

Report to / Rapport au:

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

27 January 2025 / 27 janvier 2025

Submitted by / Soumis par:

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SUBJECT: REVIEW OF BOARD POLICY CR-28 ASSISTANCE IN THE PROVISION OF POLICING

OBJET: EXAMEN DE LA POLITIQUE DE LA COMMISSION CR-28 ASSISTANCE EN MATIERE DE FOURNITURE DE SERVICES POLICIERS

REPORT RECOMMENDATION

That the Ottawa Police Service Board approve the amended policy attached to this report.

RECOMMANDATION DU RAPPORT

Que la Commission de service de police d'Ottawa approuve la politique modifiée jointe à ce rapport.

BACKGROUND

On October 28, 2024, the Ottawa Police Service Board adopted Policy CR-28 Assistance in the Provision of Policing to align its practices with the *Community Safety and Policing Act, 2019* (CSPA, particularly addressing sections 14 and 19, which govern external assistance.

Under the CSPA, as a general rule, police service boards are required to use internal resources to provide policing functions in their area of jurisdiction. However, when Policy CR-28 came into force, there were several ways a police service board could receive assistance from another police service:

- In emergency situations, a chief of police could request emergency assistance from another chief or from the Ontario Provincial Police (OPP) Commissioner (CSPA, 2019, s. 19(4)).

- Outside emergency situations, temporary assistance could be requested from another police service (CSPA, 2019, s. 19). In this case, the CSPA required the requesting police service board to pass a resolution. Outside emergencies, assistance could not be requested independently by a chief of police.
- Assistance may also be provided under an Alternative Provision Agreement between the Board and another police service board or the OPP Commissioner (CSPA, 2019, s. 14 and O. Reg 398/23).

Policy CR-28 was adopted to regulate and ensure clear oversight of these three mechanisms for obtaining external policing assistance.

On December 4, 2024, the *Safer Streets, Stronger Communities Act, 2024*, introduced significant amendments to the CSPA, necessitating a revision of Policy CR-28. These amendments removed provisions related to emergency assistance requests under section 19 and reassigned exclusive authority to the Chief of Police to seek temporary assistance from other police services, irrespective of whether an emergency exists.

DISCUSSION

The Board is no longer responsible for making requests for temporary assistance. Similar to practice under the *Police Services Act, 1990*, the Chief of Police now holds exclusive authority to request temporary assistance. Although operational decision-making was taken away, police service boards retain an active oversight duty with regard to assistance in the provision of policing.

Notice of request

Under the amended subsection 19(2) of the CSPA, the Chief is required to provide notice to both the Inspector General of Policing and the Board “as soon as possible” – according to guidance provided by the Inspector General, this means within 24 hours.

The contents of the notice align largely with the requirements outlined in the current version of Policy CR-28 regarding the information the Chief must provide to the Board when initiating a request for assistance.

One notable difference in the contents of the notice is that under the revised Act, the Chief is not explicitly required to identify risks and mitigation plans. This requirement was previously outlined in the Board’s policy and supported by guidance from the Inspector General. Maintaining the requirement to identify risks that may arise from a request for temporary assistance is nonetheless recommended.

A risk-based approach ensures that the Board maintains an informed oversight role and reflects best practices in the context of major events or situations that could fall into the critical point category – defined in the draft update as matters of immediate strategic significance that rapidly elevate the Board’s risk, and therefore calls for the Board’s immediate attention and/or preparedness to take action.

Moreover, a risk-based framework enhances the Board’s ability to identify recurring patterns in temporary assistance requests, which could signal underlying capacity gaps. For example, if similar risks are consistently identified across multiple requests, it may indicate the need for targeted

investments in internal resources or the negotiation of a Section 14 agreement to ensure sustainable and effective service delivery.

Embedding risk assessments into the evaluation of temporary assistance requests strengthens the Board's governance function, supports strategic planning, and helps safeguard public trust in policing operations. For these reasons, it is advisable to retain this requirement, even though it is not mandated under the revised Act.

Notice of change

Under the Board's current policy, the Chief is required to provide updates specifically when risk assessments change. However, the amended Act broadens this requirement, requiring the Chief to provide a "notice of change" to the Board and the Inspector General whenever any matter included in the initial notice changes. This expanded requirement ensures that the Board is promptly informed of all relevant developments, not just those related to risk assessments.

