



Advisory Bulletin 1.1: How Policing is Delivered in Ontario and Associated Compliance Requirements

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Background information about new CSPA requirements

The CSPA sets out the framework for how policing is to be delivered in Ontario, including specifying key responsibilities for ensuring adequate and effective policing in Ontario communities.

CSPA s. 10(1) requires that police service boards and the Commissioner of the Ontario Provincial Police (OPP) **ensure the provision of adequate and effective policing in the areas for which they are responsible**. In addition to making boards and the Commissioner responsible for ensuring the delivery of adequate and effective policing, the CSPA also sets out certain rules for *how* policing is delivered and increases the governance and oversight functions of the board in monitoring the service's capacity to provide policing functions in their jurisdiction.

Section 13 set out the rule that police service boards/the Commissioner **must use members of their own police service** to provide policing functions, **or persons assisting a member of that service while acting under their direction**. With respect to the "person" assisting a member, a police officer of one service can be a "person" who may assist a member of another service. However, for this exception to apply, *the assisting member must be acting under the direction of the assisted member*, as opposed to being under the direction of the assisted police service more generally. "Acting under the direction" would require that the assisted member be the operating mind and that the assisting member would have little or no involvement in decision-making about the policing being delivered in the circumstances.

For clarity, s. 13(3) does **not** create a separate, stand-alone mechanism for the delivering of policing functions in Ontario. Rather, s. 13(3) simply confirms that if responsibility to provide a policing function in relation to a specific investigation *etcetera* is referred to the Chief of another service or otherwise transferred to a member of a different police service (or board) as required by specific provisions of the CSPA or

regulations (e.g., s. 121 and 188 of the CSPA and s. 4, 6 and 7 of [O. Reg. 401/23](#) Conflicts of Interest), that other board/service to which the function is referred or otherwise transferred is bound by the s. 13 requirement to use its own members in engaging in that function.

Section 14, as well as temporary and emergency requests for assistance under section 19, provide *additional exceptions* to the requirement in s. 13 that policing functions be provided by members of the police service of jurisdiction. Section 13 exceptions (which would apply to one-off instances of member assisting member or when a specific function is referred by virtue of another legal requirement) can overlap with agreements under both sections 14 and 19 (if permitted by regulation).

Section 14 allows a **board or the Commissioner to enter into an agreement** with another board or the Commissioner to provide a policing function, or part of a policing function (including *ad hoc* or occasional assistance) in an area, in accordance with [Ontario Regulation 398/23: Alternative Provision of Policing Functions](#). The Regulation lists all policing functions which may be provided through s. 14 agreements (functions not listed in the Regulation **cannot** be the subject of a s. 14 agreement).

Subsection 5(1) of O. Reg. 398/23 also states that “[it] shall not be read as limiting the ability of a police service to assist another police service in the provision of policing functions as may be needed from time to time”, where that would otherwise be permitted under the CSPA.¹

Section 19 provides additional options to provide policing functions with members of a different police service. A board or the Commissioner may request **temporary assistance** in providing adequate and effective policing from another board or an entity that employs First Nation Officers on an *ad hoc* basis, in absence of such an arrangement already existing in a s. 14 agreement (s. 19(1)(2)).

Finally, s. 19(4) allows a chief of police to request that the Commissioner, another chief of police, or an entity that employs First Nation Officers, provide **emergency assistance**, if the chief of police is of the opinion that an emergency exists in the area

¹ Subsection 5(1) of O. Reg. 398/23 provides guidance with respect to how the Regulation should be interpreted in relation to the broader scheme of the CSPA. O. Reg. 398/23 provides that some, but not all, police functions may be the subject of an agreement pursuant to s. 14. The purpose of s. 5(1) is to indicate that, although only some functions may be the subject of a s. 14 agreement, any functions may be provided to assist another police service as required from time-to-time where that would be otherwise authorized by the CSPA. Subsection 5(1) is intended to ensure that O. Reg. 398/23 is not given an excessively broad interpretation. It is not a provision with respect to the interpretation of s. 13 and, as a regulation, could not have the effect of changing the meaning of s. 13.

for which the police service board has policing responsibility or, in the case of the Commissioner, the area for which the OPP has policing responsibility. Please note that “emergency” in the CSPA has the same meaning as in [section 1](#) of the [Emergency Management and Civil Protection Act](#).²

Under the CSPA, a **police service board may seek cost recovery** for policing provided through s. 14 agreements (per s. 14(6)) and temporary or emergency assistance requests (s. 19(8)).

