergency Response; and Assistance to Victims of Crime.
- **Delivery and training of police services:** The training regulation has not yet been finalized; it is expected to be filed on e-laws at the end of January. The purpose of the proposed regulatory requirements relating to training under the CSPA is to prescribe training requirements for mandatory police officer training and Special Constable training, including exemptions and alternative requirements to mandatory training. Also, to prescribe training requirements on use of force and de-escalation techniques for police officers and certain categories of special constables; and prescribe the timeline in which members of a police service board must complete mandatory training.
- The Ministry is developing regulations governing section 14 agreements (i.e., outsourcing of policing functions), which will identify the policing functions that could be provided on behalf of a police service by another police service or non-police service parties (i.e., prescribed entities). We expect limited exceptions for prescribed entities such as specialized investigative support functions (i.e., Forensic Identification, Collision Reconstruction, Criminal Intelligence). All Outsourcing Agreements are to be filed with the Inspector General's office.
- **Authority for the Inspector General of Policing:** The Ontario Civilian Police Commission will be dissolved, and its oversight functions will be taken over by the Inspector General's Office. The Inspector General will be responsible for complaints about Board members, oversight of adequacy and effectiveness of

policing, compliance with the Act, Board policies, and procedures established by Chiefs.

- **Authority of the Law Enforcement Complaints Agency (LECA;** formerly known as the OIPRD): LECA will retain jurisdiction over all public complaints about the conduct of police officers and issues of a systemic nature. The LECA / Complaints Director will have the power to investigate, even absent a public complaint if it is in the public interest to do so. There is a positive obligation to report misconduct to the LECA, which will significantly expand scope. The Complaints Director will direct complaints to the Chief or an external police Chief to conduct the investigation or retain the complaint. The Board will be responsible for the costs of LECA investigations, except in prescribed circumstances. Chiefs and Police Service Boards must establish written procedures regarding the right to report misconduct of an officer (or Chief or Deputy Chief as the case may be) by current and former members of the police service, without reprisal.
- **Police discipline/complaint process:** Modernization of police officer discipline, including suspension without pay for police officers, and duty of fair representation. Suspension without Pay is expanded to if the officer is charged with an off duty, “serious offence” and the Chief intends to terminate the officer. A serious offence is defined as any indictable offence, or hybrid offence (i.e., under the Criminal Code, Controlled Drugs and Substances Act, or the Cannabis Act) for which the Crown elects to proceed by indictment.
- **Police Service Boards, including Board Policies:** The introduction of a police record check for prospective board members, mandatory training for board members, a board diversity plan, greater clarity between the board and chief responsibility, the requirement to publish directions given to the chief, setting the police budget.

OPS Implementation Plan

A/Supt. Nancy Murray is leading the implementation plan for changes related to the Act and the Executive Sponsor is Deputy Chief Ferguson. Our primary objective is to ensure we comply with the new act and its regulations by modifying our policies & procedures, processes, and practices. The Inspectorate of Policing is advocating for a project management approach. As such, the Responsible, Accountable, Consulted, & Informed (RACI) matrix will be utilized to define key roles and responsibilities of Subject Matter Experts across the service. Notably, board consultation will be included in the “Consulted” component of the RACI matrix. Using this matrix will help manage the volume of work related to the Act. It is anticipated that significant changes will be

required for professional standards, training, equipment, investigations, police emergency responses (i.e., Active Shooter), and legal services. Currently, these areas are undertaking reviews of the new Regulations.

Board Implementation Plan

The Board's Executive Director Krista Ferraro will lead the implementation of the changes related to the Act that affect the Board, including changes that require coordination between the Board and the Service. The Executive Director will work directly with the OPS lead as well as the Board's Police Services Advisor. Some preliminary discussions have already begun.

The Executive Director will also leverage support from external legal counsel experienced in the *Police Services Act* to assist in the review and implementation of the new requirements of police services boards under the *Act*. A similar approach is being used by other police boards across the province.

Outreach has also occurred with the Ontario Association of Police Services Boards (OAPSB) to inquire about tools being developed to assist boards across the Province in implementing the new requirements under the *Act*. The OAPSB has confirmed they are currently working on a checklist to identify the new requirements of police boards which cross references the previous *Act*.

