

Report to:

POLICY & GOVERNANCE COMMITTEE

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Submitted by:

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SUBJECT: CRITICAL POINTS POLICY

OBJET: POLITIQUE SUR LES POINTS CRITIQUES

REPORT RECOMMENDATIONS

That the Ottawa Police Service Board's Policy and Governance Committee recommend the approval of the Critical Points Policy attached to this report.

RECOMMANDATIONS DU RAPPORT

Que la Comité des politiques et de la gouvernance de la Commission de service de police d'Ottawa recommande l'approbation de la politique sur les points critiques jointe à ce rapport.

BACKGROUND

At its meeting of July 7, 2025, the Policy and Governance Committee approved a roadmap to modernize the Board's governance framework for Major Events. The roadmap calls for a phased development of interrelated policies clarifying the Board's oversight role throughout the lifecycle of major events.

Grounded in the *Community Safety and Policing Act, 2019* (CSPA) and informed by recent oversight findings – including the Ottawa Auditor General's 2023 audit of the

Convoy protest and the Public Order Emergency Commission (POEC) – the first phase focuses on developing a *Critical Points Policy*.

Several high-profile reports and inquiries – both in Ottawa and across Ontario – have highlighted the need to modernize the policy framework governing major events and demonstrations.

In the Ottawa context, the most direct and urgent call for policy modernization came through Recommendation 1 of the Ottawa Auditor General’s audit of the Ottawa Police Service’s response to the 2022 Convoy protest. Released in 2023, the audit recommended that the Board “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 Auditor General emphasized the need for the Board to be consulted early in the planning process – particularly in the development of mission, objectives, and priorities – and to be equipped with sufficient information to fulfill its oversight responsibilities. The audit suggested that what was required might not be a simple refresh of Policy CR-17 *Major Events*, but a broader review of the full governance framework for major events.

These findings are consistent with conclusions from other seminal reviews, including the Morden Report, the Epstein Report, and the Public Order Emergency Commission (POEC), which collectively emphasized the need for boards to have timely access to operational information, to set strategic-level objectives and priorities in advance of major events and other “critical points.”

On March 20, 2025, the Inspector General of Policing issued *Memorandum and Advisory Bulletin #3* recommending that all Ontario municipal police service boards adopt their own Critical Points policy. The Inspector General emphasized that such policies are essential to clarifying the information-sharing relationship between boards and chiefs of police when significant events elevate operational or governance risks, and to ensuring boards can discharge their statutory oversight role without encroaching on the chief’s operational responsibilities.

The memorandum highlighted the Toronto Police Service Board's Critical Points Policy (approved January 14 2025) as a model, drawing on the recommendations of the Morden Report (2012), the Sinclair Report (2018), and the Epstein Report (2021). It urged boards to adapt that framework to local circumstances and needs. The Inspector General further advised that implementation should reflect each board's governance context.

DISCUSSION

Critical Points: Scope and Definition

Although the concept of Critical Points emerged – and is most often referenced – in the context of the policing of Major Events and demonstrations, its intended scope of application is broader. Justice Morden's report identified three categories of critical points: policing operations, events, and organizationally-significant issues, the latter extending beyond policing operations to encompass governance and institutional matters. There is, however, no province-wide consensus on what constitutes an “organizationally significant issue,” as this will necessarily depend on local context and governance realities.

The Halton Police Service Board's policy – the first of its kind – offered a more contemporary and grounded articulation of the concept – closely anchored in the CSPA and the statutory mandate of boards to set the strategic objectives and priorities for policing. It reframed critical points as *matters of strategic significance*, i.e. issues warranting intensified board oversight because of the risks they pose to the successful implementation of the police board's strategic plan, including their potential impact on public trust, organizational integrity, and the achievement of policing objectives.

The Toronto model, recently highlighted by the Inspector General of Policing, was developed drawing on the Halton framework, and in consultation with its author, reflecting the evolution of the concept into a governance instrument applicable to a wide range of high-impact circumstances – not only operational events. The Toronto policy, for example, includes patterns of workplace complaints as a possible critical point, recognizing that such internal developments can have systemic and reputational impacts requiring board awareness and intervention.

Similarly to Toronto, the proposed policy for Ottawa endorses the Halton definition and adopts its terminology: “A matter of immediate strategic significance that rapidly elevates

the Board's operational, financial, reputational or other enterprise risk, and therefore calls for the Board's immediate attention and/or preparedness to take action."

