

Report to / Rapport au:

**OTTAWA POLICE SERVICES BOARD
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

23 June 2025 / 23 June 2025 Submitted by

/ Soumis par:

Chief of Police, Ottawa Police Service / Chef de police, Service de police d'Ottawa

Contact Person / Personne ressource:

Inspector Nicole St John/ Inspecteur Nicole St John

stjohnn@ottawapolice.ca

**SUBJECT: COLLECTION OF IDENTIFYING INFORMATION – DUTIES &
PROHIBITIONS POLICY: ANNUAL REPORT**

**OBJET: COLLECTE DE RENSEIGNEMENTS IDENTIFICATOIRES – POLITIQUE
SUR LES FONCTIONS ET INTERDICTIONS: RAPPORT ANNUEL**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board receive this report for information.

RECOMMANDATIONS DU RAPPORT

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

BACKGROUND

Following province-wide and local community/police consultation in 2015, the Minister of Community Safety and Correctional Services announced that the province filed final regulations entitled Ontario Regulation 58/16 under the Police Services Act (PSA) the "Collection of Identifying Information in Certain Circumstances – Prohibition and Duties, commonly referred to as the "Street Checks Regulation" and Ontario Regulation 268/10 which amended the Code of Conduct under the PSA. These regulations took effect in two phases on July 1, 2016 and July 1, 2017.

With the implementation of the Community Safety Policing Act (CSPA) on April 1, 2024, these regulations were replaced by Ontario Regulation 400/23 entitled Collection of Identifying Information in Certain Circumstances – Prohibitions and Duties.

The regulation applies with respect to an attempt by a police officer to collect identifying information about an individual from the individual, if that attempt is done for the purpose of,

- (a) inquiring into offences that have been or might be committed;

- (b) inquiring into suspicious activities to detect offences; or
- (c) gathering information for intelligence purposes.

(2) Despite subsection (1), this Regulation does not apply with respect to an attempted collection made by a police officer for the purpose of investigating an offence the officer reasonably suspects has been or will be committed.

(3) Despite subsection (1), this Regulation does not apply with respect to an attempt by a police officer to collect identifying information from an individual if,

- (a) the individual is legally required to provide the information to a police officer;
- (b) the individual is under arrest or is being detained;
- (c) the officer is engaged in a covert operation;
- (d) the officer is executing a warrant, acting pursuant to a court order or performing related duties; or
- (e) the individual from whom the officer attempts to collect information is employed in the administration of justice or is carrying out duties or providing services that are otherwise relevant to the carrying out of the officer's duties.

This Regulation does not apply with respect to attempts to collect information by a person appointed as a police officer under the [Interprovincial Policing Act, 2009](#) or with respect to information collected by such a person.

Since 2016, the Chief of Police has been submitting an annual report for Regulated Interactions to the Board in the first quarter of the year, fulfilling the provincial reporting requirement to ensure the stats produced by the data are in a format shareable and comparable across the province.

This report, initially submitted to the Board in January 2025, has now been amended to reflect the language and expectations mandated under CSPA.

Pursuant to O/Reg 400/23, section 15(2), the annual report for attempted collections of identifying information shall be included in the annual report provided by a chief of police to a police services board under section 12 of Ontario Regulation 399/23 (General Matters Under the Authority of the Lieutenant Governor in Council) made under the Act on or before June 30th every year.

Interpretation:

For the purposes of this Regulation, an attempt to collect identifying information about an individual from the individual means an attempt to collect identifying information by asking the individual, in a face-to-face encounter, to identify themselves or to provide information for the purpose of identifying the individual, and includes such an attempt whether or not identifying information is collected.

Limitations on collection of certain information:

The Regulation prohibits attempts to collect identifying information about an individual from the individual if,

- any part of the reason for the attempt is that the officer perceives the individual to be within a particular racialized group unless certain other and legitimate conditions exist, as specified in s. 6 of the Regulation.
- the attempted collection is done in an arbitrary way, which is further clarified in s. 6(4) of the Regulation.

The Regulation provides duties related to the collection of identifying information to ensure that an officer informs the individual that the individual is not required to provide identifying information to the officer and the officer informs the individual why they are attempting to collect the identifying information, unless the officer believes doing so might;

- compromise the safety of an individual
- compromise an on-going police investigation
- allow a confidential informant to be identified; or
- disclose the identify of a person contrary to the law, including disclose the identify of a young person contrary to the Youth Criminal Justice Act.

With limited exceptions, an officer who attempts to collect identifying information, is required to record specific information about the attempt as well as offer (and provide) a record of the attempt to the individual the information was being sought.

The Regulations provide legislation regarding how collected information can be stored in police databases, who may access the information, how and when the information must be reviewed, as well as the responsibility to consider the results of any review and take actions as the chief of police considers appropriate.

The Regulation prohibits performance targets, including the number of times an officer attempts to collect information, or the number of individuals from who an officer attempts to collect information, when evaluating work performance.