The Executive Director continues to be in regular contact with Board staff across the province from the Big 12 Police Boards. Information sharing has already begun in terms of the approaches being taken to identify and implement the new requirements of the *Act*. These discussions will be ongoing and where possible, the Big 12 will be looking for opportunities to collaborate on some of the new requirements, such as policies, to reduce duplication and leverage collective experience across the province.

The Executive Director is planning to attend the upcoming CSPA Summit on February 26th – 28th, organized by the Ontario Association of Chiefs of Police, Police Association of Ontario, the Ontario Association of Police Services Boards, and the Ontario Senior Officers Police Association, which will serve as a forum to provide a shared understanding and additional clarity on the *Act* and its Regulations.

Updates on the Board's implementation of the new *Act* will continue to be provided to the Board jointly with updates from the Service.

Several areas have already been identified for review:

Equipment: There are multiple equipment requirements which will have a significant impact on OPS. The following must be stored in every motor vehicle that is being used by police officers performing patrol functions:

- Halligan tool (i.e., forcible entry tool).
- Hard body amour, for each officer performing patrol functions using the vehicle while it is in use, that the National Institute of Justice of the United States Department of Justice has classified as Type III or Type IV using its methodology for assessing ballistic performance.
 - Notably, issues have been identified with mounting body worn cameras on hard body amour. Currently body worn cameras are difficult to install, therefore, it is likely not possible to quickly transfer their camera over to their hard body amour if needed. In situations of high stress, where hard body amour is required, officers will likely focus on the threat and not necessarily remember to switch their body worn camera. These issues will need to be considered in the implementation plan.

Investigations: A regulation that establishes investigative standards relating to the undertaking and managing of all investigations by members of police services. This includes all significant investigations under the Criminal Code, Cannabis Act, and the Controlled Drug and Substances Act.

- Require that every Investigation be undertaken by an "Investigator", or "Senior Investigator", as determined by a supervisor and having considered specified factors to adequately undertake the Investigation.
- Create obligations and requirements for an Investigator and Senior Investigator in relation to an Investigation.
- Establish responsibilities for a supervisor in relation to monitoring and providing support to ensure that the Investigation is carried out effectively.
- Update responsibilities for the Chief of Police in relation to developing procedures; and
- Requirements for every police service board and the Solicitor General to establish a policy with respect to the conduct of Investigations.

Police Emergency Responses: A new Regulation regarding Active Attackers will require significant review. Implications could include new FTEs (for training purposes), mandatory equipment (at least one tourniquet and at least one pressure bandage or

trauma dressing; access to a battering ram and bolt cutters), and updates of policies and procedures.

Legal Services: The CSPA and its regulations are currently being reviewed and they are tracking changes in the new legislation.

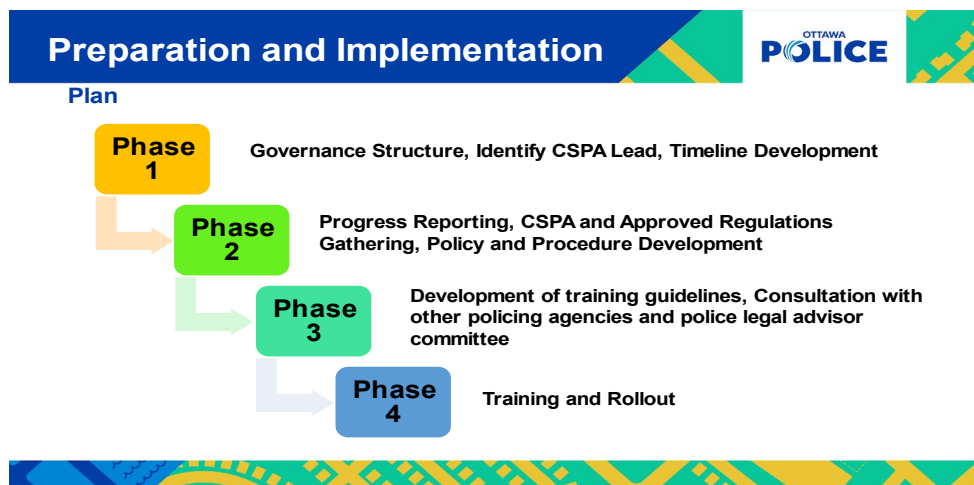
Policy Development Office: The Policy Development Office is aware of the new regulations which will require a review of every policy and procedure to ensure compliance with the Act and update the language to reflect the changes. A process is underway to develop a framework to review all policies and make a proposed timeline based on deadlines set in the CSPA in conjunction with the CSPA lead.