Roles and Responsibilities in the Identification of Critical Points

An important feature of this definition – now emerging as a provincial gold standard – is that it places the Board's governance perspective at the very core of the Critical Points concept, and places it squarely within the Board's own risk framework. It is concerned with the governance, reputational, strategic and other risks borne *by the Board itself* – not necessarily by the Service, although there is significant overlap. In this sense, the concept is inseparable from the Board's oversight function: a critical point arises when the Board's ability to fulfil its statutory responsibilities is placed under strain or when its legitimacy or accountability to the public could be affected. The Board's perception and judgment are therefore paramount in determining whether such a threshold has been reached, since it is ultimately the Board – not the Service – that bears responsibility for managing and mitigating these *governance* risks.

The proposed Ottawa policy largely mirrors the structure and substance of the Toronto model, including its provisions on reporting, information sharing, training, and public disclosure. However, it departs from Toronto's approach in one significant respect, reflecting the view that Critical Points are inherently Board-centric and must be defined through a governance, not operational, lens.

Under the Toronto policy, the Chief holds the final authority to determine whether a matter identified by the Board qualifies as a Critical Point. The Board may invite the Chief to consider a matter, but if the Chief disagrees, the policy effectively requires the Board to accept that assessment – which can prevent the Board from fulfilling its statutory duties as it may not receive the enhanced reporting required in the oversight of critical points. Under this model, it is understood that if a disagreement between the police service board and their chief emerged, the board would have to amend its policy before declaring a critical point.

The proposed policy would adopt a governance-centric approach. It establishes a collaborative process, whereby the Chair, upon being advised by one or more Members that a matter may constitute a Critical Point, requests the Chief's assessment. However,

even if the Chief concludes that the matter does not meet the definition, the policy authorizes the Board to designate the matter as a Critical Point and require reporting accordingly.

This formulation preserves the Chief's operational autonomy while ensuring that the Board retains final authority over the identification of circumstances that, in its judgment, elevate *its own* governance risks.

Additionally, a policy that limits the Board's ability to identify or designate a Critical Point could be seen as inconsistent with the intent of section 40 of the CSPA which establishes in principle the Board's authority to direct the Chief. The Board's power to direct the Chief to provide enhanced reporting and to engage in structured dialogue about a matter of strategic significance flows directly from section 40. In this sense, the Board's authority to identify a Critical point is an essential element of its statutory governance mandate. The Board may not abdicate or delegate this responsibility without diminishing its ability to ensure effective governance. Determining when its own engagement must intensify is central to the Board's mandate under the CSPA and is fundamental to maintaining public trust in civilian oversight. As underscored by Justice Morden, the Public Order Emergency Commission, and the Inspector General of Policing, a board's failure to exercise its direction-setting and information-seeking powers during critical points has consistently been regarded as a failure to discharge its statutory duties.

Recognition of Chief's operational responsibilities

It should also be emphasized that the draft policy strikes a measured balance between effective governance and respect for operational autonomy. It recognizes that both the Board and Chief may independently identify a Critical Point, while ensuring that the Board consults the Chief before making such a designation.

When the Board does declare a Critical Point, the implications are limited and proportionate. The Chief is only required to provide enhanced reporting and to engage in structured dialogue with the Board, which may set strategic objectives for the matter and offer non-binding recommendations on issues that remain firmly within the Chief's operational domain. At all times, the Chief's operational autonomy is explicitly preserved.

In practice, the Board may establish the overarching objectives of an operation – such as the preservation of life, minimization of harm, protection of critical infrastructure and continuity of essential services, or equitable service delivery – and provide general advice on how those objectives might be achieved. However, the means and methods of implementation, including decisions on resources, tactics, and deployment, rest exclusively with the Chief.

This understanding is fully consistent with the limitations set out in section 40 of the CSPA, which expressly prohibit the Board from directing the Chief with respect to specific investigations, or the *conduct* of specific operations, the discipline of specific police officers, or the day-to-day operation of the police service. The policy thus reinforces the proper balance between the Board's governance authority and the Chief's operational autonomy.

