

Owen Sound Police Services Board

2nd Floor Meeting Room

Wednesday February 21st, 2024 at 10:00 a.m.

PUBLIC SESSION MINUTES

Members Present: J. Thomson (Chair), I. Boddy, S. Kukreja, B. O’Leary

Management Present: Chief C. Ambrose, Inspector J. Fluney

Absent with regrets: Inspector D. Bishop

Minutes: K. Wardell

1. Call to Order

Chair Thomson called the meeting to order at 10:01 a.m.

2. Land Acknowledgment

I would like to respectfully acknowledge that we are meeting on the traditional lands of the First Nations and has been inhabited by Indigenous peoples from the beginning. In particular, I acknowledge the history, spirituality, and culture of the Territory of the Anishinabek Nation; the People of the Three Fires known as Ojibway, Odawa, and Pottawatomi Nation and further give thanks to the Chippewas of Saugeen, and the Chippewas of Nawash, known collectively as the Saugeen Ojibway Nation, as the traditional keepers of this land. We recognize and deeply appreciate their historic connection to this area as well as the contributions of Métis, Inuit, and other Indigenous peoples whose ancestors shared these lands and waters. May we live with respect for each other on this land and live in peace and friendship with all its diverse peoples.

Megwitch

“Prior to today’s meeting, the Board met in closed session to review and discuss matters that in their opinion fell under Section 35 (4) of the Police Services Act, R.S.O 1990 c. P.15 and Section 24 item b) of the OSPSPB General Policy- 003 – Board Governance.

3. Approval of the Agenda

Moved by I. Boddy, seconded by B. O’Leary.

*“That the agenda dated February 21, 2024, be approved.” **CARRIED***

4. Declaration of Conflict of Interest arising out of the Minutes and Matters Listed on the Agenda. HEARING NONE

5. Presentations, Deputations, and Public question period.

None at this time.

6. Confirmation of the Minutes of the Public Session held January 31, 2024.

Moved by S. Kukreja, seconded by I. Boddy.

“That the minutes dated January 31, 2024, be approved.” CARRIED

7. Business arising out of the Public Session Minutes of the January 31, 2024. HEARING NONE

8. Correspondence received

- a) Orangeville Police Services Board - Intimate Partner Violence Resolution
- b) The Crime Stoppers of Grey Bruce 32nd Annual Golf Tournament
- c) Poverty Task Force Annual Report
- d) City of Cambridge Resolution - Catch and Release Laws

9. Chairman’s Report

On February 7, 2024, Chair Thomson attended the OAPSB meeting via Zoom and summarized the two-hour board meeting. The meeting covered regular minutes review, financial updates, and key reports from Chair Patrick Weaver and Executive Director Lisa Darling.

Chair Weaver emphasized the OAPSB's responsibility to assist member boards in achieving compliance efficiently. A primary focus is on ensuring mandatory training completion for all board members, which will be an ongoing initiative with continuous updates and improvements.

The OAPSB collaborated with PAO, OACP, and OSOPA to organize the CSPA Summit on February 27-28, with high demand necessitating an overflow room.

The collaborative working group on recruitment and retention met with the Solicitor General to share progress, with further updates expected in future meetings.

Executive Director Lisa Darling reported on key achievements and activities in 2023, aligning with the OAPSB's Action Plan for 2023-2025. Highlights include strengthening

relationships with various organizations, developing training for municipal boards, attending conferences, and enhancing the Communications Strategy.

Lisa also highlighted the WSIB Working Group's inaugural meeting and its focus on addressing concerns and issues related to practices, policies, education, legislation, and ownership. Decisions on prioritizing these issues await input from WSIB.

For 2024, the OAPSB aims to enhance communications with both members and the public, with a robust communication plan in place. Forums are planned to support members and provide guidance during times of change.

In summary, the meeting emphasized the importance of compliance, training, collaboration, and effective communication to support the OAPSB's goals and initiatives.

10. Governance

a) CSPA Transition

Chair Thomson noted within the package is an email from D. Sprague regarding the CSPA transition. An email was also sent out to everyone from Jennifer Wells at OAPSB regarding Municipal Board Training scheduled for March 4th and 5th. It's anticipated that there will be another announcement soon about the mandatory training schedule.

11. Reports from Inspector D. Bishop

- Inspector Fluney presented the following reports on behalf of Inspector Bishop.
 - a) Criminal Investigations Branch and Drug Enforcement/Criminal Intelligence Unit
 - b) Auxiliary Unit Report
 - c) Community Oriented Response & Enforcement Unit

12. Reports from Inspector J. Fluney

- Inspector Fluney presented the following reports.
 - a) Front Line Patrol and Collision Statistics
 - b) Community Services Office
 - c) Lost Hours and Training

13. Reports from Director of Civilian Services K. Fluney

- Chief Ambrose presented the following report on behalf of Director Fluney.

14. Report from Director of Corporate Services S. Bell-Matheson and Director of Information Technology Services C. Hill

- Chief Ambrose presented the following report on behalf of Director Bell-Matheson, and Director Hill.

15. Financial Reports from the Chief of Police

a) Financials

Chief Ambrose presented a financial update. The fiscal year end 2023 entries have not been completed. Currently there is a variance of \$199,750. The breakdown: Police Service Board came in \$7,200 under budget, Officers were \$2,600 under budget, while Civilians exceeded budget by \$4,885. The most substantial overage occurred in courts and prisoner security, totaling \$213,000. This a result of Provincial Grant funding, for courts, falling significantly below budget expectations, while costs increased as courts resumed operations. Both of these contributed to the over budget position.

16. Operating Reports from the Chief of Police

a) Chief's Activity Report

As there were no requests for action in the above reports, which were provided for information purposes, they will be placed on file with the minutes of this meeting for future reference.

17. Other Items and New Business

a) 2024-01 Owen Sound Transportation Bylaw – third and final reading

Chair Thomson noted that the City's Clerk clarified that according to the City's policy, only businesses with a physical presence within Owen Sound require a business license. Transportation companies not located in Owen Sound do not need a business license. She also examined section 5.6 of the new private transportation bylaw, citing that applicants for a Taxi Broker's License must include a city-issued business license if required. She believes this addition allows flexibility regarding whether a taxi business needs a city license or not, indicating alignment between the two bylaws

Moved by I. Boddy and seconded by S. Kukreja.

"That Bylaw 2024-01, a bylaw to license, regulate and govern brokers, owners and drivers of taxicabs and other vehicles regularly used for hire for the conveyance of passengers in and about the city of Owen Sound commonly referred to as the Transportation bylaw be hereby deemed to have been read a third time and be finally passed, signed and sealed."

CARRIED

b) 2024-02 False Alarm Bylaw – third and final reading

Moved by S. Kukreja and seconded by B. O’Leary.

“That Bylaw 2024-02, a bylaw to control the incidence of false alarms within the city of Owen Sound be hereby deemed to have been read a third time and be finally passed, signed and sealed.” **CARRIED**

c) 2024-03 Admin Fees Bylaw - third and final reading

Moved by B. O’Leary and seconded by I. Boddy.

“That bylaw number 2024-03, a bylaw to establish administrative fees for services provided by the Owen Sound Police Service be hereby deemed to have been read a third time and be finally passed, signed and sealed.”
CARRIED

d) Optic Fee Increases

Chief Ambrose provided an update on Optic Fees. OPTIC (Ontario Police Technology Information Co-operative) comprises 27 municipal police services, six first nation police services, the Ontario Provincial Police, and various other enforcement and security entities. It serves over 10,355 Ontario police officers and 4,269 civilian support staff, offering advanced information technology systems like Records Management (RMS) and Computer Aided Dispatch (CAD). However, sustaining costs has been a challenge, prompting a fee increase from \$85.00 to \$197.00 per user, effective December 2023. The definition of a "user" has also been refined to include anyone authorized to access CAD or RMS databases, encompassing sworn officers, special constables, and civilian staff. This change not only impacts service fees but also expands the user base, accounting for part-time members on a prorated basis.

2023 OPTIC fees- \$64,251.95 plus user fees (\$85.00 X 74 members) \$6,290 = \$79,712.40 incl HST

Estimated 2024 User fees- \$64,251.95 plus user fees (\$197.00X 91 members) \$17,927.00= \$92,862.71

He noted this year the amount will be covered, but going forward it will have to be adjusted within the budget.

e) Website update

K. Wardell noted she participated in the online training session for day 1 on February 12th. The testing phase and the time frame for updates/design run from February 14th to the 29th, with a check in meeting scheduled with Govstack on March 6th. There will be extra time for updates until around March 14th, considering the tentative go-live date of March 20th.

f) 2023-2026 Operations Plan – Year One Progress Report

Chief Ambrose noted that the OSPS 2023-2026 Operations Plan encompasses 14 goals and 50 specific actions, aligned with priorities such as Community Safety, Community Wellbeing, Our Members, and Sustainability. Each action has an assigned Position and Person Accountable to lead and monitor its progress, with updates provided every six months to ensure goals are on track and to address any challenges. The Year One Progress Report reveals that two actions have been completed, three are set for initiation in the second year, and the remaining 45 are in progress. Notably, Sustainability goal 1 achieved completion through the development of a long-term facility plan, while Our Members goal 1 saw success in evaluating shift schedules for member wellness improvement.

g) Annual Reports

Chief Ambrose presented the following report.

i. Sale and Disposal of Assets – Board Equipment Disposed Items

h) Protocol Agreement

Chair Thomson mentioned that the existing Protocol agreement with the city, which is 17 years old, necessitates updating in light of the new CSPA. Between now and April, the Chair will work alongside city staff to develop a draft to be presented at the April meeting.

18. Termination of the Public Meeting

As the board had dealt with all of the items on the agenda, and there being no additional business to conduct, the chair declared the open session to be terminated at 11:00 a.m.

Next Meeting: April 24th, 2024



ORANGEVILLE POLICE SERVICES BOARD

c/o Town of Orangeville – 87 Broadway, Orangeville L9W 1K1 Telephone: (519) 941-5650
Fax: (519) 940-8275

Chair T. Taylor • Vice-Chair I. McSweeney • L. Post • K. Krakar

January 30, 2024

On January 16, 2024, the Orangeville Police Services Board passed the following resolution:

“WHEREAS the safety and well-being of the Orangeville community and its residents are of paramount importance to the Orangeville Police Services Board and;

WHEREAS Intimate Partner Violence (IPV) and Gender-Based Violence (GBV) also known as domestic violence, poses a significant threat to the security and welfare of individuals within our community, involving any use of physical or sexual force, as well as emotional and psychological abuse in intimate relationships and;

WHEREAS on August 16th, 2023, Justice Minister Arif Virani acknowledged gender-based violence as an epidemic and committed to addressing this issue comprehensively at the federal level and;

WHEREAS it is imperative for local law enforcement to actively contribute to community safety and well-being by addressing the rising incidents of Intimate Partner Violence, particularly considering the alarming increase during the COVID-19 pandemic;

NOW, THEREFORE BE IT RESOLVED THAT:

- 1. The Orangeville Police Services Board receives and endorses the resolutions by both Orangeville Council and Dufferin County Council with regards to IPV.*
- 2. The Orangeville Police Services Board recognizes IPV as a significant concern affecting the safety and welfare of Orangeville residents.*
- 3. The Orangeville Police Services Board commits to prioritizing the prevention and response to IPV within the community.*
- 4. The Orangeville Police Services Board will collaborate with relevant stakeholders, including local government, community organizations, and social support services, to ensure that the prevention and response to IPV is prioritized in the Community Safety and Well-Being Plan including specific action steps to address IPV.*
- 5. The Orangeville Police Services Board will actively engage in public awareness campaigns and educational initiatives aimed at preventing IPV and promoting healthy relationships within the community.*

BE IT FURTHER RESOLVED THAT:

The Executive Assistant for the Orangeville Police Services Board be directed to share this resolution with the Town of Orangeville, the County of Dufferin, all Ontario Municipalities, and Police Services Boards.”

Sincerely,

The Orangeville Police Services Board

Cc Orangeville Town Council
Dufferin County Council
Ontario Municipalities
Ontario Police Services Boards

The Crime Stoppers of Grey Bruce 32nd Annual Golf Tournament

Inbox

Search for all messages with label Inbox

Remove label Inbox from this conversation



**Crime
Stoppers
of Grey
Bruce**

Wed, Feb 14, 12:29 PM (5 days ago)

to Crime

Good afternoon police and municipal partners,

Please see the attached information letter regarding the Crime Stoppers of Grey Bruce 32nd Annual Golf Tournament, taking place on Thursday June 6, 2024 at Saugeen Golf Club.

Bayshore Broadcasting, Germania Mutual Insurance Company, and Carlsberg Canada have committed to perpetuating this great and important event. Proceeds will be directed to the essential work that Crime Stoppers does to make our communities in Grey-Bruce safe. This is our most important fundraiser of the year, and it generates a large portion of the revenue required to operate our program.

Crime Stoppers is a volunteer program that collaborates with the public, media, and police to solve crimes and help ensure the safety of our communities. Crime Stoppers is a non-profit, charitable organization that relies on financial support from the community. Since our program's inception in 1987, Crime Stoppers tips have resulted in 1,784 arrests, 2,749 cases cleared, \$4,790,921 in recovered property, and \$50,273,485 in narcotics taken off the streets of Grey and Bruce.

Please feel free to share this with any interested parties!

Thank you,

Drew Kalte
Coordinator
Crime Stoppers of Grey Bruce Inc.
519-371-6078
Fax 519-371-1275
crimestopgb@bmts.com



The Annual CSGB Golf Classic is Set to Go!



The wheels are in motion to host the 32nd Annual Golf Classic in support of
Crime Stoppers of Grey Bruce

OVER \$600,000.00 Raised to Date . . . Rated Among the Best!

Our Title Sponsors Bayshore Broadcasting & Germania Mutual Insurance Company have been teamed up with Carlsberg Canada this year. We welcome Carlsberg aboard as we invite you to join us in support of this key community fundraising event. The proceeds will help fund the essential work that Crime Stoppers performs, to help make our Grey-Bruce communities safe.

WHERE: Saugeen Golf Club will return as our host venue

WHEN: *Thursday, June 6th, 2024*

Attached is the 32nd Annual golfer registration form, including hole sponsorship information. As designated group leader, please share details with your team.

Chances to Win 2024 Cars + \$30,000.00 & More!

Entry fee includes all golf related activities, all meals, Annual Souvenir & all post-play festivities, including the Grand Prize Draw.

Mingle with Guest Celebs of the Day

As per the norm, we anticipate the tournament will fill up again this year and request that you complete and return the registration form by April 26, 2024.

A Good Cause with Good Fun & Good Food for Everyone

Your past support has been part of the Tourney's success & we look forward to hosting you and your fellow golfers at Saugeen Golf Club on Thursday, June 6th, 2024, in support of ...

..... **Crime Stoppers of Grey Bruce**

Joe Dietrich
 Tourney Co-Chair

Evan Hayter
 Tourney Co-Founder

Dan Hill
 Tourney Co-Chair

Fred Wallace
 Good Will Ambassador



Official Event Title Sponsors



*Germania Mutual Ins. * Bayshore Broadcasting * Carlsberg*

..... INVITE YOU TO ENTER
The 32nd Annual CSGB Tourney @
Saugeen Golf Club 519-389-4031 * Thursday, June 6th, 2024



Chance to Win A Car or \$30,000.00



REGISTRATION @ 10 AM
Shot Gun Start @ 11 AM
Entry Fee \$200.00 Per Golfer
4 Person Scramble Format



Mingle with Guest Celebs of the Day!



Golf Fee Perks: 18 holes with power carts; senior tees; free practice range, rain-checks; bag tags; mulligans: 50/50 cash hole; closest-to-pin opps; hole-in-one opps; 50/50 \$ raffle; Tim Hortons donuts; box lunch in play; post-play Reception & Banquet Dinner; live & silent auctions; 32nd Ann. Souvenir; Chance to Win Grand Prize Draw

Please Sign Up Below and Return Your Entry Form & Fee by April 26th - We Fill Up Fast!

Name	Address	Postal Code	Email

Telephone contact name & number:
***Entry Deadline APRIL 26th**

You may also wish to register as a Corporate Hole Sponsor * 2024 Hole Sponsor Perks include:

*Social Media Hits * Day of Hole Signs * Listing on 32nd Ann. Scorecard * Listing Tipsters Mag. * Table Tent Cards*

Company Name for Hole Sign: _____ Contact: _____

Select from 3 levels as follows: 1. Platinum @ \$1,000.00 2. Gold @ \$600.00 3. Silver @ \$300.00

TO REGISTER: Please fill & return entry form with payment to GERMANIA MUTUAL INSURANCE
 403 Mary Street, PO Box 30, Ayton ON, N0G 1C0 * CSGBgolf@germaniamutual.com
 * For more details, contact Elena DeBono @ Germania Mutual Insurance 1-888-418-7770 ext. 260
 Payment Methods: (a) by Cheque, payable to Crime Stoppers Grey-Bruce Tournament (b) by E-transfer, payable to Crime Stoppers Golf sent to: crimestoppersgolf@wightman.ca (c) by Credit Card



Official Event Title Sponsors



Building Upon Game Changers

Game changers are ideas or procedures that effect a significant shift in the current manner of doing or thinking about something. Game changing is about verbs not nouns. If you can't see it in action, it's not a game changer. The best thing about game changes is they build upon themselves. The best leaders proactively focus on pursuing game changers. (Mike Myett, Hacking Leadership)

Recently, we examined game changers in 2023 in preparing this report and determining our collective action for 2024. Advances in government policy, systems change, local capacity building, and innovation have kept many people out of poverty but we have lost ground due to the ripple effects of COVID-19 and inflation over the last 3 years. While inflation has eased in 2023, consumer prices (food prices, rising rental and mortgage rates) have continued to rise and impact households with moderate and low income.

In 2022, 12% of Grey Bruce population lived on a low income, down from 14.6% in 2015; a higher proportion than in Ontario. Of those, 13% of children and youth under the age of 18, 10.6% of working-aged adults and 12.3% of older adults aged 65 and older in Grey Bruce live in low income. (Stats Can 2023).

In 2023, the Bruce Grey Poverty Task Force (PTF) leveraged 72+ partnerships; supported collaborative local research and innovative pilots that worked together across many sectors.

- We solidified our role as an action table under the Community Safety and Well-Being Plan.
- We took meaningful action to promote and engage in Truth and Reconciliation Calls to Action.
- While supporting poverty alleviation programs, we also pushed to address the root causes of poverty to advocate for population-level change (reduction or elimination).
- We identified and implemented mutually reinforcing activities to address housing, food and income insecurities.
- We communicated with partners through PTF and action group meetings; community updates and contributed to publications about our intersectoral work.
- We hired 1 dedicated staff as a PTF Coordinator and 4 backbone organizations provided dedicated staff to lead action groups.

This Annual Report summarizes our activities in 2023.

Housing Security Game Changers in 2023

- **14th Street Transitional Supportive Housing Program** completed its build and people who were chronically homeless on the By Names Lists were housed. This is the first of its kind in Grey Bruce and adds another piece of a Housing First model.
- **Grey Bruce Built for Zero/Coordinated Access:** has solidified its model with the By Names List in place with Short Term Shelter Programs in each county. Prior to COVID-19, the tracking of people experiencing homelessness was limited and numbers were deceptively low. During the COVID-19 pandemic, we saw a significant increase in the number of people reached and the new structure is able to stay engaged with people.
- **24/7 Warming Station/Safe N Sound** was opened up in 2023 after consultations with partners. This pilot project offers 24/7 safe space for 18 individuals (at one time).

- 240 people in Grey Bruce are actively homeless on the By Names List, with 60 new people added in the last 2 months. Of those new people, 39 people are chronically homeless for more than 6 months. The majority of people are from Grey Bruce. (11 Jan 2024).
- 40 people were living in Grey County's 31 rooms for its Short Term Shelter Program and 14 people in the 14th Street Transitional Supportive Housing Program. (11 Jan 2024)
- 39 people were living in Bruce County's rooms for its Emergency Shelter Program (18 Dec 2023)
- Over 100 individuals have spent the night at Safe N Sound in the first 10 weeks of being open.

Investments of pandemic funding for transitional supportive housing in Grey County in 2023 has added a critical component to its Housing First model. Pandemic dollars funded innovative housing support programs and outreach staff of many agencies. Pandemic and resiliency funds end in June 2024, so we remain concerned about having core funding for support services in 2024. We still have a large number of people on the By Names List who are chronically homeless (more than 6 months) and people reporting that they are sleeping rough most frequently.

There remains a desperate need for affordable and deeply affordable housing. Rentals and non-market rental housing account for only a small percentage of housing being built. Our Housing Community of Practice meets weekly with housing front line workers and managers from - Bruce/Grey county, hospital, Indigenous housing support program, ODSP, utility supports, drop-in centres and social organizations. Collective problem solving is a critical action to respond to the housing crisis to keep people sheltered short term and transitioned into longer term housing.

At the other end of the spectrum, we provide a link between the public and policy work being done to increase affordable housing builds. From supporting discussions on youth and housing resulting in youth rental supplements to advising on public forums on Housing.

Income Security Game Changers in 2023

- **P.E.I Guaranteed Basic Income:** CERB payments demonstrated that a guaranteed basic income has a stabilizing impact on peoples' lives. If the Province of P.E.I. goes ahead with its model, then this supports the advocacy to the federal and provincial governments.
- **GB Community Income Tax Study:** found that on average people with low income filing their taxes gained an additional \$3,100 in 2023. A template for calculating the dollar return on filing and the impact of the CVITP was developed as a new tool.
- **\$10/day Childcare and Child Care Workforce Strategy:** in 2023 the provincial government released a new staff retention strategy and increased ECE wages to bring up staffing levels.

- 17% of households are spending more than 30% on housing.
- 1 in 10 Grey Bruce homeowners spend more than 30% of their income on housing.
- More than 1 in 3 tenants are spending more than 30% of their income on housing.
- 17.5% of Grey Bruce households are food insecure.

Housing is foundational to individual, family and community well-being. Being able to afford and provide basic needs continued to be a struggle in 2023. The cost of living has increased and median salaries have not significantly changed. This is reflected in the new living wage that was released in November 2023 by the United Way and the Poverty Task Force as part of an Ontario-wide Living Wage campaign. The Living Wage increased by 9.6% in 2023 to \$22.75/hr. (Single person: \$23.01, Single parent with 2 children: \$27.20, 2 parents, 2 children: \$22.00 for both parents).

The Poverty Task Force is an action table of the Grey Bruce Community Safety and Well-Being Plan focused on income/poverty issues. In 2023, we engaged with 17 lower-tier municipal partners on the Living Wage, Basic Income, income tax benefits and precarious work. Living Wage presentations were made to Chambers of Commerce, municipal councils and local employers.

Income solutions are needed to ensure that people can return to work. The fees parents pay for child care have been cut in half with a revenue replacement in place, however, many operators report they continue to struggle to meet the local demand for spaces and stay afloat during very challenging economic times.

CERB payments provided a guaranteed income during the pandemic. Individuals and families are being hit with rising cost of living and people with moderate incomes are accessing food banks to supplement their income. The government continues to support people through tax benefits. It is important that the Poverty Task Force continues to analysis the uptake of the Community Volunteer Impact Tax Program and its impact in Grey Bruce.

Community Volunteer Income Tax Case Study 2023

Approximately 10–12% of Canadians do not file their taxes; and people with low income and renters are also less likely to file. We know that people are still struggling to recover from the COVID-19 pandemic in 2023. The average household debt is 183% of annual household income and consumer insolvencies have increased 22.8% in the past 12 months. 1 in 5 Canadians with low incomes now have to borrow money to make ends meet. (Prosper Canada)

- 12% of people across Grey Bruce live with low income. (Stats Can, 2021).
- 39,130 individuals in Grey, Bruce and Huron Counties were eligible to access the CVITP program in 2022. (CRA/CVITP 2023)
- 3,050 individuals were assisted to file 3,550 returns in 2022 across the 3 Counties. (CRA/CVITP 2023)

Tax benefits provide money to people based on their life circumstances and, for some people, benefits can help to increase their income, lower expenses, and make a big difference to their quality of life, such as improved health, food security, housing stability and lower stress.

The results of our Case Study were that The Meeting Place CVITP and South East Grey Community Health Centre CVITP helped 332 residents access over \$1 million in income benefits, tax credits and refunds across 5 municipalities. On average, each beneficiary received \$3,100 (\$3,099.81). The Grey Bruce Community Volunteer Income Tax Program Network held a workshop in September 2023 to review the results and recommendations. The case study, tools for dollar value calculation and other resources are on the PTF website.

Community Volunteer Income Tax Program Case Study

2023



Hunger Response Game Changers 2023

- **Food Rescue Expansion:** we saw an increase in grocery stores partnering outside of Owen Sound.
- **The Grey Bruce Food Share** opened its doors in 2023 as the first rural Food Rescue hub model in partnership with Second Harvest and 25 local food sharing agencies.

- Just under 1 in 5 Grey Bruce households (17.5%) are living with food insecurity.
- 67% of households in Ontario with social assistance as their primary income are food insecure.
- More than 181,724 free community meals were shared in 2023. (FoodBruceGrey.com).
- Canada's Food Price Report is projecting 25-35% higher food costs in 2024.

Food insecurity means not having enough money to buy food. Food insecurity is a warning sign that a household does not have enough income to meet basic needs. Grey Bruce has an incredible network of food programs doing what they can to feed people in crisis, but we recognize that income solutions are needed to solve food insecurity.

Food Rescue is a food recovery network that prevents good surplus food from being wasted by collecting it and redistributing it to feed people in need. It also reduces the environmental impact of avoidable food waste. Food Rescue in Grey Bruce has surpassed the original vision of the Food Security Action Group discussions with Second Harvest in 2018. Food offers and sharing partnerships deepened through the pandemic and laid the groundwork for expanding the Food Rescue program across Grey Bruce.

In 2023, the Grey Bruce Food Share (GBFS) opened a new physical location as the first rural Food Rescue hub model. This is an innovative partnership led by The Salvation Army Owen Sound and Owen Sound Hunger and Relief (OSHaRE). GBFS as a hub also serves 25 other local food sharing agencies across Grey Bruce. Each month, 11,000 pounds of fresh perishable food is given to GBFS through Food Rescue.



GREY BRUCE FOOD SHARE



Health Equity Game Changers in 2023

- **Supportive Outreach Services (SOS) Mobile:** this person-centred/wrap around response to people experiencing homelessness or transient lifestyles expanded its services beyond Hanover and Owen Sound throughout Grey County in 2023.
 - **Brightshores Wellness & Recovery Centre** for Mental Health and Addiction Treatment was physically built in 2023 and is set to open in 2024. It will ensure up to 45 inpatients (men and women), as well as outpatients access treatment in Grey Bruce.
 - **Canada Dental Benefit** announced in 2023, expanded eligibility with a target of dental care for all by 2025.
- On average there are 15 substance abuse Emergency Department (ED) visits per day across all of Grey Bruce. (BS 2024). There were **39 opioid-related deaths** in Grey Bruce in 2021, more than a 50% increase of pre-pandemic numbers. In 2023, we started to see a decline in deaths with 17 opioid-related deaths. (Public Health preliminary data)
 - Brightshores Withdrawal Management Services is at 100% occupancy with a waitlist. Rapid Access Addiction Medicine visits have increased over 500% over the last 3 years.
 - 25% of all ED substance abuse visits return to the ED within 30 days for a substance abuse or mental health related issue.

Shifts in leadership to embrace equity-seeking and person-centred policies and services in healthcare are having impacts. Collective action by many agencies are heavily involved in response. The The West Grey Police observed a drop in 911 mental health calls, which they attribute to the SOS Mobile Outreach pop-up clinic in Durham.

The new Wellness Centre will help the most vulnerable people get off the street and provide a safe space while they get medical treatment and therapy to get back on their feet. Most of these individuals have co-existing alcohol and drug issues and mental health challenges, compounded by unemployment and homelessness.

The Poverty Task Force is involved in responding to public questions on solutions as well as supporting partners to access funding for support services. The new Wellness Centre opening close to home and accessed by/accommodating a more diverse population (women, Indigenous & 2S-LGBTQQIA+) is huge. The Poverty Task Force continues to be involved in supporting Grey Bruce Pride and the 2 Spirit Mentor program at M'Wikwedong Indigenous Friendship Centre.

The Home Takeover Pilot Project Advisory Committee wrapped up its work in 2023. 211/Grey County Housing are now utilizing the screening tools. Questions on home takeovers are included in the short term shelter intake. The Grey Bruce Elder Abuse Network will use the tools in its outreach activities. The Data Working Group will continue to collect data on the use of the tools.

2023 IMPACT

The Poverty Task Force contributed to:

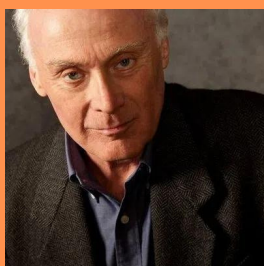
- **Increases in collaboratives convening with people with lived/living experience:** the Giiwe Sharing Circles offered cultural mindfulness sessions to 400+ people in 2023.
- **Increases in the use of collective impact to address poverty through collaborative research studies** - GB CVITP Case Study, RentSafe Tenant-Landlord Survey, Financial Inclusion Project and Home Takeover Pilot Project. 'It doesn't happen any other way': relationship building and reflexivity for equity-focused intersectoral practice (EquIP) was published in the Oxford Health Promotion International Journal in 2023.
- **Increase in coordination and communication with partners** - we produced 19 community updates in 2023 (a total of 203 to date) with poverty related data, research findings, resources & services.
- **Increases in leadership by local governments in poverty reduction** - 2023 marked the 10th year of the Poverty Task Force with financial investments from Bruce County, Grey County and the United Way of Bruce Grey. County Wardens, staff and some councilors attend meetings. The City of Owen Sound provides a formal representative.
- **Growth of the Grey Bruce Living Wage and Basic Income Campaigns** through public and political outreach education to the Community Safety and Well-Being Plan.

STRATEGIC DIRECTIONS 2023	PROJECTS	OUTCOMES
Equity to Healthy Food	Rural FoodRescue Hub GB Community Garden Network	<ul style="list-style-type: none"> • Launch of Grey Bruce Food Share • Supported policy and promotion through Food Security Action Group
Striving for Health Equity	Access to Healthcare Services BGDISC.ca	<ul style="list-style-type: none"> • Updated Health Equity Tool • Support to SOS Mobile Outreach • Data collection and sharing
Housing Security	Rentsafe Survey Community Conversations	<ul style="list-style-type: none"> • Rentsafe Survey completed • Laidlaw Youth Rent Supplement • Home Takeover Study released • Housing Community of Practice
Income Security	Volunteer Income Tax Network Living Wage Campaign	<ul style="list-style-type: none"> • CVITP Case Study released • 2023 Living Wage released
Community Voices	Giiwe Sharing Circles Community Voices	<ul style="list-style-type: none"> • Giiwe Circles growth • Financial Inclusion profiles • RentEquip Research published

David McLaren

Community and living wage advocate David McLaren passed away in 2023.

David was a member of our Income & Employment Action Group. He published reports on social justice, precarious work and health equity. His voice and leadership shall be remembered.



Rest in Peace

PTF Financial Report 2023

Total Budget \$62,030.27

Funding went towards:

- Wages & Benefits full-time Planning Network Coordinator
- PTF Admin/website
- Tamarack Membership
- Grey Bruce Community Income Tax Clinic phone

Bruce County, Grey County and the United Way of Bruce Grey provided core operational funding. (\$59,030.27)

Community Foundation Grey Bruce funded the GB CVITP Case Study (\$3,000).

Partner Engagement

In 2023, we met 11 times as the Poverty Task Force. Emergency housing and support services remains a priority with 50 Housing/Homelessness Community of Practice Group virtual meetings.

Access to food and addressing income insecurity remain priorities with 12 monthly Food Security Action Group and 11 monthly Income & Employment Security meetings. As an Action Table of the Community Safety & Well-Being Plan we participated in 6 meetings in 2023.

We saw an increase in Facebook/Blog subscribers. We were in the news in 2023 speaking on income tax filing, CVITP case study, living wage, affordable housing and period poverty.

Social Media Platforms

72+

Partner organizations

1,209

Facebook/Blog subscribers

698

Twitter followers

203

Community Updates/
Press Releases

Website: <http://povertytaskforce.com>

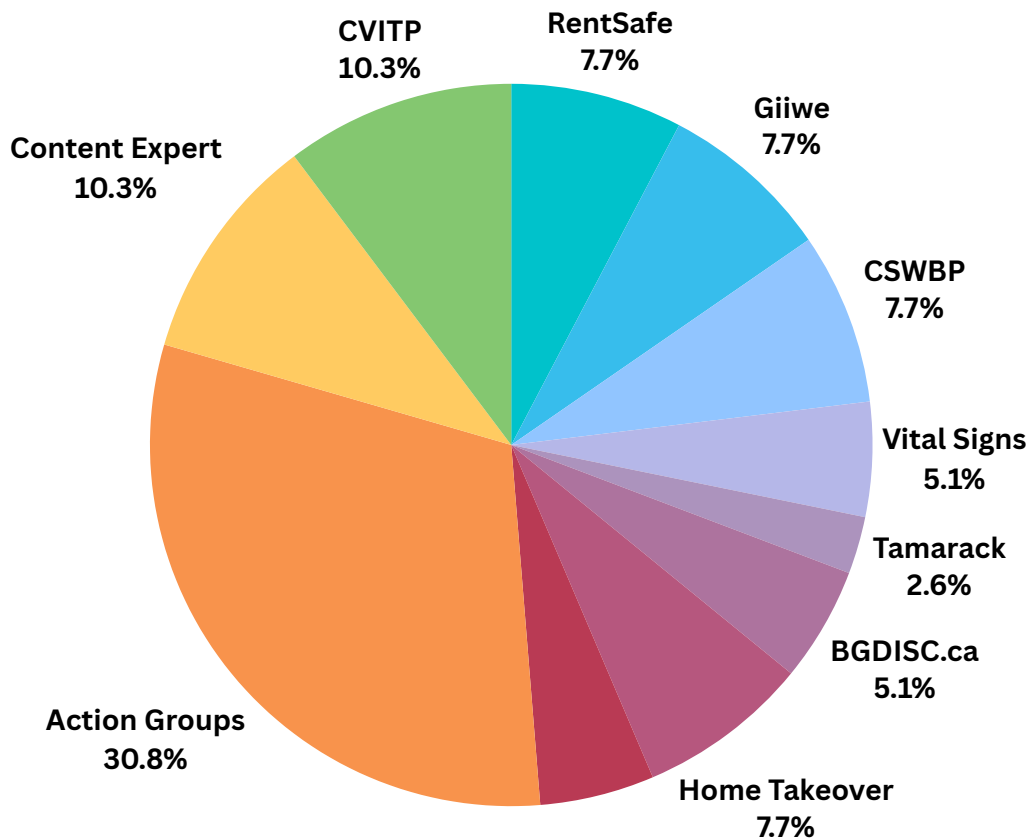
Twitter: @BGTTaskForce

Facebook: BruceGreyPovertyTaskForce

povertytaskforce@unitedwaybg.com

Coordinator's Time Allocation 2023

This chart highlights the majority of the Coordinators' time. Content expert includes time participating in consultations, strategic planning, position papers and sector analysis.



Projects, Networks & Research Collaboration

Grey Bruce Community Volunteer Income Tax Program Case Study/Network
<https://povertytaskforce.com/income-security>

Grey Bruce Healthy Communities Partnership
 Community Safety & Well-Being Plan Action Table
<https://cswbp-brucegrey.ca/>

Vital Signs Advisory Committee
<https://www.communityfoundationgreybruce.com/impact/vitalsigns/>

Community Ending Poverty/Mentor- Mid-Ontario, Rural Network, Tamarack Institute
<https://www.tamarackcommunity.ca/>

Bluewater District School Board, Diversity, Equity & Inclusion Advisory Group
https://www.bwdsb.on.ca/programs/diversity__equity_and_inclusion

Bruce Grey Data Information Sharing Collaborative -
<https://bgdisc.ca/>

Community Drug & Alcohol Strategy Advisory Committee/Opioid Working Group
<https://drugstrategy.org/>

Home Take Over Project
 Grey Bruce Public Health/Grey County Housing
<https://www.publichealthgreybruce.on.ca/Your-Environment/Healthy-Housing/Home-Takeover>

Youth in Transition Rent Supplement Project
 Community Foundation GB/Laidlaw Foundation

Rentsafe Project & Advisory Committee
<https://rentsafe.ca/owensound>

Giiwe Sharing Circle Projects
<https://mwikwedong.com/program/giiwe/>

MOVING FORWARD IN 2024

The Poverty Task Force has created a Collective Impact Framework for 2024 on page 11 based on the collaborative work identified by our Action Groups. A few of our goals are below:

Goal: build resiliency, hold space and promote collaboration with partners.

- Create safe spaces for meaningful exchange to build resiliency, hold space and build collaboration for solutions.
- Contribute to collective action for GB CVITP Network FILE Project, RentSafe Tenant-Landlord Survey engagement, Living Wage campaign, GB Good Food Box and Financial Inclusion Study.

Goal: increase the number of government partners leading on poverty reduction.

- Contribute to social plans that integrate poverty as a central theme such as the Community Safety and Well-Being Plan, Vital Signs Report 2024, etc.
- Ensure formal representation/annual funding from Bruce County and Grey County.
- Formal representation of lower-tier municipalities – assigned representatives and PTF minutes are submitted to Council packages.

Goal: develop a sustainable funding strategy for all elements of the Poverty Task Force

- Develop strategy for PTF collective work to be funded.
- Develop new model and funding strategy for Community Voices.

Goal: increase public education and awareness on homelessness, harm reduction approaches, food security, hunger, etc. to reduce stigma

- Participate in public messaging, education, awareness and forums as content expert.
- Create “income solutions addressing food insecurity” awareness campaign around the release of the Nutritious Food Basket.

Goal: increase engagement of people with lived/living experience

- Ensure diversity, equity and inclusion is a central strategy to the work we do.
- Support the Giiwe Sharing Circle model and identify opportunities to improve Indigenous relationships.
- Partner with programs such as “Making Your Way” to develop a new Community Voices group.

Acknowledgements

We recognize the incredible work that over 72+ Poverty Task Force members, volunteers and the staff have done in 2023. A special thank you to the Bruce County, Grey County and the United Way of Bruce Grey for their leadership and support to the Bruce Grey Poverty Task Force. And to our back bone partners who lead our Action Groups - Grey Bruce Public Health, South East Grey Community Health Centre and YMCA Owen Sound Grey Bruce.



COLLECTIVE IMPACT FRAMEWORK

Our collective impact efforts seek to inform policies and support upstream interventions to address poverty-related community issues. Together we have a common agenda, mutually reinforcing activities, continuous communication and backbone infrastructure.

January 2024

Collective Action

The Poverty Task Force is made up of 72+ organizations that work across priority sectors to reinforce activities that contribute to reducing poverty.

Evidence-informed/best practices

We draw upon local and national best practices; examine and test them in Grey Bruce context.

Data Driven

We collect local data on social determinants of health, including housing/homelessness, food insecurity, employment and income.

HOUSING SECURITY

Release the Rentsafe Tenant-Landlord Survey and host a series of engagements with stakeholders.

Create safe spaces for meaningful exchange to build resiliency, hold space and build collaboration for solutions.

COMMUNITY VOICES

Develop a sustainable funding strategy for the PTF and Community Voices.

Ensure the Community Voices group of grounded experts are actively engaged with PTF collective action.

Increase municipality leadership engagement with PTF.

FOOD SECURITY

Create income solutions addressing food insecurity awareness campaign during the release of the Nutritious Food Basket.

Contribute to the governance, sustainability and promotion of the Grey Bruce Good Food Box.

INCOME SECURITY

Support volunteer recruitment and promotion of the Grey Bruce Community Volunteer Income Tax Program in partnership with CVITP Network partners.

Contribute to a Grey Bruce Living Wage Campaign to engage with employers to reduce precarious employment.

DATA

Contribute to participatory data collection and analysis on poverty-related issues such as living wage, CVITP dollar value, housing, precarious work, etc.

Develop M&E strategy for reporting against IMPACT Report baseline.

HEALTH EQUITY

Contribute to public education on social determinants of health to reduce stigma.

Contribute to navigation pathways supports to SOS Mobile Health Outreach Program.

TRUTH & RECONCILIATION CALL TO ACTIONS

We shall build better relations . The following OFIC principles will guide our work:

- **Build trust and relations through Indigenous-led Giive sharing circles**
- **Respect Indigenous culture and spiritualities as a foundation for Indigenous identity.**
- **Understand and respect Indigenous leadership; respond to Indigenous-led community priorities**
- **Collaborate and co-develop programs with Indigenous communities**
- **Respect Indigenous Diversity - no pan-Indigenous programming**
- **Ensure equity for all Indigenous people including women, Two Spirit, Indigi-queer and LGBTQQIA+**

The Corporation of the City of Cambridge
Corporate Services Department
Clerk's Division
Tel: (519) 740-4680 ext. 4585
mantond@cambridge.ca

February 14, 2024

Re: Catch and Release

At its Council Meeting of February 13, 2024, the Council of the Corporation of the City of Cambridge passed the following Motion:

WHEREAS this council believes that the safety of our community and its protection from crime in all its forms is of utmost importance.

WHEREAS our taxpayer-funded judicial system exists to protect the public, who in return for their tax dollars are entitled to a system that works.

WHEREAS the number of charges laid for failure to comply with court orders – primarily failure to comply with the terms of a promise to appear, undertaking, recognizance, probation order, or peace bond – are steadily on the rise in the province of Ontario.

WHEREAS there has been a notable increase in the number of violent offences committed in the province of Ontario by individuals who are concurrently subject to release orders.

WHEREAS the Ontario justice system is backlogged, court systems under strain, and police and prosecutors overwhelmed by their caseloads.

WHEREAS we have seen a dramatic lowering of the threshold for release, resulting in violent, serious, or repeat offenders who should by rights have been reasonably detained in custody, released on supervision plans that are increasingly deficient.

WHEREAS the general sense among the criminal population is that breaching bail conditions will not result in much by way of consequence for the offender, as evidenced by a clear pattern province-wide of unjustifiable release, a pattern which is bound to continue given insufficient resources to conduct Crown bail reviews, surety bond estreatment hearings, and ensure the subsequent collection of surety bond funds after judgment.

WHEREAS a 'catch and release' system constitutes a failure of government to perform a core function of its existence, that being the protection of public safety and that this failure constitutes a clear and present danger to the public.

WHEREAS the current hard drug crisis has contributed to a desperate criminal element that is exacting a significant financial and emotional toll on communities across Canada including Cambridge.

WHEREAS our police services are being demoralized by expending precious time and resources having to manage the repeated arrests of these habitual criminal offenders within a system that limits their ability to effectively protect the public.


AND WHEREAS this ineffective follow-through by our judicial system unfairly erodes the public's trust in our police services, who consequently become the target of frustrated and angry residents who feel they are no longer being protected from crime.

AND WHEREAS the increasing erosion of public faith and trust in our judicial system ultimately brings the administration of justice in the province of Ontario into disrepute and leads to a growing feeling amongst residents that they are no longer protected by a system perceived to prioritize the rights and freedoms of the criminal over the rights and safety of themselves and their families.

NOW THEREFORE BE IT RESOLVED, that the City Clerk for the City of Cambridge send a letter to the Right Honourable Justin Trudeau, Prime Minister of Canada, the Honourable Arif Virani, Minister of Justice and Attorney General of Canada, Attorney General of Ontario Doug Downey, Ontario Solicitor General Michael Kerzner, the Honourable Doug Ford Premier of Ontario, MP Bryan May, MP Valerie Bradford, MPP Jess Dixon, MPP Bryan Riddell, Police Chief Mark Crowell, Waterloo Regional Police Service, all Ontario Police Associations and Police Departments, Ontario Provincial Police, all Ontario MPPs and MPs, and all municipalities throughout Ontario for their endorsement consideration, requesting additional funding in Ontario's legal system to support a meaningful resistance to the current "catch and release" practice, including hiring sufficient court staff, with a specific focus on additional assistant Crown Attorneys.

Should you have any questions related to the approved resolution, please contact me.

Yours Truly,



Danielle Manton
City Clerk

Cc: (via email)
Hon. Prime Minister Trudeau
Hon. Minister of Justice and Attorney General of Canada
Attorney General of Ontario
Ontario Solicitor General
Hon. Premier Ford
Ontario Police Associations
Ontario Police Departments
Ontario MPPs and MPs
All Ontario Municipalities

CSPA Transition

Inbox

Search for all messages with label Inbox

Remove label Inbox from this conversation



Sprague, Duane (SOLGEN)

Mon, Jan 15, 2:50 PM (11 days ago)

to Karen, John, Pat, Tim, Kevin, peter@petermcscherry.ca, Selwyn, tdoherty@tvdsb.on.ca, board, MEGHAN, me, Catherine, Sarah, Casey, Heather, Leslie

Good afternoon Board Chairs,

The Ministry has informed Chiefs and Boards that the *Community Safety and Policing Act* is proclaimed to be in-force on April 1, 2024. Inspectorate of Policing Advisors are the primary transition support primarily through information and advice provided by its Police Services Advisors. The Ministry may also provide support through other Divisions.

There are significant impacts affecting how the Board currently conducts meetings, transparency, appointments and more. Time is short and there are planning decisions the Board needs to make.

I know I've mentioned this during our Zone meetings over the past couple of years and this is just a friendly reminder that you may wish to designate (or not) a lead on CSPA issues.

If you do identify a lead, please let me know the identity of your designated lead or if you wish to continue to be my primary point of contact on CSPA transition issues that is fine as well.

At a very high level, I'm including a number of important changes to Policing in Ontario under the CSPA as well as a link to the CSPA and accompanying Regulations.

I'm also including a few other documents related to the CSPA transition, e.g., attached are the All Chiefs and Boards memo, the current version of the CSPA and supporting regulations filed to date.

With the passage of Bill 68, [Comprehensive Ontario Police Services Act, 2019](#)(Act) on March 26, 2019, policing in Ontario is set to undergo some important changes. These changes are not limited in their effect to police service boards, police associations and individuals who work in policing. They are also very important for municipalities and the wider community.

Some of the highlights of the Act are set out below for your awareness:

1. Municipal diversity plans

Every municipality which has a municipal police service board must prepare and approve a diversity plan to ensure that members of the municipal police service board who are appointed by the municipality are representative of the diversity of the population in the municipality. Reasonable steps to promote appointments to the board of members of historically underrepresented groups must be undertaken.

2. Mandatory training for board members (see attached document)

Board members must successfully complete the Ministry approved training regarding the role and responsibilities of board members, human rights and systemic racism and cultural diversity. Board members cannot begin to perform their duties until part of the training is successfully completed. For other parts of the training, a time frame will be provided within which the training must be successfully completed.

3. Board diversity plan

As part of the duties of the board, a diversity plan must be prepared and adopted which ensures that members of the police service reflect the diversity of the area served by the police service.

4. Special Constables

Significant new provisions have been added in order to more closely regulate the appointment, duties, employment and discipline of special constables.

5. Creation of the Inspector General

A new body with extensive powers has been created called the Inspector General of Policing. This role would have substantial responsibilities relating to compliance with the Act, including: inspections of police services and boards, dealing with systemic concerns regarding the provision of policing, complaints about board members and whether a police service is providing adequate and effective policing. The Inspector General does not deal with allegations of misconduct in relation to police officers or special constables.

6. Law Enforcement Complaints Agency

The office of the Independent Police Review Director is continued as the Law Enforcement Complaints Agency. This office can also examine systemic issues, in addition to specific complaints.

7. Suspension without pay for police officers

The possibility of suspension without pay for police officers has been introduced. If a police officer is convicted of an offence and sentenced to a term of imprisonment or in custody awaiting trial or has very restrictive bail conditions suspension without pay is possible.

8. Municipal Community Safety and Well-Being Plan

Each municipality must prepare a community safety and well-being plan. An advisory committee must be established as part of the process of plan development, along with a process of community consultations.

Link to the CSPA and Regulations:

[Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1 \(ontario.ca\)](#)

The e-laws links are below for the 26 regs filed.

Copied from the Source Law page on e-Laws, all the reg titles are hyperlinked here:

[O. Reg. 416/23: OATHS AND AFFIRMATIONS](#)

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

[O. Reg. 415/23: COST OF ADJUDICATION HEARINGS](#)

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

[O. Reg. 414/23: COMMUNITY SAFETY AND WELL-BEING PLANS - PUBLICATION AND REVIEW](#)

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

[O. Reg. 413/23: AMOUNT PAYABLE BY MUNICIPALITIES FOR POLICING FROM ONTARIO PROVINCIAL POLICE](#)

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

[O. Reg. 412/23: DISCLOSURE OF PERSONAL INFORMATION](#)

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

[O. Reg. 411/23: COMPLAINTS ABOUT SPECIAL CONSTABLES](#)

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

[O. Reg. 410/23: CODE OF CONDUCT FOR SPECIAL CONSTABLES](#)

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 409/23: CODE OF CONDUCT FOR O.P.P. DETACHMENT BOARD MEMBERS

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 408/23: CODE OF CONDUCT FOR POLICE SERVICE BOARD MEMBERS

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 407/23: CODE OF CONDUCT FOR POLICE OFFICERS

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 406/23: DISCIPLINE

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 405/23: POLICE UNIFORMS AND EQUIPMENT

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 404/23: ADJUDICATION HEARINGS

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 403/23: ONTARIO POLICE ARBITRATION AND ADJUDICATION COMMISSION

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 402/23: POLITICAL ACTIVITY

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 401/23: CONFLICTS OF INTEREST

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 400/23: COLLECTION OF IDENTIFYING INFORMATION IN CERTAIN CIRCUMSTANCES - PROHIBITION AND DUTIES

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 399/23: GENERAL MATTERS UNDER THE AUTHORITY OF THE LIEUTENANT GOVERNOR IN COUNCIL

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 398/23: ALTERNATIVE PROVISION OF POLICING FUNCTIONS

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 397/23: VEHICLE PURSUITS

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 396/23: MATTERS RESPECTING THE APPOINTMENT AND FUNCTIONS OF SPECIAL CONSTABLES AND THE AUTHORIZATION OF SPECIAL CONSTABLE EMPLOYERS

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 395/23: INVESTIGATIONS

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 394/23: MAJOR CASE MANAGEMENT AND APPROVED SOFTWARE REQUIREMENTS

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 393/23: ACTIVE ATTACKER INCIDENTS

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 392/23: ADEQUATE AND EFFECTIVE POLICING (GENERAL)

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

O. Reg. 391/23: USE OF FORCE AND WEAPONS

COMMUNITY SAFETY AND POLICING ACT, 2019

regulation filed December 18, 2023

Included below is a Zip file of the CSPA Regulations, the CSPA, the ACM related to the CSPA and a document outlining the details related to board and member training related to the CSPA.

Regards,

Duane

Duane Sprague | Police Services Advisor
Police Services Liaison Unit
Investigations, Inspections and Liaison Branch
Inspectorate of Policing
Ministry of the Solicitor General
25 Grosvenor Street | 15th floor | Toronto, ON | M7A 2H3
Cell: (416) 573-8309
Duane.Sprague@Ontario.ca

If you have any accommodation needs or require communication supports or alternate formats, please let me know.

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Ken Weatherill
Assistant Deputy Minister
Public Safety Division

SUBJECT: **In-force date of the *Community Safety and Policing Act, 2019***

DATE OF ISSUE:	December 18, 2023
CLASSIFICATION:	General Information
RETENTION:	April 1, 2024
INDEX NO.:	23-0085
PRIORITY:	Normal

On behalf of the Ministry of the Solicitor General, I would like to thank all our policing partners for your support throughout the regulatory development process. We are greatly appreciative of the in-depth feedback that was provided on the regulations.

As a result of this collective effort, the regulations that are required to bring the *Community Safety and Policing Act* (CSPA) into force have been approved by Cabinet and filed. They can now be accessed publicly online through e-Laws page – linked [here](#).

I am writing to you today to inform you that **April 1, 2024**, has been proclaimed as the official date on which the *Community Safety and Policing Act, 2019* will come **into force**.

All police services are expected to be ready to comply with the Act and its regulations starting on the in-force date. To prepare for these changes, policing partners are strongly encouraged to familiarize themselves with the requirements under the CSPA and its regulations and make any necessary operational and process changes.

The upcoming 2024 [CSPA Training Summit](#), organized by the Ontario Association of Chiefs of Police, Police Association of Ontario, the Ontario Association of Police Services Boards and the Ontario Senior Officers Police Association, will serve as a forum to provide a shared understanding of the Act and its regulations. It will also

provide an opportunity for the ministry to support the policing sector toward operational readiness and help clarify any outstanding questions.

The Inspectorate of Policing will also act as an important resource to support the policing sector leading up to CSPA in-force. To this end, the Inspectorate's Police Services Advisors will continue to work directly with police services, chiefs of police, and police services boards to provide liaison and advisory services toward readiness to transition to the new CSPA framework. This includes current efforts to pilot an updated inspection process, establishing a robust data collection approach, and assisting policing partners to navigate any issues that surface during implementation. The Inspectorate of Policing will continue to engage with other stakeholders including police associations.

As we work together towards CSPA in-force, the ministry will seek to provide you with timely information to inform local operational planning and implementation.

Please do not hesitate to reach out to your respective Police Service Advisor with questions pertaining to the CSPA or to learn more about the Inspectorate's work.

Thank you, as always, for your continued support on efforts to advance the modernization and continuous improvement of police services in Ontario.

Sincerely,

K. Weatherill

Kenneth Weatherill
Assistant Deputy Minister
Public Safety Division

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

Creed Atkinson, Chief of Staff
Ministry of the Solicitor General

Ryan Teschner
Inspector General of Policing
Inspectorate of Policing

The CSPA will support enhanced and modernized training requirements for the policing sector in Ontario. This will include continuing, updated and/or new legislative and regulatory training requirements for police officers, special constables, members of police service boards (PSBs), and identified classes of employees of oversight bodies (e.g., Law Enforcement Complaints Agency, Inspectorate of Policing).

The courses will include:

1. *Roles and Responsibilities Training*
 - development of a course on the role of a police service board and the responsibilities of members of a board or committee.
 - must be aligned with the content of the CSPA and its regulations.
2. *Thematic Training*: the procurement of (4) courses that cover:
 - a. human rights;
 - b. systemic racism;
 - c. diversity and inclusion, and
 - d. the rights and cultures of First Nation, Inuit and Métis Peoples.

Note: Thematic Training will be required for all police officers, special constables (RCMP exempt), members of police service boards and committees, and identified classes of employees within oversight bodies (e.g.: Law Enforcement Complaints Agency, Inspectorate of Policing)

The standardized training will be developed in an e-learning format, delivered by the ministry, tracked through the ministry portal set up to deliver the training, and inspectable by the Inspectorate of Policing.

The training provided to policing boards will be available in English and French.

It is anticipated that the self-directed training will be completed by most learners within a total of 8 hours. Each learner will be provided with a username and directions on setting up their password to access all online training.

When will it be made available?

The ministry is targeting to launch all e-learning training courses by the winter of 2024 prior to the CSPA coming into force (April 1, 2024).

The ministry must ensure that the standardized training is in place, accessible, and is successfully completed within the timeframe accorded to each learning group under the CSPA.

For members of policing boards and committees, training is to be completed as follows:

- a. Roles and Responsibilities Training: prior to the in-force date, with a continuous intake for the course as new board members are appointed.
- b. Thematic Training: an additional 6 months will be provided from the date of their appointment.

All training courses will be delivered by the ministry.

The ministry has partnered with the Ontario Association of Police Services Boards (OAPSB) to coordinate sector-wide input on the development of the curriculum.

The ministry has also begun to form a Community of Practice where members will review training content and include potential scenarios/examples that will contextualize and reinforce learning objectives.

Through the OAPSB, the ministry is identifying members of large and small; urban and rural; municipal, OPP and First Nation boards to assist in reviewing training content.

Is there separate training for municipal boards and OPP detachment boards?

Yes, Section 35 (2) of the CSPA notes that training on the role of a police service board and the responsibilities of its members must be successfully completed by all members of a police service board or committee. It will include:

- Board member training requirements, policing in Ontario, roles and responsibilities of policing boards, police governance, the code of conduct, and community safety and well-being plans.
- Content tailored for the type of board (municipal police service board, First Nation board, Ontario Provincial Police Detachment board).

Community Safety and Policing Act, 2019

S.O. 2019, CHAPTER 1 SCHEDULE 1

Consolidation Period: From December 4, 2023 to the e-Laws currency date.

Note: THIS ACT IS NOT YET IN FORCE. It comes into force (except s. 100) on a day to be named by proclamation of the Lieutenant Governor.

Note: On a day to be named by proclamation of the Lieutenant Governor, the French version of the Act is amended. (See: 2023, c. 12, Sched. 1, s. 76)

Last amendment: 2023, c. 19, s. 18.

Legislative History: 2019, c. 1, Sched. 1, s. 264 (see 2023, c. 12, Sched. 1, s. 80); 2019, c. 7, Sched. 17, s. 52; 2020, c. 15, s. 19; 2023, c. 12, Sched. 1, s. 1-76; 2023, c. 19, s. 18.

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**PART I
PRINCIPLES AND INTERPRETATION**

Declaration of principles

1 Policing shall be provided throughout Ontario in accordance with the following principles:

1. The need to ensure the safety and security of all persons and property in Ontario, including on First Nation reserves.
2. The importance of safeguarding the fundamental rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*.
3. The need for co-operation between policing providers and the communities they serve.
4. The importance of respect for victims of crime and understanding of their needs.
5. The need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society.

