



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 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 chief of police, including the Commissioner, may request **temporary assistance** in providing adequate and effective policing from another chief 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)).

Under the CSPA, a police service board may seek cost recovery for policing provided through s. 14 agreements (per s. 14(6)) and temporary assistance requests (s. 19(8)). The CSPA provisions summarized above describe the new rules for how policing is to be delivered. To provide additional clarity on applying the new 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.

¹ Subsection 5(1) of O. Reg. 398/23 provides guidance on 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.

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,
- 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*).

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 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 chief of police or the Commissioner in order to receive assistance from another chief, 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 chief or the Commissioner to request another chief or 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.

If a chief or the Commissioner makes a request for temporary assistance, s. 19(2) requires that the **requesting chief provide notice of the request as soon as possible to the IG** and the police service board, or, in the case of a request by the Commissioner, to the IG and the Minister. **This notice is required as soon as possible whenever a request is made, regardless of whether the request is accepted in whole or in part by a requested chief.** Further, subsection 19(3) lists the information that must be included in the notice, which is also found in **Appendix B** of this Bulletin. Although the CSPA does not define the term “as soon as possible”, **notice of a temporary assistance request should be submitted to the IG** and police service boards or the Minister by requesting chiefs **within 24 hours** of the request being made or a change in an existing request.

If there is a change in any of the mandatory information provided in the notice, after notice of the request has been submitted to the IG, the requesting chief or the Commissioner is required to notify the IG, the police service board and the Minister (in the case of a request by the Commissioner) as soon as possible of the change.

Upon receiving a notice from a chief under s. 19(2), **the police service board is required to determine whether the assistance requested is or may be required on a recurring basis** in order to deliver adequate and effective policing in the jurisdiction, and, therefore, more appropriately the subject of a policing agreement under section 14 (s. 19(5)). While the authority to make temporary assistance requests rests with the chief of police, to support the board’s overarching governance role, it is important that the board receive complete and timely information about requests to ensure awareness and fulfillment of board responsibilities.

The rules for providing assistance, including if and when the request can be declined, are set out in s. 19(6). **A chief or the Commissioner who provides temporary assistance** pursuant to a s.19 request is **required to notify the IG and their board, or in the case of the Commissioner providing assistance, the IG and the Minister, when the provided**

assistance has stopped. This notice must include the required information listed in s. 19(6.1), which is also found in **Appendix B**.

In the event that assistance was provided by an entity that employs First Nations Officers, there is an obligation on the chief who requested such assistance to notify the IG after the assistance has ended. That notification must include the required information listed in s. 19(6.2).

What you need to do

In summary, to fulfill the CSPA requirements:

- **Chiefs or the Commissioner requesting temporary assistance must notify their board and the IG** with the information specified in **Appendix B** and provide further notification of any changes to the original submission.
- **Chiefs receiving requests** for assistance must **determine whether to fulfill the request in whole or in part** (unless the receiving chief is the Commissioner, who shall provide assistance in accordance with s. 19(6)(1)), and must **notify the IG and their board** (or Minister, for the Commissioner) of the information in **Appendix B** after the assistance has **stopped**.
- **Boards receiving notice from their chief** that assistance has been requested from another chief must **consider** whether the assistance is or will be requested again and/or frequently and should be the subject of a s. 14 policing agreement.
- **Boards that provide assistance through their chief**, following a request by another chief, can **consider** whether they wish to seek **cost recovery** for the assistance provided, and the cost shall be paid by the board of the chief who requested the assistance.

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 oversight of the delivery of adequate and effective policing. In this context, **CSPA s. 20(1) provides the IG with distinct authority to issue an order requiring another 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 assistance requests, and the specific application of this authority in the given circumstances.

Again, awareness of the various ways in which policing is being delivered regularly, or temporarily, provides a more fulsome understanding of the policing system in Ontario. Analysis of assistance requests, in combination with regular ongoing monitoring, data collection/analysis, and inspections, will help ensure the IG has a more complete understanding of the strengths and potential susceptibilities of Ontario policing, and to apply the IG's oversight mandate to enhance the integrity of the Ontario policing system.

Appendices:

- A. Overview of Agreements and Notification Requirements
- B. Temporary 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 CPSA. 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))
Who is responsible	Police service board or the Commissioner	Chief of Police (both requesting and assisting)
What to include in the IG notification	A copy of the completed s. 14 agreement	<p>Notice of the request: requesting chief submits information in Appendix B to IG and own board or Minister</p> <p>Notice of change to assistance request: requesting chief submits information regarding changes to original notification to IG and own board or Minister</p> <p>Notice after assistance has stopped: assisting chief submits information in Appendix B to IG and own board or Minister</p>
Timeline for notification of IG	Once the agreement has been signed by all parties	<p>Requesting Chief: Within 24 hours of the request being made.</p> <p>Assisting Chief: Within seven (7) business days after the assistance stops.</p>

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

The following information shall be submitted, as applicable, in relation to temporary assistance requests made under s. 19 of the CSPA.

1. If a chief makes a request for temporary assistance, s. 19(2) requires that the requesting chief shall provide notice of the request as soon as possible to the IG and the police service board, or, in the case of a request by the Commissioner, to the IG and the Minister. This notice must include:

- a) a description of the circumstances surrounding the temporary assistance request;
- b) the policing functions that are requested;
- c) the timeframe for the provision of the assistance;
- d) the extent of the assistance required;
- e) whether the chief of police or entity that employs First Nation Officers that is receiving the request has agreed to provide the assistance, in whole or in part;
- f) the anticipated financial implications as a result of obtaining the assistance; and
- g) any other prescribed matters. (None are currently prescribed.)

2. A chief of police who provided temporary assistance shall, after the assistance has stopped, provide notice to the IG and the chief's police service board or, if the chief is the Commissioner, to the Minister, with the following information:

- a) The chief of police's decision to provide temporary assistance.
- b) Whether the request for temporary assistance was fulfilled in whole or in part.
- c) The financial implications of providing assistance.
- d) Any other prescribed matters. (None are currently prescribed.)

3. If the temporary assistance was provided by an entity that employs First Nation Officers, the chief of police who requested the assistance shall, after the assistance has stopped, provide notice to the Inspector General with the following information:

- a) Whether the request for temporary assistance was fulfilled in whole or in part by the entity.
- b) The financial implications of providing assistance for the entity, if known.
- c) Any other prescribed matters. (None are currently prescribed.)

When temporary assistance requests are made, please **submit the above information within 24 hours to IOPnotifications@Ontario.ca and copy your Police Services Advisor.**

When notification is provided after assistance has stopped, please **submit the above information within seven (7) business days to IOPnotifications@Ontario.ca and copy your Police Services Advisor.**