It should be noted, however, that section 40 limits the Board's ability to give specific directions – it does not preclude governance of these domains through general policies or broad strategic direction. In the context of a Critical Point – as well as in ordinary circumstances – the Board may govern investigations and operations through policies and general directions, and may influence the day-to-day operation of the Service only through policy-making. To remain compliant with the Act, these policies and directions must be general in scope, i.e. they should not apply exclusively to a *specific* investigation or a *specific* operation. Justice Morden's central insight was precisely that boards should be empowered to reconsider and adjust their policies in response to operational information received from the Chief during a Critical Point, and to review operational plans to ensure they are consistent with the mission or objectives stated by the Board.

Training requirements

Another important feature of the proposed policy concerns training and organizational awareness. While the model policy limits the training requirement to sworn members at the rank of Inspector and above, the proposed draft takes a more comprehensive approach. In addition to senior officers, the proposed policy invites the Chief to provide training to any employees, sworn or civilian, the Chief deems appropriate.

The purpose of this training is to ensure that senior members across the organization are equipped to recognize the circumstances that may give rise to a Critical Point and to promptly alert the Chief when such conditions emerge.

Including civilian executives in this training is particularly important, as many potential Critical Points originate in corporate or administrative areas of the organization – for example, emerging cybersecurity threats which may affect the delivery of adequate and effective policing, legal or financial risks, or issues affecting organizational integrity or equity. This broader approach reflects that Critical Points are not confined to policing operations, but may arise anywhere within the enterprise where risks to governance, reputation, or public trust escalate rapidly.

Similar to Toronto, the Ottawa draft policy would also require Board Members to receive training on the Critical Points concept and on their responsibilities when such circumstances arise.

Public Disclosure

Similar to the Toronto model, the policy establishes a framework for public reporting to promote transparency while safeguarding operational integrity. It provides that the Board, in consultation with the Chief of Police, will determine on a case-by-case basis whether public disclosure of a Critical Point is appropriate, taking into account operational, safety, and legal considerations.

CONSULTATION

The development of the proposed policy was informed by consultations with the Ottawa Police Service, and relevant oversight and governance bodies, including the Inspectorate of Policing, and several police boards or commissions across Canada, notably policy specialists at the Toronto Police Service Board, the Halton Police Service Board, and the Calgary Police Commission.

Following internal discussions on the draft with the Service, the Board Office sought further input from the Inspectorate of Policing and the Toronto Police Service Board to ensure alignment with provincial policy guidance and leading practices.

The Inspectorate of Policing confirmed that the draft is substantially consistent with the policy advice provided by the Inspector General. They noted that the sample policy attached to the Bulletin was not intended as a prescribed template but rather as one example among several possible approaches. The Inspectorate emphasized that boards should define Critical Points in a way that reflects their own context, and that boards own the risk and are accountable for defining Critical Points. The Inspectorate further noted that Morden's thesis supports the idea that a board should take greater ownership of the Critical Points concept. Finally, the Inspectorate observed that in the rare circumstances where a board and its police service may interpret the policy differently, maintaining independent mechanisms for the identification of Critical Points would help preserve the Board's autonomy.

The Toronto Board office expressed understanding of the rationale underlying the Ottawa approach and agreed that differences in language between policies are appropriate and reflective of local circumstances, needs, or preferences.

FINANCIAL IMPLICATIONS

There are no financial implications associated with establishing a framework governing Critical Points.

However, the training requirements may involve a cost to the Board and to the Service, which is to be determined depending on how they are implemented (e.g. online course, in-person workshop, training of trainers). Although the policy does not explicitly provide for it, efficiencies could be achieved through a unified training program that brings together Board members and senior Service leaders. Joint sessions would help develop a common vocabulary and mutual appreciation of each party's statutory role, improving coordination and reducing the risk of miscommunication when a Critical Point arises. Such an approach could be explored as part of the implementation phase.

CONCLUSION

The adoption of the proposed Critical Points Policy would mark an important step in modernizing the Board's governance framework and strengthening its ability to exercise informed and timely oversight during periods of heightened organizational or public risk. It would formalize a process for structured information sharing between the Board and

the Chief, clarify expectations around the identification and escalation of matters of strategic significance, and reinforce the balance between effective governance and operational autonomy.

Importantly, approval of this policy would also fulfill the Board's commitment to implement the only outstanding recommendation from the Ottawa Auditor General's 2023 audit of the Police Service Board's response to the Convoy protest.

SUPPORTING DOCUMENTATION

Document 1 – Appendix A: Draft Policy CR-XX Critical Points

Document 2 – Appendix B: Inspector General of Policing *Memorandum and Advisory Bulletin #3*