

**Report to / Rapport au:**

**OTTAWA POLICE SERVICE BOARD  
LA COMMISSION DE SERVICE DE POLICE D'OTTAWA**

**22 April 2024 / 22 avril 2024**

**Submitted by / Soumis par:**

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**SUBJECT: COMMUNITY SAFETY AND POLICING ACT, 2019 (CSPA)**

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

**REPORT RECOMMENDATIONS**

**That the Ottawa Police Service Board receive this report for information.**

**RECOMMANDATIONS DU RAPPORT**

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

**BACKGROUND**

On April 1<sup>st</sup>, 2024, the Community Safety and Policing Act (CSPA) and its regulations came into effect. Twenty-six of its proposed regulations were filed in mid-December 2023. Since then, 4 additional regulations were filed in March, including the training regulation. 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.

The majority of the 31 Regulations under the CSPA apply and extend to municipal police services and/or municipal police service boards, including the Ottawa Police Service Board (Board). These Regulations were effective as of April 1st, however, some of the regulations have transitional periods which have been incorporated to allow for compliance with operational, and equipment-related changes (e.g., mandatory training and equipment obligations).

The Regulations have been finalized, and a thorough review by various OPS stakeholders has taken place, a review of the recently passed regulations 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 has completed phase one and two of the implementation plan, although policy development is still ongoing, to address the changes under the Act. Work is currently underway for phases 3 & 4. 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.

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 new Generally Applicable Standard (GAS). This standard requires law enforcement to be based on:

A policing function shall be provided to an extent and in a manner that is reasonable, having regard to the following factors:

1. The policing needs of the community.
2. The geographic and socio-demographic characteristics of the police service's area of policing responsibility.
3. The extent to and manner in which the policing function is effectively provided in similar communities in Ontario.
4. The extent to which past provision of the policing function by the police service has been effective in addressing the policing needs of the community.
5. Best practices respecting the policing function.

Importantly, these components will be used by the Inspectorate of Policing for auditing compliance with the new legislation. The proposed regulation sets out standards for the following policing functions: Crime Prevention; Law Enforcement; Maintaining the Public Peace; Emergency Response; and Assistance to Victims of Crime. Certain equipment and procedure requirements are also highlighted.

- **Delivery and training of police services:** The training regulation was filed on March 18th. The purpose of the 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. We are currently

training members on the new Ontario Public-Police Interactions course which was rolled out by the Ministry in May 2023.

- **Authority for the Inspector General of Policing (IOP):** 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 1<sup>st</sup>, 2024. The new IOP has been travelling around Ontario to meet with police services and their boards about their authorities under the CSPA. The meeting with the Ottawa Police Service took place end of February.
- **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.
- **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.
- **Restriction on Membership in a Police Association (Section 220):** Section 220 of the CSPA restricts the chief financial officer, the chief administrative officer, the chief human resource officer, and general counsel from becoming or

remaining a member of a police association if their position would likely give rise to a conflict of interest in engaging or assisting with collective bargaining. Bill 157, which received Royal Assent on March 6<sup>th</sup>, narrowed the test to address conflicts of interest in respect of collective bargaining matters, as opposed to labour relation matters more broadly. As per the Chair of the Police Service Board's request, decisions regarding section 220 will be referred to the Board's Human Resources committee.

### **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. We are operationally in compliance with the majority of the CSPA regulations that came into effect on April 1<sup>st</sup>, 2024, and continue to work towards overall compliance with all the regulations, including those with, 1 year, 2-year, 3-year, and 18-month transition periods. 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.

**Legal Services:** The Ontario Association of Chiefs of Police (OACP) Police Legal Advisors committee, of which OPS is a member, has provided a guidebook to highlight the changes between the CSPA and the Police Services Act.

Training was developed on the CSPA discipline/complaint/adjudication process and was rolled out to our Professional Standards Unit last month.

**Policy Development Office:** As a result of the CSPA, 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 have been meeting with other services to ensure we are developing policy and procedure based on best practices.

To help standardize the approach to policy and procedure development under the CSPA, a policy development framework and associated procedure has been developed and will be reviewed and approved by Senior Management by the end of April.

