

Report to / Rapport au:

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

13 March 2024 / 13 mars 2024

Submitted by / Soumis par:

**Executive Director, Ottawa Police Services Board / Directrice exécutive,
Commission de services policiers d'Ottawa**

Contact Person / Personne ressource:

**Krista Ferraro, Executive Director / Directrice exécutive
*Krista.Ferraro@ottawa.ca***

**SUBJECT: IMPLEMENTATION OF BOARD REQUIREMENTS UNDER THE
COMMUNITY SAFETY AND POLICING ACT (CSPA)**

**OBJET: MISE EN ŒUVRE DES EXIGENCES RELATIVES AUX COMMISSIONS
EN VERTU DE LA LOI SUR LA SÉCURITÉ COMMUNAUTAIRE ET LES
SERVICES PUBLICS**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board's Policy and Governance Committee:

- 1) Receive this item for review and input.**
- 2) Forward the draft policies to the Board for approval and adoption at the March meeting.**

RECOMMANDATIONS DU RAPPORT

Que le Comité des politiques et de la gouvernance de la Commission de services policiers d'Ottawa :

- 1. prenne connaissance de ce point aux fins d'examen et de formulation de commentaires;**
- 2. transmette à la Commission la version préliminaire des politiques aux fins d'approbation et d'adoption à la réunion de mars.**

BACKGROUND

The *Community Safety and Policing Act* (CSPA) received Royal Assent in 2019 and will come into force on April 1, 2024. The new legislation makes significant changes to the legislative structure of policing in Ontario, with the intention of modernizing the policing framework, strengthening police governance and oversight, and improving community safety.

The CSPA includes a number of new requirements of Police Services and Police Services Boards. Monthly updates have been provided to the Board since January regarding the Board and Service's review and implementation of the CSPA.

The purpose of this report is to provide the Committee with a more detailed update on the Board's implementation of its requirements under the CSPA and to solicit input. This report includes a number of new and amended Board policies intended to ensure the Board meets its requirements under the CSPA. It is recommended that these draft policies and policy amendments be forwarded to the Board for approval at its March meeting, so they can be adopted in time for the April 1, 2024, in force date.

DISCUSSION

Included at Document 1 is a chart summarizing key changes under the CSPA related to Police Services Board. The requirements have been assigned different priority levels to assist in ranking the implementation of new requirements under the CSPA, recognizing full implementation will extend well beyond the April 1, 2024, in force date.

Prioritization consisted of identifying requirements that are relatively straightforward to address, as well as identifying requirements that are public facing and/or may be deemed a priority due to the risk they pose to the Board and/or Service.

Some fluidity is to be expected as not all regulations have been released and there continues to be some changes to the legislation. Further, interpretation of requirements continues to evolve as Services and Boards work through the legislation.

In order to address new requirements deemed a high priority, new and amended Board policies are being proposed for adoption in time for the April 1, 2024, in force date of the CSPA. The new/amended policies mainly reflect minimum requirements outlined in the CSPA and its associated regulations. This Committee and the Board may choose to revisit these policies in the future to make further changes after the in-force date. The Board's new Senior Policy Advisor, who is currently being recruited, will also be able to assist the Board in further refining policies as needed.

The following amended and new policies are being proposed at this time:

- *Amended:* GA-3 Board Training – Policy amendments are being proposed to reflect the new mandatory training required of Board members under the CSPA.
- *New:* CR-X Disclosure of Personal Information by the Chief of Police – A new policy is being proposed to meet requirements under Section 38(1) of the CSPA, requiring the establishment of a policy respecting the disclosure by the chief of police of personal information about individuals.
- *New:* GA:X Adequate and Effective Policing – A new policy is being proposed to meet Board policy requirements under Section 38(1) of the CSPA, requiring the establishment of a policy respecting the provision of adequate and effective policing in accordance with the needs of the population of the area for which it has policing responsibility.
- *NEW CR:X* Restriction on Membership in a Police Association – A new policy is being proposed to reflect restrictions on members who can be part of a police association as per section 220 of the CSPA, as well as to outline how terms and conditions of employment will be determined and how disputes will be resolved related to the implementation of section 220.
- *NEW CR:X* Probationary Period of Police Officers – A new policy is being proposed to outline the probationary period of police officers within the Board’s jurisdiction, including the process by which the Board will consider the termination of employment during the probationary period.
- *NEW CR:X* Disclosure of Misconduct and Reprisals – A new policy is being proposed to ensure the Chief of Police establishes written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by members of its police service, other than by the chief of police or deputy chief of police.
- *NEW CR:X* Secondary Activities for Police Service Members – A new policy is being proposed to meet Board policy requirements under Section 38(1) of the CSPA which requires a Board policy respecting disclosure of secondary activities under section 89 and decision under that section.