The CSPA provisions summarized above describe the rules for how policing is to be delivered. To provide additional clarity on applying the rules in an operational context, including interpretative guidance for how the exceptions may be applied, the IG’s advisory duty under s. 102(4)(b) of the CSPA allows for the provision of the following guidance to support compliance by police services and boards.

Policing Agreements under section 14

What you need to know

Policing agreements allow boards and the Commissioner to set out that certain functions may generally or occasionally be provided by another board/service. These agreements ensure that a board is properly positioned and informed to discharge its statutory mandate of ensuring adequate and effective policing while at the same time avoiding directing day-to-day operations of their respective police services. Agreements allow a board and chief to work together to proactively articulate what functions may be provided with the assistance of another board and service, and when, precisely to avoid any impacts on timely operational decision-making.

Subject to the requirements of [O. Reg. 398/23](#) (*Alternative Provision of Policing Functions*), s. 14 agreements should be flexible in their scope of coverage and the time period over which they apply. A s. 14 agreement may provide that a specified policing function:

- Is to be provided on a regular basis;
- Is to be provided as may be requested on an *ad hoc* basis;
- Will be provided because one police service does not have the capacity to provide that function for itself; or,

² “Emergency” means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.

- Will be provided from time-to-time by members of another police service, but is a policing function that the police service of jurisdiction generally has the capacity to provide.

An agreement under s. 14 may include more than two parties and could provide for the regional delivery of a policing function (e.g., the services of a public order unit as required from time-to-time by one of the parties).

In the case of municipal police services, a board's decision to enter into a s. 14 agreement should be made *after thorough consultation between the board and the chief of police*, with consideration for past/current practice and known or predictable capacity issues. For example, a board may seek from the chief of police and analyze data on how often *ad hoc* assistance is required by its police service or provided to another service, and consider whether a section 14 agreement is required, or whether to seek cost recovery. Section 14(6) allows a board to recover the costs associated with providing, or assisting, in the delivery of a policing function or part of a policing function.

The required contents of the agreement itself are set out in s. 14(6) of the CSPA and any agreement must adhere to these requirements. In addition, the required consultations and matters to confirm between parties to the agreement and chiefs of police prior to entering into s. 14 agreements are set out in s. 3 of Regulation 398/23 (*Alternative Provision of Policing Functions*). **Please note that the Ministry of the Solicitor General will be circulating an Ontario Provincial Police section 14 agreement template, as an example, to police services via a future All Chiefs Memo.**

Finally, subsection 14(12) confirms that where a board or the Commissioner enter into an agreement for the provision of policing in their jurisdiction, the board or Commissioner remain responsible for ensuring that the policing provided pursuant to the agreement meets the CSPA standards for adequate and effective policing.

What you need to do

As policing agreements are the **responsibility of the police service board** or Commissioner, when considering and developing these agreements boards should consider and consult with the chief of police on the following:

- The required contents of the agreement as outlined in s. 14(6), with specific consideration for the type, frequency and duration of the policing functions to be provided, and whether payment is required for any of those functions;
 - For example, what are the circumstances surrounding the need for the agreement, including:

- The policing function(s) or assistance required;
- The timeframe for the provision of the function/assistance;
- The size and scope of assistance required (e.g., localized, widespread, multi-jurisdictional);
- The overall capacity of the service to deliver the functions required to ensure adequate and effective policing using both local resources and those of another board/service through an agreement;
- The specific consultation requirements and items to confirm as set out s. 3 of the Regulation; and,
- Information the board may wish to receive from the chief of police as part of regular or *ad hoc* reporting on actual delivery of functions or assistance provided through the agreement.

Section 14 agreements are new and will require thoughtful collaboration between a board/the Commissioner and the service, and between boards and services across jurisdictions. While we acknowledge that this may take some time, it is critical that these collaborations, and the resulting s. 14 agreements, are prioritized to ensure that adequate and effective policing can be delivered locally.

The police service board or Commissioner **that has the responsibility** for the provision of policing in the area is required to provide a copy of all agreements made under s. 14 to the IG.