6. The need to be responsive to the unique histories and cultures of First Nation, Inuit and Métis communities.
7. The need to ensure that police services and police service boards are representative of the communities they serve.
8. The need to ensure that all parts of Ontario, including First Nation reserves, receive equitable levels of policing.

Interpretation

2 (1) In this Act,

“adequate and effective policing” has the meaning set out in subsection 11 (1); (“services policiers convenables et efficaces”)

“Arbitration and Adjudication Commission” means the Ontario Police Arbitration and Adjudication Commission continued by subsection 147 (1); (“Commission d’arbitrage et de décision”)

“auxiliary member” means a member of a police service appointed under section 91; (“membre auxiliaire”)

“band council” means a council of the band as defined in subsection 2 (1) of the *Indian Act* (Canada); (“conseil de bande”)

“chief of police” means a chief of police of a police service maintained by a police service board or the Commissioner, and includes an acting chief of police; (“chef de police”, “chef”)

“Commission Chair” means the chair of the Arbitration and Adjudication Commission; (“président de la Commission”)

“Commissioner” means the Commissioner of the Ontario Provincial Police appointed under subsection 56 (1), and includes an acting Commissioner; (“commissaire”)

“community safety and well-being plan” means a community safety and well-being plan described in section 251; (“plan de sécurité et de bien-être communautaires”)

“Complaints Director” means the Complaints Director appointed under subsection 131 (1); (“directeur des plaintes”)

“de-identify”, in relation to the personal information of an individual, means to remove any information that identifies the individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify the individual; (“anonymiser”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the French version of the definition of “de-identify” in subsection 2 (1) of the Act is re-enacted. (See: 2023, c. 12, Sched. 1, s. 1 (2))

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 2 (1) of the Act is amended by adding the following definition: (See: 2023, c. 12, Sched. 1, s. 1 (4))

“former member of a police service” includes any person who was appointed under the *Police Services Act*, as it read at the time, as an auxiliary member of the police service; (“ancien membre d’un service de police”)

“First Nation” means a band as defined in the *Indian Act* (Canada); (“Première Nation”)

“First Nation board” means a board constituted under section 32; (“commission de Première Nation”)

“First Nation Officer” means a person appointed under section 101 as a First Nation Officer; (“agent de Première Nation”)

“First Nation O.P.P. board” means a board constituted under section 77; (“conseil de Première Nation sur la Police provinciale”)

“First Nation reserve” means a reserve as defined in the *Indian Act* (Canada); (“réserve de Première Nation”)

“Inspector General” means the Inspector General of Policing appointed under subsection 102 (1); (“inspecteur général”)

“local commander” means a chief of police of a police service or a commander of a detachment, or his or her designate; (“commandant local”)

“member of a police service” means,

- (a) a member of the Ontario Provincial Police,
- (b) a chief of police of any other police service,
- (c) an employee of a police service board who is under the direction of a chief of police,
- (d) an auxiliary member of a police service, or
- (e) a person appointed as a police officer under the *Interprovincial Policing Act, 2009*; (“membre d’un service de police”)

“member of the Ontario Provincial Police” means,

- (a) the Commissioner,
- (b) a person employed under Part III of the *Public Service of Ontario Act, 2006* who is under the direction of the Commissioner, or

(c) an auxiliary member of the Ontario Provincial Police; (“membre de la Police provinciale de l’Ontario”)

“Minister” means the Minister of Community Safety and Correctional Services or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“Ministry” means the Ministry of the Minister; (“ministère”)

“misconduct” means,

- (a) in the case of a police officer or special constable, misconduct as set out in section 195,
- (b) in the case of a member of a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or the Advisory Council, a failure to comply with the applicable prescribed code of conduct, or

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (b) of the definition of “misconduct” in subsection 2 (1) of the Act is amended by striking out “a First Nation O.P.P. board or the Advisory Council” and substituting “or a First Nation O.P.P. board”. (See: 2023, c. 12, Sched. 1, s. 1 (3))

- (c) in the case of a peace officer in the Legislative Protective Service, a failure to comply with the applicable rules of conduct; (“faute”)

“municipal board” means a board constituted by a municipality or municipalities under section 22, 23, 24 or 25; (“commission municipale”)

“O.P.P. detachment board” means a board referred to in section 67; (“conseil de détachement de la Police provinciale”)

“personal information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*; (“renseignements personnels”)

“police association” means,

- (a) the Ontario Provincial Police Association, or
- (b) an association, other than a trade union, whose members are employees of one police service board who are members of the police service maintained by the police service board; (“association de policiers”)

“police officer” means a member of a police service who is appointed as a police officer or a person who is appointed as a police officer under the *Interprovincial Policing Act, 2009* and, for greater certainty, does not include a special constable, a First Nation Officer, a municipal by-law enforcement officer, a police cadet or an auxiliary member of a police service; (“agent de police”)

“police record check” means a search to be conducted of the Canadian Police Information Centre databases or another police database maintained by a police service in Canada to determine whether the databases contain entries relating to an individual in order to screen the individual; (“vérification de dossier de police”)

“police service” means the Ontario Provincial Police or a police service maintained by a police service board; (“service de police”)

“police service board” means,

- (a) a municipal board, or
- (b) a First Nation board; (“commission de service de police”)

“policing function” means a function listed in subsection 11 (1) or a part of one of those functions; (“fonction policière”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“prescribed policing provider” means a public sector body that is an institution within the meaning of the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act* and that is prescribed to provide a policing function in an area in accordance with section 12; (“prestataire de services policiers prescrit”)

“public sector body” means,

- (a) a Ministry, commission, board or other administrative unit of the Government of Ontario, including any agency thereof,
- (b) a municipality,
- (c) a local board as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*,
- (d) a municipally-controlled corporation as defined in section 223.1 of the *Municipal Act, 2001*, and
- (e) a city-controlled corporation as defined in section 156 of the *City of Toronto Act, 2006*; (“organisme du secteur public”)

“regulations” means the regulations made under this Act; (“règlements”)

“research” means a systematic investigation designed to develop or establish principles, facts or generalizable knowledge, or any combination of them, and includes the development, testing and evaluation of research; (“recherche”)

“SIU Director” means the Special Investigations Unit Director appointed under subsection 5 (1) of the *Special Investigations Unit Act, 2019*; (“directeur de l’UES”)

“special constable” means a person appointed as a special constable under section 92; (“agent spécial”)

“special constable employer” means a person authorized to employ special constables under section 97; (“employeur d’agents spéciaux”)

“spouse” means,

- (a) a spouse as defined in section 1 of the *Family Law Act*, or
- (b) either of two persons who live together in a conjugal relationship outside marriage; (“conjoint”)

“trade union” has the same meaning as in the *Labour Relations Act, 1995*; (“syndicat”)

“youth crime” means offences, within the meaning of the *Youth Criminal Justice Act* (Canada), committed by a person while they were a young person within the meaning of that Act. (“délinquance juvénile”) 2019, c. 1, Sched. 1, s. 2 (1); 2023, c. 12, Sched. 1, s. 1 (1, 5).

Officer appointed under the *Interprovincial Policing Act, 2009* deemed to be a member of a specific police service

(2) For the purposes of sections 89 and 258 to 260 of this Act, section 25.1 of the *Criminal Code* (Canada) and any designation of a police force made by the Minister under section 2 of the *Controlled Drugs and Substances Act (Police Enforcement) Regulations* (Canada) or subsection 2 (1) of the *Cannabis Act (Police Enforcement) Regulations* (Canada), a person appointed as a police officer under the *Interprovincial Policing Act, 2009* is deemed to be,

- (a) if he or she was appointed by a member of a police service maintained by a police service board, a member of that police service;
- (b) if he or she was appointed by a member of a police service board, a member of the police service maintained by the police service board; or
- (c) otherwise, a member of the Ontario Provincial Police. 2019, c. 1, Sched. 1, s. 2 (2).

Meaning of municipality

(3) For the purpose of every provision of this Act and the regulations, other than sections 25 and 55,

“municipality” means,

- (a) a single-tier municipality;
- (b) a lower-tier municipality in a county or in the County of Oxford;
- (c) a regional municipality, other than the County of Oxford; or
- (d) any other municipality that has constituted a municipal board under subsection 25 (2). 2019, c. 1, Sched. 1, s. 2 (3).

County of Oxford agreement

(4) Despite subsection (3), the councils of the County of Oxford and of all the lower-tier municipalities within the County of Oxford may agree to have the County of Oxford and not its lower-tier municipalities be considered a municipality for the purpose of every provision of this Act and the regulations other than sections 25 and 55, but, having made such an agreement, the councils cannot subsequently revoke it. 2019, c. 1, Sched. 1, s. 2 (4).

Municipality interpretation in context

(5) In this Act, a reference to a municipality is a reference to its geographical area or to the municipal corporation, as the context requires. 2019, c. 1, Sched. 1, s. 2 (5).

Hearing not required unless referred to

(6) Nothing in this Act, other than the provisions of Part XII that specifically refer to a hearing, shall be construed to require a hearing to be held within the meaning of the *Statutory Powers Procedure Act*. 2019, c. 1, Sched. 1, s. 2 (6).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 1 (1, 5) - 08/06/2023; 2023, c. 12, Sched. 1, s. 1 (2-4) - not in force

PART II
MINISTER'S DUTIES AND POWERS

DUTIES

Minister's general duties

3 (1) The Minister shall,

- (a) assist in the co-ordination of policing;
- (b) conduct activities, including research and analysis, to assist in the co-ordination of policing with the activities of prosecutors and other justice sector service providers;
- (c) support operations for the purpose of delivering policing functions;
- (d) consult with and advise police service boards, chiefs of police, special constable employers, prescribed policing providers, prescribed entities, municipalities, First Nations, entities that employ First Nation Officers, O.P.P. detachment boards, First Nation O.P.P. boards and police associations in respect of policing, the administration of police services and related matters, including,
 - (i) the effectiveness, efficiency, sustainability and legitimacy of different methods of providing policing, and,
 - (ii) compliance with the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*;
- (e) conduct research and analysis in respect of the matters described in clause (d);
- (f) consult with and advise police service boards, chiefs of police, municipalities and First Nations regarding the preparation, adoption and implementation of community safety and well-being plans;
- (g) conduct research and analysis to inform policy and program development, system planning and the evaluation of service delivery and outcomes in respect of policing, public complaints and related matters;
- (h) develop, maintain and manage records related to the appointment, education, training, suspension and discipline of police officers and special constables;
- (i) develop and promote programs for community-responsive policing;
- (j) monitor and evaluate programs, including their outcomes, that are related to policing or community safety and well-being plans and that are funded in whole or in part by the Ministry;
- (k) provide advice to ministries and Crown agencies concerning security risks and mitigation strategies;
- (l) develop, promote and provide education and training to,
 - (i) enhance the professional provision of policing, and
 - (ii) assist members of police service boards, O.P.P. detachment boards, First Nation O.P.P. boards and the Advisory Council in performing their duties;

Note: On a day to be named by proclamation of the Lieutenant Governor, subclause 3 (1) (l) (ii) of the Act is amended by striking out "First Nation O.P.P. boards and the Advisory Council" and substituting "and First Nation O.P.P. boards". (See: 2023, c. 12, Sched. 1, s. 2)

- (m) develop and maintain education and training standards for use in the education and training of persons who provide policing functions and other persons governed by this Act;
- (n) operate the Ontario Police College; and
- (o) perform such other duties as are assigned to him or her by or under this Act. 2019, c. 1, Sched. 1, s. 3 (1).

Ontario Police College continued

(2) The police college known as the Ontario Police College in English and the Collège de police de l'Ontario in French is continued for the provision of training with respect to policing. 2019, c. 1, Sched. 1, s. 3 (2).

Fees

(3) The Minister may charge fees for training provided by the Ministry for a purpose set out in clause (1) (l), including training provided by the Ontario Police College. 2019, c. 1, Sched. 1, s. 3 (3).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 2 - not in force

INFORMATION

Information to Minister in accordance with regulations

4 (1) Police service boards, chiefs of police, special constable employers, prescribed policing providers, the Complaints Director and administrators appointed under Part VII shall provide the Minister with information prescribed by the Minister that is related to the discharge of the Minister's duties under subsection 3 (1) at the frequency and in the manner set out in the regulations made by the Minister.

Information to Minister on request

(2) Police service boards, chiefs of police, special constable employers, prescribed policing providers, the Complaints Director and administrators appointed under Part VII shall provide the Minister with such information as he or she may request from time to time.

Time to comply

(3) The information requested under subsection (2) shall be provided in the form and manner and within the time specified in the Minister's request.

Chief of police may decline

(4) A chief of police may decline to provide information under this section if authorized to do so by the regulations.

Personal information

5 (1) The Minister may collect personal information under subsection 4 (1) or (2), directly or indirectly, only if the collection is necessary for the purpose of discharging the Minister's duties under clause 3 (1) (b), (c), (e), (g), (h), (j) or (k). 2019, c. 1, Sched. 1, s. 5 (1).

Other information serves purpose

(2) The Minister shall not collect or use personal information under subsection (1) if other information will serve the purpose of the collection or use. 2019, c. 1, Sched. 1, s. 5 (2).

Personal information limited to what is reasonably necessary

(3) The Minister shall not collect or use more personal information under subsection (1) than is reasonably necessary to meet the purpose of the collection or use. 2019, c. 1, Sched. 1, s. 5 (3).

Accuracy

(4) Before using personal information collected under subsection (1), the Minister shall take reasonable steps to ensure that the information is as accurate as is necessary for the purpose of the use. 2019, c. 1, Sched. 1, s. 5 (4).

Practices and procedures

- (5) The Minister may only collect personal information under subsection (1), if,
- (a) not more than one unit of the Ministry is prescribed by the Minister to collect and use personal information under subsection (1) on the Minister's behalf; and
 - (b) the prescribed unit of the Ministry has put in place practices and procedures,
 - (i) to protect the privacy of the individuals whose personal information the Minister collects, and to maintain the confidentiality of the information, and
 - (ii) that are approved by the Information and Privacy Commissioner. 2019, c. 1, Sched. 1, s. 5 (5).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 5 (5) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 3)

De-identification, linking

(5) The Minister shall comply with any prescribed requirements regarding the de-identification and linking of personal information collected under subsection 4 (1) or (2). 2023, c. 12, Sched. 1, s. 3.

De-identification

(6) Where personal information has been collected by the Minister under subsection (1), the prescribed unit of the Ministry shall, subject to the additional requirements, if any, that are prescribed, and in accordance with the practices and procedures approved by the Information and Privacy Commissioner under subclause (5) (b) (ii),

- (a) create a record containing the minimal amount of personal information necessary for the purpose of de-identifying the information and linking it to other information in the custody or control of the Minister; and
- (b) de-identify the personal information. 2019, c. 1, Sched. 1, s. 5 (6).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 5 (6) of the Act is repealed. (See: 2023, c. 12, Sched. 1, s. 3)

No other uses and disclosures permitted

(7) Despite any other provision in this Act or the *Freedom of Information and Protection of Privacy Act*, personal information collected under subsection (1) shall not be used or disclosed except as authorized by this section or section 6 or as otherwise required by law. 2019, c. 1, Sched. 1, s. 5 (7).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 5 (7) of the Act is repealed. (See: 2023, c. 12, Sched. 1, s. 3)

Limitation on application

(8) Subsections (5), (6) and (7) do not apply with respect to personal information collected under subsection (1) for the purpose of discharging the Minister's duties under clause 3 (1) (c), (h) or (k). 2019, c. 1, Sched. 1, s. 5 (8).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 5 (8) of the Act is repealed. (See: 2023, c. 12, Sched. 1, s. 3)

Link

(9) The prescribed unit of the Ministry may link the personal information that has been de-identified under subsection (6) to other de-identified personal information under the custody and control of the Minister or of the Law Enforcement Complaints Agency. 2019, c. 1, Sched. 1, s. 5 (9).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 5 (9) of the Act is repealed. (See: 2023, c. 12, Sched. 1, s. 3)

Security

(10) The Minister shall take reasonable measures to secure the personal information collected under subsection (1). 2019, c. 1, Sched. 1, s. 5 (10).

Notice required by s. 39 (2) of FIPPA

(11) If the Minister collects personal information indirectly under subsection (1), the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* may be given by,

- (a) a public notice posted on a Government of Ontario website; or
- (b) any other method that may be prescribed. 2019, c. 1, Sched. 1, s. 5 (11).

Rights of access and correction

(12) Nothing in this section limits the right of an individual under any Act to access and correct personal information about the individual. 2019, c. 1, Sched. 1, s. 5 (12).

Section Amendments with date in force (d/m/y)

2019, c. 1, Sched. 1, s. 264 (1) - no effect - 2023, c. 12, Sched. 1, s. 80 - 08/06/2023

2023, c. 12, Sched. 1, s. 3 - not in force

6-8 REPEALED: 2023, c. 12, Sched. 1, s. 4.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 4 - 08/06/2023

Review of information provisions

9 (1) The Minister shall ensure that a review of sections 5 to 8 and any regulations relating to those sections is commenced within two years after the day subsection 5 (1) comes into force. 2019, c. 1, Sched. 1, s. 9 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 9 (1) of the Act is amended by striking out "sections 5 to 8 and any regulations relating to those sections" and substituting "section 5 and any regulations relating to that section". (See: 2023, c. 12, Sched. 1, s. 5)

Consultation with Information and Privacy Commissioner

(2) The person conducting the review shall consult with the Information and Privacy Commissioner. 2019, c. 1, Sched. 1, s. 9 (2).

Report

(3) The person conducting the review shall provide the Minister with a report on the review. 2019, c. 1, Sched. 1, s. 9 (3).

Publication

(4) The Minister shall publish the report on the Internet. 2019, c. 1, Sched. 1, s. 9 (4).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 5 - not in force

**PART III
PROVISION OF POLICING**

RESPONSIBILITY FOR PROVIDING POLICING

Policing responsibility

10 (1) The police service boards and the Commissioner shall provide adequate and effective policing in the area for which they have policing responsibility in accordance with the needs of the population in the area and having regard for the diversity of the population in the area. 2019, c. 1, Sched. 1, s. 10 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 10 (1) of the Act is amended by striking out “shall provide adequate and effective policing” and substituting “shall ensure adequate and effective policing is provided”. (See: 2023, c. 12, Sched. 1, s. 6 (1))

Municipal board policing responsibility

(2) The area for which a municipal board has policing responsibility shall be determined in accordance with Part IV. 2019, c. 1, Sched. 1, s. 10 (2).

First Nation board policing responsibility

(3) The area for which a First Nation board has policing responsibility shall be specified in the regulation made under section 32 constituting the board. 2019, c. 1, Sched. 1, s. 10 (3).

Commissioner policing responsibility

(4) The Commissioner has policing responsibility for every area of Ontario that is outside the areas for which the police service boards have policing responsibility. 2019, c. 1, Sched. 1, s. 10 (4).

First Nation reserve in area of policing responsibility

(5) For greater certainty, a municipal board, or the Commissioner, shall provide adequate and effective policing in accordance with subsection (1) in any First Nation reserve in the area for which the board or the Commissioner has policing responsibility. 2019, c. 1, Sched. 1, s. 10 (5).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 10 (5) of the Act is amended by striking out “shall provide adequate and effective policing” and substituting “shall ensure adequate and effective policing is provided”. (See: 2023, c. 12, Sched. 1, s. 6 (2))

Waterways

(6) A police service board, or the Commissioner, shall provide policing in respect of all navigable bodies and courses of water in the area for which the board or the Commissioner has policing responsibility. 2019, c. 1, Sched. 1, s. 10 (6).

Transition

(7) Despite subsections (2) and (5), the Commissioner shall continue to have policing responsibility for a First Nation reserve that would otherwise be within a municipal board’s area of policing responsibility if,

- (a) the Commissioner provided policing to the First Nation under the *Police Services Act* immediately before the day this section came into force; and
- (b) no agreement has been made under section 27 to assign policing responsibility for the reserve to a municipal board. 2019, c. 1, Sched. 1, s. 10 (7).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 6 (1, 2) - not in force

Adequate and effective policing

11 (1) Adequate and effective policing means all of the following functions provided in accordance with the standards set out in the regulations, including the standards with respect to the avoidance of conflicts of interest, and with the requirements of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*:

1. Crime prevention.
2. Law enforcement.
3. Maintaining the public peace.
4. Emergency response.
5. Assistance to victims of crime.
6. Any other prescribed policing functions.

Does not include certain functions

(2) Adequate and effective policing does not include,

- (a) the enforcement of municipal or First Nation by-laws, other than prescribed by-laws; and
- (b) providing court security in accordance with Part XV.

Exceeding standards

(3) For greater certainty, a police service board or the Commissioner may provide policing or other services that exceed the standards for adequate and effective policing, including providing enforcement of by-laws.

Provision by First Nation Officers

(4) If First Nation Officers provide a policing function under an agreement between the Minister and a First Nation in an area for which a police service board or the Commissioner has policing responsibility, the police service board or the Commissioner is not responsible for providing that function to the extent that it is being provided, in accordance with the standards for adequate and effective policing, by the First Nation Officers.

Prescribed policing provider

12 (1) The regulations may provide that a prescribed policing provider shall provide a policing function in an area that,

- (a) is not among the primary duties of a constable at common law; or
- (b) is a specialized policing function.

Provision by prescribed policing providers

(2) The following rules apply if the regulations provide that a prescribed policing provider shall provide a policing function in an area:

1. The prescribed policing provider shall provide the policing function in the area in accordance with the standards for adequate and effective policing.
2. The police service board, or the Commissioner, that has policing responsibility for the area,
 - i. is not responsible for providing the policing function in the area,
 - ii. shall not provide the policing function in the area if the regulations so provide, and
 - iii. shall cooperate with the prescribed policing provider to enable it to perform the policing function in the area in accordance with the standards for adequate and effective policing.

USE OF PERSONNEL

Members of police service must provide certain functions

13 (1) Subject to section 14, a police service board must use members of the police service maintained by the police service board, or persons who are assisting those members while acting under their direction, to provide policing functions. 2019, c. 1, Sched. 1, s. 13 (1).

Same

(2) Subject to section 14, the Commissioner must use members of the Ontario Provincial Police, or persons who are assisting those members while acting under their direction, to provide policing functions. 2019, c. 1, Sched. 1, s. 13 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 13 of the Act is amended by adding the following subsection: (See: 2023, c. 12, Sched. 1, s. 7)

Referral

(3) If responsibility for providing a policing function in relation to a specific investigation, vehicle pursuit, or other instance is referred to the chief of police of a different police service or otherwise transferred to a member of a different police service or to a police service board that maintains a different police service, the following rules apply:

1. If the different police service is the Ontario Provincial Police, the Commissioner is responsible for complying with subsections (1) and (2).
2. If the different police service is maintained by a police service board, the board is responsible for complying with subsections (1) and (2). 2023, c. 12, Sched. 1, s. 7.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 7 - not in force

Alternative provision

Provision by other police service board or the Commissioner

14 (1) If the regulations so provide, a police service board or the Commissioner may provide a policing function in an area for which the board or the Commissioner has policing responsibility by entering into an agreement with another police

service board or the Commissioner to provide the policing function in the area with members of that other board's police service or members of the Ontario Provincial Police, as applicable, or persons assisting those members while acting under their direction.

Provision using prescribed entity

(2) If the regulations so provide and subject to subsection (3), a police service board or the Commissioner may provide a policing function in an area for which the board or the Commissioner has policing responsibility by entering into an agreement with a prescribed entity to have the entity provide the policing function in the area.

Provision of certain functions

(3) A police service board or the Commissioner shall only use members of a police service, or persons assisting those members while acting under their direction, to provide a policing function that,

- (a) is a crime prevention, law enforcement, emergency response or maintaining the public peace policing function; and
- (b) requires the exercise of the powers of a peace officer or a police officer.

Prescribed requirements

(4) A police service board or the Commissioner shall comply with any prescribed requirements in relation to entering into an agreement under this section.

Minister's approval required

(5) The Commissioner requires the Minister's approval to enter into an agreement under subsection (1) or (2).

Contents of an agreement

(6) An agreement under subsection (1) or (2) must,

- (a) identify the policing functions that will be provided under the agreement;
- (b) specify whether payment is required for the performance of the policing functions;
- (c) require the entity to provide information to the police service board or the Commissioner so that the board or the Commissioner will be able to fulfil their legal duties to provide reports under this or any other Act;
- (d) in the case of an agreement under subsection (2), contain an acknowledgment by the entity that it is subject to inspection by the Inspector General; and
- (e) address any other prescribed matters.

Same

(7) If an agreement under subsection (2) is with a prescribed entity that is not an institution within the meaning of the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*, or is not subject to comparable legislation in another jurisdiction, it must also address,

- (a) access to the records of the entity for the purpose of discharging the obligations of the police service board or Ministry in relation to subsection (8); and
- (b) the protection of personal information in the custody or control of the entity that is related to the provision of policing functions under the agreement.

Prescribed entity records

(8) If a prescribed entity is not an institution within the meaning of the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*, the entity's records relating to the provision of policing functions pursuant to an agreement made under subsection (2) are, for the purposes of the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*, as applicable, deemed to be in the custody and control of,

- (a) the police service board, in the case of an agreement with a police service board; or
- (b) the Ministry, in the case of an agreement with the Commissioner.

Non-application

(9) Subsections (7) and (8) do not apply to an entity if subsection 97 (9) applies to the entity.

Copy to Inspector General

(10) The police service board or the Commissioner shall provide a copy of every agreement made under subsection (1) or (2) to the Inspector General.

Compliance with prescribed requirements

(11) A prescribed entity shall comply with any prescribed requirements in relation to the collection, use or disclosure of personal information.

Responsibility of board or Commissioner

(12) The police service board or the Commissioner, as applicable, shall ensure,

- (a) that the policing provided pursuant to an agreement made under subsection (1) or (2) meets the standards for adequate and effective policing; and
- (b) in the case of an agreement made under subsection (2), that the prescribed entity complies with subsection (11).

Personnel to meet prescribed qualifications

15 The Commissioner, every police service board and every prescribed policing provider shall ensure that any people used to provide a policing function meet the prescribed qualifications, if any.

SPECIAL AREAS

Special areas, provision of policing by Commissioner

16 (1) If, because of the establishment of a business or for any other reason, special circumstances or abnormal conditions in an area make it inequitable, in the Minister's opinion, to impose the responsibility for policing on a police service board or the Commissioner, the Lieutenant Governor in Council may make regulations designating the area as a special area. 2019, c. 1, Sched. 1, s. 16 (1).

Agreement for provision of policing

(2) The person who operates the business or owns the special area shall enter into a written agreement with a police service board or with the Minister with respect to the cost of providing adequate and effective policing in the special area. 2019, c. 1, Sched. 1, s. 16 (2).

Failure to enter into agreement

(3) If the person who operates the business or owns the special area does not enter into an agreement as subsection (2) requires, the Commissioner or police service board that has policing responsibility for the area shall provide adequate and effective policing in the area and charge the policing costs to the person. 2019, c. 1, Sched. 1, s. 16 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 16 (3) of the Act is amended by striking out "shall provide adequate and effective policing" and substituting "shall ensure adequate and effective policing is provided". (See: 2023, c. 12, Sched. 1, s. 8)

Recovery of costs

(4) Subsections 19 (8) to (11) apply with necessary modifications to the charges referred to in subsection (3) of this section. 2019, c. 1, Sched. 1, s. 16 (4).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 8 - not in force

ADDITIONAL SERVICES AND EXTRA POLICING

Additional services

17 (1) A police service board may enter into a written agreement with a municipality or with any other person to provide policing that is not required as a component of adequate and effective policing, or to provide other specified services, in the area.

Same

(2) The Minister may enter into a written agreement with a municipality or with any other person to have the Commissioner provide policing that is not required as a component of adequate and effective policing, or to provide other specified services, in the area.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 17 of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 9)

Additional services

17 (1) A police service board may enter into a written agreement with a municipality or with any other person to provide policing, or other specified services, that would not otherwise be provided or be required to be provided by the police service board. 2023, c. 12, Sched. 1, s. 9.

Same

(2) The Minister may enter into a written agreement with a municipality or with any other person to have the Commissioner provide policing, or other specified services, that would not otherwise be provided or be required to be provided by the Commissioner. 2023, c. 12, Sched. 1, s. 9.

Costs

(3) Section 65 applies to the cost of policing provided by the Commissioner in accordance with an agreement under this section. 2023, c. 12, Sched. 1, s. 9.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 9 - not in force

Extra policing cost

18 (1) A person who causes a temporary increase in the cost of providing adequate and effective policing in an area by organizing an event, such as a parade or festival, engaging in an activity that involves the closure of a highway, engaging in a commercial enterprise or engaging in any other prescribed activity, may be charged for the cost of that temporary increase by,

- (a) a police service board, if its police service provided the policing; or
- (b) the Minister, if the Commissioner provided the policing. 2019, c. 1, Sched. 1, s. 18 (1).

Agreement

(2) The police service board or the Minister may enter into an agreement with the person referred to in subsection (1) to recover the increase in the cost of providing adequate and effective policing. 2019, c. 1, Sched. 1, s. 18 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 18 of the Act is amended by adding the following subsection: (See: 2023, c. 12, Sched. 1, s. 10)

Costs of agreement

(2.1) An agreement under subsection (2) shall provide for the amount that the person will be charged by the police service board or by the Minister under section 65. 2023, c. 12, Sched. 1, s. 10.

No agreement as to cost

(3) If no agreement has been entered into with respect to the cost of the services provided, subsections 19 (8) to (11) apply with necessary modifications to the recovery of the increase in the cost of providing adequate and effective policing. 2019, c. 1, Sched. 1, s. 18 (3).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 10 - not in force

TEMPORARY ASSISTANCE AND EMERGENCIES**Request for temporary assistance**

19 (1) A police service board may, by resolution, request temporary assistance in providing adequate and effective policing from another police service board, the Commissioner or an entity that employs First Nation Officers.

Same, Commissioner

(2) The Commissioner may request temporary assistance in providing adequate and effective policing from a police service board or an entity that employs First Nation Officers.

Temporary assistance notice

- (3) If a police service board or the Commissioner makes a request for temporary assistance under this section,
- (a) he, she or it 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 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 Inspector General and, in the case of a request by the Commissioner, to the Minister.

Request of chief of police in emergency

(4) A chief of police may request that the Commissioner, another chief of police or an entity that employs First Nation Officers provide emergency assistance with policing if the chief of police is of the opinion that an emergency exists in the area for which the police service board has policing responsibility or, in the case of the Commissioner, the area for which he or she has policing responsibility.

Emergency assistance notice

- (5) If a chief of police makes a request under subsection (4),
- (a) he or she 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.

Rules

- (6) The following rules apply to requests for temporary or emergency assistance made under this section:
1. If the request is made to the Commissioner, he or she shall provide such temporary or emergency assistance as he or she considers necessary and shall stop providing the assistance when he or she considers it appropriate to do so.
 2. If the request is made to a police service board, a chief of police other than the Commissioner or an entity that employs First Nation Officers, the board, chief or entity may,
 - i. decline to provide the assistance, or
 - ii. provide such temporary or emergency assistance as he, she or it considers necessary and stop providing the assistance when he, she or it considers it appropriate to do so.

May include policing functions

(7) Despite section 13, temporary or emergency assistance provided under this section may include the provision of policing functions.

Cost, police service board or entity

(8) If no agreement has been entered into with respect to the cost of the temporary or emergency assistance provided under this section, the police service board, or entity that employs First Nation Officers, that provided the assistance may certify the cost of the assistance provided, and the cost shall be paid by the requesting police service board or, in the case of a request by the Commissioner, by the Minister.

Same

(9) An amount owed to a police service board or to an entity that employs First Nation Officers for providing temporary or emergency assistance under this section, if not collected by other means, may be recovered by a court action as a debt due to the police service board or entity, respectively.

Dispute

(10) A debtor may dispute the amount claimed in a court action commenced under subsection (9), and the court shall determine the issue and make such order as it considers appropriate in the circumstances.

Cost, Commissioner

(11) Section 65 applies to the cost of temporary or emergency assistance provided by the Commissioner.

Cost, chief of police request

(12) Subsections (8) to (11) apply to a request by a chief of police, other than the Commissioner, for emergency assistance under subsection (5) as if the request was made by the chief's police service board.

Inspector General powers

20 (1) The Inspector General may make an order requiring a police service board or the Commissioner to provide policing in an area if he or she finds that adequate and effective policing is not being provided in the area or that an emergency exists in the area. 2019, c. 1, Sched. 1, s. 20 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 20 (1) of the Act is amended by striking out “provide policing in an area” and substituting “ensure adequate and effective policing is provided in an area”. (See: 2023, c. 12, Sched. 1, s. 11)

Rules

- (2) The following rules apply to orders made under subsection (1):
1. If the order is made to the Commissioner, he or she shall provide policing in the area until the Inspector General determines otherwise.
 2. If the order is made to a police service board, the board may,
 - i. decline to provide the policing, or
 - ii. provide policing in the area as it considers necessary and stop providing the policing when it considers it appropriate to do so. 2019, c. 1, Sched. 1, s. 20 (2).

Cost

(3) If a police service board, or the Commissioner, is ordered by the Inspector General to provide policing in an area under this section, the cost of the policing may be charged to the police service board, or the Commissioner, that failed to provide the policing, and subsections 19 (8) to (11) apply with necessary modifications to the recovery of the cost of the policing. 2019, c. 1, Sched. 1, s. 20 (3).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 11 - not in force

Emergencies

21 (1) In an emergency, the Minister may make an agreement with the Crown in right of Canada, or of another province, or with any of its agencies for the provision of policing.

Authority to act as police officers

(2) The agreement authorizes all peace officers to whom it relates to act as police officers in the area to which the agreement relates.

Application

(3) For the purposes of the insurance plan established under the *Workplace Safety and Insurance Act, 1997*, the relationship between a member of a police service and the body that employs him or her continues as if an agreement had not been made under this section.

Expense of calling out Canadian Forces

(4) If the services of the Canadian Forces are provided under this section, the municipality in whose territory the services are required shall pay all the related expenses.

Resignation during emergency prohibited

(5) Subject to section 33 of the *National Defence Act* (Canada), while an agreement made under this section is in force, no member of a police service that has policing responsibility for the area to which the agreement relates shall resign without the consent of the chief of police.

PART IV MUNICIPAL POLICING AND POLICE SERVICE BOARDS

METHODS OF PROVIDING MUNICIPAL POLICING

Methods of providing municipal policing

22 (1) Subject to subsection (2), every municipality may, with the approval of the Minister, do one of the following:

1. Constitute a municipal board to have policing responsibility for the municipality.
2. Enter into a written agreement under section 23 with one or more other municipalities to amalgamate their police services and jointly constitute a municipal board to have policing responsibility for the municipalities.
3. Enter into a written agreement under section 24 with one or more other municipalities to jointly constitute a municipal board to have policing responsibility for the municipalities.
4. Enter into a written agreement under section 26 with another municipality to have that municipality's municipal board assume policing responsibility for the municipality.
5. Enter into a written agreement with a First Nation board to have the board assume policing responsibility for the municipality by requesting an amendment to the regulation that constituted the board under section 32.

Same — different methods in one municipality

(2) In the circumstances listed in subsection (3) and with the Minister's approval, the municipality may allow policing to be provided in more than one way in different areas of the municipality by doing either or both of the following:

1. Providing policing in different ways in different areas by doing more than one of the actions listed in subsection (1).
2. Entering into an agreement with the Minister to have the Commissioner assume policing responsibility for the area.

Circumstances

(3) Subsection (2) applies if,

- (a) the municipality consists of two or more widely dispersed communities or contains, within its boundaries, one or more communities that are remote from the rest of the municipality, and the policing responsibility will be split among those communities; or

- (b) policing has historically been provided to one or more discrete areas of the municipality in a manner that is different from the manner policing is provided in the rest of the municipality, and the split will continue that historic difference.

Only one municipal board to be constituted

- (4) Subsection (2) does not permit a municipality to constitute or jointly constitute more than one municipal board.

Criteria for Minister's approval

- (5) The Minister may approve an arrangement to provide policing under subsection (1) or (2) if the Minister is satisfied that,
 - (a) the arrangement will result in the provision of adequate and effective policing in the municipality for the foreseeable future; and
 - (b) any prescribed requirements are satisfied.

Same, non-contiguous areas

- (6) If the arrangement to provide policing under subsection (1) or (2) involves the delivery of policing by one police service board to two or more areas that are not contiguous, the Minister shall ensure that the effect, if any, of the areas not being contiguous is considered while making the determination described in clause (5) (a).

Maintaining police service

- (7) Every municipal board shall maintain a police service and, for greater certainty, shall not maintain more than one police service.

Subject to other boards and agreements

- (8) The area for which a municipal board has policing responsibility is subject to the areas of policing responsibility of First Nation boards and to agreements made under section 27 or 76.

Transition

- (9) Despite subsection (1), any police service board that provided policing immediately before the day subsection (1) came into force,
 - (a) continues to exist, even without the Minister's approval; and
 - (b) does not require the approval of the Minister to continue providing policing in substantially the same manner as it provided it immediately before the day subsection (1) came into force.

Same

- (10) Despite subsection (2), if policing was provided in different manners in discrete areas of the municipality in accordance with the *Police Services Act* immediately before the day subsection (2) came into force, policing may continue to be provided in those manners without the Minister's approval.

Amalgamation of police services

- 23** (1) Multiple municipalities that have municipal boards may enter into a written agreement to amalgamate their police services and jointly constitute a new municipal board.

Authorization required

- (2) The agreement must be authorized by by-laws of the participating municipalities and requires the approval of the Minister.

Contents of amalgamation agreement

- (3) The agreement must specify,
 - (a) the composition of the police service board, including,
 - (i) whether the board will be composed of five, seven or nine members,
 - (ii) which municipality shall be entitled to have its head be a member of the board under clause 31 (4) (a), (5) (a) or (6) (a),
 - (iii) which municipality shall appoint a member if the head described in subclause (ii) refuses or is not eligible to become a member of the board, and
 - (iv) which municipality shall appoint the members of the board under clauses 31 (4) (b) and (c), (5) (b) and (c) or (6) (b) and (c) or how those appointments shall be allocated among the municipalities;
 - (b) the amalgamation of the police services and the appointment or transfer of their members;
 - (c) the municipal board's use of the assets and its responsibility for the liabilities associated with the amalgamated police services;

- (d) the responsibilities of the different municipalities in relation to the estimates of the police service board and the establishing of the budget for the board;
- (e) how the municipalities will jointly discharge the duties of a municipality with respect to the municipal board; and
- (f) any other matter that is necessary or advisable to effect the amalgamation.

Exception, appointments

- (4) Appointments to a municipal board for an amalgamated police service may be made before the agreement takes effect.

Application of other requirements

- (5) Subject to the regulations, the provisions of this Act that apply to municipal boards apply, with necessary modifications, to joint municipal boards constituted under this section.

Agreement to jointly constitute municipal board

- 24** (1) Multiple municipalities may enter into a written agreement to jointly constitute a municipal board.

Authorization required

- (2) The agreement must be authorized by by-laws of the participating municipalities and requires the approval of the Minister.

Required contents

- (3) The agreement must specify,
 - (a) the composition of the police service board, including,
 - (i) whether the board will be composed of five, seven or nine members,
 - (ii) which municipality shall be entitled to have its head be a member of the board under clause 31 (4) (a), (5) (a) or (6) (a),
 - (iii) which municipality shall appoint a member if the head described in subclause (ii) refuses or is not eligible to become a member of the board, and
 - (iv) which municipality shall appoint the members of the board under clauses 31 (4) (b) and (c), (5) (b) and (c) or (6) (b) and (c) or how those appointments shall be allocated among the municipalities;
 - (b) the responsibilities of the different municipalities in relation to the estimates of the police service board and the establishing of the budget for the board;
 - (c) how the municipalities will jointly discharge the duties of a municipality with respect to the municipal board; and
 - (d) any other matter that is necessary or advisable to effect the constitution of the police service board.

Application of other requirements

- (4) Subject to the regulations, the provisions of this Act that apply to municipal boards apply, with necessary modifications, to joint municipal boards constituted under this section.

Other municipal boards

Application

- 25** (1) This section applies to any municipality, as defined in subsection 1 (1) of the *Municipal Act, 2001*, that is not listed in the definition of a municipality in subsection 2 (3) of this Act. 2019, c. 1, Sched. 1, s. 25 (1).

Ability to constitute municipal board

- (2) A municipality described in subsection (1) may, with the Minister's approval, constitute a municipal board to have policing responsibility for the municipality. 2019, c. 1, Sched. 1, s. 25 (2).

Criteria for Minister's approval

- (3) The Minister may approve the new municipal board under subsection (2) if he or she is satisfied that the new board will provide adequate and effective policing for the foreseeable future. 2019, c. 1, Sched. 1, s. 25 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 25 (3) of the Act is amended by striking out "will provide adequate and effective policing" and substituting "will ensure adequate and effective policing is provided". (See: 2023, c. 12, Sched. 1, s. 12)

Same

- (4) Without restricting the matters the Minister may consider when deciding whether to approve a municipal board under subsection (3), the Minister shall consider the effect of the approval on the entity that would otherwise have policing responsibility for the area and on any other municipalities that might be affected by the decision. 2019, c. 1, Sched. 1, s. 25 (4).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 12 - not in force

Agreements for provision of policing between municipalities

26 (1) Two municipalities may enter into a written agreement to have one of the municipalities' municipal boards assume policing responsibility for the municipality.

Advisors to municipal board

(2) The municipality that receives policing pursuant to an agreement made under subsection (1) may select a person to advise the other municipality's board with respect to the preparation of its strategic plan.

Term of office

(3) The term of office for a person selected to advise another municipality's board shall be set by the municipality when the person is selected, but shall not exceed the term of office of the municipal council that selected him or her.

Same, reappointment

(4) A person selected to advise another municipality's board may continue to sit after the expiry of the term of office of the municipal council that selected him or her until the selection of his or her successor, and is eligible for reappointment.

Protection from liability

(5) No action or other proceeding for damages shall be instituted against a person selected to advise another municipality's board for any act done in good faith in the execution or intended execution of any duty imposed or power conferred by this Act or for any alleged omission in the execution in good faith of that duty or power.

Termination requirements

(6) A municipality that has entered into an agreement under subsection (1) shall comply with the prescribed requirements, if any, respecting termination of the agreement.

Agreement with First Nation to provide policing

27 (1) A municipality may, with the Minister's approval, enter into a written agreement with a band council of a First Nation to assign policing responsibility for a First Nation reserve that is not within a First Nation board's area of policing responsibility to the municipal board.

Required contents

(2) An agreement under subsection (1) shall address the policing and other services to be provided, the area in which they will be provided and the level at which they will be provided.

Effect on area of policing responsibility

(3) When the agreement comes into effect,

- (a) the First Nation reserve shall become part of the municipal board's area of policing responsibility, if it was not already part of that area; and
- (b) any other entity that previously had policing responsibility for the area no longer has that responsibility.

Termination requirements

(4) A municipality that has entered into an agreement under subsection (1) shall comply with the prescribed requirements, if any, respecting termination of the agreement.

MUNICIPAL DIVERSITY PLANS

Diversity plan

28 (1) Every municipality that maintains a municipal board shall prepare and, by resolution, approve a diversity plan to ensure that the members of the municipal board appointed by the municipality are representative of the diversity of the population in the municipality.

Publication

(2) The plan shall be published on the Internet in accordance with the regulations made by the Minister, if any.

Review and revision

(3) The municipality shall review and, if appropriate, revise the plan at least once every four years.

Report

(4) The municipality shall publish reports on the implementation of the plan on the Internet in accordance with the regulations made by the Minister, if any.

Transition

- (5) A municipality's first diversity plan under subsection (1) shall be approved before the later of,
- (a) 12 months after the day this section comes into force; and
 - (b) 12 months after the municipality constitutes its municipal board.

Promotion of appointments by municipality

29 (1) If the need to appoint a new member of a police service board by resolution of a municipality is reasonably foreseeable, the municipality shall take reasonable steps to promote the availability of the appointment to members of demographic groups that have been historically underrepresented on police service boards, including racialized groups and First Nation, Inuit and Métis communities.

Promotion by Minister

(2) The Minister shall take reasonable steps to promote the availability of public appointments to police service boards to members of demographic groups that have been historically underrepresented on police service boards, including racialized groups and First Nation, Inuit and Métis communities.

Reports by Minister

(3) The Minister shall publish an annual report on the Internet on the steps taken to ensure that public appointees to municipal boards reflect the diversity of the population in the area for which the municipal boards have policing responsibility.

Definition

(4) In this section,

“public appointment” means an appointment by the Lieutenant Governor in Council or the Minister, and “public appointee” has a corresponding meaning.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 29 of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 13)

Promotion of appointments by municipality

29 (1) If the need to appoint a new member of a police service board by resolution of a municipality is reasonably foreseeable, the municipality shall take reasonable steps to promote the availability of the appointment, having regard to the need to ensure that police service boards are representative of the communities they serve. 2023, c. 12, Sched. 1, s. 13.

Promotion by Minister

(2) The Minister shall take reasonable steps to promote the availability of public appointments to police service boards, having regard to the need to ensure that police service boards are representative of the communities they serve. 2023, c. 12, Sched. 1, s. 13.

Definition

(3) In this section,

“public appointment” means an appointment by the Lieutenant Governor in Council or the Minister. 2023, c. 12, Sched. 1, s. 13.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 13, 76 - not in force

Dissolution of municipal board

30 (1) A municipality that maintains a municipal board may, with the approval of the Minister, dissolve the board.

Criteria for Minister's approval

(2) The Minister may approve the dissolution if he or she is satisfied that appropriate arrangements have been made for the provision of adequate and effective policing in the area after the board is dissolved.

Inspector General

(3) The Minister may ask the Inspector General to investigate a municipality and report on whether appropriate arrangements have been made for the provision of adequate and effective policing in the affected area if the municipal board is dissolved.

MUNICIPAL BOARDS

Municipal boards

Name

31 (1) A municipal board shall be known as (*insert name of municipality*) Police Service Board and may also be known as Commission de service de police de (*insert name of municipality*).

Number of board members

(2) The municipal board shall be composed of five members unless the municipality passes a resolution to change the number of members under subsection (3).

Resolution to determine board size

(3) The municipality may determine, by resolution, that its municipal board shall be composed of five, seven or nine members.

Five-member boards

(4) A municipal board that is composed of five members shall consist of,

- (a) the head of the municipal council or, if the head chooses not to be or is ineligible to be a member of the board, another member of the municipal council appointed by resolution of the municipality;
- (b) one member of the municipal council appointed by resolution of the municipality;
- (c) one person appointed by resolution of the municipality, who is neither a member of the municipal council nor an employee of the municipality; and
- (d) two persons appointed by the Lieutenant Governor in Council.

Seven-member boards

(5) A municipal board that is composed of seven members shall consist of,

- (a) the head of the municipal council or, if the head chooses not to be or is ineligible to be a member of the board, another member of the municipal council appointed by resolution of the municipality;
- (b) two members of the municipal council appointed by resolution of the municipality;
- (c) one person appointed by resolution of the municipality, who is neither a member of the municipal council nor an employee of the municipality; and
- (d) three persons appointed by the Lieutenant Governor in Council.

Nine-member boards

(6) A municipal board that is composed of nine members shall consist of,

- (a) the head of the municipal council or, if the head chooses not to be or is ineligible to be a member of the board, another member of the municipal council appointed by resolution of the municipality;
- (b) three members of the municipal council appointed by resolution of the municipality;
- (c) one person appointed by resolution of the municipality, who is neither a member of the municipal council nor an employee of the municipality; and
- (d) four persons appointed by the Lieutenant Governor in Council.

L.G. in C. vacancies

(7) If the position of a member of a municipal board appointed by the Lieutenant Governor in Council becomes vacant, the Minister may appoint a replacement to act until the Lieutenant Governor in Council makes a new appointment.

Reduced size

(8) If the municipality reduces the size of its municipal board,

- (a) the appointments for all members of the board are terminated; and
- (b) the Lieutenant Governor in Council and the municipality, as applicable, shall appoint new members of the board to meet the requirements set out in subsections (4) to (6), which may include reappointments for some of the terminated members.

Increased size

(9) If the municipality increases the size of its municipal board, the appointments for all members of the board continue and new members shall be appointed to meet the requirements set out in subsections (4) to (6).

Not enough eligible municipal council members

(10) If the requirements of clause (4) (a), (4) (b), (5) (a), (5) (b), (6) (a) or (6) (b) cannot be satisfied because not enough members of the municipal council are eligible to be members of the board, the municipality may, instead, appoint persons who are neither a member of the municipal council nor an employee of the municipality to the extent necessary to ensure that the full number of persons are appointed under those clauses.

Transition, existing members

(11) Subject to subsection (12), the members of the municipal board who are in office immediately before the day this subsection comes into force shall continue in office as members of the board until the expiration of the terms for which they were appointed.

Same

(12) A member of the municipal board appointed by resolution of a municipality who is in office immediately before the day this subsection comes into force may continue to sit after the expiry of his or her term of office until the appointment of his or her successor.

Transition, existing boards

(13) Despite subsection (2), a municipal board may continue to have the number of members that it had under the *Police Services Act* until the earlier of,

- (a) the day the municipality passes a resolution under subsection (3); or
- (b) the day that a new municipal council is organized following the first regular municipal election after the day this subsection comes into force.

Same

(14) If the municipality does not pass a resolution under subsection (3) before the day referred to in clause (13) (b), subsection (2) will begin applying to the municipal board on that day and,

- (a) if the application of subsection (2) has the effect of reducing the number of members of the municipal board, the procedure in subsection (8) shall be followed; and
- (b) if the application of subsection (2) has the effect of increasing the number of members of the municipal board, the procedure in subsection (9) shall be followed.

FIRST NATION BOARDS

First Nation boards

32 (1) A band council of a First Nation may request that the Minister constitute a First Nation board to provide adequate and effective policing in a First Nation reserve or any other specified area. 2019, c. 1, Sched. 1, s. 32 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 32 (1) of the Act is amended by striking out “to provide adequate and effective policing” and substituting “to ensure that adequate and effective policing is provided”. (See: 2023, c. 12, Sched. 1, s. 14)

Joint request

(2) Multiple band councils may jointly make a request to constitute a board under subsection (1). 2019, c. 1, Sched. 1, s. 32 (2).

Application to joint boards

(3) Subject to the regulations, the provisions of this Act that apply to First Nation boards apply, with necessary modifications, to joint First Nation boards. 2019, c. 1, Sched. 1, s. 32 (3).

Contents of request

- (4) A request made under subsection (1) must specify,
- (a) the area for which the proposed board would have policing responsibility;
 - (b) the composition of the proposed board;
 - (c) the method of appointing members of the proposed board;
 - (d) the name of the proposed board; and
 - (e) the proposed term of office of members of the proposed board. 2019, c. 1, Sched. 1, s. 32 (4).

Minister’s request

(5) The Minister may request any additional information from the band council to assist in the Minister’s consideration of the request. 2019, c. 1, Sched. 1, s. 32 (5).

Considerations

(6) The Minister shall consider the request made under subsection (1) and determine whether or not to constitute the board, having regard to the possibility of funding or other assistance being provided to the board and any other prescribed matters. 2019, c. 1, Sched. 1, s. 32 (6).

First Nation board regulations

(7) The Minister may make regulations,

- (a) constituting a First Nation board to have policing responsibility for the requested area;
- (b) governing the composition of the First Nation board;
- (c) specifying the name of the First Nation board;
- (d) governing appointments to the First Nation board;
- (e) governing the term of office of members of the First Nation board. 2019, c. 1, Sched. 1, s. 32 (7).

Consistency with request

(8) A regulation made under subsection (7) must be consistent with the request made under subsection (1). 2019, c. 1, Sched. 1, s. 32 (8).

Maintaining police service

(9) Every First Nation board shall maintain a police service and, for greater certainty, shall not maintain more than one police service. 2019, c. 1, Sched. 1, s. 32 (9).

Considerations for amendment or revocation

(10) In determining whether to amend or revoke a regulation made under subsection (7), the Minister shall consider,

- (a) the importance of First Nations determining the means by which culturally responsive policing is provided on their First Nation reserves; and
- (b) the effect of the revocation or amendment on the long-term viability of providing policing through First Nation boards. 2019, c. 1, Sched. 1, s. 32 (10).

Limitation on amendment or revocation

(11) The Minister shall not amend or revoke a regulation made under subsection (7) unless the Minister is satisfied that appropriate arrangements that satisfy any prescribed requirements have been made for the First Nations that are in the First Nation board's area of policing responsibility to receive adequate and effective policing after the amendment or revocation takes effect and at least one of the following conditions is met:

- 1. The amendment or revocation is consistent with a request from all of the band councils of the First Nations that are in the First Nation board's area of policing responsibility.
- 2. There has been a material change in the circumstances on which the regulation is based.
- 3. The First Nation board was dissolved under section 126.
- 4. The amendment is required to give effect to an agreement between the First Nation board and a municipality to have the First Nation board assume policing responsibility for the municipality.
- 5. The amendment is editorial or technical in nature. 2019, c. 1, Sched. 1, s. 32 (11).

Limitation on revocation

(12) In addition to the requirements set out in subsection (11), the Minister shall not revoke a regulation made under subsection (7) unless he or she is satisfied that,

- (a) the police service board and the members of the police service have made an agreement dealing with severance pay; or
- (b) the issue of severance pay has been referred to arbitration. 2019, c. 1, Sched. 1, s. 32 (12).

Arbitration

(13) If the issue of severance pay cannot be referred to arbitration under Part XIII, the board or the members of the police service may apply to the Commission Chair to appoint an arbitrator. 2019, c. 1, Sched. 1, s. 32 (13).

Extension to other First Nation reserve

(14) In addition to the requirements set out in subsection (11), the Minister shall not amend a regulation made under subsection (7) to increase a First Nation board's area of policing responsibility to include the First Nation reserve of another First Nation unless the amendment is consistent with a request from all of the First Nations whose reserves will be included in the increased area. 2019, c. 1, Sched. 1, s. 32 (14).

Same, notice and comments

(15) If the Minister intends to amend or revoke a regulation made under subsection (7) in a manner that is not consistent with a request described in paragraph 1 of subsection (11), the Minister shall provide notice containing a description of the proposed regulation to the First Nation board and to the band councils of the First Nations that are in the First Nation board's area of policing responsibility and provide an opportunity for them to comment on it in writing. 2019, c. 1, Sched. 1, s. 32 (15).

Same, written reasons

(16) If the Minister decides to amend or revoke the regulation after considering the comments provided under subsection (15), the Minister shall provide written reasons for his or her decision to the entities that received the notice. 2019, c. 1, Sched. 1, s. 32 (16).

Agreements with First Nation boards

(17) The Minister may enter into a written agreement with a First Nation board to provide it with funding or other assistance, including funding with respect to the enforcement of First Nation by-laws, subject to such terms or conditions as may be specified in the agreement. 2019, c. 1, Sched. 1, s. 32 (17).

Other matters

(18) An agreement under subsection (17) may address any other matters, including the mediation, arbitration or resolution of disputes that may arise in relation to the agreement. 2019, c. 1, Sched. 1, s. 32 (18).

No contracting out of arbitration

(19) For greater certainty, an agreement under subsection (17) cannot override the arbitration process set out in section 51. 2019, c. 1, Sched. 1, s. 32 (19).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 14 - not in force

APPOINTMENT OF POLICE SERVICE BOARD MEMBERS

Appointment

Considerations

- 33** (1) In appointing or reappointing a member of a police service board, the appointing person or body shall consider,
- (a) the need to ensure that the police service board is representative of the area it serves, having regard for the diversity of the population in the area;
 - (b) the need for the police service board to have members with the prescribed competencies, if any; and
 - (c) any applicable diversity plan. 2019, c. 1, Sched. 1, s. 33 (1).

Police record check

(2) The appointing person or body must consider the results of a potential appointee's police record check that was prepared within the past 12 months before appointing him or her as a member of a police service board. 2019, c. 1, Sched. 1, s. 33 (2).

Revocation of appointments

(3) For greater certainty, the power to appoint a member of a police service board includes the power to revoke the appointment and to appoint a replacement. 2019, c. 1, Sched. 1, s. 33 (3).

Other ineligible persons

- (4) The following persons are not eligible to be members of a police service board:
1. A judge or justice of the peace.
 2. A member of a police service, a special constable or a First Nation Officer.
 3. Any person who practises criminal law as a defence counsel or as a prosecutor.
 4. A director, officer or employee of a prescribed policing provider.
 5. Any other prescribed persons. 2019, c. 1, Sched. 1, s. 33 (4).

Former members of a police service

- (5) A former member of a police service is not eligible to be a member of a police service board unless,
- (a) the police service board does not maintain a police service that the person was a member of; and

(b) at least one year has passed since the person ceased to be a member of any police service. 2019, c. 1, Sched. 1, s. 33 (5).

Seat vacated by ineligibility

(6) A member of a police service board shall vacate his or her seat if he or she becomes ineligible to be on the board. 2019, c. 1, Sched. 1, s. 33 (6).

Notice of vacancies

(7) If a seat becomes vacant, the police service board shall notify the person or body responsible for appointing a replacement. 2019, c. 1, Sched. 1, s. 33 (7).