In addition to the policy work on the Active Attacker and Investigations, OPS is focusing on drafting its service policies and procedures to support the Board policies approved at the March Police Service Board meeting. These include “Disclosure of Personal Information by the Chief of Police, Adequate and Effective Policing, Restriction on Membership in police association, Probationary period of police officers, Disclosure of Misconduct and Reprisals, Secondary Activities for Police Service Members, and Policy on Special Csts.”

The Policy Development Office attended the first meeting with the Ministry which occurred at the CSPA Summit at the end of February. Some key findings related to policy and procedure from the summit are as follows:

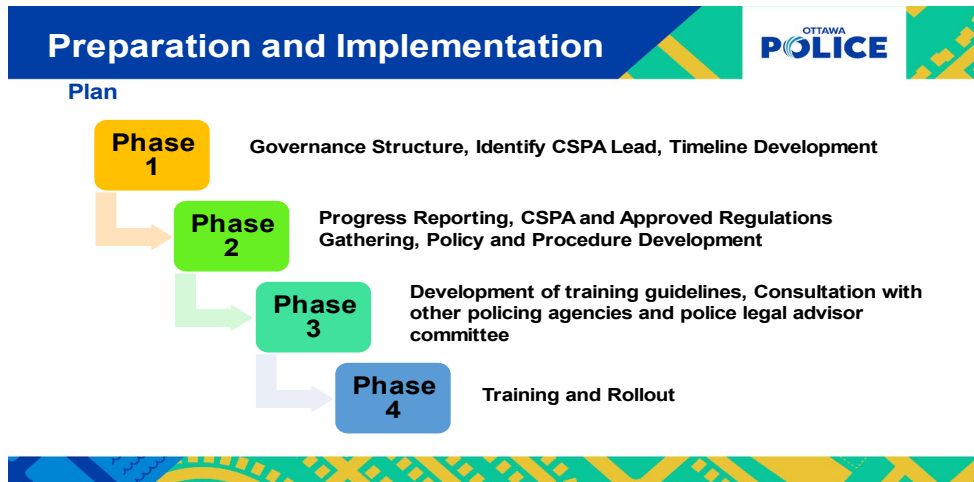
- Following the Old Adequacy Standards will not necessarily ensure compliance under the CSPA.
- The Inspectorate of Policing will base compliance, including policy and procedure compliance, on the Generally Applicable Standard (GAS) found in the Adequate & Effective Policing Regulation (R392): (As outlined on Page 3)

Due to the new legislation, there has been an uptake in policy development work under the CSPA which has put pressure on the Policy Development Office. 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.

### **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 has been developed 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 CSPA Summit on February 26<sup>th</sup> – 28<sup>th</sup> (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), served as a forum to provide a shared understanding of the Act and its Regulations. Presentations were provided by Kenneth Weatherall, Assistant Deputy Minister of Public Safety and Ryan Teschner, Ontario's Inspector General. 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 and its associated transition periods.

#### **Update on Board Implementation Plan**

The Board was previously provided with a chart summarizing key changes under the CSPA related to Police Services Boards. The requirements were assigned different priority levels to assist in ranking the implementation of new requirements under the CSPA. 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.

At its March meeting, the Board approved a number of policies in keeping with the priority requirements identified.

Board members were also circulated a copy of the new code of conduct for Board members to review and sign.

Work continues with respect to remaining requirements. Another series a draft Board policies are expected to be brought forward to the Board's Policy and Governance Committee for review and input.

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

#### **CONSULTATION**

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



## **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 3 of the implementation plan.

## **SUPPORTING DOCUMENTATION**

**Appendix A** – Regulations

**Appendix B** - Overview of Municipal Police Service Boards 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. We have identified 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.

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 409/23	Code of Conduct for O.P.P. Detachment 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
O. Reg 86/24	Special Constable Uniforms
O. Reg 87/24	Training
O. Reg 90/24	General Matters Under the Authority of the Minister
O. Reg 125/24	Transitional Matters
O. Reg 134/24	O.P.P. Detachment Boards

## 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:

<b>Number of board members</b> - 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).	<b>Strategic Plan</b> - 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.	<b>Estimates</b> - 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.  The format of the estimates, the period that they cover, and the timetable for their submission shall be determined by the municipality.
<b>Composition</b> - A municipal board that is composed of five members shall consist of: (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.	<b>Consultations</b> - 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.	
	<b>Annual Report</b> - On or before June 30 in each year, the police service board shall file an annual report with its municipality or band council.	