

Report to / Rapport au:

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

26 February 2024 / 26 février 2024

Submitted by / Soumis par:

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

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

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 OPS has initiated 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 any new information and progress on the 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 (26) of its proposed regulations in mid-December 2023.
- No new regulations have been posted since December 2023. It is expected four more regulations will be released in the coming months.
- February 26 – 29, 2024: CSPA Summit in Toronto, hosted by the Ministry
- Date to be determined: QA Sub-committee policy meeting with Ontario Police Services

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 various OPS stakeholders is ongoing. 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 OPS is currently completing phase one of the implementation plan and starting to work on phase two to address the changes under the Act.

This report provides the Board with information on the Act and its Regulations as well as updates on the OPS and Board implementation plans.

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 have been incorporated to allow for compliance with operational and equipment-related changes (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 published by the province. 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.
- **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 as of April 1st, 2024. 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 authority 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 way of indictment.
- **The introduction of** a standardized public complaints process for special constables. In relation to modernization of the special constable's framework, the ministry has introduced a new process in regulation for the receiving and addressing of public complaints.
- **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 implementation lead is working with the subject matter experts in identifying the key milestones, deliverables, and various stakeholders involved in each of the regulations. Ongoing consultation meetings with the Board have also been established to ensure alignment in our objectives and strategies and to discuss any implementation challenges. 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, detailed reviews are underway to help identify deliverables, milestones, and timelines.

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 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. Active attacker and emergency response have been identified by the Policy Development Office as one of the key areas for policy review during the first policy rollout.

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

Training is being developed on the CSPA discipline/complaint/adjudication process to roll out to our Professional Standards Unit starting end of March.

Policy Development Office: As a result of the CSPA, all OPS policies and procedures are in the process of being reviewed. We are fully connected with the Board to align our review process and are engaging our internal stakeholders and experts in our review process. Externally, we will be attending meetings with the Ministry and other services to ensure we are developing our policy and procedure based on best practices across the province. These meetings will also help identify major changes that need to be addressed.

As a part of the Policy Development Office review, policies and procedures will be rolled out in stages. For the first rollout, 11 key areas have been identified. This rollout process aims to ensure policies and procedures are updated accurately and comply with all CSPA requirements, focusing on producing quality over quantity. Policy owners for most of the first rollout areas have been identified, and an email has been sent out explaining the work to come from the CSPA.

The following identifies some of the top priorities for review:

- Emergency Response, Active Attacker, and Investigations will involve multiple policy/procedure documents, and a thorough review of the current practices is essential here.
- Special Constable procedures need to be developed and included in misconduct investigations.

As these are large areas, with some holding multiple policies and procedures, the review and development process will take considerable time.

To help standardize the approach, a new policy development framework and associated procedure have been reviewed by our internal Policy Advisory Committee, which will be discussed for approval at the next meeting in March. This will feed into the development plan from the Policy Development Office.

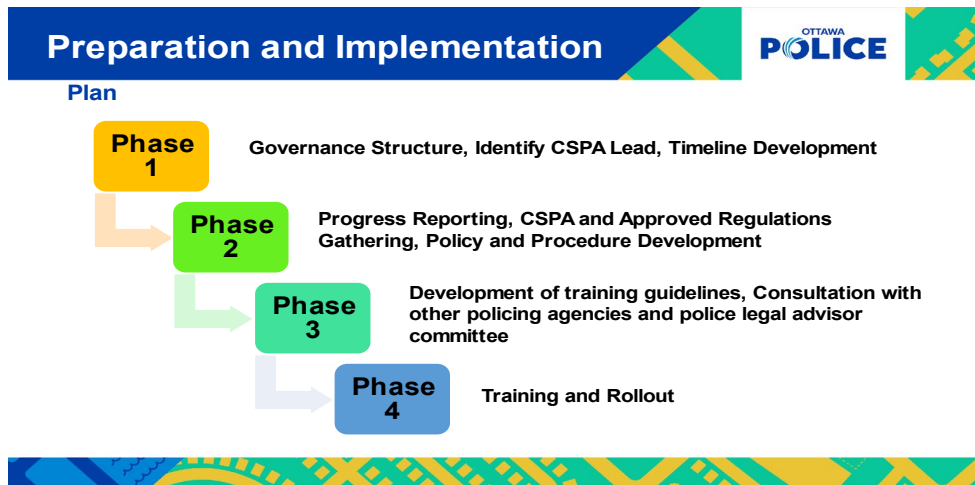
Many variables may influence timelines and the completion of policy reviews. With over 200 policies and procedures, not all will be reviewed by the April 1st deadline. The first meeting with the Ministry will occur at the CSPA Summit at the end of February, informing the process going forward. A policy QA subcommittee meeting is also being discussed with Services Ontario-wide to address the CSPA. Until these key meetings take place to address the changes and potential areas of concern, the Policy Development Office is still in the discovery phase for rolling out policy work.