Ministerial recommendations

(8) The Minister shall make recommendations to the Lieutenant Governor in Council regarding appointments to police service boards in accordance with the regulations, if any.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 33 (8) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 15)

Ministerial recommendations

(8) The Minister shall, in accordance with the regulations, make recommendations to the Lieutenant Governor in Council regarding appointments to police service boards that are made by the Lieutenant Governor in Council. 2023, c. 12, Sched. 1, s. 15.

Transition

(9) Subsections (4) and (5) do not prevent a person who was a member of a police service board immediately before those subsections came into force from serving the remainder of their term. 2019, c. 1, Sched. 1, s. 33 (9).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 15 - not in force

Members appointed by municipality

Term of office

34 (1) The term of office for a member of a municipal board appointed by resolution of a municipality shall be set out by the municipality in his or her appointment, but shall not exceed the term of office of the municipal council that appointed the member.

Same

- (2) A member of a municipal board appointed by resolution of a municipality may continue to sit until the earlier of,
- (a) six months after the expiry of his or her term of office; or
 - (b) the day the member's successor is appointed by the municipality.

Vacancy

(3) If the position of a member of a municipal board who is appointed by resolution of a municipality or who holds office by virtue of being the head of a municipality becomes vacant, the board shall notify the municipality and the municipality shall appoint a replacement.

Remuneration

(4) The members of the municipal board who are appointed by the Lieutenant Governor in Council or by the Minister shall be remunerated in accordance with the regulations made by the Minister.

Oath, training and conduct

Oath of office

35 (1) A member of a police service board shall, at the time of his or her appointment as a member of the board, take an oath or affirmation of office in the form prescribed by the Minister.

Required training

- (2) A member of a police service board or of a committee of the board shall successfully complete the following training:
1. The training approved by the Minister with respect to the role of a police service board and the responsibilities of members of a board or committee.
 2. The training approved by the Minister with respect to human rights and systemic racism.
 3. The training approved by the Minister that promotes recognition of and respect for,

- i. the diverse, multiracial and multicultural character of Ontario society, and
 - ii. the rights and cultures of First Nation, Inuit and Métis Peoples.
4. Any other training prescribed by the Minister.

If training not completed

(3) A member of a police service board or committee shall not exercise the powers or perform the duties of a board or committee member until the member has successfully completed the training described in paragraph 1 of subsection (2).

Same

(4) A member of a police service board or committee shall not continue to exercise the powers or perform the duties of their position after the period prescribed by the Minister following their appointment until the member has successfully completed the training described in paragraphs 2 and 3 of subsection (2).

Same

(5) The regulations made by the Minister may provide that a member of a police service board or committee shall not exercise specified powers or perform specified duties, or shall not continue to exercise specified powers or perform specified duties, until the member has completed specified training prescribed under paragraph 4 of subsection (2) within the timeline set out in the regulations.

Code of conduct

(6) Every member of a police service board shall comply with the prescribed code of conduct.

Election of chair

36 (1) The members of a police service board shall elect a chair at the board's first meeting in each year.

Vice-chair

(2) The members of a police service board may also elect a vice-chair at the first meeting in each year, and the vice-chair shall act as the chair if the chair is absent or if the chair's position is vacant.

POLICE SERVICE BOARD DUTIES AND POWERS

Police service board duties

37 (1) A police service board shall,

- (a) provide adequate and effective policing in the area for which it has policing responsibility as required by section 10;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 37 (1) (a) of the Act is amended by striking out "provide adequate and effective policing" at the beginning and substituting "ensure that adequate and effective policing is provided". (See: 2023, c. 12, Sched. 1, s. 16 (1))

- (b) employ members of the police service;
- (c) appoint members of the police service as police officers;
- (d) recruit and appoint the chief of police and any deputy chief of police and determine their remuneration and working conditions, taking their submissions into account;
- (e) prepare and adopt a diversity plan to ensure that the members of the police service reflect the diversity of the area for which the board has policing responsibility;
- (f) monitor the chief of police's performance;
- (g) conduct a review of the chief of police's performance at least annually in accordance with the regulations made by the Minister, if any;
- (h) monitor the chief of police's decisions regarding the restrictions on secondary activities set out in section 89 and review the reports from the chief of police on those decisions;
- (i) monitor the chief of police's handling of discipline within the police service;
- (j) ensure that any police facilities, including police lock-ups, owned by the board comply with the prescribed standards, if any; and

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 37 (1) (j) of the Act is amended by striking out "owned" and substituting "used". (See: 2023, c. 12, Sched. 1, s. 16 (2))

- (k) perform such other duties as are assigned to it by or under this or any other Act, including any prescribed duties. 2019, c. 1, Sched. 1, s. 37 (1).

Prescribed standards

(2) A police service board shall comply with the prescribed standards, if any, with respect to the exercise of its powers and the performance of its duties under this Act. 2019, c. 1, Sched. 1, s. 37 (2).

Transition

(3) Any police force maintained by a board that was in existence under the *Police Services Act* immediately before that Act was repealed continues as a police service maintained by a police service board under this Act, and any member of the police force at that time, including the chief of police and any deputy chief of police, continues to be a member of the police service under this Act. 2019, c. 1, Sched. 1, s. 37 (3).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 16 (1, 2) - not in force

Police service board policies

38 (1) A police service board shall establish policies respecting,

- (a) the administration of the police service;
- (b) the provision of adequate and effective policing in accordance with the needs of the population of the area for which it has policing responsibility;
- (c) disclosure by the chief of police of personal information about individuals;
- (d) disclosure of secondary activities under section 89 and decisions under that section;
- (e) the handling of discipline within the police service;
- (f) subject to subsection (4), the indemnification of members of the police service for legal costs; and
- (g) any other prescribed matters.

Other policies

(2) In addition to the policies required by subsection (1), a police service board may establish policies respecting any other matters related to the police service or the provision of policing.

Consultations and considerations

(3) A First Nation board that has policing responsibility for a First Nation reserve shall,

- (a) consult a person identified by the band council regarding the cultural traditions of the First Nation before establishing a policy under clause (1) (b); and
- (b) consider the cultural traditions of the First Nation while establishing the policy.

Indemnification policy

(4) The police service board is not required to establish a policy described in clause (1) (f) if it is required to indemnify members of the police service in accordance with an agreement under Part XIII.

No policies for certain matters

(5) The police service board shall not make policies with respect to specific investigations, the conduct of specific operations, the management or discipline of specific police officers or other prescribed matters.

Other limitations on policies

(6) The police service board shall not make policies that would,

- (a) require a member of the police service to do something or refrain from doing something where this would be inconsistent with his or her duties under this Act or the regulations; or
- (b) prohibit a member of the police service from attempting to collect information for the purpose of investigating an offence or assisting with the prosecution of an offence.

Publication

(7) The police service board shall publish the policies referred to in subsections (1) and (2) on the Internet in accordance with the regulations made by the Minister, if any.

Strategic plan

39 (1) The police service board shall, in accordance with the regulations, if any, prepare and adopt a strategic plan for the provision of policing, which shall address at least the following matters:

1. How the police service board will ensure the provision of adequate and effective policing in accordance with the needs of the population of the area.
2. The objectives, priorities and core functions of the police service.
3. Quantitative and qualitative performance objectives and indicators of outcomes relating to,
 - i. the provision of community-based crime prevention initiatives, community patrol and criminal investigation services,
 - ii. community satisfaction with the policing provided,
 - iii. emergency calls for service,
 - iv. violent crime and clearance rates for violent crime,
 - v. property crime and clearance rates for property crime,
 - vi. youth crime and clearance rates for youth crime,
 - vii. police assistance to victims of crime and re-victimization rates,
 - viii. interactions with persons described in paragraphs 4 and 5 of this subsection,
 - ix. road safety, and
 - x. any other prescribed matters.
4. Interactions with,
 - i. youths,
 - ii. members of racialized groups, and
 - iii. members of First Nation, Inuit and Métis communities.
5. Interactions with persons who appear to have a mental health condition.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 5 of subsection 39 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 17)

5. Interactions with persons who appear to have a mental illness or a neurodevelopmental disability.
6. Information technology.
7. Resource planning.
8. Police facilities.
9. Any other prescribed matters. 2019, c. 1, Sched. 1, s. 39 (1).

Same

(2) The strategic plan must also provide an overview of the consultations that were conducted under subsection (3) and state whether and, if applicable, how the needs and concerns regarding policing identified during the consultations have been addressed by the plan. 2019, c. 1, Sched. 1, s. 39 (2).

Consultations

- (3) In preparing or revising the strategic plan, the police service board shall consult with,
- (a) the chief of police;
 - (b) the municipal council of any municipalities in the board's area of policing responsibility;
 - (c) the band councils of any First Nations in the board's area of policing responsibility;
 - (d) groups representing diverse communities in the board's area of policing responsibility;
 - (e) school boards, community organizations, businesses and members of the public in the board's area of policing responsibility; and
 - (f) any other prescribed persons, organizations or groups. 2019, c. 1, Sched. 1, s. 39 (3).

Considerations

- (4) In preparing or revising the strategic plan, the police service board shall consider, at a minimum,
- (a) the results of the consultations conducted under subsection (3);

- (b) any community safety and well-being plans adopted by the municipalities or First Nations that are in the board's area of policing responsibility; and
- (c) the needs of members of diverse communities in the board's area of policing responsibility, including the needs of members of racialized groups and of First Nation, Inuit and Métis communities. 2019, c. 1, Sched. 1, s. 39 (4).

Review and revision

(5) The police service board shall review and, if appropriate, revise the strategic plan in accordance with the regulations, if any, at least once every four years. 2019, c. 1, Sched. 1, s. 39 (5).

Publication

(6) The police service board shall publish the strategic plan on the Internet in accordance with the regulations made by the Minister, if any. 2019, c. 1, Sched. 1, s. 39 (6).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 17, 76 - not in force

Police service board directions

40 (1) The police service board may give directions to the chief of police. 2019, c. 1, Sched. 1, s. 40 (1).

No direction to other members of the police service

(2) For greater certainty, the police service board shall not direct members of the police service other than the chief of police.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 40 (2) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 18 (1))

No direction to other members of the police service

(2) For greater certainty, the police service board shall not direct members of the police service other than the chief of police, unless that direction is specifically authorized under Part XII (Discipline and Termination). 2023, c. 12, Sched. 1, s. 18 (1).

No direction by individual members of the board

(3) No individual member of a police service board shall direct the chief of police or, for greater certainty, any other member of the police service. 2019, c. 1, Sched. 1, s. 40 (3).

No directions for certain matters

(4) The police service board shall not direct the chief of police with respect to specific investigations, the conduct of specific operations, the discipline of specific police officers, the day-to-day administration of the police service or other prescribed matters. 2019, c. 1, Sched. 1, s. 40 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 40 (4) of the Act is amended by striking out "day-to-day administration" and substituting "day-to-day operation". (See: 2023, c. 12, Sched. 1, s. 18 (2))

Note: On a day to be named by proclamation of the Lieutenant Governor, section 40 of the Act is amended by adding the following subsection: (See: 2023, c. 12, Sched. 1, s. 18 (3))

Same

(4.1) Subsection (4) does not prevent a police service board from issuing directions that may affect operations. 2023, c. 12, Sched. 1, s. 18 (3).

Other information serves purpose

(5) The police service board shall not direct the chief of police to provide personal information to the board under subsection (1) if other information will serve the purpose for which the information is to be used. 2019, c. 1, Sched. 1, s. 40 (5).

Personal information limited to what is reasonably necessary

(6) The police service board shall not direct the chief of police to provide more personal information to the board under subsection (1) than is reasonably necessary to meet the purpose for which the information is to be used. 2019, c. 1, Sched. 1, s. 40 (6).

Other limitations on directions

(7) The police service board shall not direct the chief of police to do anything that would,

- (a) contravene this Act or the regulations, or any other Act or regulation;
- (b) require a member of the police service to do something or refrain from doing something where this would be inconsistent with his or her duties under this Act or the regulations; or
- (c) prohibit a member of the police service from attempting to collect information for the purpose of investigating an offence or assisting with the prosecution of an offence. 2019, c. 1, Sched. 1, s. 40 (7).

Chief of police may decline

(8) A chief of police may decline to provide information pursuant to a direction from the police service board if authorized to do so by the regulations. 2019, c. 1, Sched. 1, s. 40 (8).

Publication

(9) The police service board shall publish any directions given to the chief of police under subsection (1) on the Internet in accordance with the regulations made by the Minister, if any. 2019, c. 1, Sched. 1, s. 40 (9).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 18 (1-3) - not in force

Reporting and information sharing

Annual report

41 (1) On or before June 30 in each year, the police service board shall file an annual report with its municipality or band council regarding,

- (a) the implementation of the board's strategic plan and the achievement of the performance objectives identified in the strategic plan;
- (b) the affairs of the police service;
- (c) the provision of policing as it relates to any community safety and well-being plans adopted by the municipalities or First Nations that are in the board's area of policing responsibility; and
- (d) any other prescribed matters.

Publication

(2) The police service board shall publish the annual report referred to in subsection (1) on the Internet in accordance with the regulations made by the Minister, if any.

Information sharing protocol

(3) The police service board shall make best efforts to negotiate and enter into a protocol with its municipality or band council that addresses the sharing of information with the municipality or band council, including the type of information to be shared and the frequency for sharing such information.

Information to be provided

(4) Regardless of the existence of an information sharing protocol, the police service board shall provide the municipality or band council, on request, with any information, other than personal information, relevant to the preparation or review of the community safety and well-being plan or to the board's estimates.

ADMINISTRATION AND FINANCES

Delegation

42 (1) A police service board may, by by-law,

- (a) establish a committee and delegate any of the board's powers under this Act to the committee; or
- (b) if any power of the board under this Act is prescribed for the purposes of this section, delegate that power to an employee of the board who is not a member of the police service or to the chief of police.

Content of by-law

(2) A by-law made under subsection (1) may govern the name, powers, duties and quorums of the committee and may, subject to subsections (3), (4) and (5), govern the composition of the committee and appointment of individuals to the committee.

Composition

(3) A committee shall be composed of,

- (a) at least two members of the police service board, subject to subsection (4); and
- (b) any number of additional members, as long as a majority of the committee is composed of members of the police service board.

Exception

(4) Only one member of the police service board is required to sit on a committee if the board's power to bargain under Part XIII is the only power that has been delegated to the committee.

Eligibility

(5) An individual is not eligible to be an additional member of a committee if he or she would not be eligible to be a member of the police service board.

Meetings

43 (1) The police service board shall hold at least four meetings each year.

Quorum

(2) A majority of the members of the police service board constitutes a quorum.

Proceedings open to the public

(3) Subject to section 44, meetings conducted by the police service board, or by a committee of the board, shall be open to the public.

Record of meeting

(4) The police service board shall record without note or comment all resolutions, decisions and other proceedings at the meeting, whether it is open to the public or not.

Notice

(5) The police service board or the committee, as applicable, shall publish notice of a meeting that is open to the public on the Internet, subject to the regulations made by the Minister, if any.

Timing of notice

(6) The notice shall be published at least seven days before the meeting, except in extraordinary circumstances.

Contents of notice

(7) The notice must include,

- (a) the proposed agenda for the meeting; and
- (b) either,
 - (i) the record of the most recent meeting of the police service board that was open to the public, other than the record of any part of the meeting that was closed to the public, or
 - (ii) instructions on how a member of the public may access the record referred to in subclause (i).

When meetings may be closed to public**Consideration**

44 (1) Before holding a meeting, a police service board, or a committee of the board, shall,

- (a) consider whether to close the meeting or part of the meeting to the public, having regard to the matters listed in subsections (2) and (3); and
- (b) if the board or committee decides to close the meeting or part of the meeting, state by resolution,
 - (i) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting, or
 - (ii) in the case of a meeting under subsection (6), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

Subject matter

(2) The meeting or part of the meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the board;
- (b) personal matters about an identifiable individual, including members of the police service or any other employees of the board;
- (c) a proposed or pending acquisition or disposition of land by the board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation affecting the board, including matters before administrative tribunals;
- (f) advice that would be inadmissible in a court by reason of any privilege under the law of evidence, including communications necessary for that purpose;

- (g) information explicitly supplied in confidence to the board by Canada, a province or territory or a Crown agency of any of them, a municipality or a First Nation;
- (h) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (i) a trade secret or scientific, technical, commercial or financial information that belongs to the board and has monetary value or potential monetary value;
- (j) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the board;
- (k) information that section 8 of the *Municipal Freedom of Information and Protection of Privacy Act* would authorize a refusal to disclose if it were contained in a record; or
- (l) an ongoing investigation respecting the police service board.

When meetings must be closed to the public

(3) A meeting or part of a meeting of a police service board, or of a committee of the board, shall be closed to the public if the subject matter being considered is a request under the *Municipal Freedom of Information and Protection of Privacy Act*.

Duty of confidentiality

(4) The members of the board or committee shall keep any matter considered in a meeting closed under subsection (2) or (3) confidential, including by keeping confidential any information obtained for the purpose of considering the confidential matter, except,

- (a) for the purpose of complying with an inspector exercising their powers or duties under this Act;
- (b) as may otherwise be required in connection with the administration of this Act, the *Special Investigations Unit Act, 2019* or the regulations made under either of them;
- (c) as may be required for a law enforcement purpose; or
- (d) where disclosure is otherwise required by law.

Disclosure by resolution

(5) Despite subsection (4), a police service board may, by resolution, disclose or authorize a board member to disclose any matter considered in a meeting closed under subsection (2) or (3), which may include disclosing information obtained for the purpose of considering the confidential matter.

Educational or training sessions

(6) A meeting of a police service board, or of a committee of the board, may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members of the board or of the committee.
2. At the meeting, no member of the board or committee considers or otherwise deals with any matter in a way that materially advances the business or decision-making of the board.

Evidence of by-laws

45 A document purporting to be a by-law of the police service board signed by a member or purporting to be a copy of such a by-law certified correct by a member is admissible in evidence without proof of the signature or authority of the person signing.

Rules and procedures

46 (1) Subject to the regulations made by the Minister, if any, a police service board shall establish its own rules and procedures in performing its duties under this Act and the regulations.

Legislation Act, 2006

(2) Part III of the *Legislation Act, 2006* does not apply to the rules and procedures established under subsection (1) of this section.

Liability

47 (1) A police service board is liable for the acts or omissions of members of its police service committed in the course of their employment.

Indemnification by police service board

(2) A police service board may, in accordance with the policies established under clause 38 (1) (f), indemnify a member of its police service for reasonable legal costs incurred,

- (a) in the defence of a civil proceeding, if the member is not found to be liable;
- (b) in the defence of a criminal prosecution, if the member is found not guilty; or
- (c) in respect of any other proceeding in which the member's manner of execution of the duties of his or her employment was an issue, if the member is found to have acted in good faith.

Agreement

(3) An agreement under Part XIII may provide for indemnification for the legal costs of members of the police service, except the legal costs of a member who is found guilty of a criminal offence, and, if it provides for such an indemnification, subsection (2) of this section does not apply and the police service board shall indemnify members in accordance with the agreement.

Municipality responsible for police service board's liabilities

(4) The municipality is responsible for the liabilities incurred by the police service board under subsections (1), (2) and (3).

Exception, officer appointed under the *Interprovincial Policing Act, 2009*

(5) This section does not apply in respect of a police officer appointed under the *Interprovincial Policing Act, 2009*.

Protection from personal liability

48 (1) No action or other proceeding shall be instituted against a member of a police service board for any act done in good faith in the execution or intended execution of any duty imposed or power conferred by this Act, the regulations or the by-laws, or for any alleged omission in the execution in good faith of that duty or power.

Police service board's liability

(2) Subsection (1) does not relieve a police service board of liability for a member's acts or omissions, and the board is liable as if that subsection had not been enacted and as if the member were the board's employee.

Police service board may contract, sue and be sued

49 (1) A police service board may contract, sue and be sued in its own name.

Members not liable for police service board's contracts

(2) The members of a police service board are not personally liable for the board's contracts.

Municipal board finances

50 (1) A municipality that maintains a municipal board shall provide the board with sufficient funding to,

- (a) provide adequate and effective policing in the municipality; and

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 50 (1) (a) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 19 (1))

- (a) comply with this Act and the regulations; and
- (b) pay the expenses of the board's operation, other than the remuneration of board members. 2019, c. 1, Sched. 1, s. 50 (1).

Estimates

(2) A municipal board shall submit operating and capital estimates to the municipality that will show, separately, the amounts that will be required to,

- (a) provide adequate and effective policing in the municipality, including the amounts required to provide the police service with required equipment and facilities, having regard for the various ways that the board can discharge this obligation; and

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 50 (2) (a) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 19 (2))

- (a) comply with this Act and the regulations, including the amounts required to provide the police service with required equipment and facilities, having regard for the various ways that the board can discharge this obligation; and
- (b) pay the expenses of the board's operation, other than the remuneration of board members. 2019, c. 1, Sched. 1, s. 50 (2).

Same

(3) The format of the estimates, the period that they cover and the timetable for their submission shall be determined by the municipality. 2019, c. 1, Sched. 1, s. 50 (3).

Budget

(4) Upon reviewing the estimates, the municipality shall establish an overall budget for the municipal board for the purposes described in clauses (1) (a) and (b) and, in doing so, the municipality is not bound to adopt the estimates submitted by the municipal board. 2019, c. 1, Sched. 1, s. 50 (4).

Same

(5) In establishing an overall budget for the municipal board, the municipality does not have the authority to approve or disapprove specific items in the estimates. 2019, c. 1, Sched. 1, s. 50 (5).

Dispute

(6) If the municipal board is not satisfied that the budget established for it by the municipality is sufficient for the purposes described in clauses (1) (a) and (b),

- (a) the municipal board and the municipality may jointly apply to the Commission Chair to appoint a conciliation officer to attempt to resolve the matter; or
- (b) the municipal board may give the municipality written notice referring the matter to arbitration. 2019, c. 1, Sched. 1, s. 50 (6).

Conciliation procedure

(7) If the parties jointly apply to appoint a conciliation officer, subsections 226 (2), (3), (4) and (6) apply to the conciliation, with necessary modifications. 2019, c. 1, Sched. 1, s. 50 (7).

No arbitration while conciliation underway

(8) After making a joint application under clause (6) (a), the municipal board shall not give the municipality written notice referring the matter to arbitration until a conciliation officer has been appointed, endeavoured to effect an agreement and reported to the Commission Chair and the Commission Chair has informed the parties of the conciliation officer's report. 2019, c. 1, Sched. 1, s. 50 (8).

Arbitrator

(9) The municipal board and the municipality may jointly appoint an arbitrator within 60 days after the notice described in clause (6) (b) is provided to the municipality. 2019, c. 1, Sched. 1, s. 50 (9).

Appointment by Commission Chair

(10) The Commission Chair shall appoint an arbitrator if,

- (a) the municipal board and the municipality do not jointly appoint an arbitrator within the time period set out in subsection (9); or

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 50 (10) (a) of the Act is amended by adding "and the Commission Chair has been notified by either party" at the end. (See: 2023, c. 12, Sched. 1, s. 19 (3))

- (b) the municipal board and the municipality jointly apply to the Commission Chair requesting the appointment of an arbitrator. 2019, c. 1, Sched. 1, s. 50 (10).

Findings

(11) If the municipality demonstrates that the municipal board could reasonably have entered into an agreement under section 14 to have policing functions provided in a manner that meets the applicable standards for adequate and effective policing and at a lower cost than is set out in the estimates, the arbitrator shall not find that the budget is insufficient to the extent of the amount that could have been saved by entering into the agreement. 2019, c. 1, Sched. 1, s. 50 (11).

Compliance

(12) The municipality shall amend the budget for the municipal board in accordance with the arbitrator's decision. 2019, c. 1, Sched. 1, s. 50 (12).

Fees and expenses

(13) The Arbitration and Adjudication Commission shall pay the fees and any prescribed types of expenses of the arbitrator.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 50 (13) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 19 (4))

Costs and expenses

(13) The municipal board and the municipality shall share equally the costs and expenses of the arbitration and any prescribed types of expenses of the arbitrator. 2023, c. 12, Sched. 1, s. 19 (4).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 19 (1-4) - not in force

Funding review, First Nation board

51 (1) This section applies if a First Nation board believes that the funding it receives from the Minister and from all other sources is not sufficient to,

- (a) provide adequate and effective policing in the area for which it has policing responsibility, including the amounts required to provide the police service with required equipment and facilities, having regard for the various ways that the board can discharge this obligation; and

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 51 (1) (a) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 20 (1))

- (a) comply with this Act and the regulations, including the amounts required to provide the police service with required equipment and facilities, having regard for the various ways that the board can discharge this obligation; and
- (b) pay the expenses of the board's operation. 2019, c. 1, Sched. 1, s. 51 (1).

Dispute

(2) If a First Nation board is not satisfied that the funding is sufficient for the purposes described in clauses (1) (a) and (b),

- (a) the First Nation board and the Minister may jointly apply to the Commission Chair to appoint a conciliation officer to attempt to resolve the matter; or
- (b) the First Nation board may give the Minister written notice referring the matter to arbitration. 2019, c. 1, Sched. 1, s. 51 (2).

Conciliation procedure

(3) If the parties jointly apply to appoint a conciliation officer, subsections 226 (2), (3), (4) and (6) apply to the conciliation, with necessary modifications. 2019, c. 1, Sched. 1, s. 51 (3).

No arbitration while conciliation underway

(4) After making a joint application under clause (2) (a), the First Nation board shall not give the Minister written notice referring the matter to arbitration until a conciliation officer has been appointed, endeavoured to effect an agreement and reported to the Commission Chair and the Commission Chair has informed the parties of the conciliation officer's report. 2019, c. 1, Sched. 1, s. 51 (4).

Arbitrator

(5) The First Nation board and the Minister may jointly appoint an arbitrator within 60 days after the notice described in clause (2) (b) is provided to the Minister. 2019, c. 1, Sched. 1, s. 51 (5).

Appointment by Commission Chair

(6) The Commission Chair shall appoint an arbitrator if,

- (a) the First Nation board and the Minister do not jointly appoint an arbitrator within the time period set out in subsection (5); or

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 51 (6) (a) of the Act is amended by adding "and the Commission Chair has been notified by either party" at the end. (See: 2023, c. 12, Sched. 1, s. 20 (2))

- (b) the First Nation board and the Minister jointly apply to the Commission Chair requesting the appointment of an arbitrator. 2019, c. 1, Sched. 1, s. 51 (6).

Considerations

(7) In determining the matter, the arbitrator must consider whether any First Nation board policies intended to reflect the cultural traditions of the First Nations that are in the board's area of policing responsibility affect the funding required to provide adequate and effective policing. 2019, c. 1, Sched. 1, s. 51 (7).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51 (7) of the Act is amended by striking out "provide adequate and effective policing" at the end and substituting "ensure adequate and effective policing is provided". (See: 2023, c. 12, Sched. 1, s. 20 (3))

Findings

(8) If the Minister demonstrates that the First Nation board could reasonably have entered into an agreement under section 14 to have policing functions provided in a manner that meets the applicable standards for adequate and effective policing

and at a lower cost than the funding provided to the board, the arbitrator shall not find that the funding is insufficient to the extent of the amount that could have been saved by entering into the agreement. 2019, c. 1, Sched. 1, s. 51 (8).

Decision

(9) The Minister shall provide additional funding if the arbitrator determines that additional funding is required. 2019, c. 1, Sched. 1, s. 51 (9).

Fees and expenses

(10) The Arbitration and Adjudication Commission shall pay the fees and any prescribed types of expenses of the arbitrator. 2019, c. 1, Sched. 1, s. 51 (10).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 20 (1-3) - not in force

Aid to survivors of deceased member of municipal police service

52 A municipality may grant financial or other assistance for the benefit of the surviving spouses and children of members of the municipal police service who die from injuries received or illnesses contracted in the discharge of their duties.

MISCELLANEOUS

Termination to abolish or reduce size of police service

53 (1) A police service board shall not terminate the employment of a member of a police service for the purpose of abolishing the police service or reducing its size without first obtaining the approval of the Inspector General.

Same, planned attrition

(2) A police service board shall not reduce the size of its police service by implementing a plan for attrition without first obtaining the approval of the Inspector General.

Inspector General's approval

(3) The Inspector General may approve the termination of a member of a police service under subsection (1) or a plan for attrition under subsection (2) if he or she is satisfied that,

- (a) appropriate arrangements have been made for the provision of adequate and effective policing in the area after the police service is reduced in size or abolished; and
- (b) in the case of termination, the member being terminated and the police service board have made an agreement dealing with severance pay or have referred the issue of severance pay to arbitration under subsection (4).

Arbitration

(4) If the issue of severance pay cannot be referred to arbitration under Part XIII, the board or the member being terminated may apply to the Commission Chair to appoint an arbitrator.

Inspector General

(5) The Inspector General may investigate a proposed termination described in subsection (1) or a proposed plan for attrition under subsection (2) to determine whether appropriate arrangements have been made for the provision of adequate and effective policing in the affected area if the size of the police service is reduced.

Municipal fines

54 (1) This section applies if a municipality is entitled to receive fines paid as a result of prosecutions instituted by police officers of the municipal police service.

Same

(2) If the municipality does not have its own police service, the police officers who are assigned to the municipality shall, for the purposes of determining entitlement to fine payments, be deemed to be police officers of the municipal police service.

Municipal by-law enforcement officers

55 (1) A municipality may appoint persons to enforce the by-laws of the municipality.

Peace officers

(2) Municipal by-law enforcement officers appointed under this section are peace officers for the purpose of enforcing municipal by-laws.

**PART V
ONTARIO PROVINCIAL POLICE**

COMMISSIONER

Commissioner

56 (1) The Lieutenant Governor in Council shall appoint a Commissioner of the Ontario Provincial Police and may appoint one or more deputy Commissioners. 2019, c. 1, Sched. 1, s. 56 (1).

Composition of O.P.P.

(2) The Ontario Provincial Police consists of the members of the Ontario Provincial Police. 2019, c. 1, Sched. 1, s. 56 (2).

Appointments

(3) The Commissioner may, in accordance with any diversity plan, policy or directive that is applicable to the public service of Ontario, appoint members of the Ontario Provincial Police as police officers. 2019, c. 1, Sched. 1, s. 56 (3).

(4) REPEALED: 2023, c. 12, Sched. 1, s. 21 (1).

Transition

(5) The Commissioner, and any deputy Commissioner, who held his or her appointment under the *Police Services Act* immediately before that Act was repealed continue to be appointed under this Act. 2019, c. 1, Sched. 1, s. 56 (5).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 56 (5) of the Act is amended by adding “and are deemed to have been appointed under this section” at the end. (See: 2023, c. 12, Sched. 1, s. 21 (2))

Same

(6) Any person who was a member of the Ontario Provincial Police under the *Police Services Act* immediately before its repeal continues to be a member of the Ontario Provincial Police under this Act. 2019, c. 1, Sched. 1, s. 56 (6).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 21 (1) - 08/06/2023; 2023, c. 12, Sched. 1, s. 21 (2) - not in force

Commissioner’s duties

57 The Commissioner shall,

- (a) provide adequate and effective policing in the area for which he or she has policing responsibility as required by section 10;
- (b) perform duties under this or any other Act related to the employment of members of the Ontario Provincial Police in accordance with any diversity plan, policy or directive that is applicable to the public service of Ontario;
- (c) maintain a traffic patrol on the King’s Highway, except the parts prescribed by the Minister;
- (d) maintain a traffic patrol on a highway or part of a highway that is designated as a connecting link under section 21 of the *Public Transportation and Highway Improvement Act*, except as prescribed by the Minister;
- (e) maintain investigative services to assist other police services in accordance with the Minister’s policies; and
- (f) perform such other duties as are assigned to the Commissioner by or under this or any other Act, including any prescribed duties.

Annual report

58 (1) On or before June 30 in each year, the Commissioner shall file an annual report with the Minister that addresses at least the following matters:

- 1. The implementation of the Minister’s strategic plan and the achievement of the performance objectives identified in the strategic plan.
- 2. The affairs of the Ontario Provincial Police.
- 3. Any other prescribed matters.

Publication and tabling

(2) The Minister shall publish the annual report on the Internet.

MINISTER

Minister’s O.P.P. duties

59 The Minister shall,

- (a) monitor the Commissioner's performance;
- (b) conduct a review of the Commissioner's performance at least annually in accordance with the regulations, if any;
- (c) monitor the Commissioner's handling of discipline within the Ontario Provincial Police;
- (d) ensure that any police facilities, including police lock-ups, used by the Ontario Provincial Police comply with the prescribed standards, if any; and
- (e) perform such other duties in respect of the Ontario Provincial Police as are assigned to the Minister by or under this Act, including any prescribed duties. 2019, c. 1, Sched. 1, s. 59; 2023, c. 12, Sched. 1, s. 22.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 22 - 08/06/2023

Minister's policies

- 60** (1) Subject to subsection (2), the Minister shall establish policies respecting,
- (a) the provision of adequate and effective policing by the Commissioner in accordance with the needs of the population in the areas for which the Commissioner has policing responsibility;
 - (b) disclosure by the Commissioner of personal information about individuals;
 - (c) investigative services that the Commissioner must provide to other police services;
 - (d) the handling of discipline within the Ontario Provincial Police;
 - (e) subject to subsection (4) and to the regulations, the indemnification of members of the Ontario Provincial Police for legal costs; and
 - (f) any other prescribed matters. 2019, c. 1, Sched. 1, s. 60 (1).

(2) REPEALED: 2023, c. 12, Sched. 1, s. 23.

Other policies

(3) In addition to the policies required by subsection (1), the Minister may establish policies respecting any other matters related to the Ontario Provincial Police or the provision of policing by the Commissioner. 2019, c. 1, Sched. 1, s. 60 (3).

Indemnification policy

(4) The Minister is not required to establish a policy described in clause (1) (e) if indemnification for the legal costs of members of the Ontario Provincial Police is provided for by an agreement made under the *Ontario Provincial Police Collective Bargaining Act, 2006*. 2019, c. 1, Sched. 1, s. 60 (4).

No policies for certain matters

(5) The Minister shall not make policies with respect to specific investigations, the conduct of specific operations, the management or discipline of specific police officers or other prescribed matters. 2019, c. 1, Sched. 1, s. 60 (5).

Other limitations on policies

- (6) The Minister shall not make policies,
- (a) that would require a member of the Ontario Provincial Police to do something or refrain from doing something where this would be inconsistent with his or her duties under this Act or the regulations; or
 - (b) that would prohibit a member of the Ontario Provincial Police from attempting to collect information for the purpose of investigating an offence or assisting with the prosecution of an offence. 2019, c. 1, Sched. 1, s. 60 (6).

Publication

(7) The Minister shall publish the policies referred to in subsections (1) and (3) on the Internet. 2019, c. 1, Sched. 1, s. 60 (7).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 23 - 08/06/2023

Strategic plan

- 61** (1) The Minister shall, in accordance with the regulations, if any, prepare and adopt a strategic plan for the provision of policing by the Commissioner, which shall address at least the following matters:
1. How the Commissioner will ensure the provision of adequate and effective policing in accordance with the needs of the population of the areas for which he or she has policing responsibility.
 2. The objectives, priorities and core functions of the Ontario Provincial Police.

3. Quantitative and qualitative performance objectives and indicators of outcomes relating to,
 - i. the provision of community-based crime prevention initiatives, community patrol and criminal investigation services,
 - ii. community satisfaction with the policing provided,
 - iii. emergency calls for service,
 - iv. violent crime and clearance rates for violent crime,
 - v. property crime and clearance rates for property crime,
 - vi. youth crime and clearance rates for youth crime,
 - vii. police assistance to victims of crime and re-victimization rates,
 - viii. interactions with persons described in paragraphs 4 and 5 of this subsection,
 - ix. road safety, and
 - x. any other prescribed matters.
4. Interactions with,
 - i. youths,
 - ii. members of racialized groups, and
 - iii. members of First Nation, Inuit and Métis communities.
5. Interactions with persons who appear to have a mental health condition.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 5 of subsection 61 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 24)

5. Interactions with persons who appear to have a mental illness or a neurodevelopmental disability.
6. Information technology.
7. Resource planning.
8. Police facilities.
9. Any other prescribed matters. 2019, c. 1, Sched. 1, s. 61 (1).

Same

(2) The Minister shall review and, if appropriate, revise the strategic plan in accordance with the regulations, if any, at least once every four years. 2019, c. 1, Sched. 1, s. 61 (2).

Publication

(3) The Minister shall publish the strategic plan on the Internet. 2019, c. 1, Sched. 1, s. 61 (3).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 24, 76 - not in force

Minister directions

62 (1) The Minister may give directions to the Commissioner. 2019, c. 1, Sched. 1, s. 62 (1).

No direction to other members of the O.P.P.

(2) For greater certainty, the Minister shall not direct members of the Ontario Provincial Police other than the Commissioner. 2019, c. 1, Sched. 1, s. 62 (2).

No directions for certain matters

(3) The Minister shall not direct the Commissioner with respect to specific investigations, the conduct of specific operations, the discipline of specific police officers, the day-to-day administration of the Ontario Provincial Police or other prescribed matters. 2019, c. 1, Sched. 1, s. 62 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 62 (3) of the Act is amended by striking out “day-to-day administration” and substituting “day-to-day operation”. (See: 2023, c. 12, Sched. 1, s. 25 (1))

Note: On a day to be named by proclamation of the Lieutenant Governor, section 62 of the Act is amended by adding the following subsection: (See: 2023, c. 12, Sched. 1, s. 25 (2))

Same

(3.1) Subsection (3) does not prevent the Minister from issuing directions that may affect operations. 2023, c. 12, Sched. 1, s. 25 (2).

Other information serves purpose

(4) The Minister shall not direct the Commissioner to provide personal information under subsection (1) if other information will serve the purpose for which the information is to be used. 2019, c. 1, Sched. 1, s. 62 (4).

Personal information limited to what is reasonably necessary

(5) The Minister shall not direct the Commissioner to provide more personal information under subsection (1) than is reasonably necessary to meet the purpose for which the information is to be used. 2019, c. 1, Sched. 1, s. 62 (5).

Other limitations on directions

- (6) The Minister shall not direct the Commissioner to do anything that would,
- (a) contravene this Act or the regulations, or any other Act or regulation;
 - (b) require a member of the Ontario Provincial Police to do something or refrain from doing something where this would be inconsistent with his or her duties under this Act or the regulations; or
 - (c) prohibit a member of the Ontario Provincial Police from attempting to collect information for the purpose of investigating an offence or assisting with the prosecution of an offence. 2019, c. 1, Sched. 1, s. 62 (6).

Commissioner may decline

(7) The Commissioner may decline to provide information under this section if authorized to do so by the regulations. 2019, c. 1, Sched. 1, s. 62 (7).

Publication

(8) The Minister shall publish any directions given to the Commissioner under subsection (1) on the Internet. 2019, c. 1, Sched. 1, s. 62 (8).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 25 (1, 2) - not in force

ADMINISTRATION AND FINANCES

Liability

63 (1) The Crown in right of Ontario is liable for the acts or omissions of members of the Ontario Provincial Police committed in the course of their employment.

Indemnification of member of O.P.P.

(2) The Minister of Finance may indemnify, out of the Consolidated Revenue Fund, a member of the Ontario Provincial Police for reasonable legal costs incurred,

- (a) in the defence of a civil proceeding, if the member is not found to be liable;
- (b) in the defence of a criminal prosecution, if the member is found not guilty; or
- (c) in respect of any other proceeding in which the member's manner of execution of the duties of his or her employment was an issue, if the member is found to have acted in good faith.

Agreement

(3) The Ontario Provincial Police Association and the Crown in right of Ontario may provide for indemnification for the legal costs of members of the Ontario Provincial Police in an agreement made under the *Ontario Provincial Police Collective Bargaining Act, 2006*, except the legal costs of a member who is found guilty of a criminal offence and, if it provides for such an indemnification, subsection (2) does not apply and the Minister of Finance shall indemnify members in accordance with the agreement.

Exception, officer appointed under the *Interprovincial Policing Act, 2009*

(4) This section does not apply in respect of a police officer appointed under the *Interprovincial Policing Act, 2009*.

Commissioner policing

64 (1) A municipality in the area for which the Commissioner has policing responsibility shall pay the Minister of Finance for the policing the Commissioner provides, in the amount and the manner provided by the regulations. 2019, c. 1, Sched. 1, s. 64 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 64 (1) of the Act is amended by striking out “for the policing” and substituting “for the policing and court security”. (See: 2023, c. 12, Sched. 1, s. 26)

Collection

(2) Subsections 65 (2), (4) and (5) apply with necessary modifications to the payments made under subsection (1). 2019, c. 1, Sched. 1, s. 64 (2).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 26 - not in force

Minister may charge for Commissioner’s services

65 (1) The Minister may charge a municipality, a police service board, or any person or entity for any service the Commissioner provides to them under this Act or the regulations other than the policing referred to in subsection 64 (1).

Payment into Consolidated Revenue Fund

(2) The amounts received for any service the Commissioner provides shall be paid into the Consolidated Revenue Fund.

No agreement as to cost

(3) If no agreement has been entered into with respect to the cost of the services provided by the Commissioner, the Commissioner may, with the approval of the Minister, certify the cost of the services, and the cost shall be paid by the municipality, police service board, or person or entity that received them.

Collection of amounts owed

(4) The amount owed for any service the Commissioner provides, if not collected by other means, may be recovered by a court action as a debt due to Her Majesty and, if the amount is owed by a municipality, may be deducted from any grant payable to the municipality out of provincial funds.

Dispute

(5) A debtor may dispute the amount claimed in a court action commenced under subsection (4), and the court shall determine the issue and make such order as it considers appropriate in the circumstances.

Aid to survivors of deceased member of O.P.P.

66 The Lieutenant Governor in Council may, out of money appropriated for that purpose by the Legislature, grant financial or other assistance for the benefit of the surviving spouses and children of members of the Ontario Provincial Police who die from injuries received or illnesses contracted in the discharge of their duties.

O.P.P. DETACHMENT BOARDS

O.P.P. detachment board

67 (1) There shall be an O.P.P. detachment board, or more than one O.P.P. detachment board in accordance with the regulations, for each detachment of the Ontario Provincial Police that provides policing in a municipality or in a First Nation reserve. 2019, c. 1, Sched. 1, s. 67 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 67 (1) of the Act is amended by adding “made by the Minister” after “regulations”. (See: 2023, c. 12, Sched. 1, s. 27 (1))

Note: On a day to be named by proclamation of the Lieutenant Governor, section 67 of the Act is amended by adding the following subsection: (See: 2023, c. 12, Sched. 1, s. 27 (2))

Exemptions

(1.1) Subsection (1) is subject to any exemptions set out in the regulations made by the Minister. 2023, c. 12, Sched. 1, s. 27 (2).

Composition

(2) The composition of the O.P.P. detachment board shall be as provided in the regulations. 2019, c. 1, Sched. 1, s. 67 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 67 (2) of the Act is amended by adding “made by the Minister” at the end. (See: 2023, c. 12, Sched. 1, s. 27 (3))

Term of office and remuneration

(3) The term of office and remuneration and expenses of the members of the O.P.P. detachment board shall be as provided in the regulations. 2019, c. 1, Sched. 1, s. 67 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 67 (3) of the Act is amended by adding “made by the Minister” at the end. (See: 2023, c. 12, Sched. 1, s. 27 (4))

Code of conduct

(4) Every member of an O.P.P. detachment board shall comply with the prescribed code of conduct. 2019, c. 1, Sched. 1, s. 67 (4).

Liability

(5) An O.P.P. detachment board is not liable for the acts or omissions of members of the Ontario Provincial Police committed in the course of their employment. 2019, c. 1, Sched. 1, s. 67 (5).

Application of other provisions

(6) The following provisions apply to O.P.P. detachment boards, with necessary modifications, as if they were police service boards:

1. Section 33 (Appointment).
2. Subsections 35 (1), (2) and (3) (Oath, training and conduct).

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of subsection 67 (6) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 27 (5))

2. Subsections 35 (1) to (5) (Oath, training and conduct).
3. Section 36 (Election of chair).
4. Section 42 (Delegation).
5. Section 43 (Meetings).
6. Section 44 (When meetings may be closed to public).
7. Section 45 (Evidence of by-laws).
8. Section 46 (Rules and procedures).
9. Section 48 (Protection from personal liability).
10. Section 49 (Police service board may contract, sue and be sued). 2019, c. 1, Sched. 1, s. 67 (6).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 27 (1-5) - not in force

Role

68 (1) The O.P.P. detachment board shall,

- (a) consult with the Commissioner regarding the selection of a detachment commander and otherwise participate, in accordance with the regulations, in the selection of the detachment commander;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 68 (1) (a) of the Act is amended by adding “made by the Minister” after “regulations”. (See: 2023, c. 12, Sched. 1, s. 28)

- (b) determine objectives and priorities for the detachment, not inconsistent with the strategic plan prepared by the Minister, after consultation with the detachment commander or his or her designate;
- (c) advise the detachment commander with respect to policing provided by the detachment;
- (d) monitor the performance of the detachment commander;
- (e) review the reports from the detachment commander regarding policing provided by the detachment; and
- (f) on or before June 30 in each year, provide an annual report to the municipalities and band councils regarding the policing provided by the detachment in their municipalities or First Nation reserves. 2019, c. 1, Sched. 1, s. 68 (1).

Other duties of detachment commander

(2) The detachment commander shall provide the O.P.P. detachment board with reports regarding policing provided by the detachment at the board’s request. 2019, c. 1, Sched. 1, s. 68 (2).

Delegation

(3) The detachment commander may delegate any of his or her powers and duties with respect to the O.P.P. detachment board to another person in writing, subject to any limitations, conditions or requirements set out in the delegation. 2019, c. 1, Sched. 1, s. 68 (3).

Consideration of community safety and well-being plan

(4) In exercising its functions, the O.P.P. detachment board shall consider any community safety and well-being plan adopted by a municipality or First Nation that receives policing from the detachment. 2019, c. 1, Sched. 1, s. 68 (4).

Prescribed standards

(5) The O.P.P. detachment board shall comply with the prescribed standards, if any, with respect to the exercise of its powers and the performance of its duties under this Act. 2019, c. 1, Sched. 1, s. 68 (5).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 28 - not in force

Local policies

69 (1) An O.P.P. detachment board may establish local policies, after consultation with the detachment commander or his or her designate, with respect to policing in the area receiving policing from the detachment. 2019, c. 1, Sched. 1, s. 69 (1).

Local policy requirements

(2) A local policy established under subsection (1) must meet the following requirements:

1. The local policy must not be inconsistent with,
 - i. the strategic plan prepared by the Minister,
 - ii. any policies established by the Minister under section 60,
 - iii. any procedures established by the Commissioner, or
 - iv. the local action plan prepared by the detachment commander.
2. The local policy must not relate to specific investigations, the conduct of specific operations or other prescribed matters.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of subsection 69 (2) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 29)

2. The local policy must not relate to specific investigations, the conduct of specific operations, the management or discipline of specific police officers or other prescribed matters.
3. The local policy must not require a member of the Ontario Provincial Police to do something or refrain from doing something where this would be inconsistent with his or her duties under this Act or the regulations.
4. The local policy must not prohibit a member of the Ontario Provincial Police from attempting to collect information for the purpose of investigating an offence or assisting with the prosecution of an offence.
5. The local policy must not require a member of the Ontario Provincial Police to provide any policing that is not required as a component of adequate and effective policing.
6. The local policy must comply with any prescribed requirements. 2019, c. 1, Sched. 1, s. 69 (2).

Detachment commander to comply with local policies

(3) Every detachment commander shall ensure that his or her detachment provides policing in accordance with the local policies of his or her O.P.P. detachment board. 2019, c. 1, Sched. 1, s. 69 (3).

Dispute

(4) If a detachment commander believes that a local policy of his or her O.P.P. detachment board does not comply with subsection (2),

- (a) he or she shall inform the O.P.P. detachment board, in writing, of the reasons why he or she believes that the local policy does not comply with subsection (2); and
- (b) despite subsection (3), he or she is not required to ensure that policing is provided in accordance with the policy unless directed to do so by the Commissioner under subsection (5). 2019, c. 1, Sched. 1, s. 69 (4).

Application for review

(5) If the O.P.P. detachment board is not satisfied with the detachment commander's reasons for not complying with the local policy, it may apply to the Commissioner to review the decision and provide direction to the detachment commander, which may include requiring compliance with the local policy. 2019, c. 1, Sched. 1, s. 69 (5).

Commissioner to consider submissions

(6) The Commissioner shall consider any submissions from the O.P.P. detachment board and shall provide it with written reasons for his or her decision to provide directions or not to provide directions to the detachment commander. 2019, c. 1, Sched. 1, s. 69 (6).

Publication

(7) The O.P.P. detachment board shall publish any local policies established under subsection (1) on the Internet in accordance with the regulations made by the Minister, if any. 2019, c. 1, Sched. 1, s. 69 (7).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 29 - not in force

Local action plan

70 (1) A detachment commander shall, in accordance with the regulations, if any, prepare and adopt a local action plan for the provision of policing provided by the detachment, which shall address at least the following matters:

1. How adequate and effective policing will be provided in the area served by the detachment, in accordance with the needs of the population in the area and having regard for the diversity of the population in the area.
2. The objectives and priorities for the detachment determined by the O.P.P. detachment board and such other objectives and priorities determined by the detachment commander.
3. Quantitative and qualitative performance objectives and indicators of outcomes relating to,
 - i. the provision of community-based crime prevention initiatives, community patrol and criminal investigation services,
 - ii. community satisfaction with the policing provided,
 - iii. emergency calls for service,
 - iv. violent crime and clearance rates for violent crime,
 - v. property crime and clearance rates for property crime,
 - vi. youth crime and clearance rates for youth crime,
 - vii. police assistance to victims of crime and re-victimization rates,
 - viii. interactions with persons described in paragraphs 4 and 5 of this subsection,
 - ix. road safety, and
 - x. any other prescribed matters.
4. Interactions with,
 - i. youths,
 - ii. members of racialized groups, and
 - iii. members of First Nation, Inuit and Métis communities.
5. Interactions with persons who appear to have a mental health condition. 2019, c. 1, Sched. 1, s. 70 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 5 of subsection 70 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 30)

5. Interactions with persons who appear to have a mental illness or a neurodevelopmental disability.

Same

(2) The local action plan must also provide an overview of the consultations that were conducted under subsection (3) and state whether and, if applicable, how the needs and concerns regarding policing identified during the consultations have been addressed by the plan. 2019, c. 1, Sched. 1, s. 70 (2).

Consultations

- (3) In preparing or revising the local action plan, the detachment commander shall consult with,
- (a) his or her O.P.P. detachment board;
 - (b) the municipal council of any municipalities that receive policing from the detachment;
 - (c) the band councils of any First Nations that receive policing from the detachment;
 - (d) groups representing diverse communities in the area that receives policing from the detachment;
 - (e) school boards, community organizations, businesses and members of the public in the area that receives policing from the detachment; and
 - (f) any other prescribed persons, organizations or groups. 2019, c. 1, Sched. 1, s. 70 (3).

Considerations

- (4) In preparing or revising the local action plan, the detachment commander shall consider, at a minimum,
- (a) the results of the consultations conducted under subsection (3);
 - (b) any community safety and well-being plans adopted by the municipalities or First Nations that receive policing from the detachment; and
 - (c) the needs of members of diverse communities in the area that receives policing from the detachment, including the needs of members of racialized groups and of First Nation, Inuit and Métis communities. 2019, c. 1, Sched. 1, s. 70 (4).

Submission of draft

- (5) The detachment commander shall submit a draft of the new or amended local action plan to his or her O.P.P. detachment board before it is finalized and allow the board to make comments on the draft within 60 days after the submission. 2019, c. 1, Sched. 1, s. 70 (5).

Consideration of comments

- (6) The detachment commander shall consider the O.P.P. detachment board's comments on the draft, if any, and revise the plan if he or she determines it to be appropriate. 2019, c. 1, Sched. 1, s. 70 (6).

Publication

- (7) The local action plan shall be published on the Internet in accordance with the regulations made by the Minister, if any. 2019, c. 1, Sched. 1, s. 70 (7).

Review and revision

- (8) The detachment commander shall review and, if appropriate, revise the local action plan in accordance with the regulations, if any, at least once every four years and whenever there is an amendment to the strategic plan prepared by the Minister. 2019, c. 1, Sched. 1, s. 70 (8).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 30, 76 - not in force

Estimates, O.P.P. detachment boards

- 71** (1) An O.P.P. detachment board shall prepare estimates, in accordance with the regulations, of the total amount that will be required to pay the expenses of the board's operation, other than the remuneration of board members. 2019, c. 1, Sched. 1, s. 71 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 71 (1) of the Act is amended by adding "made by the Minister" after "regulations". (See: 2023, c. 12, Sched. 1, s. 31 (1))

Submit to municipalities

- (2) The O.P.P. detachment board shall submit the estimates to every municipality that receives policing from the detachment along with a statement of the municipality's share of the costs, which are to be determined in accordance with the regulations. 2019, c. 1, Sched. 1, s. 71 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 71 (2) of the Act is amended by adding "made by the Minister" at the end. (See: 2023, c. 12, Sched. 1, s. 31 (2))

Budget

- (3) Subject to subsection (4), the municipalities shall contribute their share of the costs to the O.P.P. detachment board's budget in accordance with the estimates. 2019, c. 1, Sched. 1, s. 71 (3).

Arbitration in case of dispute

- (4) If a municipality is not satisfied that the total amount set out in the estimates is required to pay the expenses of the O.P.P. detachment board's operation, it may give the board written notice referring the matter to arbitration. 2019, c. 1, Sched. 1, s. 71 (4).

Joining arbitration

- (5) The other municipalities that receive policing from the detachment may join the arbitration as a party. 2019, c. 1, Sched. 1, s. 71 (5).

No separate arbitrations

- (6) If the other municipalities do not join the arbitration, they may not separately commence a different arbitration with respect to the estimates under this section. 2019, c. 1, Sched. 1, s. 71 (6).

Arbitrator

(7) The O.P.P. detachment board and the municipality or municipalities may jointly appoint an arbitrator within 60 days after the notice is provided to the municipality or municipalities. 2019, c. 1, Sched. 1, s. 71 (7).

Same

(8) If the O.P.P. detachment board and the municipality or municipalities do not jointly appoint an arbitrator, the board or the municipality or municipalities may apply to the Commission Chair to appoint an arbitrator. 2019, c. 1, Sched. 1, s. 71 (8).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 31 (1, 2) - not in force

72-75 REPEALED: 2023, c. 12, Sched. 1, s. 32.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 32 - 08/06/2023

AGREEMENTS WITH FIRST NATIONS

Agreements with First Nations to provide O.P.P. policing

76 (1) A band council of a First Nation may enter into a written agreement with the Minister for the provision of policing and other specified services by the Commissioner in the First Nation reserve or other specified area.

Required contents

(2) An agreement under subsection (1) shall address the policing and other services to be provided, which may include the enforcement of First Nation by-laws, the area in which they will be provided and the level at which they will be provided.

Optional contents

(3) The agreement may address any other matters, including,

- (a) the manner in which the policing and other services will be provided, including requiring it to be provided by police officers or other members of the Ontario Provincial Police who work primarily or exclusively in the First Nation reserve or other specified area;
- (b) the steps that will be taken to ensure that the policing and other services reflect the cultural traditions of the First Nation;
- (c) the qualifications of the members of the Ontario Provincial Police who provide the policing and other services;
- (d) the uniform of the members of the Ontario Provincial Police who provide the policing and other services;
- (e) the mediation, arbitration or resolution of disputes that may arise in relation to the agreement; and
- (f) funding for a First Nation O.P.P. board.

Effect on area of policing responsibility

(4) When the agreement comes into effect,

- (a) the First Nation reserve shall become part of the Commissioner's area of policing responsibility, if it was not already part of that area; and
- (b) any police service board that previously had policing responsibility for the area no longer has that responsibility.

Duties of Commissioner

(5) The Commissioner shall ensure that the agreement is carried out.

First Nation O.P.P. boards

77 (1) A band council of a First Nation may request that the Minister constitute a First Nation O.P.P. board to oversee the policing provided by the Commissioner pursuant to an agreement that has already been made or that the band council intends to make under section 76.

Joint request

(2) Multiple band councils may jointly make a request to constitute a board under subsection (1).

Application to joint boards

(3) Subject to the regulations, the provisions of this Act that apply to First Nation O.P.P. boards apply, with necessary modifications, to joint First Nation O.P.P. boards.

Contents of request

- (4) A request made under subsection (1) must specify,
- (a) the area that is, or that is intended to be, within the Commissioner's area of policing responsibility for which the proposed board shall have the powers, duties and functions set out in section 78;
 - (b) the composition of the proposed board;
 - (c) the method of appointing members of the proposed board;
 - (d) the name of the proposed board; and
 - (e) the proposed term of office of members of the proposed board.

Minister's request

(5) The Minister may request any additional information from the band council to assist in the Minister's consideration of the request.

Considerations

(6) The Minister shall consider the request made under subsection (1) and determine whether or not to constitute the board, having regard to the possibility of funding or other assistance being provided to the board and any other prescribed matters.

First Nation O.P.P. board regulations

- (7) The Minister may make regulations,
- (a) constituting a First Nation O.P.P. board for the requesting band council or councils;
 - (b) governing the composition of the First Nation O.P.P. board;
 - (c) specifying the name of the First Nation O.P.P. board;
 - (d) governing appointments to the First Nation O.P.P. board; and
 - (e) governing the term of office of members of the First Nation O.P.P. board.