To fulfil the above responsibility, the board or Commissioner that receives s. 14 support should **email all s. 14 policing agreements to IOPnotifications@Ontario.ca and copy your Police Services Advisor.**

What we will do

The IG will receive and review s. 14 agreements to monitor compliance with the CSPA and the delivery of adequate and effective policing. The IG may also request additional information on the delivery of policing functions through s. 14 agreements, from time to time, as authorized by the CSPA (s. 104(2)). Over time and with this and other information, the Inspectorate of Policing will be better positioned to assess the system of policing delivery in Ontario, including where the system is strong, or is being challenged. This information will also support the IG to make informed decisions about potential deployment of police services or the Ontario Provincial Police, should a concern about adequate and effective policing, or a policing emergency, arise.

While there is no obligation to notify the IG about instances when a member of one service provides assistance to a member of another service under the latter's direction

under s.13, the IG may request information (per s. 104(2) of the CSPA) on instances of such assistance from time to time as part of the process of monitoring the delivery of adequate and effective policing.

Temporary Assistance and Emergencies under section 19 – IG Notifications and Authorities

Temporary Assistance Requests – Notification of IG

What you need to know

Temporary assistance can be requested by a board or the Commissioner in order to receive assistance from another board/the Commissioner or an entity that employs First Nation Officers in providing adequate and effective policing.

A temporary assistance request is not required where policing functions are provided by:

- Members of another police service pursuant to a section 14 agreement, even on an *ad hoc* basis; or,
- Persons assisting those members while acting under the specific member's direction as per the s. 13 exception.

In addition, there may be other operational circumstances that do **not** require a board to request another board/the Commissioner to provide a policing function on their behalf, such as:

- *Active incidents and investigations that cross jurisdictional lines* – where officers in the original jurisdiction may cross into the adjoining jurisdiction as part of a pursuit or an active investigation, and where officers in the adjoining jurisdiction may engage a suspect or join an investigation; or,
- *Joint force operations* – where members of different police services work collaboratively on a single operation that jointly impacts their respective jurisdictions, as those members continue to police on behalf of their board and police service.

A municipal chief of police is not authorized by the CSPA to make temporary assistance arrangements for the provision of policing functions in the absence of an emergency. The IG recognizes that in the context of day-to-day policing, sometimes immediate decisions will need to be made to ensure the protection of public safety, and that some of these decisions may on their face run contrary to provisions of the CSPA. In such circumstances, it is expected that **the IG would be notified as soon as possible of**

instances of possible non-compliance so that the spirit of the CSPA is adhered to, and potential remedial steps can be examined.

However, again, when the **assistance** of another police service is planned, or regularly required, a section 14 agreement or section 19 request should be considered and actioned, and any assistance tracked, in order to better understand how policing is delivered locally.

Requests for temporary assistance require resolutions of boards requesting or providing assistance. When considering these requests, police service boards must keep in mind the statutory prohibitions with respect to their involvement in daily operations of the police service. Specifically, boards are prohibited from making policies with respect to specific investigations, the conduct of specific operations, and are prohibited from directing a chief of police with respect to specific investigations, the conduct of specific operations and the day-to-day operation of the police service.

If a police service board, or the Commissioner, makes a request for temporary assistance, s. 19(3) requires that:

- a) the requesting board or Commissioner **shall provide notice of the request as soon as possible to the IG** and, in the case of a request by the Commissioner, to the Minister; and,
- b) the police service board, the Commissioner or the entity that employs First Nation Officers who agrees to provide temporary assistance **shall provide notice of that agreement as soon as possible to the IG** and, in the case of a request by the Commissioner, to the Minister.

What you need to do

The practicality of convening the entire board to consider s. 19 temporary assistance requests should be considered by each board. Subsection 42(1)(a) of the CSPA enables a police service board to **delegate** its powers by by-law to a committee of at least two members of the board. Our advice is that boards should establish this committee approach to support a more expeditious process. Where a board establishes a committee, we also advise that there should be some form of regular reporting of temporary assistance resolutions, so that the entire board maintains awareness of these matters.

To fulfil the CSPA's requirements, the items specified in **Appendix B** should be submitted to the IG pursuant to the notification requirements for temporary assistance

under s. 19(3)(a) and (b). This will ensure the IG receives the information required to support compliance monitoring in a consistent manner necessary for reliable analysis.