It is important to note these changes could put pressure on the OPS budget. We currently have 3 Full-Time FTEs in the Policy Development Office. Two of these positions are working on the CSPA policy implementation plan. While the CSPA remains a top priority, other work is being done by these FTEs to support OPS in various governance capacities. There may be budget implications to increase the number of full-time FTEs in the Policy Development Office. This would address the large volume of policies and procedures to be reviewed on an ongoing basis, help address the importance of policy and procedure in the CSPA and ensure compliance with the Act. More information on this will be provided once the discovery phase is completed.

Implementation Plan Progress

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

A governance structure has been developed, the CSPA regulation sponsors have been identified, and an implementation targeted timeline has been created. Currently, the CSPA lead continues to review 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.

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

A progress tracker is in development with the deliverables, milestones, and anticipated costing. Regular meetings will be held with the CSPA Implementation 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 Implementation 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. The training regulation is expected but has not yet been released by the Ministry.

Update on Board Implementation Plan

Review of the new requirements of the CSPA as they relate to police services boards is ongoing. A number of areas to be addressed by the Board have already been identified and these are outlined in Appendix 3.

As mentioned in the January update, external legal counsel experienced in the *Police Services Act* will be supporting the Board in its review and implementation of the new requirements of police services boards under the Act. Legal counsel will work with the Executive Director (the Board's Implementation Lead), to bring recommended policy, procedure, and bylaw updates/revisions to the Board and any relevant Board Committees.

The in-force date of the CSPA is April 1, 2024. The Board will make its best efforts to ensure compliance with a number of the new requirements by the in-force date. Prioritization will consist of reviewing requirements that are relatively straightforward to address, as well as identifying any requirements that may be deemed a priority due to the risk they pose to the Board and/or Service. However, recognizing that some changes are more complex and will require more analysis and discussion, both at the Committee and Board level (such as new policy requirements and changes to labour relation practices), full compliance will not be possible on April 1st. Given the CSPA Summit intended to provide a shared understanding and additional clarity on the Act and its Regulations has yet to take place (it is occurring February 26-28) and in light of the fact that some regulations have still not been released, the majority of Boards and Services in the province will find themselves in a similar position.

The Executive Director continues to have weekly meetings with OPS leads to remain coordinated on the implementation of the new requirements of the CSPA. As OPS leads complete their review of Service policies to identify required updates, they will be flagging for their potential impact on any corresponding Board policies.

While the Ontario Association of Police Services Boards (OAPSB) indicated they are working on a checklist for boards to identify new requirements, one has yet to be provided.

Board staff across the Big 12 Police Boards in the province are regularly sharing information and discussing the requirements of the new Act, which has been helpful in further clarifying interpretations and needs.

