

Report to / Rapport au:

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

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Submitted by / Soumis par:

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SUBJECT: UPDATE: REVIEW OF BOARD POLICY CR-17 MAJOR EVENTS

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

REPORT RECOMMENDATIONS

That the Ottawa Police Service Board's Policy and Governance Committee receive this item for information and discussion.

RECOMMANDATIONS DU RAPPORT

Que le Comité des politiques et de la gouvernance de la Commission de service de police d'Ottawa prenne connaissance et discute de ce point.

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 (P&G) 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.

The Board's P&G Committee met in August 2023 to discuss some proposed policy amendments intended to address the AG's recommendation. The Committee provided further direction to expand certain parts of the policy based on their review of policies belonging to other Police Boards. The Committee also directed that consultation take place with OPS Legal to further review the policy. Some further amendments have since been made to the policy.

Since that time, two reports have been published by the Ottawa People's Commission, speaking to the findings of their community-level hearings into the experiences of residents during the 2022 convoy occupation as well as recommendations.

In addition, the new *Community Safety and Policing Act (CSPA)*, 2019, has since come into force, introducing new requirements of Police Boards in relation to major events.

The above developments have resulted in the need to further expand the breadth of the review of the CR-17 Major Events policy.

DISCUSSION

Attached at Document 1 is a copy of Board Policy CR-17 Major Events. The policy includes amendments intended to be responsive to the AG's recommendation but has not yet been updated to reflect requirements contained within the new *Community Safety and Policing Act, 2019*, which came into force April 1, 2024.

The proposed amendments reflect feedback provided by the Committee in August of 2023. The amendments aim 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.

The review of the policy is ongoing and will need to include a review of any new requirements under the CSPA related to major events, including provisions related to temporary requests for assistance. Some aspects of the policy may no longer be in compliance with the new Act and this content will need to be revised.

There has been ongoing discussion around the management of protests and demonstrations by police and how to best balance human rights, including in the findings from the Ottawa People's Commission's reports. The Committee, in consultation with the Chief of Police as well as stakeholders, may want to consider whether further policy direction on this topic is required, and whether this direction would be appropriate to include as part of the Major Event's policy, or in a standalone policy.

The Board has hired a Senior Policy Advisor who will support the ongoing review of the major events policy.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

There are no financial implications.

SUPPORTING DOCUMENTATION

Document 1: Board Policy CR-17 Major Events, *with amendments*

Document 2: Report from the Ottawa People's Commission – Part I

Document 3: Report from the Ottawa People's Commission – Part II

CONCLUSION

This report is intended to provide the Committee with a brief update on the status of the ongoing review of the Board's CR-17 Major Events policy, including areas for further review and consideration, as well as to invite further discussion and direction.

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.

The Board is committed to ensuring that in the case of a Major Event, elevated risks to persons, property and/or political interference are identified and associated mitigation plans are developed and that the policing of Major Events is intelligence-led, rights-aware, and proportionate.

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. Should the Chief decide to reject a recommendation of the Board, the Chief shall provide a rationale as to why.

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.