Although the CSPA does not define the term “as soon as possible”, notices related to temporary assistance requests should be submitted to the IG by the appropriate parties **within 24 hours** of the request being made **and** following the agreement to provide temporary assistance being made.

Emergency Requests for Assistance – Notification of IG

What you need to know

Section 2(1) of CSPA [O. Reg. 399/23](#) establishes that for the purposes of the CSPA, “emergency” has the same meaning as in s. 1 of Ontario’s *Emergency Management and Civil Protection Act* (EMCPA): a “situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.”

Under the CSPA, a chief of police and the Commissioner may request emergency assistance if they are of the opinion an emergency exists in the area for which the board or OPP have policing responsibility. Where requests for emergency assistance are made, CSPA s. 19(5) requires that the chief or Commissioner submit notifications of the request and agreement to assist to the IG:

- a) They **shall provide notice of the request as soon as possible to the Inspector General** and, in the case of a request by the Commissioner, to the Minister; and,
- b) The Commissioner, other chief of police or entity that employs First Nation Officers who agrees to provide emergency assistance **shall notify the Inspector General of the agreement as soon as possible.**

What you need to do

To fulfil the CSPA’s requirements, a notice that includes the information specified in **Appendix C** should be submitted to the IG pursuant to the requirements under s. 19(5)(a) and (b). Once again, this will ensure the IG receives the information required to support compliance monitoring in a consistent manner necessary for the reliable analysis of emergency assistance requests.

There is a provincial interest in the ability of the IG to monitor policing delivery assistance in cases of emergencies and prompt notification of the IG in these circumstances is vital. For this reason, **notification should be provided to the IG immediately** following both the emergency request being made **and** following the agreement for emergency assistance being made.

What we will do

The IG will **receive notifications** and analyze the information as part of the IG's monitoring function, to ensure compliance with the CSPA and the delivery of adequate and effective policing. Again, awareness of the various ways in which policing is being delivered regularly, temporarily or in cases of emergency provides a more fulsome understanding of the policing system in Ontario. The analysis of emergency assistance requests, in combination with regular ongoing monitoring and inspections, will help ensure the IG has a more complete understanding of the strengths and potential susceptibilities of Ontario policing.

In this context, **CSPA s. 20(1) provides the IG with distinct authority to issue an order requiring a police service board or the Commissioner to provide policing in an area, if the IG finds that adequate and effective policing is not being provided in the area or that an emergency exists in the area.** The notifications and information accompanying them enables the IG's information-driven decision-making in determining whether the statutory authority in s. 20(1) needs to be invoked in the context of temporary or emergency assistance requests, and the specific application of this authority in the given circumstances.

Appendices:

- A. Overview of Agreements and Notification Requirements
- B. Temporary Assistance Request Notifications
- C. Emergency Assistance Request Notifications

Note: Advisory Bulletins are the IG's advice provided pursuant CSPA s. 102(4) and are intended as a resource for the sector by offering the IG's general interpretation of various provisions of the CSPA. Advisory Bulletins are not legally binding, and they do not purport to address all possible factual scenarios or circumstances. As such, you may wish to consult with legal counsel to determine how this general guidance should be applied in your own local context and to navigate specific situations.

APPENDIX A – Overview of Agreements and Notification Requirements

	Policing Agreements (s. 14)	Temporary Assistance Requests (s. 19(1))	Emergency Assistance Requests (s. 19(4))
Who is responsible	Police service board or the Commissioner	Police service board or the Commissioner	Chief of Police or the Commissioner
What to include in the IG notification	A copy of the completed s. 14 agreement	<p>Notice of the request: municipal police service board resolution and the information outlined in Appendix B</p> <p>Notice of agreement to assist: the information outlined in Appendix B</p>	<p>Notice of the request: the information outlined in Appendix C</p> <p>Notice of agreement to assist: the information outlined in Appendix C</p>
Timeline for notification of IG	Once the agreement has been signed by all parties	Within 24 hours of both the request for assistance AND the agreement to assist being made	Immediately after both the request for assistance AND the agreement to assist being made

APPENDIX B – Temporary Assistance Request Notifications under section 19(1)