In 2016, The Ottawa Police Service (OPS) worked with police and provincial partners to ensure compliance with the legislative requirements and completed the one-time eight hour mandatory training that was developed by the Ontario Police College and a roundtable of provincial subject matter experts.

OPS exceeds the legislated training in the regulation by providing all sworn members and civilian members working in the communications center the OPCVA Collection of Identifying Information in Certain Circumstances course online.

The OPS Inspector of Intelligence services is the business owner and ensures ongoing implementation, reporting, and consistent delivery of the legislation and policy requirements.

DISCUSSION

With this report, the OPS fulfill the provincial reporting requirement, as legislated in the Regulation to ensure the stats produced by the data are in a format shareable and comparable across the province.

Annual Reporting Requirements – January 1, 2024 – December 31, 2024

The content of the annual report, pursuant to s. 15(2) of the regulation as it relates to attempts to collect identifying information is as follows:

| O/Reg 400/23 - Collection of Identifying Information in Certain Circumstances Report s. 15(2) | | |
|--|--|----------|
| Sub | Description of Section Requirements | # |
| 1 | The number of attempted collections | 0 |
| 1 | The number of attempted collections in which identifying information was collected. | 0 |
| 2 | The number of individuals from whom identifying information was collected. | 0 |
| 3 | The number of times each of the following provisions was relied on to not do something that would otherwise be required under; | |
| 3 | Subsection 7(1)(a) - has informed the individual they are not required to provide information | 0 |
| 3 | Subsection 7(1)(b) - has informed the individual they are not required to provide information | 0 |
| | i. Subsection 7(2) - the officer has a reason to believe that informing the individual under that clause might compromise the safety of an individual. | 0 |
| | ii. Clause 7(3) (a) - would likely compromise an ongoing police investigation; | 0 |
| | iii. Clause 7(3)(b) - might allow a confidential informant to be identified | 0 |
| | iv. Clause 7(3)(c) - might disclose the identity of a person contrary to the law, including disclose the identity of a young person contrary to the Youth Criminal Justice Act (Canada). | 0 |
| 4 | The number of times an individual was not given a document under clause 8 (1) (b) because the individual did not indicate that they wanted it. | 0 |
| 5 | The number of times each of the following clauses was relied on to not do something that would otherwise be required under | |
| | Clause 8(1) | 0 |
| | i. Clause 8(2)(a) | 0 |
| | ii. Clause 8(2)(b) | 0 |
| 6 | For each of the following categories of gender identity, the number of attempted collections from individuals who are perceived, by a police officer, to be within that category | |
| | i. Male | 0 |
| | ii. Female | 0 |
| | iii. Transgender, non-binary or other gender identity. | 0 |
| 7 | For each age group established by the chief of police for the purpose of this paragraph, the number of attempted collections from individuals who are perceived, by a police officer, to be within that age group. | |
| | Ages 0-17 | 0 |
| | Ages 18-29 | 0 |
| | Ages 30-49 | 0 |
| | Ages 50+ | 0 |
| 8 | For each racialized group, the number of attempted collections from individuals who are perceived, by a police officer, to be within that racialized group. | 0 |
| 10 | The neighborhoods or areas where collections were attempted and the number of attempted collections in each neighborhood or area. | |

| | | |
|----|--|---|
| | *There were no neighborhoods where collections were attempted. | 0 |
| 11 | The number of determinations, referred to in subsection 10 (5), that section 6 or clause 10 (4) (a) was not complied with | 0 |
| 12 | The number of determinations, referred to in subsections 10 (6) and (7), that section 6, 7 or 8 was not complied with. | 0 |
| 13 | The number of times members of the police service were permitted under subsection 10 to access identifying information to which access must be restricted. | 0 |

DISPROPORTIONATE REPORT

Pursuant to s. 15(2)(9), a statement, based on an analysis of the information provided under this section, as to whether the collections were attempted disproportionately from individuals within a group based on gender identity, a particular age or racialized group, or a combination of groups is required.

Pursuant to s. 16, if an annual report referred to in subsection 15(2) reveals that identifying information was attempted to be collected disproportionately from individuals perceived to be within a group or combination of groups, the chief of police shall review the practices of the police service and shall prepare a report setting out the results of the review and the chief's proposals, if any, to address the disproportionate attempted collection of information. The chief of police shall provide the report to the police service board or, in the case of the Commissioner, to the Minister.

As there were no attempts to collect identifying information regarding individuals; it is impossible to formulate any patterns/assumptions/conclusions, and there are no identifiable "disproportionate" patterns at this time.

CONSULTATION:

CONCLUSION

The number of attempts to collect identifying information in certain circumstances, formerly known as regulated interactions, is consistent with the totals across the province for the eighth year.

We are committed to professional and equitable policing. We will continue to work together with the community, on the collection of identifying information and other related initiatives, to ensure policing is without discrimination and done in a way that promotes public confidence and protects human rights.