Consistency with request

(8) A regulation made under subsection (7) must be consistent with the request made under subsection (1).

Same, consideration

(9) In determining whether to amend or revoke a regulation made under subsection (7), the Minister shall consider the importance of First Nations determining the means by which culturally responsive policing is provided on their First Nation reserves.

Limitation on amendment or revocation

(10) The Minister shall not amend or revoke a regulation made under subsection (7) unless the Minister is satisfied that appropriate arrangements that satisfy any prescribed requirements have been made for the First Nation that requested the constitution of the First Nation O.P.P. board to receive adequate and effective policing after the amendment or revocation takes effect and at least one of the following conditions is met:

1. The amendment or revocation is consistent with a request from the band council of the First Nation that requested the constitution of the First Nation O.P.P. board.
2. There has been a material change in the circumstances on which the regulation is based.
3. The First Nation O.P.P. board was dissolved under section 126.
4. The amendment is editorial or technical in nature.

Limitation on revocation

(11) In addition to the requirements set out in subsection (10), the Minister shall not revoke a regulation made under subsection (7) unless he or she is satisfied that appropriate arrangements have been made for severance pay for the employees of the First Nation O.P.P. board.

Increase in area

(12) In addition to the requirements set out in subsection (10), the Minister shall not amend a regulation made under subsection (7) to increase the area for which the First Nation O.P.P. board has the powers, duties and functions set out in section 78 unless the amendment is consistent with a request from the band councils of the First Nations that would be affected by the increase.

Same, notice and comments

(13) If the Minister intends to amend or revoke a regulation made under subsection (7) in a manner that is not consistent with a request described in paragraph 1 of subsection (10), the Minister shall provide notice containing a description of the proposed regulation to the band council of the First Nation that requested the constitution of the First Nation O.P.P. board and provide an opportunity for it to comment on it in writing.

Same, written reasons

(14) If the Minister decides to amend or revoke the regulation after considering the comments provided under subsection (13), the Minister shall provide written reasons for his or her decision to the entities that received the notice.

Agreements with First Nation O.P.P. boards

(15) The Minister may enter into a written agreement with a First Nation O.P.P. board to provide it with funding or other assistance, subject to such terms or conditions as may be specified in the agreement.

Duties and functions of First Nation O.P.P. board

78 (1) The First Nation O.P.P. board shall have all of the powers, duties and functions of an O.P.P. detachment board set out in sections 68 and 69 with respect to a detachment that provides policing under an agreement made under section 76, with necessary modifications.

Other applicable provisions

(2) The provisions listed in subsection 67 (6) apply to First Nation O.P.P. boards, with necessary modifications, as if they were police service boards.

Additional duties

(3) In addition to the duties and functions described in subsection (1), the First Nation O.P.P. board shall monitor the provision of policing and other services by the detachment to ensure that it complies with the agreement.

Local action plan

(4) The detachment commander shall prepare a separate local action plan for the provision of policing to the First Nation or First Nations served by the First Nation O.P.P. board, and section 70 applies to the plan with necessary modifications.

Prescribed standards

(5) A First Nation O.P.P. board shall comply with the prescribed standards, if any, with respect to the exercise of its powers and the performance of its duties under this Act.

Code of conduct

(6) Every member of a First Nation O.P.P. board shall comply with the prescribed code of conduct.

Liability

(7) A First Nation O.P.P. board is not liable for the acts or omissions of members of the Ontario Provincial Police committed in the course of their employment.

PART VI POLICE OFFICERS AND OTHER POLICING PERSONNEL

CHIEF OF POLICE

Duties of chief of police

79 (1) A chief of police shall manage the members of the police service to ensure that they carry out their duties in accordance with this Act and the regulations and in a manner that reflects the needs of the community.

Same, Commissioner

(2) The Commissioner shall,

- (a) administer the Ontario Provincial Police and oversee its operation in accordance with the Minister's policies and strategic plan;
- (b) comply with any investigations conducted by the Complaints Director or the SIU Director and any inspections conducted by the Inspector General; and
- (c) comply with the Minister's lawful directions.

Same, other chief of police

(3) A chief of police of a police service maintained by a police service board shall,

- (a) administer the police service and oversee its operation in accordance with the board's policies and strategic plan;

- (b) comply with any investigations conducted by the Complaints Director or the SIU Director and any inspections conducted by the Inspector General; and
- (c) comply with the lawful directions of the board.

Written procedures

(4) A chief of police shall establish written procedures regarding the administration of his or her police service and the provision of policing by the police service.

Delegation

(5) A chief of police may delegate in writing any of his or her powers and duties under this Act or the regulations to a member of the chief of police's police service, subject to any limitations, conditions or requirements set out in the delegation.

Deputy Commissioner or deputy chief of police

(6) A deputy Commissioner or deputy chief of police shall act in the place of the Commissioner or chief of police if he or she is absent or unable to act and, when so acting, may exercise all the powers and shall perform all the duties of the Commissioner or chief of police.

Power to disclose personal information

80 (1) Despite any other Act, a chief of police, or a person designated by him or her for the purpose of this subsection, may disclose personal information about an individual in accordance with the regulations.

Purpose of disclosure

(2) Any disclosure made under subsection (1) shall be for one or more of the following purposes:

1. Protection of the public.
2. Protection of victims of crime.
3. Keeping victims of crime informed of the law enforcement, judicial or correctional processes relevant to the crime that affected them.
4. Law enforcement.
5. Correctional purposes.
6. Administration of justice, including the conduct of civil proceedings.
7. Enforcement of and compliance with any federal or provincial Act, regulation or government program.
8. Keeping the public informed of the law enforcement, judicial or correctional processes respecting any individual.

Same

(3) Any disclosure made under subsection (1) shall be deemed to be in compliance with clauses 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act* and 32 (e) of the *Municipal Freedom of Information and Protection of Privacy Act*.

Same

(4) If personal information is disclosed under subsection (1) to an institution within the meaning of the *Freedom of Information and Protection of Privacy Act*, the institution shall collect such information and subsections 39 (2) of the *Freedom of Information and Protection of Privacy Act* and 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act* do not apply to that collection of personal information.

SIU investigation of member of police service

81 (1) If the SIU Director causes an incident to be investigated under section 15 of the *Special Investigations Unit Act, 2019* involving a member of a police service, other than a deputy chief of police, the chief of police of the police service shall investigate,

- (a) the member's conduct in relation to the incident;
- (b) the policing provided by the member in relation to the incident; and
- (c) the procedures established by the chief of police as they related to the incident. 2019, c. 1, Sched. 1, s. 81 (1).

Time for investigation

(2) The investigation shall occur promptly but shall not be conducted during the time period described in subsection 208 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 81 (2) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 33)

Time for investigation

(2) The investigation shall occur promptly, subject to the following rules:

1. The investigation shall not be conducted during the time period described in subsection 208 (3).
2. If the matter that is the subject of an investigation under this section becomes the subject of a prosecution of an offence under a law of Canada, a province or a territory, the following rules apply:
 - i. The chief of police shall consult a Crown Attorney or prosecutor and, if advised by a Crown Attorney or prosecutor to do so, postpone the commencement of the investigation under this section, or suspend it, for as long as is necessary in the Crown Attorney's or prosecutor's opinion to avoid interfering with the prosecution.
 - ii. Whether or not postponement or suspension is required under subparagraph i, the chief of police may postpone the commencement of the investigation under this section, or suspend it, for as long as is necessary in the chief's opinion to avoid interfering with the prosecution. 2023, c. 12, Sched. 1, s. 33.

Outside investigation

(3) The chief of police may request that a person who is not a member of a police service investigate a member of a police service for the purposes set out in subsection (1) and report back on their findings if the chief of police determines that it is necessary to have such a person conduct the investigation, including if it is necessary to obtain special expertise or to ensure public confidence in the investigation. 2019, c. 1, Sched. 1, s. 81 (3).

Report

(4) A chief of police shall report on his or her investigation under subsection (1) in accordance with the regulations made by the Minister. 2019, c. 1, Sched. 1, s. 81 (4).

Chief of police or deputy chief of police

(5) If the incident being investigated involves a chief of police or deputy chief of police of a police service maintained by a police service board, the police service board shall investigate the matter as described in subsection (1), and subsections (1) to (4) apply to the investigation, with necessary modifications. 2019, c. 1, Sched. 1, s. 81 (5).

Commissioner or deputy Commissioner

(6) If the incident being investigated involves the Commissioner or a deputy Commissioner, the Minister shall investigate the matter as described in subsection (1), and subsections (1) to (4) apply to the investigation, with necessary modifications. 2019, c. 1, Sched. 1, s. 81 (6).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 33 - not in force

POLICE OFFICERS

Duties of police officer

82 (1) The duties of a police officer include,

- (a) preserving the peace;
- (b) preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention;
- (c) assisting victims of crime;
- (d) apprehending criminals and other offenders and others who may lawfully be taken into custody;
- (e) laying charges and participating in prosecutions;
- (f) executing warrants that are to be executed by police officers and performing related duties;
- (g) performing the lawful duties that the chief of police assigns;
- (h) completing training required by this Act or the regulations;
- (i) complying with the prescribed code of conduct; and
- (j) performing such other duties as are assigned to him or her by or under this or any other Act, including any prescribed duties.

Power to act throughout Ontario

(2) A police officer has authority to act as such throughout Ontario.

Powers and duties of common law constable

(3) A police officer has the powers and duties ascribed to a constable at common law.

Appointment of police officer

83 (1) No person shall be appointed as a police officer unless he or she,

- (a) is a Canadian citizen or a permanent resident of Canada;
- (b) is at least 18 years of age;
- (c) is physically and mentally able to perform the duties of the position, having regard to his or her own safety and the safety of members of the public;
- (d) is of good character;
- (e) has successfully completed,
 - (i) the training prescribed by the Minister, including techniques to de-escalate conflict situations and any other matters prescribed by the Minister, unless the person has been exempted from some or all of this training in accordance with the regulations made by the Minister,
 - (ii) the training approved by the Minister with respect to human rights and systemic racism, and
 - (iii) the training approved by the Minister that promotes recognition of and respect for,
 - (A) the diverse, multiracial and multicultural character of Ontario society, and
 - (B) the rights and cultures of First Nation, Inuit and Métis Peoples;
- (f) meets one of the following conditions:
 - (i) he or she has,
 - (A) a university degree, or
 - (B) a degree from a college of applied arts and technology authorized to grant the degree,
 - (ii) he or she has a diploma or advanced diploma granted by a college of applied arts and technology following successful completion of a program that is the equivalent in class hours of a full-time program of at least four academic semesters,
 - (iii) he or she has been granted a certificate or other document by a post-secondary institution evidencing successful completion of a program that the regulations prescribe as being equivalent to a degree or diploma described in subclause (i) or (ii),
 - (iv) if additional criteria have been prescribed, he or she has a secondary school diploma and meets the additional criteria. 2019, c. 1, Sched. 1, s. 83 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 83 (1) (f) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 34)

- (f) meets one of the following conditions:
 - (i) The person has a secondary school diploma or equivalent.
 - (ii) The person has,
 - (A) a university degree,
 - (B) a degree from a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002* that is authorized to grant the degree, or
 - (C) a degree from an Indigenous Institute that is approved under the *Indigenous Institutes Act, 2017* to grant the degree.
 - (iii) The person has a diploma or advanced diploma granted by a college of applied arts and technology described in sub-subclause (ii) (B), or an Indigenous Institute described in sub-subclause (ii) (C), following successful completion of a program that is the equivalent in class hours of a full-time program of at least four academic semesters.
 - (iv) The person has been granted a certificate or other document by a post-secondary institution evidencing successful completion of a program that the regulations prescribe as being equivalent to a degree or diploma described in subclause (ii) or (iii).

Previous termination for cause

(2) An appointment under subsection (1) shall not be made if the person's employment as a police officer in a Canadian jurisdiction was previously terminated for cause or if the person resigned in lieu of being terminated for cause. 2019, c. 1, Sched. 1, s. 83 (2).

Information or material to be provided

(3) A candidate for appointment as a police officer shall provide any relevant information or material that is requested in connection with his or her application. 2019, c. 1, Sched. 1, s. 83 (3).

Certificate of appointment

(4) The police service board or the Commissioner shall issue a certificate of appointment to a person at the time of his or her appointment as a police officer. 2019, c. 1, Sched. 1, s. 83 (4).

Automatic termination

(5) A police officer's appointment is terminated, without notice and without an opportunity to respond, if he or she ceases to be a member of a police service. 2019, c. 1, Sched. 1, s. 83 (5).

Exception

(6) This section does not apply to a police officer appointed under the *Interprovincial Policing Act, 2009* or to a candidate for appointment under that Act. 2019, c. 1, Sched. 1, s. 83 (6).

Transition

(7) An appointment as a police officer under the *Police Services Act* that a person held immediately before that Act was repealed continues under this Act. 2019, c. 1, Sched. 1, s. 83 (7).

Same, duty of chief of police

(8) The chief of police of a police officer described in subsection (7) shall ensure that the officer successfully completes the training described in subclauses (1) (e) (ii) and (iii) within three years after the day this subsection comes into force. 2019, c. 1, Sched. 1, s. 83 (8).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 34 - not in force

Probationary period, police service board officer

84 (1) The probationary period of a police officer employed by a police service board begins on the day he or she is appointed and ends 12 months after the day of appointment.

Extension with consent

(2) A chief of police may extend a police officer's probationary period by up to six months if the police officer consents to the extension.

Leave of absence

(3) Any time taken by the police officer as a leave of absence does not count towards the fulfilment of the probationary period.

Only one probationary period

(4) Despite subsection (1), a police officer shall not be subject to a probationary period if he or she has already successfully completed a probationary period as a police officer with a police service, the Royal Canadian Mounted Police or a different prescribed policing organization.

Oaths of office and secrecy

85 (1) A person who is appointed to be a police officer shall, at the time of his or her appointment, take oaths or affirmations of office and secrecy in the form prescribed by the Minister.

Exception

(2) This section does not apply to a police officer appointed under the *Interprovincial Policing Act, 2009*.

Political activity

86 No police officer who is a member of a police service maintained by a police service board shall engage in political activity, except as permitted by the regulations.

MEMBERS OF POLICE SERVICES

Qualifications to hold position

87 (1) Subject to subsection (2), a person is not eligible to hold a position as a member of a police service, whether in an acting or permanent capacity, unless he or she meets the prescribed qualifications for the position, if any.

Effect of new qualifications

(2) Unless the regulations provide otherwise, any new qualifications prescribed under subsection (1) for a position do not apply to a person who held that position immediately before the new qualifications came into effect.

Accommodation of disability needs

88 (1) If a member of a police service who is an employee of a police service board, or a member of the Ontario Provincial Police, becomes mentally or physically disabled and as a result is incapable of performing the essential duties of his or her position, the board or the Commissioner, as applicable, shall accommodate his or her needs in accordance with the *Human Rights Code*.

Incapacity after accommodation

(2) The police service board or the Commissioner may terminate the member's employment, or retire him or her if entitled to retire with an unreduced pension, if, after holding a hearing in accordance with the regulations, if any, at which the evidence of two legally qualified medical practitioners is received, the board or the Commissioner determines,

- (a) on the basis of the information available, that the member is mentally or physically disabled and as a result is incapable of performing the essential duties of the member's position; and
- (b) that the member's needs cannot be accommodated in accordance with the *Human Rights Code* without undue hardship on the board or on the Crown in right of Ontario, as applicable.

Written reasons

(3) If the board or the Commissioner decides to terminate a member's employment or retire him or her under subsection (2), the board or the Commissioner shall promptly provide written reasons for this decision to the member.

Restrictions on secondary activities

89 (1) A member of a police service maintained by a police service board shall not engage in any activity,

- (a) that interferes with or influences adversely the performance of his or her duties as a member of a police service, or is likely to do so;
- (b) that places him or her in a position of conflict of interest, or is likely to do so;
- (c) that would otherwise constitute full-time employment for another person; or
- (d) in which he or she has an advantage derived from being a member of a police service.

Exception, interprovincial officers and auxiliary members

(2) Clause (1) (c) does not apply to,

- (a) a police officer appointed under the *Interprovincial Policing Act, 2009*; or
- (b) an auxiliary member of a police service.

Disclosure to chief of police

(3) A member of a police service maintained by a police service board who proposes to undertake an activity that may contravene subsection (1) or who becomes aware that an activity that he or she has already undertaken may do so shall disclose full particulars of the situation to the chief of police or, in the case of a chief of police, to the board.

Decision of chief of police or police service board

(4) The chief of police or the police service board, as the case may be, shall decide whether the member is permitted to engage in the activity, subject to any conditions or restrictions that may be set out in the decision.

Member to comply

(5) The member shall comply with the decision and with any conditions or restrictions set out in it.

Report to police service board

(6) The chief of police shall submit a written report to the police service board respecting any decision he or she makes under subsection (4), with reasons.

Police cadets

90 (1) If authorized by the policies of the police service board, a chief of police may appoint employees of the board who are under the direction of the chief of police as police cadets to undergo training.

Same

(2) If authorized by the policies of the Minister, the Commissioner may appoint persons employed under Part III of the *Public Service of Ontario Act, 2006* who are under the direction of the Commissioner as police cadets to undergo training.

Not a peace officer

(3) For greater certainty, a police cadet is not a peace officer by virtue of his or her position.

Auxiliary members of police service

91 (1) Subject to the regulations, a police service board may appoint auxiliary members of the police service. 2019, c. 1, Sched. 1, s. 91 (1).

Auxiliary members of O.P.P.

(2) Subject to the regulations, the Commissioner may appoint auxiliary members of the Ontario Provincial Police. 2019, c. 1, Sched. 1, s. 91 (2).

Suspension or termination of appointment

(3) A police service board and the Commissioner may suspend or terminate the appointment of an auxiliary member. 2019, c. 1, Sched. 1, s. 91 (3).

Notice and opportunity to respond

(4) Before the auxiliary member's appointment is terminated under subsection (3), the member shall be given written notice with respect to the reasons for the termination and an opportunity to respond orally or in writing, as the police service board or the Commissioner, as the case may be, may determine. 2019, c. 1, Sched. 1, s. 91 (4).

Authority of auxiliary members of police service

(5) An auxiliary member of a police service has the authority of a police officer if he or she,

- (a) is accompanied or supervised by a police officer in accordance with the regulations made by the Minister and the procedures established by the chief of police; and
- (b) is authorized to perform police duties by the chief of police. 2019, c. 1, Sched. 1, s. 91 (5).

Restriction

(6) The chief of police may authorize an auxiliary member of the police service to perform police duties only in time-limited special circumstances, including an emergency, that the police officers of the police service are not sufficiently numerous to deal with. 2019, c. 1, Sched. 1, s. 91 (6).

Same

(7) The chief of police may authorize an auxiliary member of the police service to possess or use firearms in the course of his or her duties only in exigent circumstances and subject to any regulations made by the Minister. 2019, c. 1, Sched. 1, s. 91 (7).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 91 (7) of the Act is amended by striking out "possess" and substituting "carry". (See: 2023, c. 12, Sched. 1, s. 35 (1))

Oaths of office and secrecy

(8) A person appointed to be an auxiliary member of a police service shall, at the time of his or her appointment, take oaths or affirmations of office and secrecy in the form prescribed by the Minister. 2019, c. 1, Sched. 1, s. 91 (8).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 91 of the Act is amended by adding the following subsection: (See: 2023, c. 12, Sched. 1, s. 35 (2))

Transition

(9) An appointment as an auxiliary member of a police force under the *Police Services Act* that a person held immediately before that Act was repealed continues under this Act and is deemed to have been made under this section. 2023, c. 12, Sched. 1, s. 35 (2).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 35 (1, 2) - not in force

SPECIAL CONSTABLES

Special constables

Appointment

92 (1) A police service board or the Commissioner may appoint a person as a special constable if he or she,

- (a) has an offer of employment to be employed as a special constable from, or is currently employed as a special constable by,
 - (i) the board or the Commissioner, or

- (ii) a special constable employer located in the area for which the board or the Commissioner has policing responsibility;
- (b) is a Canadian citizen or a permanent resident of Canada;
- (c) is at least 18 years of age;
- (d) is physically and mentally able to perform the duties of the position, having regard to his or her own safety and the safety of members of the public;
- (e) is of good character;
- (f) has successfully completed,
 - (i) the training prescribed by the Minister, including techniques to de-escalate conflict situations and any other matters prescribed by the Minister, unless the person has been exempted from some or all of this training in accordance with the regulations made by the Minister,
 - (ii) the training approved by the Minister with respect to human rights and systemic racism, and
 - (iii) the training approved by the Minister that promotes recognition of and respect for,
 - (A) the diverse, multiracial and multicultural character of Ontario society, and
 - (B) the rights and cultures of First Nation, Inuit and Métis Peoples;
- (g) has a secondary school diploma;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 92 (1) (g) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 36 (1))

- (g) meets one of the following conditions:
 - (i) The person has a secondary school diploma or equivalent.
 - (ii) The person has,
 - (A) a university degree,
 - (B) a degree from a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002* that is authorized to grant the degree, or
 - (C) a degree from an Indigenous Institute that is approved under the *Indigenous Institutes Act, 2017* to grant the degree.
 - (iii) The person has a diploma or advanced diploma granted by a college of applied arts and technology described in sub-subclause (ii) (B), or an Indigenous Institute described in sub-subclause (ii) (C), following successful completion of a program that is the equivalent in class hours of a full-time program of at least four academic semesters.
 - (iv) The person has been granted a certificate or other document by a post-secondary institution evidencing successful completion of a program that the regulations prescribe as being equivalent to a degree or diploma described in subclause (ii) or (iii);
- (h) satisfies any additional educational criteria required, by the regulations, to be appointed for the purposes specified under clause (7) (c); and
- (i) satisfies any additional prescribed criteria. 2019, c. 1, Sched. 1, s. 92 (1).

Exception

(2) Clauses (1) (a), (b) and (g) do not apply to a person who provides policing under the law of another jurisdiction. 2019, c. 1, Sched. 1, s. 92 (2).

Previous termination for cause

(3) An appointment under subsection (1) shall not be made if the person’s employment as a police officer in a Canadian jurisdiction was previously terminated for cause or if the person resigned in lieu of being terminated for cause. 2019, c. 1, Sched. 1, s. 92 (3).

Effect of area of policing responsibility

(4) A police service board or the Commissioner shall not appoint a person as a special constable if the special constable is likely to regularly perform his or her duties or exercise his or her powers outside of the area for which the board or the Commissioner has policing responsibility. 2019, c. 1, Sched. 1, s. 92 (4).

Exception

(5) Subsection (4) does not apply if the police service board or the Commissioner has a written agreement with the entity that has policing responsibility for the area that,

- (a) authorizes the board or the Commissioner to make such an appointment; and
- (b) addresses any other prescribed matters. 2019, c. 1, Sched. 1, s. 92 (5).

Certificate of appointment

(6) The police service board or the Commissioner shall issue a certificate of appointment to the person at the time of his or her appointment as a special constable. 2019, c. 1, Sched. 1, s. 92 (6).

Contents of certificate

(7) The police service board or the Commissioner shall specify in the certificate of appointment,

- (a) the name of the employer who may employ the appointee as a special constable;
- (b) the term of the appointment, which must not be more than the prescribed period, if any;
- (c) the purposes for which the person may act as a special constable, from among those set out in the regulations;
- (d) the powers of a police officer that the special constable may exercise, if any, to the extent and for the purposes specified in clause (c);
- (e) any weapons or prescribed equipment that the special constable is authorized to possess or use in the course of his or her duties; and

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 92 (7) (e) of the Act is amended by striking out “possess” and substituting “carry”. (See: 2023, c. 12, Sched. 1, s. 36 (2))

- (f) any other terms or conditions the police service board or the Commissioner consider appropriate. 2019, c. 1, Sched. 1, s. 92 (7).

Exception, special constable employer

(8) If the special constable is appointed to be employed by a special constable employer, the police service board or the Commissioner shall ensure that the terms and conditions of the appointment are consistent with the special constable employer’s authorization. 2019, c. 1, Sched. 1, s. 92 (8).

Firearms

(9) The certificate of appointment shall not authorize the special constable to possess or use a firearm in the course of his or her duties unless,

- (a) the special constable provides policing in another jurisdiction and is authorized to possess or use a firearm in the course of his or her duties in that jurisdiction;
- (b) the special constable is authorized under a law of Canada to provide policing in Ontario and to possess or use a firearm in the course of his or her duties; or
- (c) the special constable is employed by the Niagara Parks Commission. 2019, c. 1, Sched. 1, s. 92 (9).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 92 (9) of the Act is amended by striking out “possess” wherever it appears and substituting in each case “carry”. (See: 2023, c. 12, Sched. 1, s. 36 (3))

Reappointment

(10) A special constable may be reappointed at the end of his or her term. 2019, c. 1, Sched. 1, s. 92 (10).

Automatic termination

(11) A special constable’s appointment is terminated, without notice and without an opportunity to respond, if he or she ceases to be employed by the employer specified in the certificate of appointment. 2019, c. 1, Sched. 1, s. 92 (11).

Transition

(12) The following rules apply to a person who held an appointment as a special constable under section 53 of the *Police Services Act* immediately before it was repealed:

- 1. The appointment continues under this Act and the special constable may, despite any other requirement in this section continue to act for the period, in the area and for the purpose set out in his or her appointment until the appointment expires or is terminated or until the special constable is reappointed.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 1 of subsection 92 (12) of the Act is amended by striking out “continues under this Act” and substituting “continues under this Act and is deemed to have been made under this section”. (See: 2023, c. 12, Sched. 1, s. 36 (4))

2. Despite subsection 95 (6), the special constable shall continue to be subject to any restrictions on his or her use or possession of a firearm or any other equipment that were specified in his or her appointment until the appointment expires or is terminated or until the special constable is reappointed.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of subsection 92 (12) of the Act is amended by striking out “possession” and substituting “carrying”. (See: 2023, c. 12, Sched. 1, s. 36 (5))

3. The appointment is deemed to expire three years after the day this subsection comes into force if it does not expire before then.
4. The person may be reappointed as a special constable even if he or she does not meet the educational requirements set out in clause (1) (g), and he or she may subsequently be reappointed one or more consecutive times without meeting those requirements. 2019, c. 1, Sched. 1, s. 92 (12).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 36 (1-5) - not in force

Amendment to certificate of appointment

93 (1) The police service board or the Commissioner may amend a special constable’s certificate of appointment, including imposing new terms and conditions or varying existing terms and conditions, after giving the special constable written notice and an opportunity to respond orally or in writing, as the police service board or the Commissioner, as the case may be, may determine.

Amendment to special constable employer’s authorization

(2) If the amendment of a special constable employer’s authorization under subsection 97 (6) requires that the special constable employees’ certificates of appointment be amended to be consistent with the authorization, the police service board or the Commissioner shall make the required amendments in accordance with subsection (1) of this section.

Suspension and termination of special constable appointment

94 (1) A police service board or the Commissioner may suspend or terminate the appointment of a special constable who was appointed by the board or the Commissioner, as applicable.

Notice and opportunity to respond

(2) Before a special constable’s appointment is terminated, he or she shall be given written notice with respect to the reasons for the termination and an opportunity to respond orally or in writing, as the police service board or the Commissioner, as the case may be, may determine.

Special constable duties

95 (1) A person appointed as a special constable under section 92 may be employed as a special constable by the employer specified in the certificate of appointment.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 95 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 37 (1))

Employment only by employer specified in certificate

(1) A person appointed as a special constable under section 92 or whose appointment is continued under that section shall be employed as a special constable only by the employer specified in the certificate of appointment. 2023, c. 12, Sched. 1, s. 37 (1).

Restriction

(2) A special constable shall not be employed by a police service to perform all the duties of a police officer on a permanent basis, whether part-time or full-time. 2019, c. 1, Sched. 1, s. 95 (2).

Same

(3) For greater certainty, subsection (2) does not prohibit police services from authorizing special constables to escort and convey persons in custody and to perform duties related to the responsibilities of police service boards under Part XV. 2019, c. 1, Sched. 1, s. 95 (3).

Oaths of office and secrecy

(4) A special constable shall, at the time of his or her appointment, take oaths or affirmations of office and secrecy in the form prescribed by the Minister. 2019, c. 1, Sched. 1, s. 95 (4).

Duties

(5) A special constable shall,

- (a) carry out his or her duties in accordance with the terms, conditions and purposes set out in the certificate of appointment;

- (b) exercise any police powers conferred on him or her,
 - (i) only to the extent and for the specific purposes set out in the certificate of appointment, and
 - (ii) in accordance with the regulations, if any;
- (c) comply with the prescribed code of conduct; and
- (d) perform such other duties as are assigned to him or her by or under this or any other Act, including any prescribed duties. 2019, c. 1, Sched. 1, s. 95 (5).

Firearms, weapons and other equipment

(6) A special constable shall not possess or use a firearm, any other weapon or any other prescribed equipment in the course of his or her duties unless,

- (a) the special constable's certificate of appointment authorizes its possession or use; or

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 95 (6) of the Act is amended by striking out "possession" in clause (a) and substituting "carrying". (See: 2023, c. 12, Sched. 1, s. 37 (2))

- (b) the special constable is authorized under a law of Canada to provide policing in Ontario and to possess or use the firearm, other weapon or equipment in the course of his or her duties. 2019, c. 1, Sched. 1, s. 95 (6).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 95 (6) of the Act is amended by striking out "possess" wherever it appears and substituting in each case "carry". (See: 2023, c. 12, Sched. 1, s. 37 (2))

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 37 (1, 2) - not in force

Notice if outside area of policing responsibility

96 (1) Before a special constable exercises a power or performs a duty pursuant to his or her appointment in an area that is outside the area for which the police service board, or the Commissioner, that appointed the special constable has policing responsibility, the special constable shall give notice to the local commander of the police service that provides policing in the area.

Content of notice

(2) The notice must include the terms and conditions imposed on the special constable's certificate of appointment and a general description of the special constable's duties.

Exception, agreement

(3) Subsection (1) does not apply if the police service board, or the Commissioner, that appointed the special constable has a written agreement with the entity that has policing responsibility for the area that,

- (a) authorizes the special constable to exercise the power or perform the duty in the area; and
- (b) addresses any other prescribed matters.

Exception, notice impractical

(4) If it is impractical for the special constable to give notice to the local commander before performing a duty or exercising a power in the area, the special constable shall provide notice as soon as reasonably possible after doing so.

Exception, RCMP

(5) Subsection (1) does not apply to a special constable who is a member of the Royal Canadian Mounted Police.

SPECIAL CONSTABLE EMPLOYERS

Authorization

97 (1) A person, other than a for-profit entity, may apply to the Minister for an authorization to employ special constables.

Application

(2) The person shall make the application in the form prescribed by the Minister and include the prescribed information, if any.

Issuance of authorization

(3) If the applicant meets the prescribed requirements, the Minister may issue an authorization to employ special constables to the applicant and may impose any terms or conditions on the authorization that the Minister considers appropriate.

Factors to be considered

(4) In considering whether to issue an authorization under this section, the Minister shall take into consideration the prescribed factors, if any.

Written reasons if no authorization issued

(5) If the Minister decides not to issue an authorization to the applicant, the Minister shall provide the applicant with written reasons for the decision.

Terms and conditions may be amended

(6) The Minister may amend a special constable employer's authorization, including imposing new terms and conditions or varying existing terms and conditions of the authorization, after giving the special constable employer written notice and an opportunity to respond orally or in writing, as the Minister may determine.

Notice to police service board or the Commissioner

(7) If the Minister amends a special constable employer's authorization, the special constable employer shall notify every police service board, or the Commissioner, who appointed a special constable employee of the employer of the changes.

Notice to Minister

(8) A special constable employer shall notify the Minister of any changes in the information provided to the Minister in the employer's application for an authorization to employ special constables or of any changes that affect the person's ability to meet the prescribed requirements.

Special constable employer records

(9) If a special constable employer is not an institution within the meaning of the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*, or is not subject to comparable legislation in another jurisdiction, then,

- (a) the special constable employer's records relating to the activities and oversight of the special constables it employs are, for the purposes of the *Freedom of Information and Protection of Privacy Act*, deemed to be in the custody and control of the Ministry; and
- (b) the Minister shall impose terms and conditions on the special constable employer's authorization to address,
 - (i) access to the records of the special constable employer for the purpose of discharging the obligations of the Ministry in relation to clause (a), and
 - (ii) the protection of personal information in the custody or control of the special constable employer that is related to the activities and oversight of the special constables it employs.

Definition

(10) In subsection (1),

"for-profit entity" means a corporation incorporated under the *Business Corporations Act* or the *Canada Business Corporations Act* or any other entity that is prescribed.

Duties of special constable employer

98 (1) A special constable employer shall,

- (a) comply with the terms and conditions of the authorization; and
- (b) perform such other duties as are assigned to it by or under this or any other Act, including any prescribed duties. 2019, c. 1, Sched. 1, s. 98 (1).

Investigation of conduct

(2) If a special constable employed by a special constable employer appears to have engaged in conduct that constitutes misconduct, contravened the terms and conditions of his or her certificate of appointment or contravened any other provision of this Act or the regulations, the special constable employer shall,

- (a) investigate the conduct and determine if it constitutes such a contravention;
- (b) report the contravention or alleged contravention to the police service board, or the Commissioner, that appointed the special constable; and
- (c) take appropriate action to remedy the contravention. 2019, c. 1, Sched. 1, s. 98 (2).

Notice of action

(3) A special constable employer that takes any action under clause (2) (c) shall immediately notify the police service board, or the Commissioner, who appointed the special constable of the action taken. 2019, c. 1, Sched. 1, s. 98 (3).

Requiring or permitting contraventions

(4) A special constable employer shall not require or permit a special constable to engage in conduct that constitutes misconduct, a contravention of the terms and conditions of his or her certificate of appointment or any other contravention of this Act or the regulations. 2019, c. 1, Sched. 1, s. 98 (4).

Compliance with investigation

(5) A special constable employer shall comply with any investigations conducted by the Complaints Director, the SIU Director or the Inspector General.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 98 (5) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 38)

(5) A special constable employer shall comply with any investigations conducted by the Complaints Director or the SIU Director and any inspections conducted by the Inspector General. 2023, c. 12, Sched. 1, s. 38.

Notice to police service board or the Commissioner

(6) A special constable employer shall notify the police service board, or the Commissioner, who appointed a special constable employee of the employer if,

- (a) there is any change to the employment status of the special constable employee; or
- (b) the special constable employer becomes aware of any information that might reasonably affect an assessment of whether the special constable meets the criteria set out in subsection 92 (1). 2019, c. 1, Sched. 1, s. 98 (6).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 38 - not in force

Suspension or termination of authorization to employ

99 (1) Subject to subsection (2), the Minister may suspend or terminate a special constable employer's authorization if,

- (a) the employer provided false or misleading information under this Act or the regulations;
- (b) the employer failed to act in accordance with the terms and conditions of the authorization;
- (c) in the Minister's opinion, the employer did not take appropriate action when the employer knew or ought reasonably to have known that his, her or its special constable employee contravened the terms and conditions of his or her certificate of appointment or contravened any other provision of this Act or the regulations;
- (d) the employer no longer meets the prescribed requirements for the issuance of the authorization;
- (e) the employer failed to comply with a direction issued by the Inspector General under section 125;
- (f) the employer is not in compliance with any other provision of this Act or the regulations; or
- (g) in the Minister's opinion, the authorization is not in the public interest.

Opportunity to respond

(2) Before suspending or terminating an authorization, the Minister shall give the special constable employer written notice and an opportunity to respond orally or in writing, as the Minister may determine.

Notification

(3) The Minister must notify the special constable employer in writing of any decision to suspend or terminate his or her authorization to employ special constables as soon as possible.

SPECIAL CONSTABLES HOLDING OUT AS POLICE OFFICERS

Note: Section 100 comes into force one year after the day subsection 92 (1) comes into force.

Holding out as police officer

100 (1) No special constable shall hold himself or herself out as a police officer.

Same, employer

(2) No special constable employer shall hold his, her or its special constables out as police officers.

Same, use of terminology

(3) No special constable employer shall use the terms "police", "police service", "police force" or any similar term to describe his, her or its special constables.

Exception, other jurisdictions

(4) Subsections (1), (2) and (3) do not apply to a special constable who is appointed or employed as a police officer under the law of another jurisdiction.

Exception, First Nation Officers

(5) Subsection (3) does not apply to a special constable employer who employs First Nation Officers.

Exception, Niagara Parks Commission

(6) Subsection (3) does not prevent the Niagara Parks Commission from using the name “Niagara Parks Police Service”.

Offence

(7) A special constable who contravenes subsection (1) is guilty of an offence and on conviction is liable,

(a) in the case of a first offence, to a fine of not more than \$5,000; or

(b) in the case of a second or subsequent offence, to a fine of not more than \$10,000.

Same

(8) A special constable employer who contravenes subsection (2) or (3) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

FIRST NATION OFFICERS

First Nation Officers

101 (1) The Commissioner may appoint a First Nation Officer to perform specified duties. 2019, c. 1, Sched. 1, s. 101 (1).

Further approval

(2) If the specified duties of a First Nation Officer relate to a First Nation reserve, the appointment also requires the approval of the reserve’s police governing authority or band council. 2019, c. 1, Sched. 1, s. 101 (2).

Powers of police officer

(3) A First Nation Officer is a peace officer and has the powers of a police officer for the purpose of carrying out his or her specified duties. 2019, c. 1, Sched. 1, s. 101 (3).

Duty to consult

(4) The Commissioner shall not suspend or terminate the appointment of a First Nation Officer whose specified duties relate to a First Nation reserve without first consulting with the police governing authority or band council that approved the appointment. 2019, c. 1, Sched. 1, s. 101 (4).

Suspension or termination of appointment

(5) The power to appoint a First Nation Officer includes the power to suspend or terminate the appointment. 2019, c. 1, Sched. 1, s. 101 (5).

Notice and opportunity to respond

(6) Before a First Nation Officer’s appointment is terminated, he or she shall be given written notice with respect to the reasons for the termination and an opportunity to respond orally or in writing, as the Commissioner may determine. 2019, c. 1, Sched. 1, s. 101 (6).

Oaths of office and secrecy

(7) A person appointed to be a First Nation Officer shall, at the time of his or her appointment, take oaths or affirmations of office and secrecy in the form prescribed by the Minister. 2019, c. 1, Sched. 1, s. 101 (7).

Transition

(8) A person who held an appointment as a First Nation Constable under section 54 of the *Police Services Act* immediately before it was repealed shall be deemed to be appointed as a First Nation Officer on the day this subsection comes into force. 2019, c. 1, Sched. 1, s. 101 (8).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 101 (8) of the Act is amended by striking out “First Nation Constable” and substituting “First Nations Constable”. (See: 2023, c. 12, Sched. 1, s. 39)

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 39 - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, Part VI of the Act is amended by adding the following section: (See: 2023, c. 12, Sched. 1, s. 40)

COMMISSIONS UNDER THE GREAT SEAL

Commissions under the Great Seal

101.1 (1) The Lieutenant Governor in Council may authorize the issue of a commission under the Great Seal to,

- (a) a chief of police;
- (b) a deputy chief of police; or
- (c) a police officer who has attained a prescribed rank. 2023, c. 12, Sched. 1, s. 40.

Commissioned First Nation Officers

(2) Subject to subsection (4), the Lieutenant Governor in Council may authorize the issue of a commission under the Great Seal to a First Nation Officer who has achieved a prescribed rank. 2023, c. 12, Sched. 1, s. 40.

Commission may be revoked

(3) The Lieutenant Governor in Council may authorize the revocation of a commission issued under the Great Seal. 2023, c. 12, Sched. 1, s. 40.

Consultation

(4) The Lieutenant Governor in Council may not authorize the issue of a commission under the Great Seal to a First Nation Officer whose specified duties relate to a reserve without first consulting with the reserve's police governing authority or band council that approved the Officer's appointment. 2023, c. 12, Sched. 1, s. 40.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 40 - not in force

PART VII INSPECTOR GENERAL OF POLICING

APPOINTMENT AND DUTIES

Inspector General of Policing

102 (1) The Lieutenant Governor in Council shall appoint an Inspector General of Policing and may appoint one or more deputy Inspectors General. 2019, c. 1, Sched. 1, s. 102 (1).

Term

(2) The Inspector General shall hold office for a term of five years and may be reappointed for one further term of five years. 2019, c. 1, Sched. 1, s. 102 (2).

Continuation in office

(3) The Lieutenant Governor in Council may, by order, authorize a person appointed as the Inspector General to continue to hold office after expiry of his or her term of office until the earlier of,

- (a) nine months after the expiry of his or her term of office; or
- (b) the day a successor is appointed. 2019, c. 1, Sched. 1, s. 102 (3).

Inspector General's duties

(4) The Inspector General shall,

- (a) monitor and conduct inspections of police service boards, O.P.P. detachment boards, First Nation O.P.P. boards, chiefs of police, special constable employers, police services, prescribed policing providers and the Advisory Council to ensure that they comply with this Act and the regulations;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 102 (4) (a) of the Act is amended by striking out "prescribed policing providers and the Advisory Council" and substituting "and prescribed policing providers". (See: 2023, c. 12, Sched. 1, s. 41 (1))

- (b) consult with and advise police service boards, O.P.P. detachment boards, First Nation O.P.P. boards, chiefs of police, special constable employers, police services, prescribed policing providers, prescribed entities and the Advisory Council regarding compliance with this Act and the regulations;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 102 (4) (b) of the Act is amended by striking out "prescribed entities and the Advisory Council" and substituting "and prescribed entities". (See: 2023, c. 12, Sched. 1, s. 41 (2))

- (c) monitor and conduct inspections of members of police service boards, O.P.P. detachment boards, First Nation O.P.P. boards and the Advisory Council to ensure that they do not commit misconduct;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 102 (4) (c) of the Act is amended by striking out "First Nation O.P.P. boards and the Advisory Council" and substituting "and First Nation O.P.P. boards". (See: 2023, c. 12, Sched. 1, s. 41 (3))

- (d) develop, maintain and manage records and conduct analyses regarding compliance with this Act and the regulations;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 102 (4) (d) of the Act is amended by striking out “conduct analyses” and substituting “conduct research and analyses”. (See: 2023, c. 12, Sched. 1, s. 41 (4))

- (e) deal with complaints under sections 106 and 107 and with disclosures of misconduct under section 185;
- (f) submit an annual report to the Minister; and
- (g) perform such other duties as are assigned to him or her by or under this or any other Act, including any prescribed duties. 2019, c. 1, Sched. 1, s. 102 (4).

Required training

(5) The Inspector General, and any deputy Inspectors General, shall not exercise any of their powers or perform any of their duties under this Act unless they have successfully completed,

- (a) the training approved by the Minister with respect to human rights and systemic racism;
- (b) the training approved by the Minister that promotes recognition of and respect for,
 - (i) the diverse, multiracial and multicultural character of Ontario society, and
 - (ii) the rights and cultures of First Nation, Inuit and Métis Peoples; and
- (c) any other training prescribed by the Minister. 2019, c. 1, Sched. 1, s. 102 (5).

Role respecting police officers and special constables

(6) The Inspector General shall not conduct inspections of police officers or special constables for the purpose of determining whether they have engaged in conduct that constitutes misconduct. 2019, c. 1, Sched. 1, s. 102 (6).

Delegation

(7) The Inspector General may delegate any of his or her powers and duties under this Act or the regulations to another person in writing, subject to any limitations, conditions or requirements set out in the delegation. 2019, c. 1, Sched. 1, s. 102 (7).

Deputy Inspector General

(8) A deputy Inspector General shall act in the place of the Inspector General if he or she is absent or unable to act and, when so acting, may exercise all the powers and shall perform all the duties of the Inspector General. 2019, c. 1, Sched. 1, s. 102 (8).

Minister’s directions

(9) The Minister shall not direct the Inspector General or any inspector appointed by the Inspector General with respect to the performance of their functions under this Act. 2019, c. 1, Sched. 1, s. 102 (9).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 102 (9) of the Act is amended by striking out “appointed by the Inspector General”. (See: 2023, c. 12, Sched. 1, s. 41 (5))

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 41 (1-5) - not in force

Annual report

103 (1) On or before June 30 in each year, the Inspector General shall file an annual report with the Minister that addresses at least the following matters:

1. The activities of the Inspector General, including,
 - i. inspections conducted,
 - ii. complaints dealt with under sections 106 and 107,
 - iii. notifications sent to the Complaints Director or the SIU Director,
 - iv. directions issued under section 125, and
 - v. measures imposed under section 126.
2. The compliance of the police service boards, O.P.P. detachment boards, First Nation O.P.P. boards, chiefs of police, special constable employers, police services, prescribed policing providers and the Advisory Council with this Act and the regulations.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of subsection 103 (1) of the Act is amended by striking out “prescribed policing providers and the Advisory Council” and substituting “and prescribed policing providers”. (See: 2023, c. 12, Sched. 1, s. 42)

3. Any other prescribed matters. 2019, c. 1, Sched. 1, s. 103 (1).

Publication and tabling

(2) The Minister shall publish the annual report on the Internet. 2019, c. 1, Sched. 1, s. 103 (2).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 42 - not in force

INFORMATION

Information to Inspector General in accordance with regulations

104 (1) The police service boards, the chiefs of police, special constable employers, prescribed policing providers and administrators appointed under Part VII shall provide the Inspector General with information prescribed by the Minister related to the discharge of the Inspector General's duties under subsection 102 (4) at the frequency and in the manner set out in the regulations made by the Minister.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 104 (1) is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 43)

Information to Inspector General in accordance with regulations

(1) The police service boards, O.P.P. detachment boards, First Nation O.P.P. boards, chiefs of police, special constable employers, prescribed policing providers and administrators appointed under Part VII shall provide the Inspector General with information prescribed by the Minister related to the discharge of the Inspector General's duties under subsection 102 (4) at the frequency and in the manner set out in the regulations made by the Minister. 2023, c. 12, Sched. 1, s. 43.

Information to Inspector General on request

(2) The police service boards, the chiefs of police, special constable employers, prescribed policing providers and administrators appointed under Part VII shall provide the Inspector General with such information as he or she may request from time to time.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 104 (2) is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 43)

Information to Inspector General on request

(2) The police service boards, O.P.P. detachment boards, First Nation O.P.P. boards, chiefs of police, special constable employers, prescribed policing providers and administrators appointed under Part VII shall provide the Inspector General with such information as the Inspector General may request from time to time. 2023, c. 12, Sched. 1, s. 43.

Time to comply

(3) The information requested under subsection (2) shall be provided in the form and manner and within the time specified in the Inspector General's request. 2019, c. 1, Sched. 1, s. 104 (3).

Chief of police may decline

(4) A chief of police may decline to provide information under this section if authorized to do so by the regulations. 2019, c. 1, Sched. 1, s. 104 (4).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 43 - not in force

Personal information

105 (1) The Inspector General may collect personal information under subsection 104 (1) or (2), directly or indirectly, only if the collection is necessary for the purpose of discharging his or her duties under clause 102 (4) (a), (c), (d) or (e).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 105 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 44 (1))

Personal information

(1) The Inspector General may collect personal information under subsection 104 (1) or (2), directly or indirectly, only if the collection is necessary for the purpose of,

- (a) discharging the Inspector General's duties under clause 102 (4) (a), (c), (d) or (e); or
- (b) discharging the Inspector General's duties under this Act or the regulations related to referrals of conduct that may constitute criminal conduct or misconduct. 2023, c. 12, Sched. 1, s. 44 (1).

Other information serves purpose

(2) The Inspector General shall not collect or use personal information under subsection (1) if other information will serve the purpose of the collection or use. 2019, c. 1, Sched. 1, s. 105 (2).

Personal information limited to what is reasonably necessary

(3) The Inspector General shall not collect or use more personal information under subsection (1) than is reasonably necessary to meet the purpose of the collection or use. 2019, c. 1, Sched. 1, s. 105 (3).

Accuracy

(4) Before using personal information collected under subsection (1), the Inspector General shall take reasonable steps to ensure that the information is as accurate as is necessary for the purpose of the use. 2019, c. 1, Sched. 1, s. 105 (4).

De-identification

(5) The Inspector General shall take such steps as are prescribed relating to the de-identification of personal information collected under subsection (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 105 (5) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 44 (2))

De-identification, linking

(5) The Inspector General shall comply with any prescribed requirements regarding the de-identification and linking of personal information collected under subsection 104 (1) or (2). 2023, c. 12, Sched. 1, s. 44 (2).

Security

(6) The Inspector General shall take reasonable measures to secure the personal information collected under subsection (1). 2019, c. 1, Sched. 1, s. 105 (6).

Notice required by s. 39 (2) of FIPPA

(7) If the Inspector General collects personal information indirectly under subsection (1), the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* may be given by,

- (a) a public notice posted on a Government of Ontario website; or
- (b) any other method that may be prescribed. 2019, c. 1, Sched. 1, s. 105 (7).

Rights of access and correction

(8) Nothing in this section limits the right of an individual under any Act to access and correct personal information about the individual. 2019, c. 1, Sched. 1, s. 105 (8).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 44 (1, 2) - not in force

COMPLAINTS

Board member complaints

106 (1) Any person, other than a prescribed person, who believes that a member of a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or the Advisory Council has committed misconduct may make a complaint to the Inspector General in accordance with the regulations, if any. 2019, c. 1, Sched. 1, s. 106 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 106 (1) of the Act is amended by striking out “a First Nation O.P.P. board or the Advisory Council” and substituting “or a First Nation O.P.P. board”. (See: 2023, c. 12, Sched. 1, s. 45 (1))

Frivolous or vexatious or made in bad faith

(2) The Inspector General may refuse to investigate a complaint about a member of a board received under subsection (1) or from the Complaints Director if, in the Inspector General’s opinion,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 106 (2) of the Act is amended by striking out “about a member of a board received” in the portion before clause (a) and substituting “made”. (See: 2023, c. 12, Sched. 1, s. 45 (2))

- (a) the complaint is frivolous, vexatious or made in bad faith; or
- (b) having regard to all the circumstances, dealing with the complaint is not in the public interest. 2019, c. 1, Sched. 1, s. 106 (2).

Same

(3) For the purposes of a determination under clause (2) (b) as to whether or not it is in the public interest to investigate a complaint, the Inspector General shall consider,

- (a) whether the subject matter of the complaint has been or is currently the subject of an investigation or inspection under this Act or a predecessor of this Act;
- (b) whether the subject matter of the complaint could be more appropriately dealt with, in whole or in part, under another Act or law or in another adequate forum;
- (c) whether a decision to not conduct an investigation would negatively impact public confidence in policing; and
- (d) whether an investigation is reasonably practicable, having regard to the information or evidence available. 2019, c. 1, Sched. 1, s. 106 (3).

Duty to inform

(4) The Inspector General shall inform the complainant of a refusal to investigate under subsection (2). 2019, c. 1, Sched. 1, s. 106 (4).

Grounds for further investigation

- (5) If there appear to be grounds to believe that the member has committed misconduct, the Inspector General shall,
 - (a) investigate the matter, including, if appropriate, by appointing an inspector to exercise the powers of an inspector under this Part; and
 - (b) inform the complainant about the investigation and keep him or her apprised of the steps taken to resolve the complaint. 2019, c. 1, Sched. 1, s. 106 (5).

No grounds for further investigation

(6) If there do not appear to be grounds to investigate the matter further, the Inspector General shall inform the complainant and take no further action under this section. 2019, c. 1, Sched. 1, s. 106 (6).

Costs

(7) The Inspector General may charge the costs of an investigation into whether a member of a police service board, an O.P.P. detachment board or a First Nation O.P.P. board has committed misconduct to the board the person is a member of. 2019, c. 1, Sched. 1, s. 106 (7).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 45 (1, 2) - not in force

Policing complaints

107 (1) Any person, other than a prescribed person, may make a complaint to the Inspector General in accordance with the regulations, if any, regarding,

- (a) the adequacy and effectiveness of policing provided under this Act or the regulations, including policing provided by a prescribed policing provider, special constable employer or prescribed entity;
- (b) a failure of a police service board, O.P.P. detachment board, First Nation O.P.P. board, chief of police, special constable employer, police service, prescribed policing provider or the Advisory Council to comply with this Act or the regulations, other than misconduct, including a systemic failure;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 107 (1) (b) of the Act is amended by striking out “prescribed policing provider or the Advisory Council” and substituting “or prescribed policing provider”. (See: 2023, c. 12, Sched. 1, s. 46 (1))

- (c) the policies of a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or the Minister; or
- (d) the procedures established by a chief of police. 2019, c. 1, Sched. 1, s. 107 (1).

Frivolous or vexatious or made in bad faith

(2) The Inspector General may dismiss the complaint and take no further action under this section if, in the Inspector General’s opinion,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 107 (2) of the Act is amended by striking out “dismiss the complaint and take no further action under this section if” and substituting “refuse to investigate a complaint received under subsection (1) if”. (See: 2023, c. 12, Sched. 1, s. 46 (2))

- (a) the complaint is frivolous, vexatious or made in bad faith; or
- (b) having regard to all the circumstances, dealing with the complaint is not in the public interest. 2019, c. 1, Sched. 1, s. 107 (2).

Same

(3) For the purposes of a determination under clause (2) (b) as to whether or not it is in the public interest to investigate a complaint, the Inspector General shall consider,

- (a) whether the subject matter of the complaint has been or is currently the subject of an investigation or inspection under this Act or a predecessor of this Act;
- (b) whether the subject matter of the complaint could be more appropriately dealt with, in whole or in part, under another Act or law or in another adequate forum;
- (c) whether a decision to not conduct an investigation would negatively impact public confidence in policing; and
- (d) whether an investigation is reasonably practicable, having regard to the information or evidence available. 2019, c. 1, Sched. 1, s. 107 (3).

Duty to inform

- (4) The Inspector General shall inform the complainant of a dismissal under subsection (2). 2019, c. 1, Sched. 1, s. 107 (4).

Grounds for investigation

- (5) If there appear to be grounds to believe that the matter complained of warrants investigation, the Inspector General shall,
 - (a) investigate the matter, including, if appropriate, by appointing an inspector to exercise the powers of an inspector under this Part; and
 - (b) inform the complainant about the investigation and keep him or her apprised of the steps taken to resolve the complaint. 2019, c. 1, Sched. 1, s. 107 (5).

Policy or procedure complaint

- (6) If the complaint does not relate to the matters referred to in clause (1) (a) or (b), or if there do not appear to be grounds to investigate those matters, and if the complaint relates to the policies or procedures referred to in clause (1) (c) or (d), the Inspector General shall,

- (a) forward the complaint to the Minister and to,

- (i) REPEALED: 2023, c. 12, Sched. 1, s. 46 (3).

- (ii) the police service board that maintains the police service, if the complaint relates to the board's policies or the procedures established by the chief of police, or

- (iii) the O.P.P. detachment board or the First Nation O.P.P. board, if the complaint relates to the board's procedures; and

- (b) inform the complainant of the decision and of the persons or bodies that the complaint has been forwarded to. 2019, c. 1, Sched. 1, s. 107 (6); 2023, c. 12, Sched. 1, s. 46 (3).

Report back

- (7) A police service board, O.P.P. detachment board or First Nation O.P.P. board that receives a complaint under subsection (6) shall,

- (a) review the complaint as it relates to the policies or procedures referred to in clause (1) (c) or (d);

- (b) report back to the Inspector General within the time specified by the Inspector General, if any, about any steps taken in response to the complaint; and

- (c) report to the Minister about any steps taken in response to the complaint. 2019, c. 1, Sched. 1, s. 107 (7).

Same

- (8) The Minister shall review any complaint regarding the Minister's policies or the procedures established by the Commissioner and report back to the Inspector General within the time specified by the Inspector General, if any, about any steps taken in response to the complaint. 2019, c. 1, Sched. 1, s. 107 (8).

Minister's review

- (9) The Minister shall review any complaint received under clause (6) (a) for the purpose of considering whether changes are required regarding training or the requirements established under this Act or the regulations. 2019, c. 1, Sched. 1, s. 107 (9).

No grounds for further investigation, other complaint

- (10) If there do not appear to be grounds to investigate the matter, or to investigate it further, and the complaint does not relate to the policies or procedures referred to in clause (1) (c) or (d), the Inspector General shall inform the complainant and take no further action under this section. 2019, c. 1, Sched. 1, s. 107 (10).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 46 (1, 2) - not in force; 2023, c. 12, Sched. 1, s. 46 (3) - 08/06/2023

Forwarding of complaints

108 (1) If a person who may make a complaint under section 106 or 107 to the Inspector General instead makes the complaint to any of the following persons or entities, that person or entity shall forward the complaint to the Inspector General, inform the person who made the complaint that the complaint has been forwarded, and provide the person with information about the role of the Inspector General:

1. The Minister.
2. The Complaints Director, a deputy Complaints Director or an investigator appointed under section 136.
3. The SIU Director or an employee or investigator in the Special Investigations Unit.
4. A chief of police.
5. A police service board or a member of a police service board.
6. An O.P.P. detachment board or a member of an O.P.P. detachment board.
7. A First Nation O.P.P. board or a member of a First Nation O.P.P. board.
8. REPEALED: 2023, c. 12, Sched. 1, s. 47.
9. A special constable employer.
10. A prescribed entity.
11. A prescribed policing provider.
12. Any other person or entity prescribed by the Minister. 2019, c. 1, Sched. 1, s. 108 (1); 2023, c. 12, Sched. 1, s. 47.