Other high priority requirements to be addressed by the Board in time for the in-force date concern the appointment processes for special constables and police officers, including the requirement for Boards to issue certificates of appointment; the requirement to establish a process for the intake of complaints concerning special constables employed by the police service; and a policy concerning the disclosure of misconduct alleged to have been engaged in by the chief of policy or deputy chiefs of

police. Proposed policies/processes are expected to be presented to the Committee for input and circulated separately from this report.

For the awareness of the Committee, other actions being taken in support of the implementation of requirements under the CSPA include:

- **Board website:** Board staff will be reviewing and updating the Board's website to ensure any necessary changes are made to reflect the CSPA.
- **Name change:** The legal name of the Board will be changed from "Ottawa Police Services Board" to "Ottawa Police Service Board". Board staff will be updating Board logos, the website, and various other templates/documents to reflect the new legal name.
- **Board Procedure changes:** Board staff will be reviewing the Board's Procedure Bylaw to identify any required changes while simultaneously implementing any new requirements which can be applied as of the in-force date, such as meeting notice periods and closed meeting subject matter.
- **Code of Conduct:** Board staff will circulate the updated Code of Conduct to all Board members for review and signature prior to the in-force date.
- **Publication of Direction to Chief of Police:** Section 40(1) permits the Board to provide directions to the Chief of Police and Section 40(9) requires the Board to publish such directions on the Internet. The Board's monthly, "Outstanding Inquiries & Motions" report will be updated to capture any directions provided by the Board to the Chief beginning in April.

The review of existing policies and bylaws as well as the development of new required policies remains ongoing. Ongoing updates will be provided to the Committee and the Board.

Note: The requirement for the Board to prepare and adopt a diversity plan was initially ranked a high priority however this ranking has since been changed to medium as it was learned during a recent session hosted by the Ontario Association of Police Services Boards (OAPSB) that Boards would be given a year-long transition period to comply with this requirement, similar to the transition period afforded to municipalities who must now develop a diversity plan with respect to appointments to police Boards.

CONSULTATION

External legal counsel continues to provide support to the Executive Director on the implementation of the Board's requirements under the CSPA.

FINANCIAL IMPLICATIONS

Not applicable

SUPPORTING DOCUMENTATION

Document 1: Chart: New Board Requirements under the CSPA

Document 2: Amended Board Policy – GA:3 – Board Training

Document 3: New Board Policy – CR:X – Disclosure of Personal Information by the Chief of Police

Document 4: New Board Policy – GA:X – Adequate and Effective Policing

Document 5: New Board Policy – BC:X – Restriction on Membership in Police Association

Document 6: New Board Policy – CR:X – Probationary Period of Police Officers

Document 7: New Board Policy – CR:X – Disclosure of Misconduct and Reprisals

Document 8: New Board Policy – CR:X – Secondary Activities for Police Service Members

CONCLUSION

The *Community Safety and Policing Act* (CSPA) received Royal Assent in 2019 and will come into force on April 1, 2024. The CSPA includes a number of new requirements of Police Services and Police Services Boards.

The Police and Governance Committee is being asked to receive this report as an update on the implementation of Board requirements under the CSPA and to provide input. This report includes a number of new and amended Board policies intended to ensure the Board meets its requirements under the CSPA. It is recommended that these draft policies and policy amendments be forwarded to the Board for approval at its March meeting, so they can be adopted in time for the April 1, 2024, in force date.

Document 1 - 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>	Medium
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