Assessment upon receiving notice

The amended Act clarifies the Board's role in determining the appropriate mix of s. 19 requests, section 14 agreements, and in-house resources. While this was implicit under the previous version of the Act, the amendments are in line with the Board's current policy and seem to reflect the Inspector General's views on the role of police service boards in this area.

Please recall the following from the cover report submitted on October 28, 2024:

"[Section 14] agreements should be the preferred avenue for obtaining temporary assistance as they provide a structured framework for obtaining assistance. Recurrent section 19 requests may signal that a police service board has failed to make durable arrangements to address predictable – in other words, failing to address a structural gap in capacity. By contrast, section 14 agreements ensure that a board has worked with its chief of police "to proactively articulate what functions may be provided with the assistance of another board or service,"¹ and the conditions under which such assistance may be sought [...] periodic reporting is expected to provide a basis for re-assessments and adjustments of the Board's mix of section 19 requests and section 14 agreements, and to help the Board identify areas in which investments are required to bolster internal capacities."

The amended subsection 19(5) of the Act requires Boards to determine, upon receiving a notice of request for assistance or a notice of change:

- Whether the ability to request temporary assistance is used or is anticipated to be used on a recurring basis to ensure adequate and effective policing is provided; and
- Whether the policing functions for which temporary assistance to be provided may need to be the subject of an agreement under section 14 to ensure adequate and effective policing is provided and that section 13 is complied with.

While the amended Act does not alter the overall direction set by the Board in adopting Policy CR-28, it significantly increases the frequency of the required assessments. Under the existing policy, the Board was already required to conduct assessments with similar aims but these assessments would have been conducted periodically, upon receiving the Chief's annual report. The amended Act now

mandates that these assessments be conducted in response to every request or change to the circumstances of a request, upon receiving notice from the Chief. This shift places a greater operational responsibility on the Board, requiring more immediate and continuous engagement with each request.

Both the Act and the updated guidance provided by the Inspector General are silent on the form this assessment should take. The fact that the assessment should be made by the Board “upon receiving notice” may seem to suggest that the Board should immediately deliberate on the matter. This would require the Board to hold a special meeting as there are no other avenues for discussing such a matter. However, holding a special meeting upon receiving notices of temporary assistance and notices of a change would be impractical given the high volume of temporary assistance requests, including a large number of routine requests.

The proposed policy provides an efficient process for the Board to evaluate requests for temporary assistance or updates to such requests. Upon receiving notice, the Executive Director would conduct a preliminary assessment to identify whether the request involves a Critical Point – defined in the policy as a matter of immediate strategic significance requiring the Board’s immediate attention or preparedness to take action – and if it indicates a recurring need or the potential requirement for an Alternative Provision Agreement. If the Chief or Board Chair identify the matter as a Critical Point, or if a majority of Board members submit a written request, the Board Chair will convene a special meeting to address the issue. For all other cases, the request will be assessed at the next regular Board meeting. This would ensure that critical matters receive prompt attention while routine matters are managed efficiently within the Board’s regular governance processes.

It should be noted that a case-by-case assessment of requests for temporary assistance requests would provide limited value compared to the long-term trend analysis mandated in the current policy on an annual basis. This requirement is maintained as this annual exercise is likely to be significantly more impactful from a budgeting and strategic planning perspective.

FINANCIAL IMPLICATIONS

There are no financial implications to this policy update.

SUPPORTING DOCUMENTATION

Document 1 – Inspector General Memorandum 2 – IGM2

Document 2 – IGM2 – Advisory Bulletin 1.1. How Policing is Delivered

Document 3 – Policy CR-28 Assistance in the Provision of Policing, *no tracked changes*

Document 4 – Policy CR-28 Assistance in the Provision of Policing, *with tracked changes*

CONCLUSION

The proposed updates to Policy CR-28 address the changes introduced by the *Safer Streets, Stronger Communities Act, 2024*, while maintaining a practical and efficient governance framework.

By incorporating a risk-based approach to temporary assistance requests and ensuring timely yet manageable assessments, the policy balances the need for prompt action on critical issues with the efficiency of addressing routine matters through regular processes. Retaining the requirement for annual trend analysis further strengthens the Board's ability to identify structural capacity gaps and align its strategic planning with long-term operational needs.