Complaint received by member of police service or special constable

(2) If a person who may make a complaint to the Inspector General under section 106 or 107 instead makes the complaint to a member of a police service other than a chief of police or to a special constable who is not a member of a police service, the member of a police service or special constable shall notify his or her chief of police or special constable employer of the complaint, and subsection (1) of this section applies, with necessary modifications, as if the complaint had been made to the chief of police or special constable employer. 2019, c. 1, Sched. 1, s. 108 (2).

Deemed to have been made to Inspector General

(3) The complaint of a person that is forwarded to the Inspector General under this section is deemed for the purposes of this Act to have been made by the person directly to the Inspector General. 2019, c. 1, Sched. 1, s. 108 (3).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 47 - 08/06/2023

Complaints by Minister

109 (1) For greater certainty, the Minister may make a complaint under section 106 or 107.

Decline investigation

(2) If the Minister makes a complaint under section 106 or 107, the Inspector General may decline to act on it and shall provide the Minister with written reasons for that decision.

Interpretation, portion of a complaint

110 This Part applies to a portion of a complaint as if it were a complaint, unless the context indicates otherwise.

INSPECTIONS

Inspectors

111 (1) The Inspector General may appoint such inspectors as are necessary to conduct the inspections referred to in subsection (2). 2019, c. 1, Sched. 1, s. 111 (1).

Power to inspect

- (2) The Inspector General may cause an inspection to be conducted by an inspector for the purpose of,
- (a) ensuring that a police service board, O.P.P. detachment board, First Nation O.P.P. board, chief of police, special constable employer, police service, prescribed policing provider or the Advisory Council is complying with this Act and the regulations;
 - (b) ensuring that a member of a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or the Advisory Council has not committed misconduct; or
 - (c) discharging any other duties assigned to the Inspector General under this Act or the regulations.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 111 (2) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 48 (1))

Power to inspect

- (2) The Inspector General may cause an inspection to be conducted by an inspector for the purpose of,
- (a) determining whether a member of a police service board, an O.P.P. detachment board, or a First Nation O.P.P. board has committed or is committing misconduct;
 - (b) determining whether a police service board, O.P.P. detachment board, First Nation O.P.P. board, chief of police, special constable employer, police service or prescribed policing provider is complying with or has complied with this Act and the regulations; or
 - (c) discharging any other duties assigned to the Inspector General under this Act or the regulations. 2023, c. 12, Sched. 1, s. 48 (1).

May be in response to complaints

(2.1) For greater certainty, the Inspector General may cause an inspection to be conducted under subsection (2) to respond to a complaint made under section 106 or 107. 2023, c. 12, Sched. 1, s. 48 (1).

Required training

- (3) An inspector appointed under this section shall not exercise any of his or her powers or perform any of his or her duties under this Act unless he or she has successfully completed,
- (a) the training approved by the Minister with respect to human rights and systemic racism;
 - (b) the training approved by the Minister that promotes recognition of and respect for,
 - (i) the diverse, multiracial and multicultural character of Ontario society, and
 - (ii) the rights and cultures of First Nation, Inuit and Métis Peoples; and
 - (c) any other training prescribed by the Minister. 2019, c. 1, Sched. 1, s. 111 (3).

Conduct that constitutes misconduct

(4) The inspectors shall not conduct inspections for the purpose of determining whether a police officer or special constable has engaged in conduct that constitutes misconduct. 2019, c. 1, Sched. 1, s. 111 (4).

Inspector General and deputies are inspectors

(5) The Inspector General and any deputy Inspectors General are, by virtue of their office, inspectors. 2019, c. 1, Sched. 1, s. 111 (5).

Certificate of appointment

(6) The Inspector General shall issue to every inspector appointed under this section a certificate of appointment. 2019, c. 1, Sched. 1, s. 111 (6).

Identification

(7) Every inspector who exercises powers under this Act shall, on request, identify himself or herself as an inspector, produce a copy of any certificate of appointment issued to the inspector and explain the purpose of the exercise of the powers. 2019, c. 1, Sched. 1, s. 111 (7).

Limitation on authority

(8) The Inspector General may, in the inspector's certificate of appointment, limit the inspector's authority in such manner as the Inspector General considers necessary or advisable.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 111 (8) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 48 (2))

Limitation on authority

(8) The Inspector General may limit the inspector's authority in such manner as the Inspector General considers necessary or advisable, and any such limitation shall be identified in the inspector's certificate of appointment. 2023, c. 12, Sched. 1, s. 48 (2).

Inspection timing

(9) An inspector conducting an inspection described in clause (2) (b) shall endeavour to ensure that the inspection is concluded within 120 days. 2019, c. 1, Sched. 1, s. 111 (9).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 111 (9) of the Act is amended by striking out "clause (2) (b)" and substituting "clause (2) (a)". (See: 2023, c. 12, Sched. 1, s. 48 (3))

Status report

(10) If the timing requirements of subsection (9) are not met in respect of an inspection, the inspector shall give notice of the status of the inspection to the subject of the inspection every 30 days until it is concluded unless, in the opinion of the inspector, doing so might prejudice the inspection. 2019, c. 1, Sched. 1, s. 111 (10).

Request for inspection by Minister

(11) The Minister may request that the Inspector General cause an inspection to be conducted under subsection (2). 2019, c. 1, Sched. 1, s. 111 (11).

Decline inspection

(12) If the Minister makes a request under subsection (11), the Inspector General may decline to cause the inspection to be conducted and shall provide the Minister with written reasons for that decision. 2019, c. 1, Sched. 1, s. 111 (12).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 48 (1-3) - not in force

Restrictions on inspections

Commissioner or O.P.P.

112 (1) An inspector shall not conduct an inspection regarding a matter related to the Ontario Provincial Police if the inspector is, or has been, a member of the Ontario Provincial Police.

Employed by entity

(2) An inspector shall not conduct an inspection regarding a matter related to an entity if the inspector is, or has been, employed by the entity.

Employed by police service board

(3) An inspector shall not inspect a chief of police under this Part if the inspector and the chief are, or have been, employed by the same police service board.

Inspection without order

113 (1) An inspector may, at any reasonable time, enter a place, including a receptacle or vehicle, owned or occupied by a police service board, O.P.P. detachment board, First Nation O.P.P. board, special constable employer, prescribed policing provider, prescribed entity or the Advisory Council, or used by members of a police service, for a purpose described in subsection 111 (2) if the inspector reasonably believes that,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 113 (1) of the Act is amended by striking out “prescribed entity or the Advisory Council” in the portion before clause (a) and substituting “or prescribed entity”. (See: 2023, c. 12, Sched. 1, s. 49)

(a) the place contains a thing, document or data relevant to that purpose; or

(b) an activity relating to the purpose of the inspection is occurring or has occurred at the place. 2019, c. 1, Sched. 1, s. 113 (1).

Expert help

(2) The inspector may be accompanied and assisted by persons who have special, expert or professional knowledge. 2019, c. 1, Sched. 1, s. 113 (2).

No inspection of dwellings without order

(3) The inspector shall not enter, without the occupier’s consent, a place or part of a place used as a dwelling under this section. 2019, c. 1, Sched. 1, s. 113 (3).

No force

(4) The inspector shall not use force to enter a place under this section. 2019, c. 1, Sched. 1, s. 113 (4).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 49 - not in force

Inspection order

114 (1) An inspector may, without notice, apply to a justice of the peace or a provincial judge for an order under this section to enter and inspect,

(a) a place described in subsection 113 (1) that is a dwelling or that contains a dwelling; or

(b) a place, including a receptacle or vehicle, that is used by a chief of police or a member of a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or the Advisory Council in relation to the performance of his or her duties under this Act or the regulations. 2019, c. 1, Sched. 1, s. 114 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 114 (1) (b) of the Act is amended by striking out “a First Nation O.P.P. board or the Advisory Council” and substituting “or a First Nation O.P.P. board”. (See: 2023, c. 12, Sched. 1, s. 50)

Issuance of order

(2) A justice of the peace or provincial judge may issue an order authorizing the inspector to enter a place referred to in subsection (1) and to exercise any of the powers set out in the order if the justice or judge is satisfied on information under oath or affirmation that,

- (a) the inspection is for a purpose described in subsection 111 (2); and
- (b) there are reasonable grounds to believe that,
 - (i) the place contains a thing, document or data relevant to the purpose of the inspection, or
 - (ii) an activity relating to the purpose of the inspection is occurring or has occurred at the place. 2019, c. 1, Sched. 1, s. 114 (2).

Powers on entry

(3) The order may, in relation to the inspection, authorize the inspector to exercise any or all of the powers set out in subsection 115 (1). 2019, c. 1, Sched. 1, s. 114 (3).

Dwelling

(4) Despite subsection (1), the inspector shall not exercise the power under an order to enter a place or part of a place used as a dwelling, unless the justice of the peace or provincial judge is informed that the order is being sought to authorize entry into a dwelling and the order authorizes the entry into the dwelling. 2019, c. 1, Sched. 1, s. 114 (4).

Expert help

(5) The order issued under subsection (1) may authorize persons who have special, expert or professional knowledge to accompany and assist the inspector in the execution of the order. 2019, c. 1, Sched. 1, s. 114 (5).

Conditions

(6) The order may contain terms and conditions in addition to those provided for in subsection (1) as the justice of the peace or provincial judge, as the case may be, considers advisable in the circumstances. 2019, c. 1, Sched. 1, s. 114 (6).

Time of execution

(7) The order shall be executed between 6 a.m. and 9 p.m., unless it specifies otherwise. 2019, c. 1, Sched. 1, s. 114 (7).

Expiry of order

(8) The order is valid for 30 days or for such shorter period as may be specified in it. 2019, c. 1, Sched. 1, s. 114 (8).

Further orders

(9) A justice of the peace or provincial judge may issue further orders under subsection (1). 2019, c. 1, Sched. 1, s. 114 (9).

No force

(10) The inspector shall not use force to enter a place under this section. 2019, c. 1, Sched. 1, s. 114 (10).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 50 - not in force

Inspection powers

115 (1) An inspector may do one or more of the following in the course of entering a place and conducting an inspection under this Part:

1. Examine anything that relates to the inspection.
2. Examine, record or copy any thing, data or information, in any form, by any method.
3. Require the production of any document or data, in any form, required to be kept under this Act or the regulations and of any other document or data, in any form, related to the purpose of the inspection.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 3 of subsection 115 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 51 (1))

3. Require the production of any thing, document or data, in any form, required to be kept under this Act or the regulations and of any other thing, document or data, in any form, related to the purpose of the inspection.
4. Remove from the place, for the purpose of making copies, documents or data produced under paragraph 3.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 4 of subsection 115 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 51 (1))

4. Remove from the place, for the purpose of making copies, things, documents or data produced under paragraph 3.
5. Make reasonable inquiries of any person, orally or in writing.
6. Take samples for analysis.
7. Conduct tests or make measurements. 2019, c. 1, Sched. 1, s. 115 (1).

Limitation

(2) A record or copy made under paragraph 2 of subsection (1) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy. 2019, c. 1, Sched. 1, s. 115 (2).

Document or data in electronic form

(3) If a document or data is retained in electronic form, an inspector may require that a copy of it be provided to him or her on paper or electronically, or both. 2019, c. 1, Sched. 1, s. 115 (3).

Obligation to produce and assist

(4) If the inspector requires that a person produce or provide access to a thing, document or data, the person shall do so in the manner and within the period specified by the inspector and shall, if requested to do so, provide any assistance that is reasonably necessary to permit the inspector to understand the thing, document or data. 2019, c. 1, Sched. 1, s. 115 (4).

Limitation re removal

(5) An inspector shall not remove things, documents or data under paragraph 4 of subsection (1) without giving a receipt for them and shall promptly return them to the person who produced them. 2019, c. 1, Sched. 1, s. 115 (5).

Power to exclude persons

(6) An inspector who exercises the power set out in paragraph 5 of subsection (1) may exclude any person from the questioning. 2019, c. 1, Sched. 1, s. 115 (6).

Closed meetings

(7) An inspector has the authority to enter a meeting of the Advisory Council, a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or a committee of such a board for the purpose of conducting an inspection under this Part, except,

- (a) any part of the meeting in which the subject matter being considered is advice that would be inadmissible in a court by reason of any privilege under the law of evidence; or
- (b) in prescribed circumstances.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 115 (7) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 51 (2))

Closed meetings

(7) An inspector has the authority to enter a meeting of a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or a committee of such a board for the purpose of monitoring the meeting or conducting an inspection under this Part, except,

- (a) any part of the meeting in which the subject matter being considered is advice that would be inadmissible in a court by reason of any privilege under the law of evidence; or
- (b) in prescribed circumstances. 2023, c. 12, Sched. 1, s. 51 (2).

Notification

(8) An inspector shall immediately advise a person who is required to do anything under this section and the person's employer, if applicable, respecting a failure of the person to comply with this section and, in doing so, shall inform each of them of the penalty to which a person is liable under section 129. 2019, c. 1, Sched. 1, s. 115 (8).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 51 (1, 2) - not in force

Power to require response to inquiries

116 (1) An inspector may, at any reasonable time, require any of the following persons or entities to respond to reasonable inquiries related to the purpose of the inspection:

1. A member or employee of a police service board, including a member of a police service maintained by a police service board.
2. A member of the Ontario Provincial Police.

3. A member or employee of an O.P.P. detachment board, a First Nation O.P.P. board or the Advisory Council.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 3 of subsection 116 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 52)

3. A member or employee of an O.P.P. detachment board or a First Nation O.P.P. board.
4. A special constable employer, a prescribed policing provider or a prescribed entity, or an officer, director or employee of such an employer, provider or entity.
5. An entity that employs First Nation Officers who are providing policing functions in accordance with an agreement under section 27. 2019, c. 1, Sched. 1, s. 116 (1).

Same

(2) For the purposes of subsection (1), an inspector may make inquiries by any means of communication. 2019, c. 1, Sched. 1, s. 116 (2).

Orally or in writing

(3) The inspector may require the person to respond orally or in writing, as the inspector may determine. 2019, c. 1, Sched. 1, s. 116 (3).

Production

(4) In requiring a person to respond to an inquiry under subsection (1), an inspector may require the production of any thing, document or data related to the inquiry. 2019, c. 1, Sched. 1, s. 116 (4).

Document or data in electronic form

(5) If a document or data is retained in electronic form, an inspector may require that a copy of it be provided to him or her on paper or electronically, or both. 2019, c. 1, Sched. 1, s. 116 (5).

Notification

(6) An inspector shall immediately advise a person who is required to do anything under this section and the person's employer, if applicable, respecting a failure of the person to comply with this section and, in doing so, shall inform each of them of the penalty to which a person is liable under section 129. 2019, c. 1, Sched. 1, s. 116 (6).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 52 - not in force

Detention of things, documents or data

117 An inspector may detain any thing, document or data obtained under section 115 or 116 for any period and for any purpose relating to enforcing this Act and the regulations.

Privilege preserved

118 Nothing in this Part shall operate so as to require the disclosure of information that would be inadmissible in a court by reason of any privilege under the law of evidence, or permit the review of anything containing such information.

Confidentiality

119 The Inspector General and every deputy Inspector General and inspector appointed under section 111 shall preserve secrecy in respect of all information obtained by him or her in the course of exercising a power or performing a duty under this Act and shall not communicate any such information to any person except,

- (a) as may be required in connection with the administration of this Act or the regulations;
- (b) to his or her counsel;
- (c) as may be required for law enforcement purposes;
- (d) with the consent of the person, if any, to whom the information relates; or
- (e) where disclosure is otherwise required by law.

Notice

SIU notification

120 (1) If, in the course of an inspection under this Part, an inspector becomes aware of an incident that a designated authority would have a duty to report under section 16 of the *Special Investigations Unit Act, 2019*, the inspector shall notify the SIU Director unless the inspector believes the SIU Director has already been notified.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 120 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 53 (1))

SIU notification

(1) If, in the course of an inspection under this Part, an inspector becomes aware of an incident that a designated authority would have a duty to report under section 16 of the *Special Investigations Unit Act, 2019*, the inspector shall notify the Inspector General. 2023, c. 12, Sched. 1, s. 53 (1).

Inspector General's duty

(1.1) After receiving notice under subsection (1), the Inspector General shall provide notice to the SIU Director unless the Inspector General believes that the SIU Director has already been notified. 2023, c. 12, Sched. 1, s. 53 (1).

Misconduct notice

(2) If, in the course of an inspection under this Part, an inspector becomes aware that a police officer, special constable employed by the Niagara Parks Commission, a member of a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or the Advisory Council, or a peace officer in the Legislative Protective Service may have engaged in conduct that constitutes misconduct,

(a) the inspector shall notify the Inspector General; and

(b) if the Inspector General determines that it is appropriate to do so, the Inspector General shall notify the Complaints Director.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 120 (2) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 53 (1))

Misconduct notice

(2) If, in the course of an inspection under this Part, an inspector becomes aware that a police officer, a special constable employed by the Niagara Parks Commission, a member of a police service board, an O.P.P. detachment board or a First Nation O.P.P. board or a peace officer in the Legislative Protective Service may have engaged in conduct that constitutes misconduct,

(a) the inspector shall notify the Inspector General; and

(b) if the misconduct is alleged to have been committed by a police officer, a special constable employed by the Niagara Parks commission or a peace officer in the Legislative Protective Service, the Inspector General shall notify the Complaints Director. 2023, c. 12, Sched. 1, s. 53 (1).

Police criminal offence or incapacity notice

(3) If, in the course of an inspection under this Part, an inspector reasonably suspects that a member of a police service may have committed a criminal offence that does not meet the criteria to notify the SIU Director under subsection (1) or may be incapable of performing the duties of the member's position, the inspector shall notify the member's chief of police or, if the member is a chief of police or a deputy chief of police, the Inspector General.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 120 (3) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 53 (1))

Police criminal offence or incapacity notice

(3) If, in the course of an inspection under this Part, an inspector reasonably suspects that a member of a police service may have committed a criminal offence that does not meet the criteria to notify the SIU Director under subsection (1) or may be incapable of performing the duties of the member's position, the inspector shall notify the Inspector General and, unless the member is a chief of police or deputy chief of police, the Inspector General shall notify the member's chief of police. 2023, c. 12, Sched. 1, s. 53 (1).

Special constable incapacity notice

(4) If, in the course of an inspection under this Part, an inspector reasonably suspects that a special constable employed by a special constable employer may be incapable of performing the duties of his or her position, the inspector shall notify the special constable employer and the police service board, or the Commissioner, that appointed the special constable. 2019, c. 1, Sched. 1, s. 120 (4).

Other persons, criminal offences

(5) If, in the course of an inspection under this Part, an inspector reasonably suspects that a member of a police service, a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or of the Advisory Council or a member, director, officer or employee of a special constable employer, prescribed policing provider or prescribed entity may have committed a criminal offence, the inspector shall notify the Inspector General.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 120 (5) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 53 (2))

Other persons, criminal offences

(5) If, in the course of an inspection under this Part, an inspector reasonably suspects that a member of a police service board, an O.P.P. detachment board or a First Nation O.P.P. board or a member, director, officer or employee of a special constable employer, prescribed policing provider or prescribed entity may have committed a criminal offence, the inspector shall notify the Inspector General. 2023, c. 12, Sched. 1, s. 53 (2).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 53 (1, 2) - not in force

Referral to other chief of police

121 If the Inspector General is notified under subsection 120 (3) or (5) that a criminal offence may have been committed,

- (a) the Inspector General shall refer the matter to the chief of police of an unrelated police service; and
- (b) the chief of police referred to in clause (a) shall investigate the matter.

Board member duties during and after investigation

122 (1) The Inspector General may direct a member of a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or the Advisory Council to decline to exercise his or her powers or perform his or her duties as a member of the board from the beginning of an investigation into the member's conduct or work performance under this Part until,

- (a) the member receives notice from the Inspector General that no further action will be taken in respect of the investigation; or
- (b) the Inspector General exercises a power under section 124 as a result of the investigation.

Not enough members

(2) If the application of subsection (1) results in a board not having enough members able to exercise their powers or perform their duties in order to constitute a quorum, the Inspector General may appoint the number of persons necessary to constitute a quorum, who shall act in the place of the members who are unable to exercise their powers or perform their duties.

Same

(3) The Inspector General shall,

- (a) specify in an appointment made under subsection (2) that the appointee may only exercise such powers or perform such duties as are necessary for the effective operation of the board during the investigation and, for such purpose, may specify the powers or duties the appointee may or may not exercise or perform; and
- (b) cancel an appointment made under subsection (2) as soon as the investigation is over.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 122 of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 54)

Board member duties during and after investigation

122 (1) The Inspector General may direct a member of a police service board, an O.P.P. detachment board or a First Nation O.P.P. board to decline to exercise their powers or perform their duties as a member of the board from the period that begins at the outset of an investigation into the member's conduct under this Part and ends on the earlier of the following:

1. The day the member receives notice from the Inspector General that no further action will be taken in respect of the investigation.
2. The day the Inspector General exercises a power under section 124 as a result of the investigation. 2023, c. 12, Sched. 1, s. 54.

Not enough members

(2) If the application of subsection (1) results in a board not having enough members able to exercise their powers or perform their duties in order to constitute a quorum, the Inspector General may appoint the number of persons necessary to constitute a quorum, who shall act in the place of the members who are unable to exercise their powers or perform their duties. 2023, c. 12, Sched. 1, s. 54.

Same

(3) The Inspector General shall,

- (a) specify in an appointment made under subsection (2) that the appointee may only exercise such powers or perform such duties as are necessary for the effective operation of the board during the investigation and, for such purpose, may specify the powers or duties the appointee may or may not exercise or perform; and

- (b) cancel an appointment made under subsection (2) as soon as the period described in subsection (1) ends. 2023, c. 12, Sched. 1, s. 54.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 54 - not in force

RESULTS OF INSPECTION

Results of inspection

123 (1) An inspector who completes an inspection under this Part shall report his or her findings to the Inspector General.

Inspector General's notification

(2) Unless the regulations provide otherwise, the Inspector General shall notify the subject of the inspection and, in the case of an investigation into board member misconduct, the person or entity who appointed the member of the findings in the report.

Publication

(3) The Inspector General shall publish the report made under subsection (1) on the Internet in accordance with the regulations, if any.

Inspector General's powers

124 (1) If, in the opinion of the Inspector General, the report made under subsection 123 (1) discloses evidence that a member of a board or the Advisory Council has committed misconduct, the Inspector General may,

- (a) reprimand the member of the board;
- (b) suspend the member of the board for a specified period or until he or she has complied with specified conditions or, in the case of a member of the Advisory Council, recommend that the Lieutenant Governor in Council impose such a suspension; or
- (c) remove the member from the board or, in the case of a member of the Advisory Council, recommend that the Lieutenant Governor in Council remove him or her from the board.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 124 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 55 (1))

Inspector General's powers

(1) If, in the opinion of the Inspector General, the report made under subsection 123 (1) discloses evidence that a member of a board has committed misconduct, the Inspector General may,

- (a) reprimand the member of the board;
- (b) suspend the member of the board for a specified period or until the member has complied with specified conditions; or
- (c) remove the member from the board. 2023, c. 12, Sched. 1, s. 55 (1).

Before imposing measures

(2) Before exercising a power under subsection (1), the Inspector General shall provide written notice of the proposed measures to the member and to his or her board and provide the member an opportunity to respond orally or in writing, as the Inspector General may determine. 2019, c. 1, Sched. 1, s. 124 (2).

Exercise of powers

(3) After considering the response, if any, the Inspector General may implement the proposed measures, impose a lesser measure or rescind his or her intention to implement them. 2019, c. 1, Sched. 1, s. 124 (3).

Notice

(4) The Inspector General shall notify the board or the Advisory Council, as applicable, and the person or entity who appointed the member of any action taken under subsection (1). 2019, c. 1, Sched. 1, s. 124 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 124 (4) of the Act is amended by striking out "or the Advisory Council, as applicable". (See: 2023, c. 12, Sched. 1, s. 55 (2))

Replacement of suspended or removed member

(5) If the Inspector General suspends a member of a board or removes him or her from office, the entity responsible for appointing members of the board shall appoint a person to replace the member. 2019, c. 1, Sched. 1, s. 124 (5).

Suspension with or without pay

(6) If the Inspector General suspends a member of a board who is entitled to remuneration, the Inspector General shall specify whether the suspension is with or without pay. 2019, c. 1, Sched. 1, s. 124 (6).

Consequences of removal and suspension

(7) A member who has been removed from a board under this section is not eligible to be a member of a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or the Advisory Council, and a member who has been suspended shall not be reappointed during the period of suspension. 2019, c. 1, Sched. 1, s. 124 (7).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 124 (7) of the Act is amended by striking out “a First Nation O.P.P. board or the Advisory Council” and substituting “or a First Nation O.P.P. board”. (See: 2023, c. 12, Sched. 1, s. 55 (3))

Report

(8) The Inspector General shall prepare a report respecting any action taken under subsection (1) and publish it on the Internet in accordance with the regulations made by the Minister, if any. 2019, c. 1, Sched. 1, s. 124 (8).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 55 (1-3) - not in force

Non-compliance with Act or regulations

125 (1) If, in the opinion of the Inspector General, the report made under subsection 123 (1) discloses evidence of non-compliance with a requirement of this Act or the regulations, or evidence that an act or omission will likely result in such non-compliance, the Inspector General may issue any directions to a police service board, O.P.P. detachment board, First Nation O.P.P. board, chief of police, special constable employer, police service, prescribed policing provider or the Advisory Council that he or she considers advisable to remedy or prevent the non-compliance. 2019, c. 1, Sched. 1, s. 125 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 125 (1) of the Act is amended by striking out “prescribed policing provider or the Advisory Council” and substituting “or prescribed policing provider”. (See: 2023, c. 12, Sched. 1, s. 56 (1))

Note: On a day to be named by proclamation of the Lieutenant Governor, section 125 of the Act is amended by adding the following subsection: (See: 2023, c. 12, Sched. 1, s. 56 (2))

Monitoring, inspection

(1.1) If, in the opinion of the Inspector General, the report made under subsection 123 (1) discloses evidence of non-compliance with a requirement of this Act or the regulations, or evidence that an act or omission will likely result in such non-compliance, the Inspector General may, in addition to or instead of issuing any directions under subsection (1) of this section, monitor or conduct further inspections in accordance with this Act. 2023, c. 12, Sched. 1, s. 56 (2).

Directions

(2) For greater certainty, a direction under subsection (1) may include a direction requiring the reassignment of an investigation to a different police service. 2019, c. 1, Sched. 1, s. 125 (2).

Consideration

(3) Without restricting the matters the Inspector General shall consider when deciding whether to issue a direction under subsection (1), the Inspector General shall consider whether the non-compliance or likelihood of non-compliance is the result of exceptional circumstances beyond the control of the non-compliant person. 2019, c. 1, Sched. 1, s. 125 (3).

Non-application

(4) Subsection (1) does not apply with respect to non-compliance or potential non-compliance that constitutes misconduct. 2019, c. 1, Sched. 1, s. 125 (4).

Direction

(5) The direction shall,

- (a) be in writing;
- (b) specify the provision of this Act or the regulations that the Inspector General believes has not been complied with or is likely to not be complied with; and
- (c) briefly describe the nature of the non-compliance or likely non-compliance. 2019, c. 1, Sched. 1, s. 125 (5).

Reconsideration

(6) The Inspector General may vary or revoke a direction issued under this section. 2019, c. 1, Sched. 1, s. 125 (6).

Time to comply

(7) The subject of the direction shall comply with it within the time period specified in the direction. 2019, c. 1, Sched. 1, s. 125 (7).

Copy to Minister

(8) The Inspector General shall provide a copy of every direction issued under this section to the Minister and publish it on the Internet in accordance with the regulations, if any. 2019, c. 1, Sched. 1, s. 125 (8).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 56 (1, 2) - not in force

Failure to comply with Inspector General's direction

126 (1) If the subject of a direction issued under section 125 fails to comply with it, the Inspector General may impose any of the following measures or any combination of them to remedy the non-compliance:

1. In the case of a police service, other than the Ontario Provincial Police, a police service board or a chief of police, other than the Commissioner, the Inspector General may,
 - i. suspend the chief of police, one or more members of the police service board, or the whole board, for a specified period,
 - ii. remove the chief of police, one or more members of the police service board, or the whole board, from office,
 - iii. appoint an administrator to administer the police service or to perform other specified functions with respect to policing in the area served by the police service in accordance with section 127, or
 - iv. dissolve the police service board and disband the police service.
2. In the case of the Ontario Provincial Police or the Commissioner, the Inspector General may,
 - i. direct the Commissioner to comply with the direction,
 - ii. recommend to the Lieutenant Governor in Council that the Commissioner be suspended or removed from office, or
 - iii. with the approval of the Lieutenant Governor in Council, appoint an administrator to administer the Ontario Provincial Police or to perform other specified functions with respect to policing in the area served by the police service in accordance with section 127.
3. In the case of an O.P.P. detachment board or First Nation O.P.P. board, the Inspector General may,
 - i. suspend one or more members of the board, or the whole board, for a specified period,
 - ii. remove one or more members of the board, or the whole board, from office, or
 - iii. in the case of a First Nation O.P.P. board, dissolve the board.
4. REPEALED: 2023, c. 12, Sched. 1, s. 57 (1).

5. In the case of a special constable employer, the Inspector General may terminate or impose terms and conditions on the special constable employer's authorization to employ special constables.
6. In the case of a prescribed policing provider, the Inspector General may appoint an administrator to administer it in accordance with section 127. 2019, c. 1, Sched. 1, s. 126 (1); 2023, c. 12, Sched. 1, s. 57 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 126 of the Act is amended by adding the following subsection: (See: 2023, c. 12, Sched. 1, s. 57 (2))

Consideration of lesser measures

(1.1) Without limiting the discretion of the Inspector General under subsection (1), the Inspector General shall, when determining whether to impose a measure under subsection (1), consider whether any lesser measure available in the circumstances would remedy the non-compliance. 2023, c. 12, Sched. 1, s. 57 (2).

Before imposing measure

(2) Before imposing a measure under subsection (1), the Inspector General shall provide written notice to the affected person or body of the proposed measures and provide an opportunity to respond orally or in writing, as the Inspector General may determine. 2019, c. 1, Sched. 1, s. 126 (2).

Imposition of measures

(3) After considering the response, if any, the Inspector General may implement the proposed measures, impose a lesser measure or rescind his or her intention to implement them. 2019, c. 1, Sched. 1, s. 126 (3).

Notice

(4) The Inspector General shall immediately provide notice of any measure implemented under this section to the Minister and, if the measure is taken against an individual, the Inspector General shall also immediately notify,

- (a) in the case of a chief of police or deputy chief of police, other than the Commissioner or a deputy Commissioner, the police service board; or

(b) in the case of a member of a police service board, an O.P.P. detachment board a First Nation O.P.P. board or the Advisory Council, the person or entity who appointed the member. 2019, c. 1, Sched. 1, s. 126 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 126 (4) (b) of the Act is amended by striking out “a First Nation O.P.P. board or the Advisory Council” and substituting “or a First Nation O.P.P. board”. (See: 2023, c. 12, Sched. 1, s. 57 (3))

Criteria for dissolving and disbanding

(5) The Inspector General may dissolve a police service board and disband a police service only if he or she is satisfied that there is no reasonable alternative to ensure the provision of adequate and effective policing. 2019, c. 1, Sched. 1, s. 126 (5).

Replacement of chief of police

(6) If the Inspector General suspends or removes a chief of police, the Inspector General may appoint a replacement. 2019, c. 1, Sched. 1, s. 126 (6).

Replacement of suspended or removed member

(7) If the Inspector General suspends a member of a police service board, O.P.P. detachment board, First Nation O.P.P. board or the Advisory Council or removes him or her from office, the municipality, band council or the Lieutenant Governor in Council, as the case may be, shall appoint a person to replace the member. 2019, c. 1, Sched. 1, s. 126 (7).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 126 (7) of the Act is amended by striking out “First Nation O.P.P. board or the Advisory Council or removes him or her from office” and substituting “or First Nation O.P.P. board or removes the member from office”. (See: 2023, c. 12, Sched. 1, s. 57 (4))

Suspension with or without pay

(8) If the Inspector General suspends a chief of police or a member of a police service board, O.P.P. detachment board, First Nation O.P.P. board or the Advisory Council who is entitled to remuneration, the Inspector General shall specify whether the suspension is with or without pay. 2019, c. 1, Sched. 1, s. 126 (8).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 126 (8) of the Act is amended by striking out “First Nation O.P.P. board or the Advisory Council” and substituting “or First Nation O.P.P. board”. (See: 2023, c. 12, Sched. 1, s. 57 (5))

Revocation of suspension

(9) The Inspector General may revoke a suspension issued under this section at any time. 2019, c. 1, Sched. 1, s. 126 (9).

Extension of suspension

(10) The Inspector General may extend a suspension issued under this section after providing notice and an opportunity to respond to the suspended person, orally or in writing, as the Inspector General may determine. 2019, c. 1, Sched. 1, s. 126 (10).

Consequences of removal and suspension

(11) A member who has been removed from a board under this section is not eligible to be a member of a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or the Advisory Council, and a member who has been suspended shall not be reappointed during the period of suspension. 2019, c. 1, Sched. 1, s. 126 (11).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 126 (11) of the Act is amended by striking out “a First Nation O.P.P. board or the Advisory Council” and substituting “or a First Nation O.P.P. board”. (See: 2023, c. 12, Sched. 1, s. 57 (6))

Report

(12) The Inspector General shall prepare a report respecting any action taken under subsection (1) and publish it on the Internet in accordance with the regulations made by the Minister, if any. 2019, c. 1, Sched. 1, s. 126 (12).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 57 (1) - 08/06/2023; 2023, c. 12, Sched. 1, s. 57 (2-6) - not in force

Administrators

127 (1) This section applies to an administrator appointed to administer a police service or prescribed policing provider under section 126.

Term of office

(2) The appointment of an administrator is valid until terminated by order of the Inspector General.

Powers of administrator

(3) Unless the appointment provides otherwise, the administrator has the exclusive right to exercise all of the powers of the police service board, chief of police or governing body of the prescribed policing provider.

Same

(4) The Inspector General may specify the powers and duties of an administrator in the appointment and set out the terms and conditions governing those powers and duties.

Additional powers of administrator

(5) If, under the order of the Inspector General, the police service board, chief of police or governing body of the prescribed policing provider continues to have the right to act with regard to any matters, any such act is valid only if approved in writing by the administrator.

Right of access

(6) An administrator has the same rights as the police service board, chief of police, governing body of the prescribed policing provider or the chief executive officer of the prescribed policing provider, as the case may be, in respect of the documents, data and information of the police service or prescribed policing provider.

Reports

(7) An administrator shall report to the Inspector General as required by the Inspector General.

Directions

(8) The Inspector General may issue directions to an administrator with regard to any matter within the jurisdiction of the administrator.

Directions to be followed

(9) An administrator shall carry out every direction issued under subsection (8).

Emergency, interim measure

128 (1) The Inspector General may impose a measure under section 126 without notice and without an opportunity to respond if he or she is of the opinion that an emergency exists and that an interim measure is necessary to ensure the provision of adequate and effective policing.

Restriction

(2) The Inspector General shall not remove a person from office, dissolve a board or disband a police service by means of an interim measure.

Requirements in s. 126 apply

(3) All of the requirements in section 126, other than subsections 126 (2) and (3), apply to the imposition of the interim measure.

Administrators

(4) Section 127 applies, with necessary modifications, to an administrator appointed by the Inspector General under this section to administer a police service or prescribed policing provider.

Limitation

(5) An interim measure may not be in force for longer than the prescribed period.

OFFENCES**Prohibition**

129 (1) No person shall harass, coerce or intimidate, or attempt to harass, coerce or intimidate, any other person in relation to a complaint made or investigation conducted under this Part.

Same

(2) No person shall intentionally hinder or obstruct or attempt to hinder or obstruct an inspector in the performance of his or her duties under this Part or furnish him or her with false or misleading information.

Failure to provide information

(3) No person shall refuse to provide information to the Inspector General if required to do so under this Act or the regulations.

False or misleading information

(4) No person shall intentionally submit false or misleading information to the Inspector General.

Offence

(5) An individual who contravenes subsection (1), (2), (3) or (4) is guilty of an offence and on conviction is liable,

- (a) in the case of a first offence, to a fine of not more than \$5,000, to an imprisonment for a term of not more than one year, or to both; or
- (b) in the case of a second or subsequent offence, to a fine of not more than \$10,000, to an imprisonment for a term of not more than one year, or to both.

Same

(6) A person other than an individual that contravenes subsection (1), (2), (3) or (4) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

**PART VIII
LAW ENFORCEMENT COMPLAINTS AGENCY**

Law Enforcement Complaints Agency

130 (1) The office of the Independent Police Review Director is continued under the name “Law Enforcement Complaints Agency” in English and “Agence des plaintes contre les forces de l’ordre” in French.

Composition

(2) The Law Enforcement Complaints Agency shall be headed by the Complaints Director appointed under subsection 131 (1) and shall, in addition to the Director, consist of,

- (a) any deputy Complaints Directors appointed under that subsection; and
- (b) persons appointed as employees in the Agency in accordance with section 135.

Complaints Director

131 (1) The Lieutenant Governor in Council shall appoint a person as Complaints Director, and may appoint one or more deputy Complaints Directors.

Restriction

(2) A person who is or was a person referred to in section 152 may not be appointed as Complaints Director or a deputy Complaints Director.

Term

(3) The Complaints Director shall hold office for a term of five years and may be reappointed for one further term of five years.

Remuneration

(4) The Complaints Director and any deputy Complaints Directors shall be paid such remuneration and allowance for expenses as may be fixed by the Lieutenant Governor in Council.

Delegation

(5) The Complaints Director may, in writing, delegate any of his or her powers or duties under this Act to a deputy Complaints Director or an employee in the Law Enforcement Complaints Agency, subject to such conditions or restrictions as the Director may set out in the delegation.

Deputy Complaints Director

(6) A deputy Complaints Director shall act in the place of the Complaints Director if he or she is absent or unable to act and, when so acting, may exercise all the powers and shall perform all the duties of the Complaints Director.

Functions

132 (1) The Complaints Director,

- (a) shall deal with public complaints made under Part X in accordance with that Part and the regulations;
- (b) shall implement programs and services to assist members of the public in making complaints under Part X;
- (c) shall publish statistical reports for the purpose of informing the evaluation, management and improvement of policing in Ontario and the management of public complaints under Part X; and
- (d) shall perform the duties, and may exercise the powers, that are set out under this Act, including any additional duties and powers that may be prescribed.

Required training

(2) The Complaints Director or a deputy Complaints Director shall not exercise powers or perform duties under this Act unless he or she has successfully completed,

- (a) the training approved by the Minister with respect to human rights and systemic racism;

- (b) the training approved by the Minister that promotes recognition of and respect for,
 - (i) the diverse, multiracial and multicultural character of Ontario society, and
 - (ii) the rights and cultures of First Nation, Inuit and Métis Peoples; and
- (c) any other training prescribed by the Minister.

Minister's directions

(3) The Minister shall not direct the Complaints Director, a deputy Complaints Director or any investigator appointed by the Complaints Director with respect to the performance of their functions under this Act.

Review of systemic issues

133 (1) The Complaints Director may examine and review issues of a systemic nature that,

- (a) have been the subject of complaints or investigations under Part X respecting a person referred to in section 152; or
- (b) may contribute or are otherwise related to misconduct by a person referred to in section 152. 2019, c. 1, Sched. 1, s. 133 (1).

Prior notice to Inspector General

(2) Before commencing a review under this section, the Complaints Director shall notify the Inspector General. 2019, c. 1, Sched. 1, s. 133 (2).

Recommendations

(3) Following a review under subsection (1), the Complaints Director may,

- (a) make written recommendations to the Inspector General, the Minister, a chief of police, a police service board or any other person or body; and
- (b) require in writing that a person or body to whom recommendations are made under clause (a) provide a written response, which must include a statement as to whether the recommendations have been accepted and, if not, the reasons why. 2019, c. 1, Sched. 1, s. 133 (3).

Timing of response

(4) A response shall be provided under clause (3) (b) as soon as possible, but in no event later than six months after notification of the requirement is given by the Complaints Director. 2019, c. 1, Sched. 1, s. 133 (4).

Report

(5) The Complaints Director shall issue a report of every review under subsection (1), including any recommendations, and shall provide a copy of the report to the Inspector General. 2019, c. 1, Sched. 1, s. 133 (5).

Publication

(6) The report and every response provided under clause (3) (b) shall be published on the Internet in accordance with the regulations made by the Minister, if any. 2019, c. 1, Sched. 1, s. 133 (6).

Notice to SIU Director

(7) If the Complaints Director determines that a matter being reviewed under this section may constitute an incident that a designated authority would have a duty to report under section 16 of the *Special Investigations Unit Act, 2019*, the Complaints Director shall notify the SIU Director. 2019, c. 1, Sched. 1, s. 133 (7).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 133 (7) of the Act is amended by adding “unless the Complaints Director believes that the SIU Director has already been notified” at the end. (See: 2023, c. 12, Sched. 1, s. 58)

Notice to Inspector General

(8) If the Complaints Director determines that a matter being reviewed under this section may constitute criminal conduct and is not an incident that a designated authority would have a duty to report under section 16 of the *Special Investigations Unit Act, 2019*, the Complaints Director may notify the Inspector General. 2019, c. 1, Sched. 1, s. 133 (8).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 58 - not in force

Rules

134 (1) The Complaints Director may make procedural rules for anything related to his or her powers and duties under this Act.

Publication

(2) Rules made under subsection (1) shall be in writing and shall be published on the Law Enforcement Complaints Agency's website.

Not a regulation

(3) Part III of the *Legislation Act, 2006* does not apply to rules made under subsection (1).

Employees

135 (1) Such employees as are considered necessary for the proper conduct of the Law Enforcement Complaints Agency may be appointed under Part III of the *Public Service of Ontario Act, 2006*.

Restriction

(2) A person referred to in section 152 may not be appointed as an employee for the purposes of subsection (1).

Investigators

136 (1) The Complaints Director may appoint as investigators such employees in the Law Enforcement Complaints Agency or other persons as he or she considers necessary to carry out reviews under section 133 and investigations under Part X, and such appointments shall be in writing.

Restriction

(2) A person referred to in section 152 may not be appointed as an investigator.

Restriction, requirements and qualifications

(3) A person may not be appointed as an investigator unless he or she meets the requirements and qualifications prescribed by the Minister, if any.

Limit on certain persons

(4) The number or proportion of persons who were any of the persons referred to in section 152 and that are appointed as investigators or as a class of investigators prescribed by the Minister shall not exceed any limits that may be prescribed by the Minister.

Required training

(5) An investigator appointed under this section shall not exercise any of his or her powers or duties under this Act unless he or she has successfully completed,

- (a) the training approved by the Minister with respect to human rights and systemic racism;
- (b) the training approved by the Minister that promotes recognition of and respect for,
 - (i) the diverse, multiracial and multicultural character of Ontario society, and
 - (ii) the rights and cultures of First Nation, Inuit and Métis Peoples; and
- (c) any other training prescribed by the Minister.

Certificate of appointment

(6) The Complaints Director shall issue to every investigator appointed under this section a certificate of appointment.

Limitation on authority

(7) The Complaints Director may, in the investigator's certificate of appointment, limit the investigator's authority in such manner as the Complaints Director considers necessary or advisable.

Director as investigator

(8) The Complaints Director and every deputy Complaints Director is, by virtue of his or her office, an investigator.

Identification

(9) Every investigator who exercises powers under this Act shall, on request, identify himself or herself as an investigator, produce a copy of any certificate of appointment issued to the investigator, and explain the purpose of the exercise of the powers.

Application of *Public Inquiries Act, 2009*

137 Section 33 of the *Public Inquiries Act, 2009* applies to a review or investigation under this Act by the Complaints Director or an investigator appointed under section 136.

Investigation powers, place owned or occupied by police, etc.

138 (1) If an investigator believes that to do so is necessary for the purposes of an investigation under this Part, he or she may, at any reasonable time, enter and search a place that is used by a police service or owned or occupied by a police service board, or the Niagara Parks Commission, on notice to the owner or occupier of the place.

Powers on entry

- (2) An investigator conducting an investigation at a place referred to in subsection (1) may,
- (a) require a person to produce or provide access to any record, thing, data or information that relates to the investigation;
 - (b) search for, examine, copy or remove any record, thing, data or information that relates to the investigation; and
 - (c) use any data storage, processing or retrieval device or system used at or available to the place in order to produce, in readable form, any record, data or information that relates to the investigation.

Expert help

- (3) The investigator may be accompanied and assisted by persons who have special, expert or professional knowledge.

Obligation to produce and assist

(4) If the investigator requires that a person produce or provide access to a record, thing, data or information, the person shall do so in the manner and within the period specified by the investigator and shall, if requested to do so, provide any assistance that is reasonably necessary to permit the investigator to understand the record, thing, data or information.

Restriction on dwellings

- (5) The investigator shall not enter, without the occupier's consent, a room that is actually used as a dwelling.

No force

- (6) The investigator shall not use force to enter and search a place.

Order

(7) A justice of the peace or provincial judge may, on application by the investigator without notice, issue an order authorizing an investigator to enter and search a place referred to in subsection (1) and to exercise any of the powers set out in subsection (2), (3) or (4) if the justice of the peace or provincial judge is satisfied on information under oath or affirmation that there are reasonable grounds to suspect that,

- (a) the investigator has been prevented from exercising a right of entry to the place under subsection (1) or has been prevented from exercising a power under subsection (2), (3) or (4); or
- (b) the investigator will likely be prevented from exercising a right of entry to the place under subsection (1) or will likely be prevented from exercising a power under subsection (2), (3) or (4).

Conditions

(8) The order may contain terms and conditions in addition to those provided for in subsection (7) as the justice of the peace or provincial judge considers advisable in the circumstances.

Expiry of order

- (9) The order is valid for 30 days or for such shorter period as may be specified in it.

Further orders

- (10) A justice of the peace or provincial judge may issue further orders under subsection (7).

Use of force

(11) The investigator named in the order may use whatever force is reasonably necessary to execute the order and may call upon a police officer for assistance in executing the order.

Definition

- (12) In this section and in section 139,

“place” includes a building, a receptacle and a vehicle.

Investigation powers, other places

139 (1) A justice of the peace or a provincial judge may, on application by an investigator without notice, issue an order in relation to a place other than one to which section 138 applies authorizing the investigator to enter the place for which the order is issued and exercise any of the powers set out in the order in relation to a record, thing, data or information listed in the order, if the justice of the peace or provincial judge is satisfied by information under oath or affirmation that,

- (a) the investigation relates to the conduct of a person referred to in section 152;

- (b) there are reasonable grounds to believe that the conduct constitutes misconduct;
- (c) there are reasonable grounds to believe that there is in the place a record, thing, data or information that relates to the investigation; and
- (d) it is in the best interests of the administration of justice to issue the order having regard to all relevant matters, including the nature of the place sought to be entered.

Powers on entry

- (2) The order may authorize the investigator to exercise any or all of the powers set out in subsection 138 (2).

Dwelling

- (3) Despite subsection (1), the investigator shall not exercise the power under an order to enter a place or part of a place used as a dwelling, unless the justice of the peace or provincial judge is informed that the order is being sought to authorize entry into a dwelling and the order authorizes the entry into the dwelling.

Expert help

- (4) An order issued under subsection (1) may authorize persons who have special, expert or professional knowledge to accompany and assist the investigator in the execution of the order.

Conditions

- (5) The order may contain any additional terms and conditions that the justice of the peace or provincial judge considers advisable in the circumstances.

Time of execution

- (6) The order shall be executed between 6 a.m. and 9 p.m., unless it specifies otherwise.

Expiry of order

- (7) The order is valid for 30 days or for such shorter period as may be specified in it.

Further orders

- (8) A justice of the peace or provincial judge may issue further orders under subsection (1).

Use of force

- (9) The investigator named in the order may use whatever force is reasonably necessary to execute the order and may call upon a police officer for assistance in executing the order.

Records or things removed

- 140** (1) An investigator shall give a receipt to any person from whom a record or thing is removed in the exercise of a power under section 138 or 139.

Detention of record or thing

- (2) An investigator may, subject to subsection (3), detain any record or other thing removed by him or her under section 138 or 139.

Requirement to return

- (3) An investigator shall, within a reasonable time, return any record or other thing detained by him or her under subsection (2) to the person from whom it was removed, if the investigator is satisfied that it is no longer necessary to detain the record or thing for the purposes of the investigation or any proceeding arising from the investigation.

Removal under order

- (4) If an investigator removes a record or other thing under an order issued under subsection 139 (1), the investigator, or a person designated by him or her, shall, as soon as is reasonably possible,

- (a) bring the record or thing before a justice of the peace or provincial judge; or
- (b) make a report of the removal of the record or thing to a justice of the peace or provincial judge.

Same

- (5) If the justice of the peace or provincial judge is satisfied that the record or thing should be detained for the purposes of the investigation or proceeding arising from the investigation, he or she shall order that the record or thing be detained in the care of the investigator or a person designated by the investigator, or in the care of a person designated by the Complaints Director, until the conclusion of the investigation and any such proceeding; otherwise, the justice of the peace or provincial judge shall order that the record or thing be returned to the person from whom it was removed.

Order for examination, testing, etc.

(6) On the motion of a person having an interest in a record or thing detained under subsection (2) or (5), on notice to the person from whom the record or thing was removed, the investigator and any other person who has an apparent interest in the record or thing detained, a justice of the peace or provincial judge may make an order for the examination, testing, inspection or copying of the record or thing, and may specify in the order such conditions as are reasonably necessary in the circumstances.

Order for release

(7) On the motion of a person having an interest in a record or thing detained under subsection (2) or (5), on notice to the person from whom the record or thing was removed, the investigator and any other person who has an apparent interest in the record or thing detained, a justice of the peace or provincial judge may make an order for the release of the record or thing to the person from whom it was removed, if it appears that the record or thing is no longer necessary for the purposes of the investigation or any proceeding arising from the investigation.

Appeal of order by justice of the peace

(8) Subsection 159 (5) of the *Provincial Offences Act* applies, with necessary modifications, to an order made under subsection (6) or (7) of this section.

Copy admissible

141 A copy of a record or other thing that purports to be certified by an investigator as being a true copy of the original is, in the absence of proof to the contrary, admissible in evidence to the same extent as the original and has the same evidentiary value.

Liaisons**Police service**

142 (1) Every chief of police shall designate a senior officer within his or her police service to serve as a liaison to the Complaints Director on behalf of the police service.

Niagara Parks Commission

(2) The Niagara Parks Commission shall designate from within its workplace a senior representative to serve as a liaison to the Complaints Director on behalf of the Niagara Parks Commission.

Legislative Protective Service

(3) The Speaker of the Assembly shall designate a senior representative of the Office of the Assembly to serve as a liaison to the Complaints Director on behalf of the Legislative Protective Service branch of the Office of the Assembly.

Collection, use and disclosure of personal information**Collection**

143 (1) The Complaints Director may, in accordance with this section, collect prescribed personal information for the purposes of clause 132 (1) (c). 2019, c. 1, Sched. 1, s. 143 (1).

Limits on collection

(2) The Complaints Director shall not collect personal information under this section if other information will meet the purposes of clause 132 (1) (c), and shall not collect more personal information under this section than is reasonably necessary to meet those purposes. 2019, c. 1, Sched. 1, s. 143 (2).

Manner of collection

(3) Personal information shall only be collected under this section directly from the individual to whom the information relates, with the individual's consent. 2019, c. 1, Sched. 1, s. 143 (3).

Same

(4) Despite subsection (3), if the regulations so provide, the Complaints Director may, in the circumstances specified by the regulations, collect such prescribed personal information as the regulations specify in a manner other than directly from the individual to whom the information relates. 2019, c. 1, Sched. 1, s. 143 (4).

Notice of direct collection

(5) Before seeking an individual's consent to collect personal information directly from the individual to whom the information relates, the Complaints Director shall inform the individual of,

- (a) the authority for and purposes of the collection; and
- (b) the title and contact information, including an email address, of an employee in the Law Enforcement Complaints Agency who can answer the individual's questions about the collection. 2019, c. 1, Sched. 1, s. 143 (5).

Notice of indirect collection

(6) If the regulations referred to in subsection (4) provide for the collection of personal information in a manner other than directly from the individual to whom the information relates, the Complaints Director shall, before collecting personal information in such a manner, ensure that notice of the collection is published on the website of the Law Enforcement Complaints Agency containing,

- (a) a statement that the collection is authorized under subsection (1) and setting out the purposes of the collection;
- (b) the personal information and circumstances specified by the regulations referred to in subsection (4) for the purposes of the collection; and
- (c) the title and contact information, including an email address, of an employee in the Law Enforcement Complaints Agency who can answer an individual's questions about the collection. 2019, c. 1, Sched. 1, s. 143 (6).

(7) REPEALED: 2023, c. 12, Sched. 1, s. 59 (1).

Limits on use

(8) The Complaints Director shall not use personal information collected under this section unless it has been de-identified under subsection (7), and may only use de-identified personal information for the purposes of clause 132 (1) (c). 2019, c. 1, Sched. 1, s. 143 (8).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 143 (8) of the Act is amended by striking out "under subsection (7)". (See: 2023, c. 12, Sched. 1, s. 59 (2))

Note: On a day to be named by proclamation of the Lieutenant Governor, the French version of subsection 143 (8) of the Act is amended. (See: 2023, c. 12, Sched. 1, s. 59 (3))

Limit on access

(9) The Complaints Director shall limit access to the personal information collected under this section to employees in the Law Enforcement Complaints Agency and investigators, for the purposes of,

- (a) de-identifying the personal information under subsection (7); or

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 143 (9) (a) of the Act is amended by striking out "under subsection (7)". (See: 2023, c. 12, Sched. 1, s. 59 (4))

Note: On a day to be named by proclamation of the Lieutenant Governor, the French version of clause 143 (9) (a) of the Act is amended. (See: 2023, c. 12, Sched. 1, s. 59 (5))

- (b) disclosing personal information under subsection (10). 2019, c. 1, Sched. 1, s. 143 (9).

Limits on disclosure

(10) The Complaints Director, an employee in the Law Enforcement Complaints Agency or an investigator may disclose personal information collected under this section only if,

- (a) the individual to whom the information relates has identified that information in particular and consented to its disclosure;
- (b) the disclosure is required by law, including as required under section 31 of the *Human Rights Code*;
- (c) subject to subsection (11), the disclosure is for the purpose of a proceeding or contemplated proceeding, the information relates to or is a matter in issue in the proceeding or contemplated proceeding, and,
 - (i) the Complaints Director is, or is expected to be, a party, or
 - (ii) any of the following is, or is expected to be, a witness:
 - (A) a current or former employee in the Law Enforcement Complaints Agency,
 - (B) a current or former investigator appointed under section 136, or
 - (C) a former employee in or investigator with the office of the Independent Police Review Director, before its continuance under this Part; or

- (d) the disclosure is to the Information and Privacy Commissioner. 2019, c. 1, Sched. 1, s. 143 (10).

Same

(11) The Complaints Director, an employee in the Law Enforcement Complaints Agency or an investigator appointed under section 136 shall not disclose personal information under clause (10) (c) of this section if other information will meet the purposes of the proceeding or contemplated proceeding, and shall not disclose more personal information under that clause than is reasonably necessary to meet those purposes. 2019, c. 1, Sched. 1, s. 143 (11).

Other Acts

(12) In the event of a conflict, this section prevails over sections 38, 39, 41, 42 and 43 of the *Freedom of Information and Protection of Privacy Act*, but the authority to collect, use and disclose personal information under this section is subject to any limits on collection, use or disclosure under any other law. 2019, c. 1, Sched. 1, s. 143 (12).

Rights of access and correction

(13) Nothing in this section limits the right of an individual under any Act to access and correct personal information about the individual. 2019, c. 1, Sched. 1, s. 143 (13).

Non-application

(14) For greater certainty, this section does not apply with respect to personal information lawfully collected by the Complaints Director for a purpose other than for the purposes of clause 132 (1) (c). 2019, c. 1, Sched. 1, s. 143 (14).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 59 (1) - 08/06/2023; 2023, c. 12, Sched. 1, s. 59 (2-5) - not in force

Annual report

144 (1) The Complaints Director shall prepare an annual report on the affairs of the Law Enforcement Complaints Agency, provide it to the Minister and publish it on the Internet in accordance with the regulations, if any.

Same

(2) The Complaints Director shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public in addition to publishing it as required under subsection (1).

Same

(3) The Complaints Director shall include such additional content in the annual report as the Minister may require.

Confidentiality

145 The Complaints Director and every deputy Complaints Director, employee in the Law Enforcement Complaints Agency, investigator appointed under section 136 and person exercising powers or performing duties at the direction of the Complaints Director shall preserve secrecy in respect of all information obtained by him or her in the course of exercising a power or performing a duty under this Act and shall not communicate any such information to any person except,

- (a) as may be required in connection with the administration of this Act or the regulations;
- (b) to his or her counsel;
- (c) as may be required for law enforcement purposes;
- (d) with the consent of the person, if any, to whom the information relates; or
- (e) where disclosure is otherwise required by law.

Protection from personal liability

146 (1) No action or other proceeding may be instituted against the Complaints Director, a deputy Complaints Director, an employee in the Law Enforcement Complaints Agency, an investigator appointed under section 136 or a person exercising powers or performing duties at the direction of the Complaints Director for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty. 2019, c. 1, Sched. 1, s. 146 (1).