A full assessment will be completed with Subject Matter Experts to provide a more thorough understanding of the implications in each section. However, it is important to note these changes could put pressure on the OPS budget.

Proposed Implementation Plan

Figure 1 represents the proposed phased approach to implement changes from the CSPA.

Figure 1. Preparation and Implementation of the CSPA



Phase 1: Developing the proposed Governance Structure

We are currently in the process of developing the governance structure, identifying CSPA regulation sponsors, and creating a timeline. The structure, sponsors, and timeline are anticipated to be completed and approved by the end of January. Currently, the CSPA lead is reviewing the legislation and its regulations to identify needs from a strategic lens. Additionally, the Policy Development Office is identifying areas that require OPS policy and procedure changes.

Based on these reviews, a regulation sponsor will be identified to be the accountable person (A in RACI matrix) for the changes under each regulation. The aim is to identify these sponsors by the end of January. Once the Sponsors are notified of their assigned regulations, the CSPA lead will meet them to discuss the action plan for addressing the needs (i.e., timeline). The CSPA lead, in conjunction with the individuals who are responsible for the Regulation (e.g., Policy Development Office, Equity Diversity and Inclusion Office, Financial Services, etc.), will identify deliverables and key milestones for each regulation. Based on each regulation other stakeholders may be required to review which will be determined on a case-by-case basis.

Phase 2: Progress Reporting, CSPA and Approved Regulation Gathering, Policy and Procedures Development

A progress tracker will be created with the deliverables and milestones. Regular meetings will be held with the CSPA lead to identify updates and challenges. The CSPA lead will also be reviewing all updates to ensure they meet the requirements (i.e., documentation from the legal and policy offices).

The Policy Development Office will work with the CSPA lead and each Regulation Sponsor to ensure new policies and procedures are updated in accordance with the new policy lifecycle, which establishes a formalized process for review and consultation. Findings from our reviews and consultations will be available for the CSPA lead to review, to ensure any updates meet regulatory requirements. The Policy Development Office intends to work with the Police Service Board during this stage to ensure alignment with their policy and procedures.

Phase 3: Developing Training Guidelines, Consultation with other Police Agencies, and Police Legal Advisor Committee

The upcoming CSPA Summit on February 26th – 28th (<https://www.oacp.ca/en/news/joint-oacp-pao-oapsa-osopa-community-safety-and-policing-act-training-february-2024.aspx>) organized by the Ontario Association of Chiefs of Police, Police Association of Ontario, the Ontario Association of Police Services Boards, and the Ontario Senior Officers Police Association, will serve as a forum to provide a shared understanding of the Act and its Regulations. The Inspectorate of Policing will also act as a resource to support the policing sector leading up to the CSPA commencement date. To this end, the Inspectorate's Police Services Advisors will continue to work directly with police services, chiefs of police, and police services boards to provide liaison and advisory services toward readiness to transition to the new CSPA framework.

Development of training guidelines will be based on the new training Regulation.

Phase 4: Training and Rollout

To be determined by timelines set out in the CSPA and its regulations.

CONSULTATION

Consultation will take place throughout the implementation plan according to the identified needs of each regulation.

More information on the anticipated changes will likely be provided at the upcoming Ontario Association of Police Service Boards (APSB) Community Safety and Policing Act, 2019 Summit scheduled for the end of February.

FINANCIAL IMPLICATIONS

It is anticipated that a financial lead will be assigned from Financial Services to review the legislation and its Regulations to give a thorough assessment of financial implications. We also anticipate budget implications/requests related to meeting the regulations within the new Act. These financial implications will be determined in Phase 2 and 3 of the implementation plan.

SUPPORTING DOCUMENTATION

Appendix A – Regulations

Appendix B - Overview of Municipal Police Service Boards under the CSPA

CONCLUSION

The Board and OPS remain dedicated to ensuring a thorough and proactive response to the legislative changes introduced by the Community Safety & Policing Act and its Regulations. Utilizing the RACI matrix as a strategic tool, the OPS is diligently working to identify the key roles, deliverables, and milestones to ensure a comprehensive and proactive response. The Board and Service's dedicated efforts are aimed at meeting the expectations set out in the new legislation. Regular updates will be provided to the Board and the OPS and Board will be working jointly on regulations that require both parties to comply. By fostering a thorough understanding and implementation of the regulatory framework, the Board and OPS are poised to navigate these changes.