CONSULTATION

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

More information on the CSPA and its regulations will 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

Financial Services will be engaged when cost implications are identified by the Subject Matter experts to give a thorough assessment of the 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

Appendix C – New Board Requirements under the CSPA

CONCLUSION

OPS remains 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, we are diligently working to identify the key roles, deliverables, and milestones to ensure a comprehensive and proactive response. Our dedicated efforts are aimed at meeting the expectations set out in the new legislation. We will be updating the board regularly on this topic as well as working with

the board on regulations that require both to comply. By fostering a thorough understanding and implementation of the regulatory framework, OPS is 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>The format of the estimates, the period that they cover, and the timetable for their submission shall be determined by the municipality.</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>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>	

Appendix C – New Board Requirements under the CSPA

Requirement	Description	Priority
Name change – section 31	<p>The legal name of the Board shall be the Ottawa Police Service Board. The plural form of “Service” is dropped.</p> <p>Board logos, templates, website, agenda, and other documents, will need to be updated with the new legal name.</p>	High
Mandatory training for Board members – section 35	<p>Mandatory training will be required to be taken by all Board Members in the areas of roles and responsibilities, human rights, systemic racism, the diverse, multicultural, multiracial nature of Ontario society, and the rights and cultures of First Nation, Métis, Inuit Peoples.</p> <p>Modules have yet to be released by the Ministry however the first module on “Roles and Responsibilities” was expected in February.</p> <p>Board members who do not complete the mandatory training by the deadlines specified by the Ministry will not be able to exercise their powers or perform their duties.</p>	High
Diversity Plan – section 37(1)(e)	<p>The Board will be required to prepare and adopt a diversity plan to ensure that the members of the Service reflect the diversity of the community.</p>	High
Labour Relations – section 220	<p>Identify positions which fall within the scope of section 220 and develop measures to implement.</p>	High

Special Constable appointments – section 92	In addition to appointing special constables, which is an existing Board responsibility under the current Act, update policies to reflect enhanced Board responsibilities.	High
Police Officer appointments	Ensure that policies with respect to the appointment of persons to be police officers are up to date.	High
Procedure Bylaw changes – section 44 etc.	Establish mechanism required by section 40, possibly through a Board committee, consider procedure to use for section 40(5) matters, update in-camera procedures and timing of agenda preparation and release.	High
Information Sharing Protocol with Municipality – section 41(3)	Review and/or create an information sharing protocol with the municipality. A low priority item given that the Board is required to share information in any event.	Low
Committees and Delegated Authority	Review of procedures to align with ability of Board to delegate and create committees which include non-members.	Low
Code of Conduct	Review revised Board Member Code of Conduct with all Board members.	High
Annual Report – section 41	Ensure that annual reporting process is updated to include new requirements. Note June 30 th annual deadline.	Medium
Facilities review – section 37(1)(j)	Ensure that facilities are in compliance. Seek guidance regarding facilities which are owned by the City rather than the Board.	Medium

Policy scope review – section 38(2), (5) and (6)	Review of Board policies to ensure that the policies are within the permissible scope.	Medium
Strategic Plan – section 39	Update strategic planning process.	Low
Direction to Chief of Police scope review – section 40	Review of Board policies to ensure that the policies are within the permissible scope of direction.	Medium
Publication of direction to Chief of Police – section 40(9)	Ensure that all directions are published.	High
Right to report misconduct – Part XI	Ensure that the Board and the Chief of Police have created procedures with respect to the disclosure of misconduct.	High
Protection from reprisals – section 190	Ensure that the Board and the Chief of Police have created procedures with respect to identification and reporting of allegations of reprisal.	High
Legal indemnification policy – section 38(4)	Ensure that any existing legal indemnification policy is amended to reflect section 38(4).	Low
Temporary assistance requests – section 19	Ensure that there is a Board policy with respect to temporary assistance requests.	Medium
Extra policing cost – section 18	Ensure that there is a policy with respect to recovery of costs arising from special events.	Low

Alternative provision of police services – section 14	In consultation with the Chief of Police, consider whether the Board can and should enter into agreements for alternate provision of some services.	Low
Police Cadets – section 90	Consider whether to have a Board policy.	Low