Crown not relieved of liability

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) of this section does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which the Crown would otherwise be subject. 2019, c. 1, Sched. 1, s. 146 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 146 (2) of the Act is amended by striking out "subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) of this section" and substituting "subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1)". (See: 2019, c. 7, Sched. 17, s. 52)

Section Amendments with date in force (d/m/y)

2019, c. 7, Sched. 17, s. 52 - not in force

PART IX
ONTARIO POLICE ARBITRATION AND ADJUDICATION COMMISSION

Composition of Arbitration and Adjudication Commission, etc.

147 (1) The commission known as the Ontario Police Arbitration Commission is continued under the name of Ontario Police Arbitration and Adjudication Commission in English and the name of Commission ontarienne d'arbitrage et de décision pour la police in French. 2019, c. 1, Sched. 1, s. 147 (1).

Composition

(2) The composition of the Arbitration and Adjudication Commission shall be as provided in the regulations. 2019, c. 1, Sched. 1, s. 147 (2).

Employees

(3) Such employees as are considered necessary for the proper conduct of the affairs of the Arbitration and Adjudication Commission may be appointed under Part III of the *Public Service of Ontario Act, 2006*. 2019, c. 1, Sched. 1, s. 147 (3).

Responsibilities of Arbitration and Adjudication Commission

(4) The Arbitration and Adjudication Commission has the following responsibilities:

1. Selecting the members of and maintaining a register or registers of arbitrators who are available for appointment to conduct an arbitration under Part XIII.
2. Selecting the members of and maintaining a roster of adjudicators who are available for appointment to hold hearings under this Act.
3. Assisting arbitrators and adjudicators appointed by the Commission Chair by making administrative arrangements in connection with arbitrations and adjudication hearings, including setting dates for hearings.
4. Fixing the fees of arbitrators appointed by the Commission Chair under section 229.
5. Sponsoring the publication and distribution of information about agreements, arbitrations and awards under this Act.
6. Maintaining records of agreements, decisions and awards made under Part XIII.
7. Any other prescribed responsibilities. 2019, c. 1, Sched. 1, s. 147 (4).

Committees

(5) The Arbitration and Adjudication Commission shall, in accordance with the regulations, have,

- (a) a committee to select members of and maintain a register or registers, as prescribed, of arbitrators who are available for appointment to conduct an arbitration under Part XIII;
- (b) a committee to select members of and maintain a roster, as prescribed, of adjudicators who are available for appointment to hold hearings under this Act; and
- (c) such other committees as may be prescribed. 2019, c. 1, Sched. 1, s. 147 (5).

Composition of committee

(6) The committee described in clause (5) (a) must be composed of the Commission Chair and an equal number of persons representing police associations and police service boards. 2019, c. 1, Sched. 1, s. 147 (6).

Same

(7) The Arbitration and Adjudication Commission's committees shall have such responsibilities as are specified in the regulations. 2019, c. 1, Sched. 1, s. 147 (7).

Forms

(8) The Arbitration and Adjudication Commission may approve forms for the purposes of arbitrations and adjudication hearings under this Act and provide for or require their use. 2019, c. 1, Sched. 1, s. 147 (8).

Consultation before chair appointed

(9) No person shall be appointed as Commission Chair unless the Minister or his or her delegate has first consulted with or attempted to consult with,

- (a) bargaining agents that, in the opinion of the Minister or his or her delegate, are reasonably representative of the bargaining agents that represent members of police services;
- (b) employers or employers' organizations that, in the opinion of the Minister or his or her delegate, are reasonably representative of the employers of members of police services; and
- (c) any other entities that are prescribed.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 147 (9) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 60)

Appointment of Commission Chair and Commission Vice Chairs

(9) The Lieutenant Governor in Council may appoint a person as the Commission Chair and may appoint one or more persons as Commission Vice Chairs, subject to subsection (10). 2023, c. 12, Sched. 1, s. 60.

Regulations

(10) The registers and the roster referred to in this section shall be established and maintained in accordance with the regulations, if any.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 147 (10) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 60)

Consultation before appointments

(10) No person shall be appointed as Commission Chair or as a Commission Vice Chair unless the Minister or his or her delegate has first consulted with or attempted to consult with,

- (a) bargaining agents that, in the opinion of the Minister or his or her delegate, are reasonably representative of the bargaining agents that represent members of police services;
- (b) employers or employers' organizations that, in the opinion of the Minister or his or her delegate, are reasonably representative of the employers of members of police services; and
- (c) any other entities that are prescribed. 2023, c. 12, Sched. 1, s. 60.

Commission Vice Chair duties

(11) A Commission Vice Chair shall,

- (a) act in the place of the Commission Chair if the Commission Chair is absent or unable to act and, when so acting, may exercise all the powers and shall perform all the duties of the Commission Chair; and
- (b) perform any other prescribed duties. 2023, c. 12, Sched. 1, s. 60.

Regulations

(12) The registers and the roster referred to in this section shall be established and maintained in accordance with the regulations, if any. 2023, c. 12, Sched. 1, s. 60.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 60 - not in force

Commission Chair

148 (1) The Commission Chair shall appoint adjudicators, arbitrators and conciliation officers as required under this Act. 2019, c. 1, Sched. 1, s. 148 (1).

Publication of adjudication decisions

(2) The Commission Chair shall ensure that all of the decisions from adjudication hearings under this Act are published on the Internet in accordance with the regulations made by the Minister, if any. 2019, c. 1, Sched. 1, s. 148 (2).

Delegation

(3) The Commission Chair may, in writing, delegate any of his or her powers and duties under this Act or the regulations to an employee described in subsection 147 (3), subject to any limitations, conditions or requirements set out in the delegation.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 148 (3) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 61)

Delegation

(3) The Commission Chair may, in writing, delegate any of their powers and duties under this Act or the regulations to a Commission Vice Chair, subject to any limitations, conditions or requirements that are set out in the delegation or that may be prescribed. 2023, c. 12, Sched. 1, s. 61.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 61 - not in force

Fees for adjudicators

149 The Minister may, by regulation, establish fees that may be charged in respect of adjudicators holding adjudication hearings under this Act, may determine the methods and times for payment of such fees, may determine by whom such fees may be charged and may determine the classes of persons to whom the fees may be charged.

Costs of adjudication hearings

150 The Arbitration and Adjudication Commission may, in accordance with the regulations made by the Minister, if any, charge a police service board that employs a police officer whose conduct is the subject of an adjudication hearing under this Act for the cost of holding the hearing. 2019, c. 1, Sched. 1, s. 150.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 150 of the Act is amended by striking out “in accordance with” and substituting “subject to”. (See: 2023, c. 12, Sched. 1, s. 62)

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 62 - not in force

PART X PUBLIC COMPLAINTS

Interpretation

Definitions

151 (1) In this Part,

“complainant” means a person who makes a complaint under subsection 154 (1); (“plaignant”)

“designated authority” means,

- (a) in relation to a police officer other than a police officer referred to in clause (b), (c) or (d), the chief of police of the police service of which the police officer is a member,
- (b) in relation to the Commissioner of the Ontario Provincial Police or deputy Commissioner, the Minister,
- (c) in relation to any other chief of police or deputy chief of police, the police service board that maintains the police service of which the chief or deputy chief is a member,
- (d) in relation to a police officer appointed under the *Interprovincial Policing Act, 2009*, the appointing official or local commander who appointed the police officer under that Act,
- (e) in relation to a special constable employed by the Niagara Parks Commission, the Niagara Parks Commission, and
- (f) in relation to a peace officer in the Legislative Protective Service, the Speaker of the Assembly; (“autorité désignée”)

“investigator” means an investigator under Part VIII; (“enquêteur”)

“peace officer in the Legislative Protective Service” means a person designated as a peace officer for the purposes of section 103 of the *Legislative Assembly Act*. (“agent de la paix du Service de protection de l’Assemblée législative”) 2019, c. 1, Sched. 1, s. 151 (1).

Note: On the day the definition of “peace officer in the Legislative Protective Service” in subsection 151 (1) of the Act comes into force, the definition of “peace officer in the Legislative Protective Service” in subsection 151 (1) of the Act is repealed and the following substituted: (See: 2020, c. 15, s. 19)

“peace officer in the Legislative Protective Service” means a person who is a peace officer under section 103.0.2 of the *Legislative Assembly Act*. (“agent de la paix du Service de protection de l’Assemblée législative”)

Interpretation, portion of a complaint

(2) This Part applies to a portion of a complaint as if it were a complaint, unless the context indicates otherwise. 2019, c. 1, Sched. 1, s. 151 (2).

Notice, etc. re special constables employed by Niagara Parks Commission

(3) A requirement under this Part to give a notice or other communication or document to the designated authority of a special constable employed by the Niagara Parks Commission shall be read as also requiring that the notice or other communication or document be given to the police service board or, if applicable, the Commissioner that appointed the special constable under section 92. 2019, c. 1, Sched. 1, s. 151 (3).

Section Amendments with date in force (d/m/y)

2020, c. 15, s. 19 - not in force

Application of Part

152 This Part applies with respect to the conduct of the following persons:

1. Police officers.
2. Special constables employed by the Niagara Parks Commission.
3. Peace officers in the Legislative Protective Service.

Determination of public interest in an investigation

153 For the purposes of a determination under this Part as to whether or not it is in the public interest to cause an investigation into the conduct of a person referred to in section 152 to be conducted or continued, the Complaints Director shall consider,

- (a) whether the conduct has been or is currently the subject of an investigation under this Act or a predecessor of this Act;
- (b) whether the conduct could be more appropriately dealt with, in whole or in part, under another Act or law or in another adequate forum;
- (c) whether a decision to not conduct or continue an investigation would negatively impact public confidence in policing; and
- (d) whether an investigation is reasonably practicable, having regard to the information or evidence available.

PUBLIC COMPLAINTS

Public complaints

154 (1) Any person may make a complaint to the Complaints Director about the conduct of a person referred to in section 152, subject to subsection (2).

Restriction

(2) A complaint may not be made under subsection (1) by,

- (a) the Minister;
- (b) the Inspector General, a deputy Inspector General or an inspector appointed under section 111;
- (c) a deputy Complaints Director, an employee in the Law Enforcement Complaints Agency or an investigator;
- (d) the SIU Director or an employee or investigator in the Special Investigations Unit;
- (e) a member of a police service, in respect of another member of that police service;
- (f) a special constable employed by the Niagara Parks Commission, in respect of another special constable employed by the Niagara Parks Commission;
- (g) the Niagara Parks Commission, in respect of a special constable employed by the Niagara Parks Commission;
- (h) a member or employee of a police service board, in respect of a member of a police service maintained by the board;
- (i) a person selected by the council of a municipality to advise another municipality's police service board under subsection 26 (2), in respect of a police officer who is a member of a police service maintained by that board; or
- (j) any other person who may be prescribed.

Complainant on behalf of minor, incapable person

(3) A complaint may be made under subsection (1) on behalf of,

- (a) a person who is a minor, by the person's parent or guardian; and
- (b) a person who is incapable as defined in the *Substitute Decisions Act, 1992* and who is not a minor, by his or her substitute decision-maker under that Act.

Complaint through agent

(4) A complainant may act through an agent in respect of a complaint made under this Part.

Same

(5) If a complainant acts through an agent, a requirement under this Part to give notice to the complainant may be met by giving notice to the complainant's agent.

Same, restricted persons

(6) For greater certainty, a person referred to in subsection (2) may not make a complaint by acting through an agent under subsection (4).

Forwarding complaints to the Complaints Director

155 (1) If a person who may make a complaint under subsection 154 (1) to the Complaints Director instead makes the complaint to any of the following persons, that person shall forward the complaint to the Complaints Director, inform the person who made the complaint that the complaint has been forwarded, and provide the person with information about the role of the Complaints Director:

1. The Minister.

2. The Inspector General, a deputy Inspector General or an inspector appointed under section 111.
3. The SIU Director or an employee or investigator in the Special Investigations Unit.
4. A chief of police.
5. A police service board or a member of a police service board.
6. An O.P.P. detachment board or a member of an O.P.P. detachment board.
7. A First Nation O.P.P. board or a member of a First Nation O.P.P. Board.
8. The Advisory Council or a member of the Advisory Council.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 8 of subsection 155 (1) of the Act is repealed. (See: 2023, c. 12, Sched. 1, s. 63)

9. A special constable employer.
10. A prescribed entity.
11. A prescribed policing provider.
12. Any other person or entity prescribed by the Minister. 2019, c. 1, Sched. 1, s. 155 (1).

Same

(2) If a person who may make a complaint to the Complaints Director under subsection 154 (1) instead makes the complaint to a member of a police service other than a chief of police or to a special constable who is not a member of a police service, the member of a police service or special constable shall notify his or her chief of police or special constable employer of the complaint, and subsection (1) of this section applies, with necessary modifications, as if the complaint had been made to the chief of police or special constable employer. 2019, c. 1, Sched. 1, s. 155 (2).

Same

(3) The complaint of a person that is forwarded to the Complaints Director under this section is deemed for the purposes of this Part to have been made by the person directly to the Complaints Director. 2019, c. 1, Sched. 1, s. 155 (3).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 63 - not in force

Complaints from another province or territory

156 (1) If the Minister, a chief of police or a police service board receives a report from a person or body responsible for reviewing complaints about police officers in another province or territory about a complaint made against an Ontario police officer appointed to act as a police officer in that province or territory, the Minister, chief or board shall give the report to the Complaints Director.

Same

(2) A report described in subsection (1), whether received in accordance with that subsection or directly from the person or body that prepared the report, is, on its receipt, deemed to be a complaint made to the Complaints Director under this Part and, for the purpose, the person or entity that brought the complaint in the other province or territory and the person or body that prepared the report are deemed to be complainants.

Review of complaints

157 (1) The Complaints Director shall review every complaint made to the Complaints Director and determine whether the complaint is about the conduct of a person referred to in section 152.

If complaint re conduct

(2) If the Complaints Director determines that a complaint is about the conduct of a person referred to in section 152, the Complaints Director shall, subject to section 158, cause the complaint to be investigated and shall give notice of the investigation and of the substance of the complaint to the person who is the subject of the complaint and to any applicable designated authority.

Notice, exception

(3) The Complaints Director is not required to provide notice under subsection (2) to the person who is the subject of the complaint if, in the Complaints Director's opinion, doing so may prejudice the investigation.

If complaint falls outside mandate

(4) If the Complaints Director determines that a complaint is not about the conduct of a person referred to in section 152, the Complaints Director shall, subject to section 108, refuse to deal with the matter and promptly give notice of the refusal, with reasons, to the complainant, the person or entity that is the subject of the complaint and any applicable designated authority.

Refusal to investigate

158 (1) The Complaints Director may refuse to cause a complaint to be investigated if,

- (a) the facts on which the complaint is based occurred more than six months before the complaint is made;
- (b) the complainant was not affected by the conduct of the person who is the subject of the complaint, as determined under subsection (3);
- (c) the complaint alleges conduct that does not, on its face, constitute misconduct; or
- (d) in the Complaints Director's opinion,
 - (i) the complaint is frivolous, vexatious or made in bad faith, or
 - (ii) having regard to all the circumstances, dealing with the complaint is not in the public interest.

Six-month period

(2) For the purposes of clause (1) (a), the Complaints Director shall consider,

- (a) whether the complainant is a minor or under a disability within the meaning of the *Accessibility for Ontarians with Disabilities Act, 2005*, or is a complainant referred to in subsection 154 (3) acting on behalf of a minor or incapable person;
- (b) whether the complainant is or was subject to a criminal investigation or proceeding in respect of the events underlying the complaint; and
- (c) whether, having regard to all the circumstances, it is in the public interest for the complaint to be investigated.

Persons affected by conduct

(3) For the purposes of clause (1) (b), only the following persons shall be considered to have been affected by the conduct:

- 1. A person at whom the conduct was directed.
- 2. A person who saw or heard the conduct or its effects as a result of being physically present at the time and place that the conduct or its effects occurred.
- 3. A person who,
 - i. was in a personal relationship with a person described in paragraph 1 at the time that the conduct occurred, and
 - ii. suffered loss, damage, distress, danger or inconvenience as a result of the conduct.

Same

(4) In the case of a complainant referred to in subsection 154 (3) who is acting on behalf of a minor or incapable person, a determination under clause (1) (b) of this section shall be made in respect of the minor or incapable person rather than in respect of the complainant.

Notice

(5) If the Complaints Director refuses to investigate a complaint in accordance with this section, he or she shall give notice of the refusal, with reasons, and of the substance of the complaint to,

- (a) the complainant;
- (b) the person who is the subject of the complaint; and
- (c) the applicable designated authority.

Investigation of complaints

159 (1) If the Complaints Director decides to cause a complaint to be investigated, the Complaints Director shall,

- (a) in the case of a complaint about the conduct of a police officer, other than a chief of police or deputy chief of police, direct the officer's chief of police or the chief of police of an unrelated police service to conduct the investigation;
- (b) in the case of a complaint about the conduct of a special constable employed by the Niagara Parks Commission, direct a chief of police to conduct the investigation; or
- (c) in any other case, retain the complaint and cause it to be investigated by an investigator.

Exception, retention of complaint

(2) Despite clauses (1) (a) and (b), the Complaints Director may instead retain the complaint and cause it to be investigated by an investigator if, in his or her opinion, it is in the public interest to do so.

Exception, direction to chief of police

(3) Despite clause (1) (c), the Complaints Director may instead direct a chief of police to conduct the investigation, if, in the Complaints Director's opinion, it is necessary for the purposes of the investigation to obtain access to information that cannot be obtained through the use of the investigation powers under Part VIII.

Same

(4) The Complaints Director shall make a direction under subsection (3) with respect to a complaint about the conduct of a police officer to the chief of police of an unrelated police service, unless, in the Complaints Director's opinion, it is necessary for the purposes of the investigation to obtain access to information that cannot be obtained using the investigation powers of an unrelated police service.

Specific requirements

(5) In directing a chief of police to conduct an investigation, the Complaints Director may direct the chief of police to deal with the complaint as the Complaints Director specifies.

Duty to investigate

(6) A chief of police who receives a direction under this section shall promptly cause the complaint to be investigated, in accordance with any requirements specified by the Complaints Director under subsection (5).

Intervention by Complaints Director

(7) At any time after the Complaints Director directs a chief of police to conduct an investigation of a complaint and before its conclusion, the Complaints Director may,

- (a) direct the chief of police to deal with the complaint as the Complaints Director specifies;
- (b) direct the investigation of the complaint by a different chief of police, subject to subsection (4); or
- (c) cause the complaint to be investigated by an investigator instead.

Withdrawal of complaint

160 (1) Subject to subsection (2), a complainant may withdraw his or her complaint on notice to the Complaints Director.

Discontinuance

(2) If a complaint is withdrawn before the conclusion of any investigation into it, the Complaints Director shall cease to deal with the complaint, including causing any investigation into the complaint to be discontinued.

Continuance despite withdrawal

(3) Despite subsection (2), the Complaints Director may continue to deal with a complaint or continue its investigation despite its withdrawal if, in his or her opinion, it is in the public interest to do so.

Withdrawal following conclusion of investigation

(4) If a complaint is withdrawn after the conclusion of any investigation into it, this Part continues to apply despite the withdrawal, and, in the event of a determination under section 168 that the conduct of the person who was the subject of the investigation constitutes misconduct, any disciplinary or other measures required by that section to be imposed or taken under this Act or under another authority may be imposed or taken in respect of the person.

Notice

(5) The Complaints Director shall give notice of the withdrawal of a complaint under subsection (1) and, if applicable, notice of a decision to continue to deal with or investigate it despite its withdrawal under subsection (3), with reasons, to,

- (a) the complainant;
- (b) the person who is the subject of the complaint; and
- (c) the applicable designated authority.

Exception

(6) The Complaints Director is not required to give any notice under subsection (5) of a decision to continue to deal with or investigate a withdrawn complaint to the person who is the subject of the complaint if, in the Complaints Director's opinion, doing so may prejudice any such investigation.

No further notice to complainant

(7) Despite anything to the contrary under this Part, a complainant who withdraws a complaint is not entitled to any further notice or other communication respecting the withdrawn complaint, other than notice under subsection (5).

POWER TO INVESTIGATE ABSENT A COMPLAINT

Investigation in absence of complaint

161 (1) If conduct that may constitute misconduct by a person referred to in section 152 comes to the attention of the Complaints Director as a result of a complaint made under this Part but is not the subject of the complaint, or if such conduct otherwise comes to the Complaints Director's attention, the Complaints Director may, in the absence of a complaint under this Part, cause an investigation to be conducted into the conduct by an investigator if, in the Complaints Director's opinion, it is in the public interest to do so.

Same

- (2) Subsection (1) includes conduct that comes to the attention of the Complaints Director by way of notice given by,
- (a) the SIU Director under section 35.1 of the *Special Investigations Unit Act, 2019*;
 - (b) the Inspector General under clause 120 (2) (b) or 189 (2) (a) of this Act; or
 - (c) a chief of police, a police service board or the Minister under section 197 of this Act.

Direction to chief of police

(3) The Complaints Director may direct a chief of police to conduct an investigation under subsection (1) if, in the Complaints Director's opinion, it is necessary for the purposes of the investigation to obtain access to information that cannot be obtained through the use of the investigation powers under Part VIII, and, for the purpose of an investigation directed under this subsection, subsections 159 (4) to (7) apply with necessary modifications.

Limitation

(4) This section does not apply with respect to conduct that occurred before the day this section came into force, unless the conduct is part of a series of acts or omissions that continues on or after that day.

Notices

Notice of decision

162 (1) In the case of conduct that comes to the attention of the Complaints Director by way of notice given by the Inspector General under clause 120 (2) (b) or 189 (2) (a) or by a chief of police, a police service board or the Minister under section 197, the Complaints Director shall inform the Inspector General, chief of police, police service board or Minister whether or not the Complaints Director will cause an investigation to be conducted into the conduct under section 161 and, if an investigation is not to be conducted, provide reasons for the decision.

Notice of investigation

(2) If the Complaints Director decides to cause an investigation to be conducted under section 161, the Complaints Director shall give notice of the decision, with reasons, and of the conduct to be investigated, to the person who is the subject of the investigation and to the applicable designated authority.

Exception

(3) The Complaints Director is not required to give notice under subsection (2) to the person who is the subject of the investigation if, in the Complaints Director's opinion, doing so may prejudice the investigation.

Notice of direction to chief of police

(4) The Complaints Director shall, in giving notice under subsection (1) or (2) that an investigation will be conducted, indicate whether the Complaints Director has directed a chief of police to conduct the investigation.

INVESTIGATIONS

Postponement due to investigation or proceeding

163 (1) Subject to subsections (2) and (3), if a matter that is or may be the subject of an investigation under this Part is or becomes the subject of an investigation of an offence under a law of Canada, a province or a territory, or the prosecution of such an offence, the Complaints Director may postpone the commencement of the investigation under this Part, or suspend it, for as long as is necessary in the Complaints Director's opinion to avoid interfering with the investigation or prosecution.

Same, if Crown Attorney, prosecutor consulted re investigation

(2) If a matter that is or may be the subject of an investigation under this Part is or becomes the subject of an investigation of an offence referred to in subsection (1) and a Crown Attorney or prosecutor has been consulted, the Complaints Director shall, if advised by the Crown Attorney or prosecutor to do so, postpone the commencement of the investigation under this Part, or suspend it, for as long as is necessary in the Crown Attorney or prosecutor's opinion to avoid interfering with the investigation.

Same, if Crown Attorney, prosecutor advises re prosecution

(3) If a matter that is or may be the subject of an investigation under this Part is or becomes the subject of the prosecution of an offence referred to in subsection (1), the Complaints Director shall consult a Crown Attorney or prosecutor and, if advised by a Crown Attorney or prosecutor to do so, postpone the commencement of the investigation under this Part, or suspend it, for as long as is necessary in the Crown Attorney's or prosecutor's opinion to avoid interfering with the prosecution.

Other stays

(4) This section applies in addition to the requirement in subsection 173 (3) to stay an investigation or review of a complaint if the subject matter of the complaint or investigation is the subject of an investigation by the SIU Director.

Discontinuance of investigation

164 (1) The Complaints Director may cause an investigation to be discontinued if he or she determines that, having regard to all the circumstances, continuing the investigation is not in the public interest.

Notice

(2) If the Complaints Director decides to cause an investigation to be discontinued, he or she shall give notice of the decision, with reasons, to,

- (a) the complainant, if any;
- (b) the person who is the subject of the investigation;
- (c) the applicable designated authority; and
- (d) if the investigation is being conducted by a chief of police who is not the applicable designated authority, the chief of police.

Investigation timing

165 (1) In conducting an investigation under this Part, the Complaints Director or chief of police, as the case may be, shall endeavour to ensure that the investigation is concluded within 120 days of its commencement, not including any period during which an investigation is postponed or suspended under section 163 or stayed under subsection 173 (3).

Status report

(2) If the timing requirements of subsection (1) are not met in respect of an investigation, the Complaints Director or chief of police shall, subject to subsection (3), give notice of the status of the investigation every 30 days following the expiry of the 120-day period until the investigation is concluded to,

- (a) the complainant, if any;
- (b) the person who is the subject of the investigation;
- (c) the applicable designated authority, unless he or she is conducting the investigation; and
- (d) the Complaints Director, if the investigation is being conducted by a chief of police.

Same, exception

(3) A requirement under subsection (2) to give notice does not apply if, in the opinion of the Complaints Director or chief of police, giving the notice may prejudice the investigation.

Investigation report

166 (1) On concluding an investigation, the Complaints Director or chief of police shall cause the investigation to be reported on in a written report, which shall, if the regulations made by the Minister so provide, contain the information prescribed by the Minister. 2019, c. 1, Sched. 1, s. 166 (1).

Non-application

(2) Subsection (1) does not apply to an investigation that is discontinued under section 160 or 164. 2019, c. 1, Sched. 1, s. 166 (2).

Chief's report to be given to Complaints Director

(3) A chief of police who writes a report under subsection (1) shall promptly give a copy of it to the Complaints Director. 2019, c. 1, Sched. 1, s. 166 (3).

Report copies to be given to others

(4) Subject to subsection (5), the Complaints Director or chief of police shall give a copy of the report to,

- (a) the complainant, if any;
- (b) the person who was the subject of the investigation; and

(c) the applicable designated authority, unless he or she conducted the investigation. 2019, c. 1, Sched. 1, s. 166 (4).

Delay

(5) Subsection (4) does not apply until the Complaints Director determines that compliance with that subsection will not interfere with a criminal investigation or proceeding.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 166 (5) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 64)

Delay

(5) Subsection (4) does not apply until the Complaints Director determines that compliance with that subsection will not interfere with an investigation of an offence under a law of Canada, a province or a territory, or the prosecution of such an offence. 2023, c. 12, Sched. 1, s. 64.

Same

(6) If the Complaints Director has been advised by a Crown Attorney that compliance with subsection (4) may, in the Crown Attorney's opinion, interfere with a criminal investigation or proceeding, subsection (4) does not apply until the Crown Attorney advises otherwise.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 166 (6) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 64)

Same

(6) If the Complaints Director has been advised by a Crown Attorney or prosecutor that compliance with subsection (4) may, in the Crown Attorney's or prosecutor's opinion, interfere with an investigation or proceeding, subsection (4) does not apply until the Crown Attorney or prosecutor advises otherwise. 2023, c. 12, Sched. 1, s. 64.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 64 - not in force

Determination of no misconduct

167 (1) If, after considering the report on the investigation, the Complaints Director or chief of police, as the case may be, does not have reasonable grounds to believe that the conduct of the person who was the subject of the investigation constitutes misconduct, he or she shall give written notice of the determination, with reasons, to,

- (a) the complainant, if any;
- (b) the person who was the subject of the investigation;
- (c) the applicable designated authority, unless he or she conducted the investigation; and
- (d) the Complaints Director, if the investigation was conducted by a chief of police. 2019, c. 1, Sched. 1, s. 167 (1).

Publication of summary

(2) The Complaints Director shall publish a de-identified summary of each determination made under this section on the Internet in accordance with the regulations made by the Minister, if any. 2019, c. 1, Sched. 1, s. 167 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, the French version of subsection 167 (2) of the Act is amended. (See: 2023, c. 12, Sched. 1, s. 65 (1))

Complainant may require review if investigation by chief of police

(3) In the case of an investigation conducted by a chief of police, the complainant may, no later than 30 days after notice of the determination is given to the complainant, apply to the Complaints Director for a review of the determination, on notice to the chief of police and to the person who was the subject of the investigation. 2019, c. 1, Sched. 1, s. 167 (3).

Review by Complaints Director

(4) On receiving an application under subsection (3), the Complaints Director shall review the determination, taking into account any material provided by the complainant, the chief of police or the person who was the subject of the investigation, and shall endeavour to ensure to complete the review no later than 30 days after the application is made. 2019, c. 1, Sched. 1, s. 167 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 167 (4) of the Act is amended by striking out "30" and substituting "60". (See: 2023, c. 12, Sched. 1, s. 65 (2))

Powers on review

(5) On completion of the review, the Complaints Director may,

- (a) confirm the determination;

- (b) direct the chief of police who conducted the investigation to conduct a new investigation as the Complaints Director specifies;
- (c) direct the investigation of the matter by a different chief of police;
- (d) cause the matter to be investigated by an investigator; or
- (e) take or require to be taken any other action with respect to the matter that the Complaints Director considers necessary in the circumstances, subject to the regulations, if any. 2019, c. 1, Sched. 1, s. 167 (5).

Notice

(6) The Complaints Director shall give written notice of his or her decision and of the action taken by him or her under subsection (5) to the complainant, to the person who was the subject of the investigation, to the chief of police who conducted the investigation and, if applicable, to the chief of police referred to in clause (5) (c). 2019, c. 1, Sched. 1, s. 167 (6).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 65 (1, 2) - not in force

Determination of misconduct

168 (1) If, after considering the report on the investigation, the Complaints Director or chief of police, as the case may be, has reasonable grounds to believe that the conduct of the person who was the subject of the investigation constitutes misconduct, he or she shall give written notice of the determination, with reasons, to,

- (a) the complainant, if any;
- (b) the person who was the subject of the investigation;
- (c) the applicable designated authority, unless he or she conducted the investigation; and
- (d) the Complaints Director, if the investigation was conducted by a chief of police.

Discipline

- (2) On receipt of the notice of the determination, the designated authority shall,
- (a) determine whether disciplinary measures should be imposed and, if so, impose the appropriate disciplinary measures; and
 - (b) give written notice of the determination under clause (a) and of any disciplinary measures that were or are to be imposed to the complainant, if any, and the Complaints Director.

Same, special constables

(3) In the case of a special constable employed by the Niagara Parks Commission, the police service board or, if applicable, the Commissioner that appointed the special constable under section 92 shall, on receipt of the notice of the determination in accordance with subsection 151 (3), also take any other measures the board or Commissioner considers appropriate and give written notice of any such measures to the complainant, if any, and the Complaints Director.

Where hearing required

(4) If the Complaints Director gives notice of a determination of misconduct in respect of a police officer and believes that demotion or termination would be the appropriate disciplinary measure in relation to the misconduct, the Complaints Director may direct the designated authority to apply under section 202 for a hearing of the matter by an adjudicator.

Exception, referral to extra-provincial complaints body

(5) Despite subsection (1), in the case of a police officer appointed under the *Interprovincial Policing Act, 2009*, the Complaints Director shall instead refer the matter, together with a copy of the report on the investigation and any other information related to the investigation that he or she considers appropriate, to the person or body that is responsible for complaints made against the police officer in the province or territory where he or she was employed as a police officer at the time of his or her appointment under that Act.

Notice

(6) The Complaints Director shall give notice of a referral under subsection (5) to the complainant, if any, the police officer, the applicable designated authority and the Minister.

Same

(7) In giving notice to the Minister under subsection (6), the Complaints Director shall include a copy of the report on the investigation.

OTHER MATTERS

Informal resolution

169 (1) At any time during an investigation under this Part, the designated authority of the person who is the subject of the investigation may attempt to resolve the matter informally.

Consent required

(2) Any resolution under subsection (1) is subject to the written consent of the complainant, if any, of the person who is the subject of the investigation and of the Complaints Director.

Revocation of consent

(3) The complainant or person who is the subject of the investigation may revoke a consent given for the purposes of subsection (2) by giving written notice of the revocation to the designated authority and to the Complaints Director no later than 12 business days after the day on which the consent was given.

Inadmissibility of statements

(4) No statement made during an attempt at informal resolution under this section is admissible in a civil proceeding, including in a hearing before an adjudicator under section 201 or 202, except with the consent of the person who made the statement.

Non-application

(5) This section does not apply in the case of a police officer appointed under the *Interprovincial Policing Act, 2009*.

Effect of resignation on complaint, investigation

170 (1) If a person who is the subject of a complaint or investigation under this Part resigns before a report respecting an investigation into the person's conduct is given to the person's designated authority under clause 166 (4) (c), no further action shall be taken under this Part after the date of resignation.

Notice

(2) The person's designated authority shall promptly give written notice of the person's resignation to,

- (a) the complainant, if any;
- (b) the Complaints Director; and
- (c) if the person is the subject of an investigation conducted by a chief of police who is not the person's designated authority, that chief of police.

Exception

(3) Despite subsection (1), if, within five years of the date of resignation, the person who resigned is employed as a person referred to in section 152, the Complaints Director may continue to deal with the complaint or cause the investigation to be resumed, as the case may be, in accordance with the regulations, if any.

Exception, officers appointed under *Interprovincial Policing Act, 2009*

(4) This section does not apply to a police officer appointed under the *Interprovincial Policing Act, 2009*.

Termination of officers appointed under *Interprovincial Policing Act, 2009*

171 This Part applies to a police officer appointed under the *Interprovincial Policing Act, 2009* even after his or her appointment under that Act is terminated.

Costs of investigations

By investigator

172 (1) If the regulations made by the Minister so provide, the cost of an investigation conducted by an investigator about the conduct of a police officer, other than a police officer who is a member of the Ontario Provincial Police, or of a special constable employed by the Niagara Parks Commission, shall be paid in accordance with those regulations by the police service board that employs the police officer or the Niagara Parks Commission, as the case may be, except in such circumstances as those regulations may specify.

By chief of police other than Commissioner

(2) In the case of an investigation conducted by a chief of police, other than the Commissioner, about the conduct of a police officer in a different police service or a special constable employed by the Niagara Parks Commission, the chief of police may require that the cost of the investigation, as certified by the chief of police, be paid to the chief of police's police service board by,

- (a) the police service board that employs the police officer or the Niagara Parks Commission, as the case may be; or

- (b) in the case of an investigation about the conduct of a police officer who is a member of the Ontario Provincial Police, the Minister.

Debt due

(3) An amount owed to a police service board under subsection (2), if not collected by other means, may be recovered by a court action as a debt due to the police service board.

Dispute

(4) A debtor may dispute the amount claimed in a court action commenced under subsection (3), and the court shall determine the issue and make such order as it considers appropriate in the circumstances.

By Commissioner

(5) Section 65 applies to the cost of an investigation conducted by the Commissioner under this Part.

Special Investigations Unit

Notice by Director

173 (1) If, on reviewing a complaint or at any time during an investigation under this Part, the Complaints Director determines that the subject matter of the complaint or investigation may constitute a matter that may be investigated by the SIU Director under the *Special Investigations Unit Act, 2019*, the Complaints Director shall notify the SIU Director and shall give notice of the fact to,

- (a) the complainant, if any;
- (b) the person who is the subject of the complaint or investigation; and
- (c) the applicable designated authority. 2019, c. 1, Sched. 1, s. 173 (1).

Exception

(2) A requirement to give notice under clause (1) (a), (b) or (c) does not apply if, in the Complaints Director's opinion, giving the notice may prejudice an investigation under this Part or under the *Special Investigations Unit Act, 2019*.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 173 (2) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 66)

Exception

(2) Subsection (1) does not apply if the Complaints Director believes that the SIU Director has already been notified about the issue. 2023, c. 12, Sched. 1, s. 66.

Same

(2.1) A requirement to give notice under clause (1) (a), (b) or (c) does not apply if, in the Complaints Director's opinion, giving the notice may prejudice an investigation under this Part or under the *Special Investigations Unit Act, 2019*. 2023, c. 12, Sched. 1, s. 66.

Stay of investigation under this Part

(3) Subject to subsection (6), if the Complaints Director notifies the SIU Director under subsection (1), or otherwise becomes aware that the subject matter of a complaint or investigation under this Part is the subject of an investigation by the SIU Director, the Complaints Director shall cause no further steps to be taken under this Part with respect to the complaint or investigation until the occurrence of one of the following:

1. A determination by the SIU Director that the SIU Director shall not investigate the matter.
2. If the matter is investigated by the SIU Director and does not result in the laying of charges against the person who is the subject of the complaint or investigation under this Part, the conclusion of the SIU Director's investigation.
3. If charges are laid against the person who is the subject of the complaint or investigation under this Part as a result of an investigation by the SIU Director into the matter, the final disposition of the charges. 2019, c. 1, Sched. 1, s. 173 (3).

Access to Agency files

(4) The Complaints Director shall, on the request of the SIU Director, make the files of the Law Enforcement Complaints Agency respecting a complaint or investigation under this Part available to the SIU Director, other than any document, information or other thing that the SIU Director would not be entitled to obtain or have access to under the *Special Investigations Unit Act, 2019*, including any statement made by a subject official within the meaning of that Act in an investigation under this Part. 2019, c. 1, Sched. 1, s. 173 (4).

Notice to individual not required

(5) Subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* does not apply to subsection (4) of this section. 2019, c. 1, Sched. 1, s. 173 (5).

Continuance with SIU Director consent

(6) The Complaints Director may, subject to the consent of the SIU Director, continue to deal with a complaint or continue its investigation under this Part in the circumstances described in subsection (3), subject to any conditions or restrictions that the SIU Director may specify. 2019, c. 1, Sched. 1, s. 173 (6).

Limit on access to Agency files

(7) If a complaint or investigation continues under subsection (6), subsection (4) ceases to apply and the Complaints Director shall not make the files available to the SIU Director. 2019, c. 1, Sched. 1, s. 173 (7).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 66 - not in force

Notice to Inspector General

174 (1) The Complaints Director shall notify the Inspector General of any matter referred to in subsection 106 (1) or 107 (1) that is raised in a complaint or during an investigation under this Part.

Same

(2) If, on reviewing a complaint or at any time during an investigation under this Part, the Complaints Director determines that the conduct of the person who is the subject of the complaint or investigation may constitute criminal conduct that may not be investigated by the SIU Director under the *Special Investigations Unit Act, 2019*, the Complaints Director may notify the Inspector General of the conduct.

Duty of chief of police to notify Complaints Director

175 For the purposes of sections 173 and 174, if a chief of police determines that the subject matter of an investigation conducted by the chief of police may constitute a matter that may be investigated by the SIU Director under the *Special Investigations Unit Act, 2019* or a matter referred to in subsection 106 (1) or 107 (1), the chief of police shall promptly notify the Complaints Director.

Notice to extra-provincial commander

176 An appointing official or local commander who receives a notice and any related information from the Complaints Director under this Part respecting a police officer appointed under the *Interprovincial Policing Act, 2009* shall promptly forward a copy of the notice and any documentation to the police officer's extra-provincial commander.

Public statements by Complaints Director

177 The Complaints Director may issue public statements respecting an ongoing investigation under this Part, if,

- (a) the statement is aimed at preserving public confidence; and
- (b) the benefit of preserving public confidence clearly outweighs any detriment to the integrity of the investigation.

Duty to comply

178 (1) The following persons shall, immediately or as otherwise specified under this Part, comply with a reasonable direction or request received from a person conducting an investigation under this Part, unless it is unlawful or impracticable to do so:

1. A person referred to in section 152.
2. A designated authority.
3. Any person over whom a designated authority has authority, including any employees.
4. Any other person who may be prescribed.

Notification

(2) The Complaints Director shall immediately advise a person referred to in section 152 and his or her designated authority respecting a failure of the person to comply with subsection (1) of this section and, in doing so, shall inform each of them of the penalty to which a person is liable under section 180 on conviction of a failure to comply.

Prohibitions

179 (1) No person shall harass, coerce or intimidate, or attempt to harass, coerce or intimidate, any other person in relation to a complaint made or investigation conducted under this Part.

Same

(2) No person shall intentionally hinder or obstruct, or attempt to hinder or obstruct, a person conducting an investigation under this Part in the performance of his or her duties under this Part, or furnish him or her with false information.

Offences and penalty

180 (1) An individual who fails to comply with subsection 178 (1), or who contravenes subsection 179 (1) or (2), is guilty of an offence and on conviction is liable,

- (a) in the case of a first offence, to a fine of not more than \$5,000, to imprisonment for a term of not more than one year, or to both; or
- (b) in the case of a second or subsequent offence, to a fine of not more than \$10,000, to imprisonment for a term of not more than one year, or to both.

Same

(2) A person other than an individual that fails to comply with subsection 178 (1), or that contravenes subsection 179 (1) or (2), is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

Protection from giving testimony

181 (1) The Complaints Director, a deputy Complaints Director, an employee in the Law Enforcement Complaints Agency, a person who conducts an investigation under this Part or a person exercising powers or performing duties at the direction of the Complaints Director shall not be required to give testimony in a civil proceeding, other than a proceeding under Part XII with respect to information obtained by him or her in the course of exercising a power or performing a duty under this Act.

Inadmissibility of documents

(2) A document prepared under this Act by the Complaints Director, a deputy Complaints Director, an employee in the Law Enforcement Complaints Agency, a person who conducts an investigation under this Part or a person exercising powers or performing duties at the direction of the Complaints Director is not admissible in a civil proceeding, other than a proceeding or a judicial review of a decision made under Part XII.

**PART XI
RIGHT TO REPORT MISCONDUCT**

APPLICATION

Disclosure despite conflict with other Acts

182 (1) Subject to subsection (2), a right under this Part to make a disclosure prevails over anything provided under any other Act, or otherwise at law, that prohibits the disclosure.

Restriction on disclosure

(2) Nothing in this Part authorizes a disclosure of anything that would be inadmissible in a court by reason of any privilege under the law of evidence.

Same

(3) Nothing in this Part shall be interpreted to limit any right that a person to whom this Part applies may have under any other Act, or otherwise at law, to disclose information about misconduct.

DISCLOSURE PROCEDURES

Disclosure procedures

Chief of police

183 (1) Every chief of police shall establish written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by members of its police service, other than by the chief of police or deputy chief of police.

Police service board

(2) Every police service board shall establish written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by the chief of police or deputy chief of police of the police service.

Minister

(3) The Minister shall establish written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by the Commissioner or a deputy Commissioner.

Special constable employers

(4) Every special constable employer shall establish written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by a special constable employed by the employer.

Contents of procedures

- (5) Without limiting the generality of subsections (1), (2), (3) and (4), the procedures under those subsections shall,
- (a) address how a member or former member of the police service, or an employee or former employee of the special constable employer, may make disclosures of misconduct, including giving directions as to the persons to whom disclosures may be made;
 - (b) establish procedures to protect the identities of persons involved in the disclosure process, including persons who make disclosures, witnesses and persons alleged to be responsible for misconduct; and
 - (c) provide for exceptions to be made to procedures described in clause (b) where the interests of fairness require that a person's identity be disclosed to one or more persons.

Members of police service to be informed

(6) Every chief of police shall ensure that members of the police service are familiar with the procedures referred to in subsection (1), (2) or (3), as applicable, and the protections from reprisals for disclosing misconduct.

Employees of special constable employer to be informed

(7) Every special constable employer shall ensure that his or her employees are familiar with the procedures referred to in subsection (4) and the protections from reprisals for disclosing misconduct.

Reporting of misconduct

184 (1) If a member or former member of a police service has reason to believe that another member of the police service has engaged in conduct that constitutes misconduct, he or she may disclose the misconduct in accordance with the applicable procedure established under subsection 183 (1), (2) or (3).

Special constable

(2) If a special constable employed by, or formerly employed by, a special constable employer has reason to believe that another special constable employed by the special constable employer has engaged in conduct that constitutes misconduct, he or she may disclose the misconduct in accordance with the applicable procedure established under subsection 183 (4).

DISCLOSURE TO THE INSPECTOR GENERAL

Disclosure to Inspector General

185 A member of a police service or a special constable employed by a special constable employer may disclose misconduct to the Inspector General if,

- (a) the member or special constable has reason to believe that it would not be appropriate to disclose the misconduct in accordance with the procedures established under section 183;
- (b) the member or special constable has already disclosed the misconduct in accordance with the procedures established under section 183 and has concerns that the matter is not being dealt with appropriately; or
- (c) the applicable procedure has not been established under section 183.

Disclosure to SIU Director

186 If the Inspector General receives a disclosure of misconduct that contains an allegation of an incident that a designated authority would have a duty to report under section 16 of the *Special Investigations Unit Act, 2019*, the Inspector General shall notify the SIU Director of the allegation unless the Inspector General believes that the SIU Director has already been notified.

Initial assessment by Inspector General

187 (1) The Inspector General shall refuse to deal with a disclosure of misconduct, or a portion of it, under section 185 if one or more of the following circumstances apply:

1. The subject matter of the disclosure is being dealt with by another person or body as a matter of law enforcement or in accordance with a procedure established under this or any other Act.
2. The subject matter of the disclosure is an employment or labour relations matter that could be dealt with through a dispute resolution mechanism, including a grievance procedure, established under this or any other Act, under a collective agreement or under an agreement of another kind.
3. The disclosure is frivolous, vexatious or made in bad faith.
4. There has been a substantial delay between the disclosure and the incidents that are the subject matter of the disclosure.
5. Any other prescribed circumstances exist.

6. There is a valid reason, other than a circumstance described in paragraphs 1 to 5, for not dealing with the disclosure.

Inform discloser

(2) If the Inspector General refuses to deal with a disclosure of misconduct, or a portion of it, he or she shall so inform the person who made the disclosure and may provide reasons for the refusal.

Allegation of criminal conduct

188 If the Inspector General receives a disclosure of misconduct under section 185 and does not refuse to deal with it under section 187, or if the Complaints Director provides the Inspector General with notice of potential criminal conduct, the Inspector General shall refer the matter to an unrelated police service if he or she reasonably believes that,

- (a) the alleged events may constitute a criminal offence; and
- (b) the matter has not already been investigated by an unrelated police service or the Special Investigations Unit.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 188 of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 67)

Allegation of criminal conduct

188 (1) If the Inspector General receives a disclosure of misconduct under section 185 and does not refuse to deal with it under section 187, or if the Complaints Director provides the Inspector General with notice of potential criminal conduct, the Inspector General shall refer the matter to the chief of police of an unrelated police service if the Inspector General reasonably believes that,

- (a) the alleged events may constitute a criminal offence; and
- (b) the matter has not already been investigated by an unrelated police service or the Special Investigations Unit. 2023, c. 12, Sched. 1, s. 67.

Chief of police shall investigate

(2) A chief of police who receives a referral under subsection (1) shall investigate the matter. 2023, c. 12, Sched. 1, s. 67.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 67 - not in force

Dealing with disclosure of misconduct

189 (1) This section applies where the Inspector General receives a disclosure of misconduct under section 185 and does not refuse to deal with the disclosure under section 187, even if a referral has been made under section 188.

Same

(2) The Inspector General shall,

- (a) if the misconduct is alleged to have been committed by a person referred to in section 152, provide the Complaints Director with,
 - (i) a written summary of the disclosure, and
 - (ii) any other information that the Inspector General has received in relation to the matter that the Inspector General believes may assist in dealing with the matter; or
- (b) in any other case, deal with the matter as if it were a complaint made under subsection 107 (1) including, if appropriate, by appointing an inspector to exercise the powers of an inspector under Part VII.

Inform discloser

(3) If the Inspector General receives notice from the Complaints Director that the Director refuses to investigate a disclosure of misconduct, the Inspector General shall so inform the person who made the disclosure.

PROTECTION FROM REPRISALS

No reprisals

190 (1) No person shall take a reprisal against a member of a police service or special constable employed by a special constable employer because he or she has,

- (a) sought advice about making a disclosure about misconduct in accordance with this Part;
- (b) made a disclosure about misconduct in accordance with this Part;
- (c) co-operated in an investigation or other process related to a disclosure of misconduct made in accordance with this Part; or

(d) sought enforcement of this Part.

Same

(2) For the purposes of subsection (1), a reprisal is any measure taken against a member of a police service or special constable employed by a special constable employer that adversely affects his or her employment or appointment and includes but is not limited to,

- (a) terminating or threatening to terminate the person's employment or appointment;
- (b) disciplining or suspending or threatening to discipline or suspend the person;
- (c) imposing or threatening to impose a penalty related to the employment or appointment of the person; or
- (d) intimidating or coercing the person in relation to his or her employment or appointment.

Complaint about reprisal

191 (1) A member or former member of a police service or special constable employed or formerly employed by a special constable employer may complain under this section that he or she has suffered a reprisal prohibited by section 190 by a police service board, a member of a police service, a special constable employer or a person acting on behalf of one of those.

Request to determine matter

(2) The member, former member, special constable or former special constable may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or apply to the Commission Chair to appoint an arbitrator to decide the matter.

Parties

(3) The member, former member, special constable or former special constable and the person or entity complained of are the parties to the arbitration.

Order

(4) If the arbitrator determines that a reprisal has been taken in contravention of section 190, the arbitrator may make an order that it considers just and reasonable in the circumstances directing the police service board, member of the police service or special constable employer, or person acting on behalf of one of those, to do or refrain from doing anything in relation to the contravention.

Same

(5) Without limiting the generality of subsection (4), an order under that subsection may direct that the person or entity do one or more of the following:

- 1. Cease doing an act or acts complained of under subsection (1).
- 2. Take steps to rectify harm related to a complaint under subsection (1).
- 3. Reinstate the employment of a person whose employment was terminated or reappoint a person whose appointment was terminated.
- 4. Compensate the person for loss of any remuneration, including benefits.

Same

(6) An arbitrator may not make an order under subsection (4) for punitive damages or for costs.

Burden of proof

(7) In an arbitration under this section, the burden of proof that the police service board, member of the police service or special constable employer, or person acting on behalf of one of those, did not act contrary to section 190 lies on the police service board, member of the police service, special constable employer or person acting on behalf of one of those.

**PART XII
DISCIPLINE AND TERMINATION**

NON-APPLICATION

Non-application

192 This Part does not apply to police officers appointed under the *Interprovincial Policing Act, 2009*.

Agreements

193 Nothing in this Part affects agreements between police service boards and police officers or police associations, or agreements made under the *Ontario Provincial Police Collective Bargaining Act, 2006*, that permit penalties or actions in addition to those set out in this Part if the police officer in question consents.

PROCEDURES

Assessment and discipline procedures

- 194** (1) Every chief of police shall establish written procedures for,
- (a) the assessment of the work performance of members of the police service; and
 - (b) the imposition of disciplinary measures on members of the police service.

Procedures to be made available

- (2) The chief of police shall make the procedures available to the members of the police service and any police associations representing those members.

MISCONDUCT

Misconduct

- 195** A police officer or special constable engages in conduct that constitutes misconduct if he or she,
- (a) contravenes their applicable prescribed code of conduct;
 - (b) contravenes section 129, 179 or 196;
 - (c) knowingly fails to respond to an inspector's reasonable inquiries as required under section 116;
 - (d) knowingly fails to comply with a direction or request as required under section 31 of the *Special Investigations Unit Act, 2019* or section 178 of this Act; or
 - (e) knowingly fails to comply with a requirement to notify the SIU Director as required under section 16 of the *Special Investigations Unit Act, 2019*.

Inducing misconduct and withholding services

- 196** (1) No person shall,
- (a) induce or attempt to induce a member of a police service to withhold his or her services; or
 - (b) induce or attempt to induce a police officer or special constable to engage in conduct that constitutes misconduct.

Withholding services

- (2) No member of a police service shall withhold his or her services.

Offence

- (3) An individual who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable,
- (a) in the case of a first offence, to a fine of not more than \$5,000, to an imprisonment for a term of not more than one year, or to both; or
 - (b) in the case of a second or subsequent offence, to a fine of not more than \$10,000, to an imprisonment for a term of not more than one year, or to both.

Same

- (4) A person other than an individual that contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

MANDATORY NOTICE OF MISCONDUCT

Duty to provide notice to Complaints Director

- 197** (1) If a chief of police becomes aware that a member of his or her police service who is a police officer, other than a deputy chief of police, may have engaged in conduct that constitutes misconduct, whether during the conduct of an investigation or otherwise, the chief shall, in prescribed circumstances, provide notice of the misconduct to the Complaints Director.

Duty, police service board

- (2) If a police service board becomes aware that a chief of police or deputy chief of police of a police service maintained by the board may have engaged in conduct that constitutes misconduct, whether during the conduct of an investigation or otherwise, the board shall, in prescribed circumstances, provide notice of the misconduct to the Complaints Director.

Duty, Minister

- (3) If the Minister becomes aware that the Commissioner or a deputy Commissioner may have engaged in conduct that constitutes misconduct, whether during the conduct of an investigation or otherwise, the Minister shall, in prescribed circumstances, provide notice of the misconduct to the Complaints Director.

INVESTIGATIONS

Investigation by chief of police

198 (1) A chief of police may conduct an investigation in order to determine if a police officer who is a member of the chief's police service, other than a deputy chief of police, has engaged in conduct that constitutes misconduct or unsatisfactory work performance.

Request to investigate

(2) The chief of police may request that the chief of police of another police service cause a member of that police service to investigate a police officer for the purposes set out in subsection (1) and report back on their findings.

Outside investigation

(3) The chief of police may request that a person who is not a member of a police service investigate a police officer for the purposes set out in subsection (1) and report back on their findings if the chief of police determines that it is necessary to have such a person conduct the investigation, including if it is necessary to obtain special expertise or to ensure public confidence in the investigation.

Exception

(4) The chief of police may not make a request under subsection (3) to the Complaints Director.

Notice

(5) A chief of police who conducts an investigation under this section shall promptly give notice of the substance of the reason for the investigation to the police officer unless, in the chief of police's opinion, to do so might prejudice an investigation under this section or under Part X, an investigation of an offence under a law of Canada, a province or a territory or the prosecution of such an offence.

Written report

(6) Once an investigation under this section is concluded, the person conducting the investigation shall prepare a written report summarizing its findings and shall provide a copy of the report to the investigated officer unless, in the chief of police's opinion, to do so might prejudice an investigation or prosecution described in subsection (5).

Chief of police or deputy chief of police

(7) A police service board may conduct an investigation in order to determine if a chief of police or deputy chief of police of a police service maintained by the police service board has engaged in conduct that constitutes misconduct or unsatisfactory work performance, and subsections (1) to (6) apply to the investigation with necessary modifications.

Commissioner or deputy Commissioner

(8) The Minister may conduct an investigation in order to determine if the Commissioner or a deputy Commissioner has engaged in conduct that constitutes misconduct or unsatisfactory work performance, and subsections (1) to (6) apply to the investigation with necessary modifications.

Investigation timing

(9) The chief of police, police service board or Minister conducting an investigation under this section shall endeavour to ensure that the investigation is concluded within 120 days, not including any period during which an investigation may not take place as a result of section 208.

Status report

(10) If the timing requirements of subsection (9) are not met in respect of an investigation, the chief of police, police service board or Minister, as applicable, shall give notice of the status of the investigation to the person being investigated every 30 days until the investigation is concluded unless, in the opinion of the chief, board or Minister, doing so might prejudice the investigation.

Postponement due to investigation or proceeding

199 (1) Subject to subsections (2) and (3), if a matter that is or may be the subject of an investigation under this Part is or becomes the subject of an investigation of an offence under a law of Canada, a province or a territory, or the prosecution of such an offence, the chief of police, police service board or Minister, as applicable, may postpone the commencement of the investigation under this Part, or suspend it, for as long as is necessary in the chief's, board's or Minister's opinion to avoid interfering with the investigation or prosecution.

Same, if Crown Attorney, prosecutor consulted re investigation

(2) If a matter that is or may be the subject of an investigation under this Part is or becomes the subject of an investigation of an offence referred to in subsection (1) and a Crown Attorney or prosecutor has been consulted, the chief of police, police service board or Minister, as applicable, shall, if advised by the Crown Attorney or prosecutor to do so, postpone the

commencement of the investigation under this Part, or suspend it, for as long as is necessary in the Crown Attorney's or prosecutor's opinion to avoid interfering with the investigation.

Same, if Crown Attorney, prosecutor advises re prosecution

(3) If a matter that is or may be the subject of an investigation under this Part is or becomes the subject of the prosecution of an offence referred to in subsection (1), the chief of police, police service board or Minister, as applicable, shall consult a Crown Attorney or prosecutor and, if advised by a Crown Attorney or prosecutor to do so, postpone the commencement of the investigation under this Part, or suspend it, for as long as is necessary in the Crown Attorney's or prosecutor's opinion to avoid interfering with the prosecution.

DISCIPLINARY MEASURES AND HEARINGS

Suspension, forfeit of pay, reprimands, etc.

200 (1) Subject to section 201, a chief of police may impose any combination of the following disciplinary measures on a police officer who is a member of the chief's police service, other than a deputy chief of police, if an investigation under section 198 or an investigation under Part X gives the chief of police reasonable grounds to believe that the officer has engaged in conduct that constitutes misconduct or unsatisfactory work performance:

1. Suspend the police officer without pay for a period not exceeding 30 days or 240 hours, as the case may be.
2. Direct that the police officer forfeit not more than three days or 24 hours pay, as the case may be.
3. Direct that the police officer forfeit not more than 20 days or 160 hours off, as the case may be.
4. Reprimand the police officer.
5. Direct that the police officer undergo specified counselling, treatment or training.
6. Direct that the police officer participate in a specified program or activity.