The following information shall be **submitted by the entity (police service board or Commissioner) making the request** for temporary assistance when providing notice to the IG under s. 19(3)(a):

1. The resolution of the requesting police service board, in the case of a municipal police service. **Note:** if the board's resolution requesting assistance includes the below information, submission of the resolution itself will suffice as notification.
2. Correspondence outlining the following information:
 - a. A brief summary of the circumstances surrounding the need for temporary assistance;
 - b. The policing function(s) and assistance being requested;
 - c. The timeframe for the provision of temporary assistance;
 - d. The size and scope of assistance required (e.g., localized, widespread, multi-jurisdictional);
 - e. A brief assessment of the capacity to respond to the public safety need, using both local resources and those of the assisting service;
 - f. Identification of, and plans to address any risks, including, but not limited to:
 - i. The delivery of adequate and effective policing in the area
 - ii. Officer safety
 - iii. Public safety
 - iv. Ability to respond to evolving or escalating events

When temporary assistance requests are made, requesting entities should **submit the above information within 24 hours** of the request being made to IOPnotifications@Ontario.ca and copy your Police Services Advisor.

Further, the following shall be **submitted by the entity that has agreed to provide assistance** in response to a request for temporary assistance when they provide notice to the IG under s. 19(3)(b):

Correspondence to the IG that contains the following information:

1. Confirmation that the entity has agreed to provide assistance, which would include any board resolution, including, if known at the time of notification, whether the request for assistance will be provided in its entirety, or only in part, by the responding entity; and,
2. Affirmation that the assistance provider has the capacity to continue to meet statutory requirements in its area of policing responsibility during the assistance period.

Responding entities should **submit the above information within 24 hours of agreeing to provide the assistance to IOPnotifications@Ontario.ca and copy your Police Services Advisor.**

APPENDIX C – Emergency Assistance Request Notifications under section 19(4)

The following information should be **submitted by the chief of police (including the Commissioner) making the request for emergency assistance** when they provide notice to the IG under s. 19(5)(a):

1. Correspondence outlining the following information:
 - a. A brief summary of the nature of the emergency, including confirming relevant details in relation to the legal definition of emergency:
 - i. Is this an active or impending situation?
 - ii. Does it constitute a danger of major proportions that could result in serious harm to persons or substantial damage to property?
 - iii. Is the emergency caused by forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise?;
 - b. A summary of the circumstances surrounding the need for emergency policing assistance;
 - c. The policing function(s) and assistance to be provided;
 - d. Timeframe for the provision of emergency assistance;
 - e. Size and scope of assistance required (e.g., localized, widespread, multi-jurisdictional);
 - f. Capacity to respond to the emergency, using both local resources and those of the assisting service, as well as any other agencies/levels of government, including:
 - i. Mitigation of the danger of serious harm to persons or substantial damage to property, and,
 - ii. Ability to address the cause of the emergency, if it relates to criminal or other acts of individuals or groups;
 - g. Identification of, and plans to address, any risks, including, but not limited to:
 - i. The delivery of adequate and effective policing in the area of policing responsibility.

- ii. Officer safety
 - iii. Public safety
 - iv. Ability to respond to evolving or escalating events;
2. Confirmation regarding the engagement of, and communication with, the police service board, to date and moving forward;
 3. Confirmation of notice to the Minister, if the Commissioner is requesting the assistance; and,
 4. Identification of any other applicable CSPA-based regulatory requirements with respect to the management of extreme incidents, active attackers, etc.

When emergency assistance requests are made, **requesting chiefs** should **submit the above information immediately after making the request, to IOPnotifications@Ontario.ca and copy your Police Services Advisor.**

Further, the following shall be **submitted to the IG by the entity that has agreed to provide emergency assistance** when they provide notice under s. 19(5)(b):

Correspondence to the IG that contains the following information:

1. Confirmation that the entity has agreed to provide assistance, including, if known at the time of notification, whether the request for assistance will be provided in its entirety, or only in part, by the responding entity; and,
2. Affirmation that the assistance provider has the capacity to continue to meet statutory requirements in its area of policing responsibility during the assistance period.

Responding entities should **submit the above information immediately after agreeing to provide the assistance, to IOPnotifications@Ontario.ca and copy your Police Services Advisor.**