APPENDIX A: Regulations

The chart below provides a list of regulations that apply and extend to municipal police services and municipal police service boards. The regulations listed below have been approved by Cabinet and filed as of Dec 18, 2024.

O. Reg 391/23	Use of Force and Weapons
O. Reg 392/23	Adequate and Effective Policing (General)
O. Reg 393/23	Active Attacker Incidents
O. Reg 394/23	Major Case Management and Approved Software Requirements
O. Reg 395/23	Investigations
O. Reg 396/23	Matters Respecting the Appointment and Functions of Special Constables and the Authorization of S/Cst Employers
O. Reg 397/23	Vehicle Pursuits
O. Reg 398/23	Alternative Provision of Policing Functions
O. Reg 399/23	General Matters Under the Auth of the Lieutenant Governor in Council
O. Reg 400/23	Collection of Identifying Information in Certain Circumstances - Prohibition and Duties
O. Reg 401/23	Conflicts of Interest
O. Reg 402/23	Political Activity
O. Reg 403/23	Ontario Police Arbitration and Adjudication Commission
O. Reg 404/23	Adjudication Hearings
O. Reg 405/23	Police Uniforms and Equipment
O. Reg 406/23	Discipline
O. Reg 407/23	Code of Conduct for Police Officers
O. Reg 408/23	Code of Conduct for Police Service Board Members
O. Reg 410/23	Code of Conduct for Special Constables
O. Reg 411/23	Complaints About Special Constables
O. Reg 412/23	Disclosure of Personal Information

O. Reg 413/23	Amount Payable by Municipalities for Policing from Ontario Provincial Police
O. Reg 414/23	Community Safety and Wellbeing Plans - Publication and Review
O. Reg 415/23	Cost of Adjudication
O. Reg 416/23	Oaths and Affirmations

APPENDIX B: Overview of Municipal Police Service Boards under the CSPA

Overview of Municipal Police Service Boards under the CSPA

Police services boards oversee how policing is provided in their local community. They contribute to their community's safety and well-being by working with local citizens and organizations to make sure their community receives the appropriate policing it needs.

Under the CSPA, municipal police services boards are responsible for:

ensuring that adequate and effective policing is provided	determining objectives and priorities for police services	establishing policies for the effective management of the police service	appointing members of the police service
recruiting and appointing the chief of police and any deputy chief	monitoring the performance of the chief of police	participating in collective bargaining and working agreement processes as the employer	

Under the CSPA, municipal police services boards will be subject to requirements, including:

<p>Number of board members - The municipal board shall be composed of five members unless the municipality passes a resolution to change the number of members (to seven or nine members).</p>	<p>Strategic Plan - The police service board shall, in accordance with the regulations, if any, prepare and adopt a strategic plan for the provision of policing, which shall address at least a range of prescribed matters.</p>	<p>Estimates - A municipal board shall submit operating and capital estimates to the municipality that will show, separately, the amounts required to provide adequate and effective policing in the municipality; comply with the CSPA and its regulations; and, pay the expenses of the board's operation.</p>
<p>Composition - A municipal board that is composed of five members shall consist of:</p> <ul style="list-style-type: none"> (a) the head of the municipal council or, if the head chooses not to be or is ineligible to be a member of the board, another member of the municipal council appointed by resolution of the municipality; (b) one member of the municipal council appointed by resolution of the municipality; (c) one person appointed by resolution of the municipality, who is neither a member of the municipal council nor an employee of the municipality; and (d) two persons appointed by the Lieutenant Governor in Council. 	<p>Consultations - In preparing or revising the strategic plan, the police service board shall consult with various parties, including the chief of police, diverse communities and/or First Nation band councils, and the municipal council of any municipalities in the board's area of policing responsibility.</p>	<p>The format of the estimates, the period that they cover, and the timetable for their submission shall be determined by the municipality.</p>
	<p>Annual Report - On or before June 30 in each year, the police service board shall file an annual report with its municipality or band council.</p>	