Restriction on use of combined disciplinary measures

(2) The disciplinary measures described in paragraphs 1, 2 and 3 of subsection (1) may not be imposed in combination with each other in respect of a single act or omission that constitutes misconduct or unsatisfactory work performance.

Same, prescribed limitations

(3) The disciplinary measures described in paragraphs 1, 2 and 3 of subsection (1) may not be imposed in combination with each other if the combined effect of the disciplinary measures would exceed the prescribed limitations, if any.

Calculation

(4) A disciplinary measure imposed under paragraph 1, 2 or 3 of subsection (1) shall be calculated in terms of days if the police officer normally works eight hours a day or less and in terms of hours if he or she normally works more than eight hours a day.

Same

(5) A police officer may elect to satisfy a disciplinary measure imposed under paragraph 2 of subsection (1) by working without pay or by applying the amount to his or her vacation or overtime credits or entitlements.

Same, chief of police or deputy chief of police

(6) Subject to section 201, a police service board may impose disciplinary measures on a chief of police or deputy chief of police of a police service maintained by the police service board for misconduct or unsatisfactory work performance and subsections (1) to (5) of this section apply with respect to those measures, with necessary modifications.

Same, Commissioner or deputy Commissioner

(7) Subject to section 201, the Minister, with the approval of the Lieutenant Governor in Council, may impose disciplinary measures on the Commissioner or a deputy Commissioner for misconduct or unsatisfactory work performance and subsections (1) to (5) of this section apply with respect to those measures, with necessary modifications.

Procedure and hearings

201 (1) Before imposing a disciplinary measure or combination of disciplinary measures under section 200, the chief of police, police service board or Minister, as the case may be, shall,

- (a) provide relevant information concerning the matter, including the written report prepared under subsection 198 (6), and written notice stating the reasons for imposing the disciplinary measure or measures to the police officer;
- (b) give the police officer an opportunity to respond to the notice provided under clause (a), orally or in writing, as the chief of police, police service board or Minister may determine; and
- (c) comply with any other prescribed requirements. 2019, c. 1, Sched. 1, s. 201 (1).

Unsatisfactory work performance — additional requirements

(2) Before a chief of police provides notice under clause (1) (a) of a proposed disciplinary measure or combination of disciplinary measures on a police officer for engaging in conduct that constitutes unsatisfactory work performance, the chief shall,

- (a) ensure that the police officer's work performance has been assessed in accordance with the procedures established under subsection 194 (1);
- (b) advise the police officer of how he or she may improve his or her work performance;
- (c) accommodate the police officer's needs in accordance with the *Human Rights Code* if the police officer has a disability, within the meaning of the *Human Rights Code*, that requires accommodation;
- (d) recommend that the police officer seek remedial assistance, such as counselling, training or participation in a program or activity, if the chief of police is of the opinion that it would improve the police officer's work performance; and
- (e) give the police officer a reasonable opportunity to improve his or her work performance. 2019, c. 1, Sched. 1, s. 201 (2).

Consent to disciplinary measure

(3) The police officer referred to in clause (1) (a) may consent to the imposition of the disciplinary measure or measures after receiving the notice and, if such a consent is given, the police officer shall not request a hearing regarding the disciplinary measure or measures under subsection (6). 2019, c. 1, Sched. 1, s. 201 (3).

Consent may be withdrawn

(4) A police officer who consents to the imposition of a disciplinary measure or measures under subsection (3) may revoke the consent by notifying the chief of police in writing of the revocation no later than 12 business days after the day on which the consent is given. 2019, c. 1, Sched. 1, s. 201 (4).

Exercise of powers

(5) After complying with subsection (1) and, if applicable, subsection (2) and considering the response, if any, the chief of police, police service board or Minister may implement the proposed disciplinary measure or measures, impose a lesser disciplinary measure or combination of disciplinary measures or rescind their intention to implement the disciplinary measure or measures. 2019, c. 1, Sched. 1, s. 201 (5).

Hearing

(6) The police officer who is the subject of the disciplinary measure or measures may apply to the Commission Chair to appoint an adjudicator to hold a hearing regarding the disciplinary measure or measures within 30 days after the day the application was received.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 201 (6) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 68 (1))

Hearing

(6) The police officer who is the subject of the disciplinary measure or measures may apply to the Commission Chair to appoint an adjudicator to hold a hearing regarding the disciplinary measure or measures. 2023, c. 12, Sched. 1, s. 68 (1).

Application timing

(6.1) An application under subsection (6) must be made within the prescribed period, if such a period has been prescribed. 2023, c. 12, Sched. 1, s. 68 (1).

Appointment of adjudicator

(6.2) The Chair shall appoint an adjudicator within 30 days after receiving an application under subsection (6), except in exceptional circumstances. 2023, c. 12, Sched. 1, s. 68 (1).

Notice

(7) A police officer who makes an application under subsection (6) shall provide written notice of the application to the chief of police, police service board or Minister that imposed the disciplinary measure or measures. 2019, c. 1, Sched. 1, s. 201 (7).

Parties

(8) The police officer and the chief of police, police service board or Minister, as applicable, are the parties to the hearing. 2019, c. 1, Sched. 1, s. 201 (8).

Settlement

(9) The police officer and the chief of police, police service board or Minister, as applicable, may settle the matter and the settlement may provide for the imposition of a disciplinary measure or any combination of disciplinary measures that a chief of police could impose under subsection 200 (1). 2019, c. 1, Sched. 1, s. 201 (9).

Order

(10) If, following the hearing, the adjudicator determines that the chief of police, police service board or Minister, as applicable, has proven on clear and convincing evidence that the conduct of the police officer constitutes misconduct or unsatisfactory work performance, the adjudicator may impose a disciplinary measure or any combination of disciplinary measures that a chief of police could impose under subsection 200 (1). 2019, c. 1, Sched. 1, s. 201 (10).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 201 (10) of the Act is amended by striking out “the adjudicator may impose” and substituting “the adjudicator may make an order to impose”. (See: 2023, c. 12, Sched. 1, s. 68 (2))

If overturned

(11) If the adjudicator overturns the decision to impose the disciplinary measure or measures, the chief of police, police service board or Minister, as applicable, shall ensure that the police officer is reimbursed for any lost pay, days or hours, as applicable. 2019, c. 1, Sched. 1, s. 201 (11).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 68 (1, 2) - not in force

Termination of employment or demotion

202 (1) If an investigation under section 198 or an investigation under Part X gives the chief of police reasonable grounds to believe that a police officer who is a member of the chief’s police service, other than a deputy chief of police, has engaged in conduct that constitutes misconduct or unsatisfactory work performance and that the appropriate disciplinary measure is demotion or termination of the officer’s employment, the chief of police may apply to the Commission Chair to appoint an adjudicator to hold a hearing on the matter.

Unsatisfactory work performance — additional requirements

(2) Before applying to the Commission Chair under subsection (1) for demotion or termination of a police officer’s employment for engaging in conduct that constitutes unsatisfactory work performance, a chief of police shall,

- (a) ensure that the police officer’s work performance has been assessed in accordance with the procedures established under subsection 194 (1);
- (b) advise the police officer of how he or she may improve his or her work performance;
- (c) accommodate the police officer’s needs in accordance with the *Human Rights Code* if the police officer has a disability, within the meaning of the *Human Rights Code*, that requires accommodation;
- (d) recommend that the police officer seek remedial assistance, such as counselling, training or participation in a program or activity, if the chief of police is of the opinion that it would improve the police officer’s work performance; and
- (e) give the police officer a reasonable opportunity to improve his or her work performance.

Notice

(3) The chief of police shall provide written notice of the application to,

- (a) the police officer;
- (b) if the application arose as a result of an investigation under Part X, the complainant in that investigation, if any; and
- (c) if the Complaints Director directed the chief of police to initiate the hearing, the Complaints Director.

Parties

(4) The parties to the hearing are,

- (a) the chief of police;
- (b) the police officer; and
- (c) if the application arose as a result of an investigation under Part X, the complainant in that investigation, if any.

Same, Complaints Director

(5) The Complaints Director is a party to the hearing if the Complaints Director directed the chief of police to initiate the hearing and the chief of police declines to participate as a party.

Examination of evidence

(6) Before the hearing, the police officer and the complainant, if any, shall each be given an opportunity to examine any physical or documentary evidence that will be produced or any report whose contents will be given in evidence.

Same

(7) For greater certainty, subsection (6) applies in addition to any applicable disclosure requirement in the procedures or rules for adjudication hearings established by the regulations, in the *Statutory Powers Procedure Act* or otherwise at law.

Settlement

(8) The parties to the hearing may settle the matter, and the settlement may provide for the imposition of a disciplinary measure or measures set out in subsection (9) or (10).

Order

(9) If, following the hearing, the adjudicator determines that it has been proven on clear and convincing evidence that the police officer has engaged in conduct that constitutes misconduct or unsatisfactory work performance and that demotion or termination of the officer's employment is an appropriate response, the adjudicator may make an order to impose one of the following disciplinary measures:

1. Terminate the police officer's employment.
2. Direct that the police officer's employment be terminated in seven days unless he or she resigns before that time.
3. Demote the police officer, specifying the manner and period of the demotion.

Same

(10) If, following the hearing, the adjudicator determines that the chief of police has proven on clear and convincing evidence that the police officer has engaged in conduct that constitutes misconduct or unsatisfactory work performance but that demotion or termination of the officer's employment is not an appropriate response, the adjudicator may make an order to impose a disciplinary measure or any combination of disciplinary measures that a chief of police could impose under subsection 200 (1).

Chief of police or deputy chief of police

(11) A police service board may apply to the Commission Chair to appoint an adjudicator to hold a hearing respecting the demotion or termination of employment of a chief of police or deputy chief of police of a police service maintained by the police service board.

Same

(12) Subsections (1), (3) and (6) to (10) apply, with necessary modifications, to an application under subsection (11) and the police service board and the chief of police or deputy chief of police, as applicable, are parties to the hearing.

Commissioner or deputy Commissioner

(13) The Minister, with the approval of the Lieutenant Governor in Council, may apply to the Commission Chair to appoint an adjudicator to hold a hearing respecting the demotion or termination of employment of the Commissioner or a deputy Commissioner.

Same

(14) Subsections (1), (3) and (6) to (10) apply, with necessary modifications, to an application under subsection (13) and the Minister and the Commissioner or deputy Commissioner, as applicable, are parties to the hearing.

Postponement due to investigation or proceeding

203 (1) Subject to subsections (2) and (3), if a matter that is or may be the subject of an adjudication hearing under this Part is or becomes the subject of an investigation of an offence under a law of Canada, a province or a territory, or the prosecution of such an offence, the adjudicator may postpone the commencement of the adjudication hearing under this Part, or suspend it, for as long as is necessary in the adjudicator's opinion to avoid interfering with the investigation or prosecution.

Same, if Crown Attorney, prosecutor consulted re investigation

(2) If a matter that is or may be the subject of an adjudication hearing under this Part is or becomes the subject of an investigation of an offence referred to in subsection (1) and a Crown Attorney or prosecutor has been consulted, the adjudicator shall, if advised by the Crown Attorney or prosecutor to do so, postpone the commencement of the adjudication hearing under this Part, or suspend it, for as long as is necessary in the adjudicator's or prosecutor's opinion to avoid interfering with the investigation.

Same, if Crown Attorney, prosecutor advises re prosecution

(3) If a matter that is or may be the subject of an adjudication hearing under this Part is or becomes the subject of the prosecution of an offence referred to in subsection (1), the adjudicator shall, if advised by a Crown Attorney or prosecutor to do so, postpone the commencement of the adjudication hearing under this Part, or suspend it, for as long as is necessary in the Crown Attorney's or prosecutor's opinion to avoid interfering with the prosecution.

Appeal to Divisional Court

204 (1) A party to a hearing held under section 202 may appeal the adjudicator's decision to the Divisional Court within 30 days of receiving notice of the adjudicator's decision.

Notice to Minister

(2) The appealing party shall provide notice of the appeal to the Minister, and the Minister is entitled to be heard, by counsel or otherwise, on the argument of the appeal.

Not question of fact alone

(3) An appeal shall not be made on a question of fact alone.

Agreement to disciplinary measure after public complaint

205 (1) A chief of police may impose a disciplinary measure or any combination of disciplinary measures that a chief of police could impose under subsection 200 (1) on a police officer who is a member of the chief's police service, other than a deputy chief of police, if the officer consents to the imposition of the measure or measures as a result of an informal resolution under section 169.

Procedure, etc. inapplicable

(2) For greater certainty, section 201, including, in particular, the ability to withdraw consent to a disciplinary measure or measures and the availability of an adjudication hearing, does not apply to a disciplinary measure or measures imposed under subsection (1) of this section.

Effect of resignation on investigation, discipline

206 (1) If a police officer who is the subject of an investigation under section 198 or a process to impose a disciplinary measure or combination of disciplinary measures under section 200 or 202 resigns before a disciplinary measure is imposed, no further action shall be taken under this Part after the date of resignation.

Exception

(2) Despite subsection (1), if, within five years of the date of resignation, the person who resigned is appointed as a police officer, the chief of police may continue to investigate the officer's conduct or take steps to impose a disciplinary measure or combination of disciplinary measures under section 200 or 202, as the case may be, in accordance with the regulations, if any.

Chief of police actions

(3) In the circumstances described in subsection (2), if the police officer is newly appointed as a police officer with a police service other than the police service from which he or she resigned,

- (a) the chief of police of the new police service may take any action under subsection (2) in respect of the officer's past conduct as if the chief were the chief of police of the officer's old police service; and
- (b) the chief of police of the old police service shall provide the chief of police of the new police service with any notes or other records pertaining to the prior investigation or disciplinary process.

Expunging of record

207 (1) A chief of police shall expunge an entry made in a police officer's employment record respecting a disciplinary measure two years after the day the disciplinary measure was imposed if,

- (a) the disciplinary measure is described in paragraph 4, 5 or 6 of subsection 200 (1); and
- (b) no other entries relating to disciplinary measures were entered into the officer's employment record in the two years before the day the disciplinary measure was imposed and in the two years following that day.

Same

(2) A chief of police shall expunge an entry made in a police officer's employment record respecting a disciplinary measure five years after the day the disciplinary measure was imposed if,

- (a) the disciplinary measure is described in paragraph 1, 2 or 3 of subsection 200 (1); and
- (b) no other entries relating to disciplinary measures were entered into the officer's employment record in the five years before the day the disciplinary measure was imposed and in the five years following that day.

Extension

(3) Despite subsection (2), a record described in that subsection may be retained in a police officer's employment record for longer than five years if,

- (a) the officer consents to the extension; or

(b) the adjudicator orders that the five-year period be extended after conducting a hearing under this section.

Hearing

(4) A chief of police may apply to the Commission Chair to appoint an adjudicator to hold a hearing within 30 days after the day the application was received to determine whether a record should be retained for longer than five years as a result of extenuating circumstances.

Notice

(5) A chief of police who makes an application under subsection (4) shall provide written notice of the application to the police officer who is the subject of the record.

Parties

(6) The chief of police and the police officer are the parties to the hearing.

Settlement

(7) The chief of police and the police officer may settle the matter, and the settlement may provide for the extension of the retention period.

Order

(8) After the hearing, the adjudicator may order that the record be retained for such longer period as the adjudicator may specify if he or she determines that extenuating circumstances warrant such an extension.

Chiefs of police and deputy chiefs of police

(9) Subsections (1) to (8) apply with necessary modifications to chiefs of police and deputy chiefs of police in respect of entries made in their employment record respecting a disciplinary measure, with,

- (a) the Minister exercising the powers and duties set out in subsections (1) to (8) in respect of the Commissioner and any deputy Commissioners; and
- (b) the applicable police service board exercising the powers and duties set out in subsections (1) to (8) in respect of any other chief of police or deputy chief of police.

Entries under predecessor act

(10) An entry made in a police officer's employment record under the *Police Services Act* may be expunged in accordance with subsection 76 (13) or 77 (10) of that Act as those provisions read before they were repealed.

LIMITATION ON INVESTIGATIONS AND DISCIPLINE

Limitation on investigations, discipline

208 (1) During the time period described in subsection (3) relating to a matter, the chief of police and the police service board or Minister, as applicable, shall not,

- (a) investigate the matter under section 198, subject to subsection (4) of this section;
- (b) impose disciplinary measures with respect to the matter under section 200; or
- (c) make an application with respect to the matter under section 202.

Same

(2) During the time period described in subsection (3), an adjudicator may continue to hear a proceeding that was commenced under section 202 if the hearing commenced before the beginning of that time period.

Time period

(3) The time periods referred to in subsections (1) and (2) are the following:

1. The time period,
 - i. beginning on the day the SIU Director causes the matter to be investigated, and
 - ii. ending on the day the SIU Director, or the chief of police to whom the matter is referred under subsection 36 (1) of the *Special Investigations Unit Act, 2019*, determines that charges will or will not be laid with respect to the matter.
2. The time period,
 - i. beginning on the day the chief of police, police service board or Minister,
 - A. provides notice of the misconduct to the Complaints Director under section 197, or
 - B. receives notice from the Complaints Director indicating that he or she will investigate the matter, and

- ii. ending on the day the chief of police, police service board or Minister receives notice,
 - A. if applicable, that the Complaints Director will not cause an investigation of the matter to be conducted,
 - B. that the investigation will be discontinued, or
 - C. that the Complaints Director does not have reasonable grounds to believe that the conduct of the police officer or special constable who was the subject of the investigation constitutes misconduct.

Exception

- (4) Subsection (1) does not limit,
 - (a) an investigation conducted for the purpose of determining whether to impose a suspension without pay under section 210; or
 - (b) the imposition of a suspension without pay under section 210.

SUSPENSION

Suspension with pay

209 (1) A chief of police may suspend a police officer who is a member of the chief's police service, other than a deputy chief of police, with pay, pending the final disposition of a proceeding, if any, under this Part if the member is suspected of misconduct.

Other required duties

(2) The suspension may require the police officer to perform duties that do not involve exercising the powers or performing the duties of a police officer.

Notice

(3) The chief of police shall provide written notice of the suspension to the police officer.

Revocation

(4) The chief of police may revoke the suspension at any time.

Re-imposition

(5) The chief of police may re-impose a suspension, repeatedly if necessary, as the chief of police considers appropriate, as long as the circumstances set out in subsection (1) continue to be met.

Earnings from other employment

(6) If a police officer is suspended with pay and is not performing duties as required by the chief of police under subsection (2), the pay for the period of suspension shall be reduced by the amount that he or she earns from other employment during that period.

Exception

(7) Subsection (6) does not apply to earnings from other employment that was commenced before the period of suspension, but does apply to earnings generated from additional hours that the employee works during the period of suspension.

Chief of police or deputy chief of police

(8) A police service board may suspend a chief of police or deputy chief of police of a police service maintained by the police service board with pay, and subsections (1) to (7) apply to the suspension with necessary modifications.

Commissioner or deputy Commissioner

(9) The Minister may suspend the Commissioner or a deputy Commissioner with pay, and subsections (1) to (7) apply to the suspension with necessary modifications.

Suspension without pay

210 (1) A chief of police may suspend a police officer who is a member of the chief's police service, other than a deputy chief of police, without pay in the following circumstances:

1. The police officer is convicted of an offence and sentenced to a term of imprisonment, even if the conviction or sentence is under appeal.
2. The police officer is in custody or is subject to conditions of judicial interim release, or conditions imposed under section 499 of the *Criminal Code* (Canada), that substantially interfere with the officer's ability to perform the duties of a police officer.
3. The police officer is charged with a serious offence, as defined in the regulations, under a law of Canada and,
 - i. the alleged offence was not committed in relation to the performance of the officer's duties,

- ii. the chief of police,
 - A. has commenced proceedings to seek termination of the police officer's employment in relation to the events that led to the charges, or
 - B. has given notice to the police officer that the chief intends to commence such proceedings but is prevented from doing so by section 208,
- iii. the likely outcome of the proceedings would be, if the events leading to the charges were proven, that the officer's employment would be terminated or the officer would resign in accordance with an order under paragraph 2 of subsection 202 (9), and
- iv. a failure to suspend the officer without pay would bring discredit to the reputation of the police service.

Unable to perform duties

(2) A suspension without pay imposed under paragraph 2 of subsection (1) on a police officer who is subject to conditions of judicial interim release ends once the conditions no longer substantially interfere with the police officer's ability to perform the duties of a police officer.

Non-application of other sections

(3) Sections 200 and 201 do not apply to a suspension without pay imposed under this section.

Notice

(4) The chief of police shall provide written notice of a suspension without pay to the police officer.

Revocation

(5) The chief of police may revoke a suspension without pay at any time.

Disentitlement to pay

(6) During a suspension without pay, the police officer is not entitled to receive a salary, wages or other remuneration, but is entitled to continue to receive any benefits the officer would otherwise be entitled to.

Pension credit

(7) Despite subsection (6), a police officer shall not accrue pension credit in respect of the period of suspension without pay.

Restrictions on activities that constitute full-time employment do not apply

(8) Clause 89 (1) (c) does not apply to the police officer during the period of suspension without pay.

Effective date of suspension without pay

(9) A suspension without pay takes effect as follows:

1. For a suspension under paragraph 1 or 2 of subsection (1), on the day the chief of police provides written notice of the suspension to the police officer.
2. For a suspension under paragraph 3 of subsection (1), on the 60th day after the day the chief of police provides written notice of the suspension to the police officer.

Hearing for certain suspensions without pay

(10) A police officer may apply to the Commission Chair to appoint an adjudicator to hold a hearing respecting a decision to impose a suspension without pay if,

- (a) the suspension is under paragraph 2 of subsection (1) and the officer believes that the conditions of judicial interim release to which he or she is subject do not substantially interfere with his or her ability to perform the duties of a police officer; or
- (b) the suspension is under paragraph 3 of subsection (1).

Same

(11) The police officer must apply to the Commission Chair, and provide written notice of the application to the chief of police who imposed the suspension, before the 60th day after the day the chief of police provided written notice of the suspension to the police officer.

Same

(12) A hearing under subsection (10) shall be dealt with on an expedited basis.

Parties

(13) The police officer and the chief of police are the parties to the hearing.

Some hearings operate as stays

(14) If a decision to impose a suspension without pay under paragraph 3 of subsection (1) is the subject of a hearing before an adjudicator, the suspension is stayed from the time notice of the hearing is served on the chief of police until the adjudicator disposes of the matter.

Order

(15) The adjudicator may make an order overturning the decision to impose the suspension without pay if the adjudicator determines that the police officer has shown, on the balance of probabilities, that the criteria for imposing the suspension without pay were not met.

Delay

(16) If the adjudicator finds that a party is acting in bad faith for the purpose of delaying the hearing, the adjudicator may make such interim orders as the adjudicator considers appropriate, including imposing a suspension without pay for such time as the adjudicator believes appropriate to remedy the delay.

If overturned

(17) If the adjudicator overturns the decision to suspend the police officer without pay,

- (a) the suspension without pay ends;
- (b) the chief of police shall ensure that the police officer is compensated for the loss of any salary, wages or other remuneration; and
- (c) subsection (7) shall not apply with respect to any period of the suspension.

Chief of police or deputy chief of police

(18) A police service board may suspend a chief of police or deputy chief of police of a police service maintained by the police service board without pay.

Same

(19) Subsections (1) to (12) and (14) to (17) apply, with necessary modifications, to a suspension under subsection (18) and the police service board and the chief of police or deputy chief of police, as applicable, are parties to any hearing under subsection (10).

Commissioner or deputy Commissioner

(20) The Minister, with the approval of the Lieutenant Governor in Council, may suspend the Commissioner or a deputy Commissioner without pay.

Same

(21) Subsections (1) to (12) and (14) to (17) apply, with necessary modifications, to a suspension under subsection (20) and the Minister and the Commissioner or deputy Commissioner, as applicable, are parties to any hearing under subsection (10).

Powers on suspension

211 While suspended with or without pay, a police officer shall not exercise any of the powers vested in him or her as a police officer or wear or use clothing or equipment that was issued to him or her in that capacity.

TERMINATION OF PROBATIONARY POLICE OFFICERS

Termination of employment during probationary period

212 (1) A police service board may terminate a police officer's employment at any time during his or her probationary period on the recommendation of the chief of police but, before doing so, shall give the police officer written notice with respect to the reasons for the termination and an opportunity to respond orally or in writing, as the board may determine.

Non-application

(2) Section 202 does not apply to the termination of the employment of a police officer during his or her probationary period.

EVIDENCE

Police officer not required to give evidence

213 (1) A police officer who is the subject of the hearing under this Part shall not be required to give evidence at the hearing.

Testimony in civil proceedings

(2) No person shall be required to testify in a civil proceeding with regard to information obtained in the course of an investigation conducted under this Part, except at,

- (a) a hearing held under this Part; or

(b) a discipline proceeding for a member of a police service who is not a police officer.

Admissibility of documents

(3) No document prepared as the result of an investigation conducted under this Part is admissible in a civil proceeding, except at a proceeding set out in subsection (2).

Inadmissibility of statements

(4) No statement made during an attempt to resolve a dispute regarding disciplinary matters that may result from an investigation conducted under this Part is admissible in a civil proceeding, including a hearing held under this Part, except with the consent of the person who made the statement.

Inspector's evidence

(5) No information gathered by an inspector in the course of an inspection under this Act is admissible in a hearing held under this Part, except a hearing at which the misconduct alleged relates to an interaction with the inspector, including a contravention of section 129.

MISCELLANEOUS

Application of *Statutory Powers Procedure Act*

214 Despite section 32 of the *Statutory Powers Procedure Act*, any provision of this Act or the regulations relating to a proceeding before an adjudicator appointed by the Commission Chair prevails over any provision of that Act to the extent of the conflict.

Reports of chief of police

215 (1) A chief of police shall report, in accordance with the regulations, to the police service board or, in the case of the Commissioner, to the Minister regarding the aggregate disciplinary measures the chief has taken under this Part.

Publication and forwarding of reports

(2) The board and Minister shall,

- (a) publish the reports on the Internet in accordance with the regulations made by the Minister, if any; and
- (b) forward the reports to the Complaints Director.

TRANSITION

Transition

216 (1) Complaints made under the *Police Services Act* and hearings under section 25 of that Act shall continue to be dealt with in accordance with the provisions of that Act as they read immediately before the Act's repeal with necessary modifications, subject to subsections (3) to (6) and to such other modifications as may be set out in the regulations. 2019, c. 1, Sched. 1, s. 216 (1).

Previous event

(2) If a complaint about a policy of or service provided by a police service or the conduct of a police officer is made on or after the day the *Police Services Act* is repealed, but the event to which the complaint relates occurred before the repeal of that Act and the event does not form part of a series of events that continued on or after the day that Act is repealed, the complaint shall be dealt with in accordance with the provisions of that Act as they read immediately before the Act's repeal with necessary modifications, subject to subsections (3) to (6) and to such other modifications as may be set out in the regulations. 2019, c. 1, Sched. 1, s. 216 (2).

Complaints Director

(3) The Complaints Director shall exercise the powers and duties of the Independent Police Review Director in respect of the matters described in subsections (1) and (2). 2019, c. 1, Sched. 1, s. 216 (3).

Different appeal

(4) If subsection (1) or (2) would allow a person to appeal a matter to the Ontario Civilian Police Commission, the appeal shall instead be made to the Commission Chair, who shall appoint three adjudicators to exercise the powers and perform the duties of the Ontario Civilian Police Commission in the appeal, subject to such modifications as may be set out in the regulations. 2019, c. 1, Sched. 1, s. 216 (4).

Ontario Civilian Police Commission

(5) The Ontario Civilian Police Commission is continued, until the regulations provide for its dissolution, for the purposes of completing any hearings or appeals under section 25 or Part V of the *Police Services Act* that were initiated before the day the *Police Services Act* was repealed and that were not finally determined as of that day.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 216 (5) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 69)

Ontario Civilian Police Commission

(5) The Ontario Civilian Police Commission is continued until the day on which it is dissolved, as provided for in the regulations. 2023, c. 12, Sched. 1, s. 69.

Same

(5.1) Until it is dissolved, the Ontario Civilian Police Commission shall,

- (a) complete any hearings or appeals under section 25 or Part V of the *Police Services Act* that were initiated before the day the *Police Services Act* was repealed and that were not finally determined as of that day; and
- (b) carry out any other duties of the Commission under the *Police Services Act* as may be prescribed, as if the *Police Services Act* were still in force, subject to such modifications as may be prescribed. 2023, c. 12, Sched. 1, s. 69.

Testimony

(6) No person shall be required to testify in a civil proceeding with regard to information obtained in the course of an investigation under Part II or V of the *Police Services Act* as it read immediately before its repeal, except at,

- (a) a hearing under Part XII of this Act; or
- (b) a hearing or appeal dealt with in accordance with subsection (1) or (2) of this section. 2019, c. 1, Sched. 1, s. 216 (6).

Documents

(7) No document prepared in the course of dealing with a complaint under Part V of the *Police Services Act* is admissible in a civil proceeding, except at,

- (a) a hearing under Part XII of this Act; or
- (b) a hearing or appeal held under Part V of the *Police Services Act* as the result of the application of subsection (1) or (2) of this section. 2019, c. 1, Sched. 1, s. 216 (7).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 69 - not in force

PART XIII LABOUR RELATIONS

DEFINITION AND APPLICATION

Definition, Part XIII

217 In this Part,

“senior officer” means a member of a police service who has the rank of inspector or higher or is employed in a supervisory or confidential capacity.

Non-employees of police service boards

218 (1) This Part does not apply to members of a police service who are not employees of a police service board.

Exception

(2) Despite subsection (1), section 221 applies to members of the Ontario Provincial Police.

Chief of police and deputy

(3) The working conditions and remuneration of the chief of police and any deputy chief of police of a police service shall be determined under clause 37 (1) (d) and not under this Part.

POLICE ASSOCIATIONS

Duty of fair representation

219 (1) A police association, so long as it continues to represent members of a police service under this Part, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the members of the police service. 2019, c. 1, Sched. 1, s. 219 (1).

Appointment of conciliation officer

(2) If a member of a police association alleges that the police association has contravened subsection (1), the member may apply to the Commission Chair to appoint a conciliation officer to attempt to resolve the matter. 2019, c. 1, Sched. 1, s. 219 (2).

Conciliation procedure

(3) The conciliation shall be conducted in accordance with the procedure set out in subsections 228 (3) to (7), with necessary modifications. 2019, c. 1, Sched. 1, s. 219 (3).

Parties

(4) The member making the allegation, the police association and the police service are the parties to a conciliation or arbitration under this section. 2019, c. 1, Sched. 1, s. 219 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 219 (4) of the Act is amended by striking out “the police association and the police service” and substituting “and the police association”. (See: 2023, c. 12, Sched. 1, s. 70)

Arbitration

(5) If matters remain in dispute after the conciliation, any party may give the Commission Chair and the other parties a written notice referring the matters to arbitration. 2019, c. 1, Sched. 1, s. 219 (5).

Arbitration procedure

(6) The arbitration shall be conducted in accordance with the procedure set out in subsections 229 (2) to (8), with necessary modifications. 2019, c. 1, Sched. 1, s. 219 (6).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 70 - not in force

MEMBERSHIP AND STATUS

Restriction on membership in police association

Application

220 (1) This section applies to the following members of a police service:

1. The chief financial officer, however that person is described.
2. The chief administrative officer, however that person is described.
3. The chief human resources executive, however that person is described.
4. The general counsel, however that person is described.
5. Any person employed in a confidential capacity in relation to labour relations.

Restriction

(2) A member of a police service described in subsection (1) shall not become or remain a member of a police association if his or her position would likely give rise to a conflict of interest in respect of labour relations matters.

Membership in trade union prohibited for certain members

221 A member of a police service shall not become or remain a member of a trade union or of an organization that is affiliated directly or indirectly with a trade union, unless the membership is required for secondary activities and the member notifies his or her chief of police of the membership.

Dispute re person’s status

222 (1) A person may apply to the Commission Chair to appoint an arbitrator to decide any of the following disputes if the person’s rights or obligations under this Part are affected by the subject matter of the dispute:

1. A dispute as to whether a person is subject to this Part by virtue of being a member of a police service who is an employee of a police service board.
2. A dispute as to whether a person is a senior officer.
3. A dispute as to whether a person is prohibited from being a member of a police association as a result of section 220.

Parties

(2) The parties to the arbitration include the police service board and any affected police associations.

Procedure

(3) The arbitration shall be conducted in accordance with the procedure set out in subsections 229 (2) to (8), with necessary modifications.

BARGAINING AND ARBITRATION

Separate bargaining, etc., separate categories

223 (1) If a majority of the members of a police service, or a police association that is entitled to give notices of desire to bargain, assigns the members of the police service to different categories for the purposes of this Part, bargaining, conciliation and arbitration shall be carried on as if each category were a separate police service.

Senior officers

(2) If at least 50 per cent of the senior officers of a police service belong to a police association composed only of senior officers, bargaining, conciliation and arbitration shall be carried on as if the senior officers were a separate police service.

Restriction

(3) If there is a dispute as to whether bargaining, conciliation and arbitration should be carried on with more than two categories within a police service (apart from senior officers), any affected person may apply to the Commission Chair to appoint an arbitrator to decide the matter.

Parties

(4) The parties to an arbitration under subsection (3) include the police service board and any affected police associations.

Procedure

(5) An arbitration under subsection (3) shall be conducted in accordance with the procedure set out in subsections 229 (2) to (8), with necessary modifications.

Notice of desire to bargain

224 (1) If no agreement exists, or at any time after 90 days before an agreement would expire but for section 234, a majority of the members of a police service may give the police service board notice in writing of their desire to bargain with a view to making an agreement, renewing the existing agreement, with or without modifications, or making a new agreement.

Bargaining

(2) Within 15 days after the notice of desire to bargain is given or within the longer period that the parties agree upon, the police service board shall meet with a bargaining committee of the members of the police service.

Same

(3) The parties shall bargain in good faith and make every reasonable effort to come to an agreement dealing with the remuneration, pensions, sick leave credit gratuities and grievance procedures of the members of the police service and, subject to section 231, their working conditions.

Filing of agreement

(4) The police service board shall promptly file a copy of any agreement with the Arbitration and Adjudication Commission.

Police association

(5) If at least 50 per cent of the members of the police service belong to a police association, it shall give the notice of desire to bargain.

Municipal plans, notice to Minister

(6) If the notice of desire to bargain involves pensions under a pension plan established or to be established under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, it shall also be given to the Minister of Municipal Affairs and Housing, who may determine the maximum pension benefits that may be included in any agreement or award with respect to the pension plan.

Bargaining committee

225 (1) The members of the bargaining committee shall be members of the police service.

Legal counsel and advisors

(2) Legal counsel and advisors to the bargaining committee and to the police service board may participate in or conduct the bargaining sessions.

Police organization

(3) If the notice of desire to bargain is given by a police association that is affiliated with a police organization, or if at least 50 per cent of the members of the police service belong to a police organization, a member of the organization may attend the parties' bargaining sessions in an advisory capacity.

Appointment of conciliation officer

226 (1) The Commission Chair shall appoint a conciliation officer, at a party's request, if a notice of desire to bargain has been given.

Duty of conciliation officer

(2) The conciliation officer shall confer with the parties and endeavour to effect an agreement and shall, within 14 days after being appointed, make a written report of the results to the Commission Chair.

Extension of time

(3) The 14-day period may be extended if the parties agree or if the Commission Chair extends it on the advice of the conciliation officer that an agreement may be made within a reasonable time if the period is extended.

Report

(4) When the conciliation officer reports to the Commission Chair that an agreement has been reached or that an agreement cannot be reached, the Commission Chair shall promptly inform the parties of the report.

No arbitration until after conciliation

(5) Neither party shall give a notice requiring matters in dispute to be referred to arbitration under section 227 until a conciliation officer has been appointed, endeavoured to effect an agreement and reported to the Commission Chair and the Commission Chair has informed the parties of the conciliation officer's report.

Competency as a witness

(6) A conciliation officer appointed under subsection (1) is not a competent or compellable witness before a court or tribunal respecting any information or material furnished to or received by him or her while being involved in an endeavour under this section to effect an agreement.

Arbitration

227 (1) If matters remain in dispute after bargaining under section 224 and conciliation under section 226, a party may give the Commission Chair and the other party a written notice referring the matters to arbitration. 2019, c. 1, Sched. 1, s. 227 (1).

Composition of arbitration board

(2) The following rules apply to the composition of the arbitration board:

1. The parties shall determine whether it shall consist of one person or three persons. If they are unable to agree on this matter, or if they agree that the arbitration board shall consist of three persons but one of the parties then fails to appoint a person in accordance with the agreement, the arbitration board shall consist of one person.
2. If the arbitration board is to consist of one person, the parties shall appoint him or her jointly. If they are unable to agree on a joint appointment, the person shall be appointed by the Commission Chair.
3. If the arbitration board is to consist of three persons, the parties shall each appoint one person and shall jointly appoint a chair. If they are unable to agree on a joint appointment, the chair shall be appointed by the Commission Chair.
4. If the arbitration board consists of one person who was appointed by the Commission Chair, or if the arbitration board consists of three persons and the chair was appointed by the Commission Chair, the Commission Chair shall select the method of arbitration and shall advise the arbitration board of the selection. The method selected shall be mediation-arbitration unless the Commission Chair is of the view that another method is more appropriate. The method selected shall not be final offer selection without mediation and it shall not be mediation-final offer selection unless the Commission Chair, in his or her sole discretion, selects that method because he or she is of the view that it is the most appropriate method having regard to the nature of the dispute. If the method selected is mediation-final offer selection, the chair of the arbitration board shall be the mediator or, if the arbitration board consists of one person, that person shall be the mediator. 2019, c. 1, Sched. 1, s. 227 (2).

When hearings commence

(3) The arbitration board shall hold the first hearing within 30 days after the chair is appointed or, if the arbitration board consists of one person, within 30 days after that person is appointed. 2019, c. 1, Sched. 1, s. 227 (3).

Exception

(4) If the method of arbitration selected by the Commission Chair is mediation-arbitration or mediation-final offer selection, the time limit set out in subsection (3) does not apply in respect of the first hearing but applies instead, with necessary modifications, in respect of the commencement of mediation. 2019, c. 1, Sched. 1, s. 227 (4).

Time for submission of information

(5) If the method of arbitration selected by the Commission Chair is mediation-arbitration or mediation-final offer selection, the chair of the arbitration board or, if the arbitration board consists of one person, that person may, after consulting with the parties, set a date after which a party may not submit information to the board unless,

- (a) the information was not available prior to the date;
- (b) the chair or, if the arbitration board consists of one person, that person permits the submission of the information; and
- (c) the other party is given an opportunity to make submissions concerning the information. 2019, c. 1, Sched. 1, s. 227 (5).

Hearing

(6) If the method of arbitration selected by the Commission Chair is conventional arbitration, the arbitration board shall hold a hearing, but the chair of the arbitration board or, if the arbitration board consists of one person, that person may impose limits on the submissions of the parties and the presentation of their cases. 2019, c. 1, Sched. 1, s. 227 (6).

Consolidation of disputes

(7) Disputes may be arbitrated together only if all the parties to the disputes agree. 2019, c. 1, Sched. 1, s. 227 (7).

Time for decision

(8) The arbitration board shall give a decision within 90 days after the chair is appointed or, if the arbitration board consists of one person, within 90 days after that person is appointed.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 227 (8) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 71)

Time for decision

(8) The arbitration board shall give a decision before the earlier of the following:

1. The day that is 90 days after the day the chair is appointed or, if the arbitration board consists of one person, the day that is 90 days after the day the person is appointed.
2. The day that is 30 days after the completion of the arbitration hearing. 2023, c. 12, Sched. 1, s. 71.

Extension

(9) The parties may agree to extend the time described in subsection (8), either before or after the time has passed. 2019, c. 1, Sched. 1, s. 227 (9).

Remuneration and expenses

(10) The remuneration and expenses of the members of an arbitration board shall be paid as follows:

1. A party shall pay the remuneration and expenses of a member appointed by or on behalf of the party.
2. Each party shall pay one-half of the chair's remuneration and expenses or, if the arbitration board consists of one person, one-half of that person's remuneration and expenses. 2019, c. 1, Sched. 1, s. 227 (10).

Representations by municipality

(11) The municipality may make representations before the arbitration board in an arbitration involving a municipal board if the municipality is authorized to do so by a resolution. 2019, c. 1, Sched. 1, s. 227 (11).

Representations by Minister and band council

(12) The Minister and the band council may make representations before the arbitration board in an arbitration involving a First Nation board. 2019, c. 1, Sched. 1, s. 227 (12).

Criteria

(13) In making a decision or award, the arbitration board shall take into consideration all factors it considers relevant, including the following criteria:

1. The employer's ability to pay in light of its fiscal situation.
2. The extent to which services may have to be reduced, in light of the decision or award, if current funding and taxation levels are not increased.
3. The economic situation in Ontario and, if applicable, in the municipality.
4. A comparison, as between the employees and other comparable employees in the public and private sectors, of the terms and conditions of employment and the nature of the work performed.
5. The employer's ability to attract and retain qualified employees.

6. The interest and welfare of the community served by the police service.
7. Any local factors affecting that community. 2019, c. 1, Sched. 1, s. 227 (13).

Restriction

(14) Nothing in subsection (13) affects the powers of the arbitration board. 2019, c. 1, Sched. 1, s. 227 (14).

Filing of award

(15) The arbitration board shall promptly file a copy of its decision or award with the Arbitration and Adjudication Commission. 2019, c. 1, Sched. 1, s. 227 (15).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 71 - not in force

Dispute, appointment of conciliation officer

228 (1) The Commission Chair shall appoint a conciliation officer, at a party's request, if a difference arises between the parties concerning an agreement or an arbitrator's decision or award made under this Part, or if it is alleged that an agreement or award has been violated.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 228 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 72)

Dispute, appointment of conciliation officer

- (1) The Commission Chair shall appoint a conciliation officer, at a party's request, if,
 - (a) an arbitrator is not seized of the matter; and
 - (b) a difference arises between the parties concerning an agreement or an arbitrator's decision or award made under this Part or it is alleged that an agreement or award has been violated. 2023, c. 12, Sched. 1, s. 72.

Appointment of seized arbitrator

(2) If an arbitrator is seized of the matter to which the dispute relates, the Commission Chair may instead appoint that arbitrator to decide the matter, and subsections 229 (2) and (4) to (8) apply with necessary modifications as if the arbitrator were a one-person arbitration board.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 228 (2) of the Act is repealed. (See: 2023, c. 12, Sched. 1, s. 72)

Duty of conciliation officer

(3) The conciliation officer shall confer with the parties and endeavour to resolve the dispute and shall, within 14 days after being appointed, make a written report of the results to the Commission Chair. 2019, c. 1, Sched. 1, s. 228 (3).

Extension of time

(4) The 14-day period may be extended if the parties agree or if the Commission Chair extends it on the advice of the conciliation officer that the dispute may be resolved within a reasonable time if the period is extended. 2019, c. 1, Sched. 1, s. 228 (4).

Report

(5) When the conciliation officer reports to the Commission Chair that the dispute has been resolved or that it cannot be resolved by conciliation, the Commission Chair shall promptly inform the parties of the report. 2019, c. 1, Sched. 1, s. 228 (5).

No arbitration during conciliation

(6) Neither party shall give a notice referring the dispute to arbitration until the Commission Chair has informed the parties of the conciliation officer's report. 2019, c. 1, Sched. 1, s. 228 (6).

Competency as a witness

(7) A conciliation officer appointed under subsection (1) is not a competent or compellable witness before a court or tribunal respecting any information or material furnished to or received by him or her while being involved in an endeavour under this section to resolve a dispute. 2019, c. 1, Sched. 1, s. 228 (7).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 72 - not in force

Arbitration after conciliation fails

229 (1) If the conciliation officer reports that the dispute cannot be resolved by conciliation, either party may give the Commission Chair and the other party a written notice referring the dispute to arbitration.

Same

(2) The procedure provided by subsection (1) is available in addition to any grievance or arbitration procedure provided by the agreement, decision or award.

Composition of arbitration board

(3) The following rules apply to the composition of the arbitration board:

1. The parties shall determine whether it shall consist of one person or three persons. If they are unable to agree on this matter, or if they agree that the arbitration board shall consist of three persons but one of the parties then fails to appoint a person in accordance with the agreement, the arbitration board shall consist of one person.
2. If the arbitration board is to consist of one person, the parties shall appoint him or her jointly. If they are unable to agree on a joint appointment, the person shall be appointed by the Commission Chair.
3. If the arbitration board is to consist of three persons, the parties shall each appoint one person and shall jointly appoint a chair. If they are unable to agree on a joint appointment, the chair shall be appointed by the Commission Chair.

Time for arbitration

(4) The arbitration board shall commence the arbitration within 30 days after being appointed, in the case of a one-person board, or within 30 days after the appointment of the chair, in the case of a three-person board, and shall deliver a decision within a reasonable time.

Filing of decision

(5) The arbitration board shall promptly file a copy of its decision with the Arbitration and Adjudication Commission.

Costs and expenses

(6) The following rules apply with respect to the costs and expenses of the arbitration:

1. The Arbitration and Adjudication Commission shall pay the fees and any prescribed types of expenses of any person the Commission Chair appoints to the arbitration board.
2. Each party shall pay its own costs incurred in the arbitration, including the fees of any person it appoints to the arbitration board.
3. The parties shall share equally the costs and expenses for matters shared in common, including the fees of any person whom they jointly appoint to the arbitration board.

Enforcement

(7) After the day that is 30 days after the delivery of the decision or after the day that the decision provides for compliance, whichever is later, the arbitration board may, of its own motion, and shall, at a party's request, file a copy of the decision, in the form approved by the Minister, with the Superior Court of Justice.

Same

(8) The decision shall be entered in the same way as a judgment of the Superior Court of Justice and may be enforced as such.

Extension of time

230 The parties may agree to extend any period of time mentioned in this Part.

Restriction

231 Agreements and awards made under this Part do not affect the working conditions of the members of the police service insofar as those working conditions are determined by subsection 47 (3), sections 82 to 87, sections 89, 92, 93, 95 and 96 and Part XII (except as provided in section 193) and by the regulations.

Non-application of *Arbitration Act, 1991*

232 The *Arbitration Act, 1991* does not apply to arbitrations conducted under this Part.

Agreements, decisions and awards binding

233 Agreements, decisions and awards made under this Part bind the police service board and the members of the police service.

Duration of agreements, decisions and awards

234 (1) Agreements, decisions and awards remain in effect until the end of the year in which they come into effect and thereafter continue in effect until replaced.

Longer duration if parties agree

(2) The parties to an agreement may provide that the agreement and any decisions or awards made with respect to it shall remain in effect until the end of the year following the year in which they come into effect and thereafter shall continue in effect until replaced.

Provision for expenditures

235 (1) If, when the municipality is adopting its annual estimates, a notice of desire to bargain has been given but there is not yet an agreement, decision or award, the municipality shall make such provision for the payment of expenditures that will result from the expected agreement, decision or award as it considers adequate.

Coming into effect

(2) An agreement, decision or award comes into effect on the first day of the fiscal period in respect of which the municipality may make provision for it in its estimates, whether that day is before or after the agreement, decision or award is made.

Exception

(3) A provision of the agreement, decision or award that does not involve municipal expenditures may come into effect earlier than the day referred to in subsection (2).

Transition; continuation of proceedings

236 Any arbitration for which an arbitrator was appointed under the *Police Services Act* but that was not disposed of before the day that this section came into force shall continue under this Act.

INQUIRIES

Inquiry, alleged contravention

237 (1) The Commission Chair may authorize a conciliation officer to inquire into any complaint alleging a contravention of this Part.

Duties

(2) The conciliation officer shall inquire into the complaint and endeavour to effect a settlement of the matter complained of under subsection (1).

Appointment of arbitrator

(3) If the conciliation officer is unable to effect a settlement of the matter complained of under subsection (1) or if the Commission Chair in his or her discretion considers it advisable to dispense with the conciliation officer's inquiry, the chair may appoint an arbitrator to inquire into the complaint.

Arbitrator's decision

(4) If the arbitrator is satisfied that a person has acted contrary to this Part, the arbitrator shall determine what, if anything, the person shall do or refrain from doing with respect thereto and may, without limiting the generality of the foregoing and despite the provisions of any collective agreement, make one or more of the following orders:

1. An order directing a person to cease doing the act or acts complained of.
2. An order directing a person to rectify the act or acts complained of.

Filing in court

(5) Any person affected by the arbitrator's determination may file the determination, excluding the reasons, in the form approved by the Minister in the Superior Court of Justice, and it shall be entered in the same way as an order of that court and is enforceable as such.

Effect of settlement

(6) If a proceeding under this section has been settled, whether through the endeavours of the conciliation officer or otherwise, and the terms of the settlement have been put in writing and signed by the parties or their representatives, the settlement is binding upon the parties who have agreed to the settlement and shall be complied with according to its terms, and a complaint that a person who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under subsection (1).

Competency as a witness

(7) A conciliation officer is not a competent or compellable witness before a court or tribunal respecting any information or material furnished to or received by him or her while being involved in an inquiry, or an endeavour to effect a settlement, under this section.

PART XIV
TRANSFER OF ASSETS BETWEEN PENSION PLANS

Interpretation

238 (1) Words and expressions used in this Part have the same meaning as under the *Pension Benefits Act* unless the context requires otherwise.

Definitions

(2) In this Part,

“eligible police service employee” means an employee who is a member of a police service and who meets the requirements set out in section 241; (“employé d’un service de police admissible”)

“original pension plan” has the meaning set out in subsection 79.2 (1) of the *Pension Benefits Act*; (“premier régime de retraite”)

“successor pension plan” has the meaning set out in subsection 79.2 (1) of the *Pension Benefits Act*. (“régime de retraite subséquent”)

Agreement governing transfers

239 (1) The administrators of the Public Service Pension Plan and the Ontario Municipal Employees Retirement System may enter into one or more written agreements governing the transfer of assets between pension plans in any of the circumstances that are referred to in subsection 80 (2) or 81 (1) of the *Pension Benefits Act* in respect of eligible police service employees whose employment has been transferred between the Ontario Provincial Police and another police service.

Amount

(2) An agreement must set out the manner of determining the amount of assets to be transferred from an original pension plan to a successor pension plan in respect of the pension benefits and ancillary benefits of an eligible police service employee who consents to the transfer of assets.

Notice to employees

(3) An agreement must provide for the contents of the notice to be given to each eligible police service employee concerning the option of consenting to a transfer of assets in respect of his or her pension benefits and ancillary benefits under the original pension plan, and the notice must contain sufficient information to allow the employee to make an informed decision about whether to consent to the transfer.

Duty to file agreement

240 (1) If the administrators of the Public Service Pension Plan and the Ontario Municipal Employees Retirement System enter into an agreement under section 239, the administrators shall file it with the Superintendent of Financial Services.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 240 (1) of this Act is amended by striking out “Superintendent of Financial Services” at the end and substituting “Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*”. (See: 2019, c. 1, Sched. 1, s. 264 (2))

Effect of filing

(2) Sections 14 and 26 of the *Pension Benefits Act* do not apply with respect to a filed agreement or with respect to any amendment to a pension plan that relates to the implementation of a filed agreement.

Section Amendments with date in force (d/m/y)

2019, c. 1, Sched. 1, s. 264 (2) - not in force

Eligibility of police service employees

241 (1) For the purposes of an agreement filed under section 240, an employee is an eligible police service employee if he or she is a member of a police service who is employed on the effective date of the proposed transfer of assets under the agreement in respect of his or her pension benefits and ancillary benefits under the original pension plan.

Exception

(2) Despite subsection (1), an employee is not an eligible police service employee if he or she is receiving a pension under the Public Service Pension Plan or the Ontario Municipal Employees Retirement System on the effective date of the proposed transfer of assets under the agreement.

Same

(3) Despite subsection (1), an employee is not an eligible police service employee if he or she is entitled, on the effective date of the proposed transfer of assets, to a deferred pension under the Public Service Pension Plan or the Ontario Municipal Employees Retirement System.

Employee's consent to transfer of assets

242 (1) If an eligible police service employee consents, assets may be transferred under an agreement filed under section 240 from an original pension plan to a successor pension plan in respect of his or her pension benefits and ancillary benefits under the original pension plan in accordance with this Part.

Same

(2) The employee must indicate his or her consent in writing in the manner specified by the administrator of the original pension plan.

Application of the *Pension Benefits Act*

(3) The following rules apply to a transfer of assets in accordance with this Part:

1. Sections 21, 79.2, clause 80 (6) (b) and subsections 80 (9) to (15) and 81 (4) to (7) of the *Pension Benefits Act* do not apply to the transfer.
2. For the purposes of section 79.1 of the *Pension Benefits Act*, the transfer is deemed to be authorized under section 80 or 81 of that Act if the transfer is done in accordance with subsections 80 (1) to (8) or 81 (1) to (3) of that Act, respectively.

Transfer to prescribed retirement savings arrangement

(4) If the amount of the assets to be transferred in relation to an individual's pension benefits and other benefits under the original pension plan is greater than the amount allowed under the *Income Tax Act* (Canada) for such a transfer, the administrator of the original pension plan shall pay the portion that exceeds that allowed amount into a retirement savings arrangement prescribed under the *Pension Benefits Act* on behalf of the individual.

Exception

(5) If the amount to be paid under subsection (4) into a retirement savings arrangement prescribed under the *Pension Benefits Act* is greater than the amount prescribed under the *Income Tax Act* (Canada) for such a transfer, the administrator shall pay the portion that exceeds the amount prescribed under that Act as a lump sum to the individual.

Effect of transfer of assets

(6) When assets are transferred in accordance with this Part to a successor pension plan, the transferred assets become part of the assets of the pension fund for that pension plan and they cease to be identified as assets of the original pension plan.

Status of transferred assets and discharge

- (7) When assets are transferred in accordance with this Part,
- (a) the employer who is the sponsor of the successor pension plan assumes responsibility for providing pension benefits and other benefits under the original pension plan to the transferred members, and other persons entitled to payments under that plan, and they have no further claim against the original pension plan; and
 - (b) the administrator of the original pension plan is discharged upon transferring the assets.

PART XV COURT SECURITY

Court security

Police service boards

243 (1) A police service board that has policing responsibility for an area has the following responsibilities with respect to premises where court proceedings are conducted:

1. Ensuring the security of judges and other judicial officers and of persons taking part in or attending proceedings.
2. During the hours when judges, other judicial officers and members of the public are normally present, ensuring the security of the premises.
3. Ensuring the secure custody of persons in custody who are on or about the premises, including persons taken into custody at proceedings.
4. Determining appropriate levels of security for the purposes of paragraphs 1, 2 and 3 in accordance with the regulations, if any.

Commissioner

(2) The Commissioner has the responsibilities set out in subsection (1) in the area for which he or she has policing responsibility.

Common law replaced

(3) The responsibilities created by this section replace any responsibility for ensuring court security that existed at common law.

Powers of person providing court security

244 (1) A person who is authorized by a police service board to act in relation to the board's responsibilities under subsection 243 (1) or who is authorized by the Commissioner to act in relation to the Commissioner's responsibilities under subsection 243 (2) may exercise the following powers if it is reasonable to do so for the purpose of fulfilling those responsibilities:

1. Require a person who is entering or attempting to enter premises where court proceedings are conducted or who is on such premises,
 - i. to identify himself or herself, and
 - ii. to provide information for the purpose of assessing whether the person poses a security risk.
2. Search, without warrant,
 - i. a person who is entering or attempting to enter premises where court proceedings are conducted or who is on such premises,
 - ii. any vehicle that the person is driving, or in which the person is a passenger, while the person is on, entering or attempting to enter premises where court proceedings are conducted, and
 - iii. any property in the custody or care of the person.
3. Search, without warrant, using reasonable force if necessary,
 - i. a person in custody who is on premises where court proceedings are conducted or is being transported to or from such premises, and
 - ii. any property in the custody or care of the person.
4. Refuse to allow a person to enter premises where court proceedings are conducted and use reasonable force if necessary to prevent the person's entry,
 - i. if the person refuses to identify himself or herself or provide information under paragraph 1 or refuses to submit to a search under paragraph 2,
 - ii. if there is reason to believe that the person poses a security risk, or
 - iii. for any other reason relating to the fulfilment of the police service board's responsibilities under subsection 243 (1) or the Commissioner's responsibilities under subsection 243 (2).
5. Demand that a person immediately leave premises where court proceedings are conducted and use reasonable force if necessary to remove the person,
 - i. if the person refuses to identify himself or herself or provide information under paragraph 1 or refuses to submit to a search under paragraph 2,
 - ii. if there is reason to believe that the person poses a security risk, or
 - iii. for any other reason relating to the fulfilment of the police service board's responsibilities under subsection 243 (1) or the Commissioner's responsibilities under subsection 243 (2).

Arrest

(2) A person who is authorized by a police service board or by the Commissioner as described in subsection (1) may arrest, without warrant, any person who,

- (a) after being required to identify himself or herself or provide information under paragraph 1 of subsection (1), enters or attempts to enter premises where court proceedings are conducted without identifying himself or herself or providing the information;
- (b) after being directed to submit to a search under paragraph 2 of subsection (1), enters or attempts to enter premises where court proceedings are conducted without submitting to the search;
- (c) enters or attempts to enter premises where court proceedings are conducted, after a refusal under paragraph 4 of subsection (1); or
- (d) does not immediately leave premises where court proceedings are conducted, after being demanded to do so under paragraph 5 of subsection (1).

Reasonable force

(3) Reasonable force may be used if necessary to make the arrest.

Delivery to police officer

(4) If the person who makes the arrest is not a police officer, he or she shall promptly call for the assistance of a police officer and give the person arrested into the custody of the police officer.

Deemed arrest

(5) A police officer to whom the custody of a person is given under subsection (4) shall be deemed to have arrested the person for the purposes of the provisions of the *Provincial Offences Act* applying to his or her release or continued detention and his or her bail.

Accommodation

(6) When a person who is authorized by a police service board or by the Commissioner, as described in subsection (1), exercises powers under this section with respect to other persons, he or she shall ensure that those persons are accommodated in accordance with the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*, and this includes accommodation in connection with creed or disability.

Offences

245 (1) A person is guilty of an offence if,

- (a) after being required to identify himself or herself or provide information under paragraph 1 of subsection 244 (1), the person enters or attempts to enter premises where court proceedings are conducted without identifying himself or herself or providing the information;
- (b) after being directed to submit to a search under paragraph 2 of subsection 244 (1), the person enters or attempts to enter premises where court proceedings are conducted without submitting to the search;
- (c) the person enters or attempts to enter premises where court proceedings are conducted, after a refusal under paragraph 4 of subsection 244 (1); or
- (d) the person does not immediately leave premises where court proceedings are conducted, after being demanded to do so under paragraph 5 of subsection 244 (1).

Penalty

(2) A person who is convicted of an offence under this section is liable,

- (a) in the case of a first offence, to a fine of not more than \$5,000, to an imprisonment for a term of not more than 60 days, or to both; or
- (b) in the case of a second or subsequent offence, to a fine of not more than \$10,000, to an imprisonment for a term of not more than 60 days, or to both.

Powers not affected**Judicial powers**

246 (1) Nothing in this Part derogates from or replaces the power of a judge or other judicial officer to control court proceedings.

Same

(2) Nothing in this Part affects the right of a judge or other judicial officer to have access to premises where court proceedings are conducted.

Powers of persons providing court security

(3) Nothing in this Part derogates from or replaces any powers that a person authorized by a police service board or by the Commissioner as described in subsection 244 (1) otherwise has under the law.

Privilege preserved

247 Nothing in this Part shall operate so as to require the disclosure of information that would be inadmissible in a court by reason of any privilege under the law of evidence, or permit the review of documents containing such information.

**PART XVI
COMMUNITY SAFETY AND WELL-BEING PLANS**

PREPARATION AND ADOPTION

Municipal community safety and well-being plan

248 (1) Every municipality shall prepare and, by resolution, adopt a community safety and well-being plan.

May be prepared individually or jointly

(2) The community safety and well-being plan may be prepared by the municipality individually or jointly in consultation with other municipalities or band councils.

First community safety and well-being plan

(3) A municipality must prepare and adopt its first community safety and well-being plan before the second anniversary of the day on which this section began applying to the municipality.

Transition

(4) Every community safety and well-being plan prepared and adopted under the *Police Services Act* before it was repealed shall be deemed to have been prepared and adopted under this Act.

Same, deemed compliance

(5) The Minister may deem a community safety and well-being plan to have met all of the requirements in section 250 if,

- (a) consultations to develop the plan were completed before January 1, 2019; and
- (b) in the Minister's opinion, the consultations substantially complied with the obligations set out in section 250.

Same, time limit

(6) If a municipality was required to prepare and adopt a community safety and well-being plan under section 143 of the *Police Services Act* but no plan was prepared and adopted before that Act was repealed, the two-year period under subsection (3) shall begin on the day section 143 of the *Police Services Act* first began applying to the municipality.

First Nation community safety and well-being plan

249 (1) A band council of a First Nation may prepare and adopt a community safety and well-being plan.

May be prepared individually or jointly

(2) The community safety and well-being plan may be prepared by the band council individually or jointly in consultation with other band councils or municipalities.

Preparation of plan by municipality

250 (1) A municipality that prepares a community safety and well-being plan shall establish an advisory committee.

Joint preparation of plan

(2) Despite subsection (1), a group of municipalities that are jointly preparing a community safety and well-being plan shall jointly establish and consult with a single advisory committee.

Membership of committee

(3) The advisory committee must, at a minimum, consist of the following members:

1. A person who represents,
 - i. a local health integration network for a geographic area in which the municipality is located, as determined under the *Local Health System Integration Act, 2006*, or

Note: On a day to be named by proclamation of the Lieutenant Governor, subparagraph 1 i of subsection 250 (3) of the Act is repealed and the following substituted: (See: 2023, c. 19, s. 18)

- i. Ontario Health, or
 - ii. an entity that provides services to improve the physical or mental health of individuals in the community or communities.
2. A person who represents an entity that provides educational services in the municipality.
3. A person who represents an entity that provides community or social services in the municipality, if there is such an entity.
4. A person who represents an entity that provides community or social services to children or youth in the municipality, if there is such an entity.
5. A person who represents an entity that provides custodial services to children or youth in the municipality, if there is such an entity.
6. An employee of the municipality or a member of the municipal council.
7. A person who represents the police service board or, if there is no police service board, the commander of the detachment of the Ontario Provincial Police that provides policing in the area or his or her delegate.

8. A chief of police of a police service that provides policing in the area or his or her delegate.
9. Any other person prescribed by the Minister.

Single individual may meet multiple requirements

(4) A single individual may satisfy the requirements set out in multiple paragraphs of subsection (3).

Same, joint plans

- (5) If the community safety and well-being plan is prepared by a group of municipalities or band councils,
- (a) the members of the advisory committee shall be appointed by agreement of the participating municipalities and band councils; and
 - (b) the provisions of this Act that apply to community safety and well-being plans apply, with necessary modifications, to joint community safety and well-being plans.

Considerations

(6) In appointing the members of the advisory committee, the municipality or municipalities shall consider the need to ensure that advisory committee is representative of the municipality or municipalities, having regard for the diversity of the population in the municipality or municipalities.

Consultations

- (7) In preparing a community safety and well-being plan, the municipality or municipalities shall,
- (a) consult with the advisory committee;
 - (b) consult with members of the public, including youth, individuals who have received or are receiving mental health or addictions services, members of racialized groups and of First Nation, Inuit and Métis communities, in the municipality or municipalities and, in the case of a joint plan with a First Nation, in the First Nation reserve;
 - (c) consult with community organizations, including First Nation, Inuit and Métis organizations and community organizations that represent youth or members of racialized groups, in the municipality or municipalities and, in the case of a joint plan with a First Nation, in the First Nation reserve; and
 - (d) comply with any consultation requirements that may be prescribed by the Minister.

Use of information

(8) In preparing a community safety and well-being plan, the municipality or municipalities shall consider available information related to crime, victimization, addiction, drug overdose, suicide and any other risk factors prescribed by the Minister, including statistical information from Statistics Canada or other sources, in addition to the information obtained through its consultations.

Other prescribed requirements

(9) The municipality or municipalities shall meet the requirements prescribed by the Minister, if any, in preparing their community safety and well-being plan.

Transition

(10) A community safety and well-being plan that was adopted in accordance with this section, as it read at the time, continues to be valid despite any intervening changes to this section.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 76 - not in force; 2023, c. 19, s. 18 - not in force

Content of community safety and well-being plan

251 A community safety and well-being plan shall,

- (a) identify risk factors in the municipality or First Nation, including, without limitation, systemic discrimination and other social factors that contribute to crime, victimization, addiction, drug overdose and suicide and any other risk factors prescribed by the Minister;
- (b) identify which risk factors the municipality or First Nation will treat as a priority to reduce;
- (c) identify strategies to reduce the prioritized risk factors, including providing new services, changing existing services, improving the integration of existing services or coordinating existing services in a different way;
- (d) set out measurable outcomes that the strategies are intended to produce;
- (e) address any other issues that may be prescribed by the Minister; and
- (f) contain any other information that may be prescribed by the Minister.

Publication of community safety and well-being plan

252 A municipality that has adopted a community safety and well-being plan shall publish it on the Internet in accordance with the regulations made by the Minister, if any.

Implementation of community safety and well-being plan

253 A municipality that has adopted a community safety and well-being plan shall take any actions that the plan requires it to take and shall encourage and assist other entities to take any actions the plan requires those entities to take.

REPORTING AND REVISION

Monitoring, evaluating and reporting

254 (1) A municipality that has adopted a community safety and well-being plan shall, in accordance with the regulations made by the Minister, if any, monitor, evaluate and report on the effect the plan is having, if any, on reducing the prioritized risk factors.

Publication

(2) The reports referred to in subsection (1) shall be published on the Internet in accordance with the regulations made by the Minister, if any.

Revision by municipality

255 (1) A municipality that has adopted a community safety and well-being plan shall review and, if appropriate, revise the plan within the period prescribed by the Minister.

Revision by band council

(2) A band council that has adopted a community safety and well-being plan may review and, if appropriate, revise the plan within the period prescribed by the Minister.

Process for revision

(3) Sections 250 to 252 apply, with necessary modifications, to the revision of a community safety and well-being plan.

MISCELLANEOUS

Information to Minister

256 (1) Every municipality shall provide the Minister with any information prescribed by the Minister respecting,

- (a) the municipality's community safety and well-being plan, including the preparation, adoption or implementation of the plan;
- (b) any outcomes from the municipality's community safety and well-being plan; and
- (c) any other matter prescribed by the Minister related to the community safety and well-being plan.

Time to comply

(2) The municipality shall provide the information within the period prescribed by the Minister.

No personal information

(3) Personal information cannot be prescribed for the purposes of this section.

Community safety and well-being planner

257 (1) The Minister may appoint a person as a community safety and well-being planner for a municipality if, in the Minister's opinion, the municipality has intentionally and repeatedly failed to comply with one of its obligations under this Part, other than section 253.

Notice of appointment

(2) The Minister shall give the municipality at least 30 days' notice before appointing the community safety and well-being planner.

Term of office

(3) The appointment of a community safety and well-being planner is valid until terminated by order of the Minister.

Powers of planner

(4) Unless the appointment provides otherwise, a community safety and well-being planner has the right to exercise any powers of the municipality that are necessary to prepare a community safety and well-being plan that the municipality could adopt.

Same

(5) The Minister may specify the powers and duties of a community safety and well-being planner appointed under this section and the terms and conditions governing those powers and duties.

Right of access

(6) A community safety and well-being planner appointed for a municipality has the same rights as the municipal council in respect of the documents, records and information of the municipality.

Minister's directions

(7) The Minister may issue directions to a community safety and well-being planner with regard to any matter within the jurisdiction of the planner.

Directions to be followed

(8) A community safety and well-being planner shall carry out every direction of the Minister.

Report to Minister

(9) A community safety and well-being planner shall report to the Minister as required by the Minister.

Municipality to pay costs

(10) The municipality shall pay the community safety and well-being planner's remuneration and expenses as set out in the regulations made by the Minister.

PART XVII REGULATIONS AND MISCELLANEOUS

Property in possession of police service

258 (1) This section applies to personal property of all kinds, except firearms and money, that comes into the possession of a police service under either of the following circumstances:

1. The property was stolen from its owner or was found abandoned in a public place and the chief of police is unable to determine who owns it.
2. The property was seized by a member of the police service in the lawful execution of his or her duties, all legal proceedings in respect of the property have been completed, there is no court order for its disposition and there is no legal requirement, apart from this section, that it be retained or disposed of. 2019, c. 1, Sched. 1, s. 258 (1).

Sale

(2) The chief of police may cause the property to be sold and the police service board may use the proceeds for any purpose that it considers in the public interest, including a charitable donation.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 258 (2) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 73)

Sale by police service maintained by a police service board

(2) The chief of police of a police service maintained by a police service board may cause the property to be sold, and the police service board may use the proceeds for any purpose that it considers in the public interest, including a charitable donation. 2023, c. 12, Sched. 1, s. 73.

Sale by O.P.P.

(2.1) The Commissioner may cause the property to be sold, and any proceeds shall be deposited in the Consolidated Revenue Fund. 2023, c. 12, Sched. 1, s. 73.

Perishable property

(3) If the property is perishable, it may, at any time without notice, be donated to a charitable organization or sold. 2019, c. 1, Sched. 1, s. 258 (3).

Non-perishable property

(4) If the property is not perishable, the following rules apply to its sale:

1. The property may be sold when it has been in the possession of the police service for at least one month in the case of a motor vehicle as defined in the *Highway Traffic Act* or a bicycle, or for at least three months in the case of other property.
2. The sale shall be made using an in-person public auction, an online public auction or a public tender.
3. In the case of an in-person public auction, at least 10 days' notice of the time and place of the auction shall be published on the Internet, in accordance with the regulations made by the Minister, if any.

4. An online public auction must be open to bids from the public for at least seven days and may be extended until the property is sold.
5. A public auction may be adjourned, repeatedly if necessary, until the property is sold. 2019, c. 1, Sched. 1, s. 258 (4).

Claim of owner of property

(5) If a motor vehicle, bicycle or other property has been sold before it has been in the possession of the police service for three months and if the owner makes a claim before that time, the owner is entitled to receive the proceeds, less the costs of storage, advertising and sale. 2019, c. 1, Sched. 1, s. 258 (5).

Register of property

(6) The chief of police shall keep a register of property and ensure that the following rules are followed:

1. The description and location of every item of property shall be recorded.
2. If the property is sold, full particulars shall be recorded.
3. If the property is returned to its owner, his or her name, address and telephone number shall be recorded. 2019, c. 1, Sched. 1, s. 258 (6).

Exception

(7) This section does not apply to a motor vehicle that is impounded under section 220 of the *Highway Traffic Act*. 2019, c. 1, Sched. 1, s. 258 (7).

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 73 - not in force

Money

259 (1) This section applies to money that comes into the possession of a police service under the circumstances described in paragraph 1 or 2 of subsection 258 (1). 2019, c. 1, Sched. 1, s. 259 (1).

Accounting

(2) The money shall be accounted for according to the method prescribed by the Minister.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 259 (2) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 74)

Money to be dealt with in accordance with procedures

(2) The money shall be dealt with in accordance with any procedures prescribed by the Minister. 2023, c. 12, Sched. 1, s. 74.

Use of money

(3) If three months have elapsed after the day the money came into the possession of the police service and the owner has not claimed it, the police service board may use it for any purpose that it considers in the public interest.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsections 259 (3) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 74)

Use of money by police service maintained by a police service board

(3) If three months have elapsed after the day the money came into the possession of a police service maintained by a police service board and the owner has not claimed it, the police service board may use it for any purpose that it considers in the public interest. 2023, c. 12, Sched. 1, s. 74.

Use of money by O.P.P.

(3.1) If three months have elapsed after the day the money came into the possession of the Ontario Provincial Police and the owner has not claimed it, the Commissioner may deposit it into the Consolidated Revenue Fund. 2023, c. 12, Sched. 1, s. 74.

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 74 - not in force

Firearms

260 (1) This section applies to firearms that are in the possession of a police service because they have been found, turned in or seized.

Safe-keeping, return to owner

(2) The chief of police shall ensure that firearms are securely stored and that they are returned to their owners if there is a court order or other legal requirement to that effect.

Destruction

(3) If all possible court proceedings relating to a firearm have been completed or the time for them has expired and there is no court order or other legal requirement governing how the firearm is to be dealt with, the chief of police shall ensure that it is destroyed promptly, unless subsection (4) applies.

Firearm of special interest

(4) If the chief of police considers the firearm unique, an antique or of educational or historical value, he or she shall notify the Director of the Centre of Forensic Sciences.

Same

(5) If the Director indicates, within three months of receiving notice, that the firearm is required for the Centre's collection, the chief of police shall ensure that it is transferred there.

Same

(6) If the Director indicates that the firearm is not required for the Centre's collection or fails to respond within three months of receiving notice, the chief of police shall ensure that the firearm is destroyed promptly.

Disposal otherwise than by destruction

(7) The chief of police may dispose of a firearm to which subsection (6) applies otherwise than by having it destroyed if he or she first obtains the Minister's approval of the method of disposal.

Register of firearms

(8) The chief of police shall keep a register of firearms and ensure that the following rules are followed:

1. Every firearm's description and location shall be recorded.
2. When a firearm ceases to be in the possession of the police service board or of a member of the police service, full particulars shall be recorded, including the name of the person who disposed of it and the date and method of disposal.
3. If the firearm is returned to its owner, his or her name, address and telephone number shall also be recorded.

Statement

(9) Every chief of police shall, in accordance with the regulations made by the Minister, provide the following information to the Minister:

1. A list of the firearms that have come into the possession of the police service during the preceding calendar year.
2. A list of which firearms are still being retained and which have been disposed of, along with the particulars of that disposal.
3. Any other information prescribed by the Minister.

Regulations

Lieutenant Governor in Council

261 (1) The Lieutenant Governor in Council may make regulations,

1. respecting anything that, in this Act, may or must be prescribed or done by regulation, other than by the Minister;
2. prescribing policing standards, including the policing standards that must be met in providing adequate and effective policing;
3. governing the provision of policing functions, including,
 - i. prescribing policing functions in respect of which a police service board or the Commissioner may enter into an agreement under subsection 14 (1) or (2),
 - ii. prescribing entities that may provide policing functions pursuant to an agreement under section 14 and specifying the policing functions they may provide,
 - iii. prohibiting the provision of a policing function by persons who are not peace officers,
 - iv. prohibiting the provision of a policing function by persons who are not police officers,
 - v. prescribing requirements that a police service board or the Commissioner shall comply with in relation to entering into an agreement under section 14,
 - vi. prescribing additional matters an agreement under section 14 must address;
4. prescribing codes of conduct and governing their application;

5. prescribing entities as prescribed policing providers, specifying the policing functions they will be responsible for providing, specifying the area in which they will provide the policing functions and specifying whether a police service board, or the Commissioner, may continue to provide those policing functions in the area;
6. respecting the governance, operation and administration of police services;
7. authorizing a chief of police to decline to provide information under section 4, 40 or 104 or authorizing the Commissioner to decline to provide information under section 62, and prescribing the circumstances in which the information may be declined;
8. specifying requirements, restrictions or prohibitions with respect to the collection, use or disclosure of any class of personal information by the Minister or the Inspector General in addition to the requirements, restrictions or prohibitions set out in this Act;
9. clarifying or specifying when a person is assisting members of a police service while acting under their direction for the purposes of sections 13 and 14;
10. clarifying or defining “special circumstances” for the purposes of section 16 or subsection 91 (6);
11. governing the process for obtaining the Minister’s approval under section 22;
12. clarifying or modifying the application of this Act with respect to,
 - i. a police service board that has been jointly constituted under section 23 or 24,
 - ii. a First Nation Board that has been jointly requested under section 32,
 - iii. a First Nation O.P.P. board that has been jointly requested under section 77, or
 - iv. a community safety and well-being plan that is prepared jointly under Part XVI;
13. governing the process for requesting that the Minister constitute a First Nation board or First Nation O.P.P. board and prescribing the matters the Minister must consider, including the weight the Minister must assign to prescribed matters;
14. establishing standards for appointments by the Lieutenant Governor in Council of members of municipal boards, which may include minimum standards in relation to representation on the boards by underrepresented groups;
15. governing recommendations by the Minister to the Lieutenant Governor in Council regarding appointments to police service boards under section 33;
16. governing strategic plans and local action plans, including,
 - i. the preparation, review and revision of the plans, and
 - ii. the content of the plans;
17. governing annual reviews of the Commissioner;
18. governing payments for policing provided by the Commissioner under section 64 to municipalities, including the cost of any necessary equipment and facilities, and,
 - i. governing the determination of the amounts payable, which may require municipalities to pay more for the services they have received or less for the services they have received based on their financial capacity,
 - ii. governing the payment of those amounts, including providing for the calculation and payment of interest and penalties,
 - iii. governing the collection of those amounts, including providing for payment credits and refunds for overpayments, and
 - iv. for the purposes described in subparagraphs i, ii and iii, establishing different requirements for different classes of territories;
19. governing payments for policing provided by the Commissioner to territories without municipal organization, including the cost of any necessary equipment and facilities, and,
 - i. governing the determination of the amounts payable for those services, which may be based on financial capacity,
 - ii. governing the payment of those amounts, including providing for the calculation and payment of interest and penalties,
 - iii. governing the collection of those amounts, including providing for payment credits and refunds for overpayments, or providing that all or part of those amounts may be collected under the *Provincial Land Tax Act, 2006* as if they were taxes imposed under that Act, and

iv. for the purposes described in subparagraphs i, ii and iii, establishing different requirements for different classes of territories;

20.-25. REPEALED: 2023, c. 12, Sched. 1, s. 75 (1).

26. governing the indemnification of any official, as that term is defined in the *Special Investigations Unit Act, 2019*, for reasonable legal expenses incurred in respect of a Special Investigations Unit investigation, including specifying which person or entity shall provide the indemnification;
27. prescribing the nature of the information that may be disclosed under subsection 80 (1) by a chief of police or a person designated by a chief of police, to whom it may be disclosed and the circumstances in which it may be disclosed;
28. establishing standards that must be met and procedures that must be followed in assessing whether an individual is physically and mentally able to perform the duties of a police officer or a special constable for the purposes of this Act;
29. clarifying the meaning of the requirement to be of good character to be appointed as a police officer or special constable;
30. prescribing certificates or other documents that are equivalent to a degree or diploma described in subclause 83 (1) (f) (iii), including by prescribing characteristics of a document or certificate-granting program that make the certificate or other document equivalent to such a degree or diploma;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 30 of subsection 261 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 75 (2))

30. prescribing certificates or other documents that are equivalent to a degree or diploma described in subclauses 83 (1) (f) (iv) and 92 (1) (g) (iv), including by prescribing characteristics of a document or certificate-granting program that make the certificate or other document equivalent to such a degree or diploma;
31. defining or clarifying “political activity” for the purposes of section 86 and specifying the political activities in which a police officer who is a member of a police service maintained by a police service board is permitted to engage;
32. establishing ranks for a police service;
33. governing qualifications for the appointment of persons as police officers and governing qualifications for positions in a police service, including qualifications for specified ranks;
34. governing the conduct and duties of members of police services and special constables;
35. describing the circumstances under which members of police services or special constables are permitted or are not permitted to pursue persons by means of motor vehicles, and prescribing procedures that shall be followed when a person is pursued in that manner;
36. governing the suspension and termination of members of police services other than police officers;
37. governing the use of any equipment by a police service or any of its members, a special constable employer or a special constable, including regulating or prohibiting the use of firearms and other weapons;
38. governing the conduct of hearings under section 88, including prescribing regular procedures or rules and expedited procedures or rules for them;
39. governing the use of data standards, electronic systems and processes, information technology and communication technology by a police service or any of its members, a special constable employer or a special constable;
40. governing the use of force by members of police services and special constables and governing reports on the use of force;
41. governing the appointment of auxiliary members of a police service, including prescribing conditions or restrictions on the appointments;
42. clarifying or modifying the application of this Act with respect to members of a police service who take a leave of absence or who are on secondment;
43. prescribing the purposes that may be specified in an appointment of a special constable and specifying any terms or conditions that apply to a special constable appointed for such a purpose;
44. prescribing educational criteria that must be satisfied in order for a special constable to be appointed for a specified purpose;
45. governing the powers of a police officer that may be conferred on a special constable and governing the exercise of those police powers;
46. governing the suspension and termination of the appointment of special constables;

47. governing the process with respect to complaints to the Inspector General;
48. governing the requirements to provide notice under Parts VII (Inspector General of Policing) and XII (Discipline and Termination), including prescribing the required contents of the notice and prescribing the circumstances in which notice is deemed to have been given;
49. establishing and governing rules for police service boards or the Minister to charge for the cost of investigations referred to a chief of police or the Commissioner by the Inspector General;
50. governing notice and reports by the Inspector General under section 123, including,
 - i. prescribing the period within which the Inspector General must provide the notice,
 - ii. prescribing circumstances in which the Inspector General shall not provide or publish a report,
 - iii. prescribing information that shall not be included in the report, and
 - iv. governing the publication of the report;
51. governing the publication of directions issued under section 125 or reports under section 126, including,
 - i. prescribing the period within which the Inspector General must publish the direction or report,
 - ii. prescribing circumstances in which the Inspector General shall not publish a direction or report,
 - iii. prescribing information that shall not be included in the published direction or report, and
 - iv. governing the manner of publication of the direction or report;
52. governing the duties that an administrator appointed under Part VII must perform;
53. REPEALED: 2023, c. 12, Sched. 1, s. 75 (3).
54. governing the composition of the Ontario Police Arbitration and Adjudication Commission;
55. governing the registers of arbitrators and the roster of adjudicators that the Arbitration and Adjudication Commission is required to establish and maintain;
56. governing committees of the Arbitration and Adjudication Commission, including governing the names, composition, responsibilities, powers, duties and quorums of the committees;
57. governing the conduct of arbitrations under this Act, including,
 - i. prescribing procedures for them, and
 - ii. in the case of arbitrations other than those conducted under section 227 or 229,
 - A. excluding or modifying the application of any provision of the *Arbitration Act, 1991*,
 - B. governing the orders that an arbitrator may make in his or her decision,
 - C. prescribing rules for the payment of the arbitrator's remuneration and expenses, and
 - D. providing for appeals from the arbitration;
58. governing the conduct of adjudication hearings under this Act, including,
 - i. prescribing regular procedures or rules and expedited procedures or rules for the conduct of adjudication hearings,
 - ii. authorizing adjudicators to issue orders they consider necessary to prevent the public disclosure of matters disclosed at an adjudication hearing, including orders banning the publication or broadcasting of those matters,
 - iii. prescribing timelines for the conduct of adjudication hearings, and
 - iv. establishing sentencing guidelines containing considerations that adjudicators must consider when determining whether to impose a disciplinary measure;
59. governing the requirements and qualifications for a person to be appointed as an adjudicator;
60. governing procedures, conditions or requirements for the investigation of complaints under Part X;
61. governing the continuation of a complaint or resumption of an investigation in the circumstances described in subsection 170 (3);
62. governing the use of information obtained in an investigation or hearing under Part XII (Discipline and Termination), including restricting or prohibiting its use;
63. governing the continuation of investigations or disciplinary processes under section 206;

64. governing the exercise of discretion to expunge a record under section 207;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 64 of subsection 261 (1) of the Act is repealed. (See: 2023, c. 12, Sched. 1, s. 75 (5))

65. governing the responsibilities set out in subsection 243 (1), including governing the determination of appropriate levels of security, under paragraph 4 of subsection 243 (1), for premises where court proceedings are conducted;

66. governing the exercise of the powers conferred by section 244, including,

i. imposing restrictions, limitations and conditions on the exercise of those powers, and

ii. establishing requirements for the purpose of safeguarding the rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*, including requirements that provide for the accommodation of persons in connection with creed or disability;

67. governing the requirement to provide an opportunity to respond in any provision of this Act, including prescribing requirements for any notice that must be provided and prescribing the minimum period of time that must be provided to satisfy the obligation;

68. authorizing the production of records in the custody of a police service that are required for the purpose of a civil proceeding to which the police service board that maintains the police service or, in relation to the Ontario Provincial Police, Her Majesty the Queen in right of Ontario is not a party, including,

i. governing the process for obtaining such records, and

ii. prescribing fees for obtaining the records;

69. clarifying or defining any of the following terms for the purposes of this Act:

i. “Bad faith”.

ii. “Conduct of specific operations”.

iii. “Criminal offence”.

iv. “Day-to-day administration”.

Note: On a day to be named by proclamation of the Lieutenant Governor, subparagraph 69 iv of subsection 261 (1) of the Act is repealed and the following substituted: (See: 2023, c. 12, Sched. 1, s. 75 (6))

iv. “Day-to-day operation”.

v. “Discipline of specific police officers”.

vi. “Firearm”.

vii. “For cause”.

viii. “Frivolous or vexatious”.

ix. “Leave of absence”.

x. “Lock-up”.

xi. “Plan for attrition”.

xii. “Specialized policing function”.

xiii. “Specific investigations”.

xiv. “Term of imprisonment”.

xv. “Youth”.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 261 (1) of the Act is amended by adding the following paragraph: (See: 2023, c. 12, Sched. 1, s. 75 (7))

69.1 clarifying or defining “emergency” or prescribing criteria that must be satisfied for an emergency to exist for the purposes of this Act;

70. modifying the application of the *Police Services Act*, as it read immediately before its repeal, to complaints and matters described in section 216;

71. governing transitional matters that may arise due to the enactment of this Act or the amendments made by Schedule 2, 3 or 4 to the *Comprehensive Ontario Police Services Act, 2019*;

72. governing the delivery of policing in an area that is subject to the jurisdiction of an Indigenous entity that is not a First Nation, including, without limitation,

- i. identifying the Indigenous entity,
 - ii. constituting a police service board to have policing responsibility for the area and governing its composition, name, appointments to it and the term of office of members of it,
 - iii. modifying the application of any provision of this Act or the regulations to enable the police service board to provide policing in the area,
 - iv. modifying the application of any provision of this Act or the regulations to enable the constitution of a board similar to a First Nation O.P.P. board and to enable that board to discharge the powers, duties and functions of a First Nation O.P.P. board in relation to the Indigenous entity, and
 - v. modifying the application of any provision of this Act or the regulations to apply to the Indigenous entity and the area subject to its jurisdiction;
73. respecting any matter that is necessary or advisable to implement this Act effectively. 2019, c. 1, Sched. 1, s. 261 (1); 2023, c. 12, Sched. 1, s. 75 (1, 3, 4).

Minister

(2) The Minister may make regulations,

- 1. respecting anything that, in this Act, may or must be prescribed by the Minister or done by regulation made by the Minister;
- 2. governing training and prescribing additional training requirements, including training approved by the Minister respecting additional prescribed matters, in relation to members of police service boards, O.P.P. detachment boards, First Nation O.P.P. boards and the Advisory Council, the Inspector General, inspectors under this Act, the Complaints Director and investigators under this Act;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of subsection 261 (2) of the Act is amended by striking out “First Nation O.P.P. boards and the Advisory Council” and substituting “and First Nation O.P.P. boards”. (See: 2023, c. 12, Sched. 1, s. 75 (8))

- 3. governing the provision of information under subsection 4 (1) or 104 (1), including prescribing,
 - i. the information that must be provided,
 - ii. the manner in which the information must be provided, which may include requiring information to be automatically provided electronically to the Ministry or Inspector General, and
 - iii. the frequency with which the information must be provided;
- 4. prescribing a unit of the Ministry to collect and use personal information under subsection 5 (1) on the Minister’s behalf;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 4 of subsection 261 (2) of the Act is amended by striking out “unit” and substituting “division”. (See: 2023, c. 12, Sched. 1, s. 75 (9))

- 5. governing extra policing costs under section 18, including clarifying the application of that section and defining any term used in that section;
- 6. governing reports on the implementation of diversity plans under subsection 28 (4), including specifying the required contents of the reports;
- 7. governing transitional matters that may arise due to the enactment, amendment or revocation of a regulation made under section 32 or 77;
- 8. governing the procedure for providing notice and receiving comments on a proposed amendment to, or revocation of, a regulation made under section 32 or 77;
- 9. specifying the person or entity who shall remunerate members of a municipal board who are appointed by the Lieutenant Governor in Council or the Minister and governing their remuneration and expenses;
- 10. governing annual reviews of chiefs of police other than the Commissioner;
- 11. establishing and governing requirements with respect to the provision of notice to the public for meetings of police service boards or of the Advisory Council;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 11 of subsection 261 (2) of the Act is amended by striking out “or of the Advisory Council” at the end. (See: 2023, c. 12, Sched. 1, s. 75 (10))

- 12. governing the publication of policies under section 38 or of local policies under section 69, including,
 - i. prescribing the period within which the policies must be published,
 - ii. prescribing policies that shall not be published,

- iii. prescribing information that shall not be included in the published policies, and
 - iv. governing the manner of publication of the policies;
13. establishing the procedures to be followed by police service boards, O.P.P. detachment boards or First Nation O.P.P. boards, or committees of a board, and the places at which their meetings shall be held;
14. governing the publication of directions under section 40, including,
- i. prescribing the period within which the directions must be published,
 - ii. prescribing directions that shall not be published,
 - iii. prescribing information that shall not be included in the published directions, and
 - iv. governing the manner of publication of the directions;
15. defining “meeting” for the purposes of sections 43, 44, 74 and 75;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 15 of subsection 261 (2) of the Act is amended by striking out “sections 43, 44, 74 and 75” at the end and substituting “section 43 or 44”. (See: 2023, c. 12, Sched. 1, s. 75 (11))

16. governing reports made by a chief of police under section 81 or 215 and reports on community safety and well-being plans, including specifying to whom the report shall be made and specifying the required contents of the reports;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 16 of subsection 261 (2) of the Act is amended by striking out “by a chief of police”. (See: 2023, c. 12, Sched. 1, s. 75 (12))

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 261 (2) of the Act is amended by adding the following paragraphs: (See: 2023, c. 12, Sched. 1, s. 75 (13))

- 16.1 governing the composition of O.P.P. detachment boards, including the number of members of a board, eligibility for appointment to the board and the mechanism for appointing members of the board;
- 16.2 governing the term of office, remuneration and expenses of members of O.P.P. detachment boards;
- 16.3 establishing and governing exemptions from the requirement in subsection 67 (1) to have one O.P.P. detachment board per detachment and clarifying or modifying the application of any provision of this Act with respect to the exemption;
- 16.4 governing the participation of O.P.P. detachment boards and First Nation O.P.P. boards in the selection of the detachment commander;
- 16.5 governing the estimates prepared by an O.P.P. detachment board under section 71, including establishing the rules for calculating a municipality’s share of the costs, which may require municipalities to pay more for the services they have received or less for the services they have received based on their financial capacity;
17. governing fees that police service boards, the Commissioner and prescribed policing providers may charge for the provision of policing or other services, including,
- i. prescribing the amount of a fee for the provision of a policing function or service,
 - ii. prescribing the minimum or maximum amount that may be charged for the provision of a policing function or service, or
 - iii. prescribing that no fee may be charged for the provision of a policing function or service;
18. governing training for police officers and special constables, including,
- i. prescribing the training described in subclauses 83 (1) (e) (i) and 92 (1) (f) (i),

Note: On a day to be named by proclamation of the Lieutenant Governor, subparagraph 18 i of subsection 261 (2) of the Act is amended by adding “which may include prescribing training approved by the Minister” at the end. (See: 2023, c. 12, Sched. 1, s. 75 (14))

- ii. exempting persons from having to complete the training referred to in subparagraph i to be appointed as a police officer or special constable, subject to the conditions, if any, that may be specified,
 - iii. prescribing training that police officers or special constables are required to complete and any period within which it must be completed, and
 - iv. prescribing additional training requirements, including training approved by the Minister respecting additional prescribed matters;
19. prescribing the form of any certificate of appointment issued under this Act;
20. prescribing the minimum salary or other remuneration and allowances to be paid to a member of a police service maintained by a police service board;
21. prescribing standards of dress for police officers and special constables on duty and prescribing requirements respecting their uniforms;

22. clarifying the requirement in subsection 91 (5) for an auxiliary member of a police service to be “accompanied or supervised” by a police officer, including prescribing the required level of accompaniment or supervision;
23. governing the ability of a chief of police to authorize an auxiliary member of the police service to possess or use firearms in the course of his or her duties;
24. prescribing the records, returns, books and accounts to be kept by police service boards and their members and by special constable employers;
25. prescribing the method of accounting for fees and costs that come into the hands of members of police services and special constables;
26. governing the requirements and qualifications for appointment as an inspector under section 111;
27. governing the requirements and qualifications for appointment as an investigator under section 136;
28. establishing classes of investigators appointed under section 136 and setting out requirements and qualifications for each class;
29. establishing and governing rules for the Arbitration and Adjudication Commission to charge police service boards for the cost of holding an adjudication hearing;
30. governing the publication of summaries of determinations by the Complaints Director under subsection 167 (2), including requiring that summaries be published within a specified time or period and, subject to the requirement in that subsection that summaries be de-identified, respecting information that summaries must contain;

Note: On a day to be named by proclamation of the Lieutenant Governor, the French version of paragraph 30 of subsection 261 (2) of the Act is amended. (See: 2023, c. 12, Sched. 1, s. 75 (15))

31. for the purposes of subsection 172 (1),
 - i. providing that the cost of an investigation conducted by an investigator about the conduct of a police officer, other than a police officer who is a member of the Ontario Provincial Police, or of a special constable employed by the Niagara Parks Commission shall be paid by the police service board that employs the police officer or the Niagara Parks Commission,
 - ii. governing the calculation of the cost of an investigation,
 - iii. governing the payment of the cost of an investigation, including with respect to the time and manner of payment,
 - iv. providing for circumstances in which the requirement to pay the cost of an investigation does not apply;
32. clarifying or defining any term used in subsection 250 (3);
33. prescribing persons who must be on an advisory committee under subsection 250 (3), which may include prescribing different persons for different municipalities;
34. governing consultations with respect to community safety and well-being plans, including consultations with the advisory committee, and prescribing any consultation requirements;
35. governing additional requirements that must be met by a municipality or band council in preparing a community safety and well-being plan;
36. governing the contents of community safety and well-being plans, including,
 - i. prescribing any issues or information that the plan must address or contain, and
 - ii. prescribing any risk factors that the plan must identify;
37. governing the monitoring and evaluation of community safety and well-being plans;
38. prescribing and governing the remuneration and expenses to be paid to a community safety and well-being planner by a municipality. 2019, c. 1, Sched. 1, s. 261 (2).

Conflict

(3) In the event of a conflict between a regulation made under paragraph 59 of subsection (1) and a procedural rule made under section 134, the regulation prevails to the extent of the conflict. 2019, c. 1, Sched. 1, s. 261 (3).

Fees, conflict

(4) In the event of a conflict, a regulation made under paragraph 17 of subsection (2) prevails over a by-law made by a police service board or prescribed policing provider. 2019, c. 1, Sched. 1, s. 261 (4).

Rolling incorporation by reference

(5) A regulation made under paragraph 2, 37 or 39 of subsection (1) or paragraph 2 or 18 of subsection (2) that incorporates another document by reference may provide that the reference to the document includes amendments made to the document from time to time after the regulation is made. 2019, c. 1, Sched. 1, s. 261 (5).

Forms

(6) The Minister may approve forms for the purposes of this Act and provide for or require their use. 2019, c. 1, Sched. 1, s. 261 (6).

Transitional regulation

(7) A regulation made under paragraph 70 of subsection (1) may, without limiting the generality of that paragraph,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 261 (7) of the Act is amended by striking out “paragraph 70” in the portion before clause (a) and substituting “paragraph 71”. (See: 2023, c. 12, Sched. 1, s. 75 (16))

- (a) dissolve the Ontario Civilian Police Commission and provide for any transitional matters relating to the dissolution;
- (b) transfer records related to policing and establish rules with respect to the transfer;
- (c) require an entity to postpone or delay hearings or require matters to be dealt with by a new body under this Act,
- (d) amend or rescind an agreement made under section 10 of the *Police Services Act* before its repeal;
- (e) dissolve a board that performed functions under section 10 of the *Police Services Act* before its repeal; and
- (f) govern the determination of any outstanding amounts in relation to an agreement made under section 10 of the *Police Services Act* before its repeal and provide for payment of those outstanding amounts or for the repayment or crediting of any overpayments. 2019, c. 1, Sched. 1, s. 261 (7).

Same

(8) Any transfer of records containing personal information that is required by a regulation made under paragraph 70 of subsection (1) is deemed to be in compliance with section 38 and clause 42 (1) (c) of the *Freedom of Information and Protection of Privacy Act*. 2019, c. 1, Sched. 1, s. 261 (8).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 261 (8) of the Act is amended by striking out “paragraph 70” and substituting “paragraph 71”. (See: 2023, c. 12, Sched. 1, s. 75 (17))

Section Amendments with date in force (d/m/y)

2023, c. 12, Sched. 1, s. 75 (1, 3, 4) - 08/06/2023; 2023, c. 12, Sched. 1, s. 75 (2, 5-17) - not in force

Public consultation before making L.G. in C. regulations

262 (1) The Lieutenant Governor in Council shall not make any regulation under subsection 261 (1) unless,

- (a) the Minister has published a notice of the proposed regulation on a website of the Government of Ontario and given the notice by any other means that the Minister considers appropriate;
- (b) the notice complies with the requirements of this section;
- (c) the time period specified in the notice, during which members of the public may exercise a right described in clause (2) (b), has expired;
- (d) the Minister has considered whatever comments and submissions members of the public have made on the proposed regulation in accordance with clause (2) (b); and
- (e) the Minister has reported to the Lieutenant Governor in Council on what, if any, changes to the proposed regulation the Minister considers appropriate.

Contents of notice

(2) The notice referred to in clause (1) (a) shall contain,

- (a) a description of the proposed regulation;
- (b) a statement of the time period during which members of the public may submit written comments on the proposed regulation to the Minister and the manner in which the comments must be submitted;
- (c) a statement of where and when members of the public may review written information about the proposed regulation;
- (d) the publication date of the notice; and
- (e) any other information that the Minister considers appropriate.

Time period for comments

(3) The time period referred to in clause (2) (b) shall be at least 45 days after the Minister publishes the notice referred to in clause (1) (a), unless the Minister shortens the time period in accordance with subsection (4).

Shorter time period for comments

(4) The Minister may shorten a time period if, in the Minister's opinion,

- (a) the urgency of the situation requires it;
- (b) the proposed regulation clarifies the intent or operation of this Act or the regulations;
- (c) the proposed regulation will be made under paragraph 71 of subsection 261 (1); or
- (d) the proposed regulation is of a minor or technical nature.

Discretion to make regulations

(5) On receiving the Minister's report referred to in clause (1) (e), the Lieutenant Governor in Council, without further notice under subsection (1), may make the proposed regulations with any changes the Lieutenant Governor in Council considers appropriate, whether or not those changes are mentioned in the Minister's report.

No public consultation

(6) The Minister may decide that this section should not apply to the power of the Lieutenant Governor in Council to make a regulation under subsection 261 (1) if, in the Minister's opinion, any of the circumstances set out in subsection (4) apply.

Same

(7) If the Minister decides that this section should not apply to the power of the Lieutenant Governor in Council to make a regulation under subsection 261 (1),

- (a) this section does not apply to the power of the Lieutenant Governor in Council to make the regulation; and
- (b) the Minister shall give notice of the decision to the public as soon as is reasonably possible after making the decision.

Publication of notice

(8) The Minister shall publish the notice referred to in clause (7) (b) on a website of the Government of Ontario and give the notice by any other means that the Minister considers appropriate.

Contents of notice

(9) The notice referred to in clause (7) (b) shall include a statement of the Minister's reasons for making the decision, the publication date of the notice and any other information the Minister considers appropriate.

No review

(10) Subject to subsection (11), a court shall not review any action, decision, failure to take action or failure to make a decision by the Minister or the Lieutenant Governor in Council under this section.

Exception

(11) Any person resident in Ontario may make an application for judicial review under the *Judicial Review Procedure Act* on the grounds that the Minister has not taken a step required by subsections (1) to (9) of this section.

Time for application

(12) No person shall make an application under subsection (11) with respect to a regulation later than 21 days after the Minister publishes a notice on a website of the Government of Ontario with respect to the regulation.

Crown bound

263 This Act binds the Crown in right of Ontario.

PART XVIII (OMITTED)

264 OMITTED (PROVIDES FOR AMENDMENTS TO THIS ACT).

PART XIX (OMITTED)

265 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT).

266 OMITTED (ENACTS SHORT TITLE OF THIS ACT).

Français

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REPORT TO THE OWEN SOUND POLICE SERVICES BOARD

SUBJECT: CRIMINAL INVESTIGATIONS BRANCH AND DRUG ENFORCEMENT / CRIMINAL INTELLIGENCE UNIT – JANUARY 2024

TO: Chair and Members of the Owen Sound Police Services Board

DATE: February 21, 2024

RECOMMENDATION(S):

For Information

REPORT:

Investigations

Homicide – (August 17, 2023) - On August 18, 2023, members of CIB followed up on a serious assault which occurred just after 9:00 p.m. in the 900 block of 2nd Avenue East, Owen Sound. Uniformed members had responded to the incident on the 17th and commenced the investigation. On August 24, 2023, the victim, 44-years-of-age of Owen Sound, died from his injuries. The homicide investigation is ongoing.

Homicide – (July 11th, 2023) – Members of CIB continue to investigate the murder of a 17-year-old male at an apartment building in the City of Owen Sound. Dustin NOONAN of Owen Sound was charged with First Degree Murder and remains in custody. Twenty - five-year-old Donte’a Ryan MITCHELL, from North York, was charged with First Degree Murder in August and he remains in custody. In late November, a 17 year old Brampton resident was arrested and charged with First Degree Murder.

Homicide – (July 7th, 2023) – Members of CIB continue to investigate the homicide of a 47-year-old male which occurred at a residence on 2nd Avenue East in the City of Owen Sound. In July, Cody HASSARD was charged with Second Degree Murder as well as other offences and Ashley Lynn DYKSTRA was charged with Accessory After the Fact to Murder as well as other offences, both remain in custody.

Uniform Assistance

OW23017907 – Sexual Assault – CIB assisted members of uniform patrol with a sexual assault allegation made in December by two former employees of a local business against the general manager. To date, ten victims have been identified and interviewed with the matter still being investigated. An arrest was made in February, with the 58-year-old male being charged with twenty-five criminal offences, mostly against youths, in relation to Sexual Assault, Sexual Interference and Sexual Exploitation. The male was held, however was released by the courts with a future court appearance.

OW24000232 – Warrants – CIB assisted members of uniform patrol attempting to arrest a 31-year-old male wanted on an outstanding charge of failing to comply with his release order, in relation to previous domestic violence charges. The male was within a residence in the City of Owen Sound, and he refused

to surrender to police. A Feeney warrant was sought and successfully executed at the residence, resulting in his arrest.

OW24000408 – Sexual Assault - CIB assisted uniform patrol with a sexual assault allegation involving two female youth, aged 12 and 14. The victims reported that they were touched inappropriately while they slept, by a 36-year-old male who was known to them. A joint investigation commenced with Bruce Grey Child & Family Services and the male was arrested and charged with two counts of Sexual Assault and two counts of Sexual Interference. He remains in custody.

OW24000809 – Drug Trafficking – Patrol members conducted proactive patrols which resulted in a traffic stop which led to two individuals, one from Brantford and one from Mississauga being arrested and 144 grams of Fentanyl, 52 grams of Cocaine, and over \$10,000 cash being seized. CIB members executed a search warrant on the motor vehicle and located further indicia of drug trafficking.

Follow Up

OW23018404 – CIB continues to investigate an assault in consultation with Bruce Grey Child & Family Services. Further interviews were completed in January 2024.

OW23003945 – CIB continues to investigate a Sudden Death connected to drug trafficking from last year. A Production Order for historical records was submitted in January 2024; results pending.

MMHART Statistics

Officer Referrals/ Consultations = 5

Follow Up's = 3

Community Support Consultations = 1

Community Support Referrals = 0

Incident Response/Support = 7

STAR cases = 1

Training

Members of CIB attended annual in-service block training

Members of CIB provided training during block training to uniform members on topics surrounding Domestic, Sexual Assaults, Missing Persons, and Technical Services.

DC Houston assisted PC Obillos with block training in relation to annual requalifications for officers.

Meetings

Virtual Situation Table Meetings (Weekly) – DC Bridgeman

Bail Compliance and Warrant Apprehension meeting with Crown – DS Rawn

CIMS (Confidential Informant Management System) – DC Hawke and DS Rawn

High Risk & Repeat Offender Meeting (Monthly) – DC Martin

Other

Members of CIB presented to Citizens Police Academy on topics including Drug Trafficking and Technical Services.

DC Houston and DC Martin assisted in conducting an interview for Recruit Police Constable.

Drug Overdose Information

In January 2024 the city had no (0) suspected drug related deaths.

The year 2023 ended with the Owen Sound Police Service having investigated a total of eleven (11) deaths from suspected drug overdoses. The year 2022 ended with a total of six (6), a total of fourteen (14) occurred in 2021 and a total of eight (8) occurred in 2020.

Missing Persons

Active: There are no outstanding missing persons being investigated.

SUBMITTED BY:

D. Bishop, Inspector



REPORT TO THE OWEN SOUND POLICE SERVICES BOARD

SUBJECT: Auxiliary Board Report – January 2024
TO: Chair and Members of the Owen Sound Police Services Board
DATE: February 21st, 2024

REPORT:

Starting January 1st 2024 Sergeant Gurney has transitioned to the role of Auxiliary Liaison Sergeant. Sgt Gurney had previously been an Auxiliary Officer himself for a period of 4 years. He looks forward to working with the unit in the years to come.

In January 2024, the Auxiliary Unit was busy assisting the Uniform Branch with ride along hours. The volunteer hours accumulated from the Auxiliary Unit totalled **209!**

The Auxiliary Unit has several members planning to attend the Coldest Night of the Year event on February 24th. This event is a family-friendly walk in support of local charities serving people experiencing hurt, hunger, and homelessness.

The Auxiliary Unit has also assembled a team of members to participate in the Polar Plunge for Special Olympics. This event is being hosted by the West Grey Police Service on February 17th.

On Monday February 26th the members of the Auxiliary Unit will be participating in the annual Use of Force Training delivered by Constable Obillos with Sergeant Gurney assisting.

The unit looks forward to the upcoming events and serving the residents of Owen Sound.

SUBMITTED BY:

Insp. D. Bishop



REPORT TO THE OWEN SOUND POLICE SERVICES BOARD

SUBJECT: Community Oriented Response & Enforcement Unit – January 2024

TO: Chair and Members of the Owen Sound Police Services Board

DATE: February 21, 2024

RECOMMENDATION(S):

For Information

REPORT:

FOOT PATROL (Hours)	33
BICYCLE PATROL (Hours)	0
CRIMINAL CHARGES	16
WARRANT ARRESTS	15
PROVINCIAL OFFENCES	2
MOTOR VEHICLE COLLISIONS	0
COMPLIANCE CHECKS	0

- **COMMUNITY PARTNERS**

- Members of CORE conducted proactive foot patrol in the area of Safe N Sound in an attempt to monitor ongoing concerns which had been identified by their staff. Neighboring business owners were also spoken to in an attempt to have specific issues addressed.
- CORE met with members of Grey County Housing and Canadian Mental Health Association (CMHA) to discuss future partnerships and anticipated issues.
- CORE met with staff at Owen Sound Probation and Parole as part of organized monthly-meetings regarding high-risk and repeat offender management.
- CORE participated in 'Coffee with a Cop' at Fresh Roots Café.
- CORE assisted OShare staff with safety planning regarding their new in-house dining arrangements.

- **FOOT & BIKE PATROL LOCATIONS**

- The River District – including a focus on specific concerns identified by the community
- Grey County Housing – West side apartments
- East side businesses
- Heritage Place Mall

- **ASSIST UNIFORM PLATOONS**

- CORE worked eight shifts to cover Platoons during block training.
- CORE assisted Platoon officers in arresting a suspect who was resisting arrest.
- CORE assisted Platoon officers at a disturbance in an East-side apartment complex.
- CORE identified a shoplifter for a uniform patrol member.
- CORE identified a suspect from a stolen property occurrence for Grey Bruce OPP.

- **INVESTIGATIONS**

- CORE investigated a domestic-related Bail Violation occurrence where an offender was charged with three counts of Fail to Comply with Release Order, and Possession of a Weapon Contrary to Prohibition Order.
- CORE investigated a theft occurrence where a female was charged with Theft and Possession of Property Obtained by Crime.
- CORE investigated a Bail Violation occurrence which resulted in an offender being charged with Failure to Comply with Release Order.
- CORE investigated two Bail Violation occurrences where several criminal charges were laid on multiple offenders, including Failure to Comply with Judicial Release Orders.
- CORE investigated an assault occurrence where a male was charged with Assault with a Weapon, Assault, and Fail to Comply with Probation Order.
- CORE investigated a theft occurrence where an offender was charged with two counts of Theft under \$5000.
- CORE arrested 12 wanted subjects who had warrants for their arrest.

- **TRAINING / MEETINGS / OTHER DETAILS**

- CORE attended two days of In-service block training.
- CORE completed several hours of security at the Owen Sound Courthouse to prevent a possible escape attempt from a known violent offender.
- CORE attended a Bail Compliance and Warrant Apprehension meeting with Crown.

FINANCIAL/RISK IMPLICATION(S):

N/A

OPERATIONS PLAN:

CORE members introduced themselves to local business owners and stakeholders in the River District and discussed business owner's concerns. CORE provided business owners with advice regarding crime prevention through environmental design (CPTED) pertaining to goal CW3d.

CORE met with several organizations including Grey County Housing, Canadian Mental Health Association, Safe n Sound, Probation and Parole, and Special Olympics Owen Sound to foster on-going relationships, pertaining to goals CW3.

CORE focused on proactive and high-visibility foot patrol relating to goal CS2a in the River District during impactful times to increase public safety.

ATTACHMENT(S):

N/A

SUBMITTED BY:

D. Bishop Inspector



REPORT TO THE OWEN SOUND POLICE SERVICES BOARD

SUBJECT: Front Line Patrol Report and Collision Statistics – January 2024

TO: Chair and Members of the Owen Sound Police Services Board

DATE: February 14, 2024

RECOMMENDATION(S):

For Information

REPORT:

The following report highlights key metrics from OSPS Front Line Patrol, the RIDE program, and Collision Statistics for January 2024.

Front Line Patrol Report:

	Platoon #1-4		Traffic/Part Time Officers	
	January 2024	January 2023	January 2024	January 2023
Highway Traffic Act:	79	154	9	28
Compliance Reports:	22	54		1
Recorded Cautions:	39	94	6	50
Liquor Licence Act:	6	6		
Criminal Code/ CDSA:	122	71		1
Other POA/By-Law:	112	124		
Foot Patrol:	80	113	24	19

Reduce Impaired Driving Everywhere (RIDE):

There was a total of 23 on-duty RIDE checks in the month of January with 551 drivers checked. In addition, 46 snowmobile drivers were checked.

The total statistics for RIDE were:

- 58 officers
- 17.5 hours
- 597 drivers checked
- 7 HTA charges/warnings and

Three impaired driving charges were laid during the month.

Collision Statistics:

	January 2024	January 2023
Total Collisions:	42	46
Collisions - East side	20	19
Collisions - West side	3	11
Collisions - parking lots	19	16
Fail to Remain Collisions	10	9
Collisions referred to CRC:	22	23
Collisions investigated by OSPS:	20	24

FINANCIAL/RISK IMPLICATION(S):

Nil

OPERATIONS PLAN:

“Community Safety” is one of the four strategic priorities of the Owen Sound Police Services Board. Information in this Board report supports the 2023-2026 OSPS Operations Plan’s goals: to address safety concerns identified by the community; to improve police visibility in the River District and at other priority areas; to address controlled substances, firearms, and violent crime; and, to promote road safety.

SUBMITTED BY:

Inspector Jeff Fluney



Report to the Board: Community Services

From: Inspector J. Fluney

Date: February 9, 2024

In January 2024, the Community Services Officer engaged in the following highlights:

Continued with traditional corporate and social media for OSPS;

New Years, Traffic Safety, Citizens Police Academy, Clearing Snow from Vehicles, Snowmobile RIDE, Major Drug Seizure, #BellLetsTalkDay 2024, Large Scam Alert,

Community Partnership/Provincial Collaboration & Internal Committee work

- Citizens Police Academy Organizing Team
- Safe Schools Community Meeting; East Ridge, Hillcrest
- Wheel & Ride Event 2024- partners for large scale event; River District, Kiwanis, Owen Sound Youth Optimist Club, OSPS, OSDSS & St. Mary's
- LEAPPS (Law Enforcement Agencies & Partners to Protect Seniors) meeting
- Polar Plunge- Special Olympics Provincial meeting
- Grey Bruce Crime Prevention Action Table
- Belong Sub-Committee
- School Board/Grey Bruce Police Services meeting
- Internal website design committee
- *Alpha Street Resource Centre- Community Partners meeting*
- Youth in Policing Initiative-Provincial meeting
- Internal Communications Committee meeting

Community & School Presentations;

- Bus Patrol training- Notre Dame

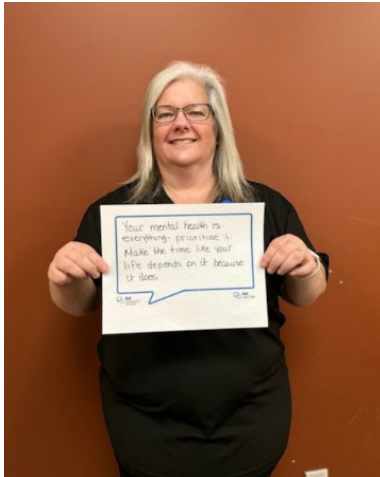
- Hillcrest- Grade 7/8 Youth and the Law
- Alexandra School- Grade 6/7/8 Social Media Awareness-Internet Safety
- East Ridge- Grade 7/8- Understanding being safe /smart online- hate speech- acceptance. inclusion
- Beth Ezekiel Synagogue- Zoom Meeting

Events

- Alexandra School- Special Guest Reading- Safety- Junior Elementary
- #BellLetsTalk 2024
- Preparing for OS Home Show- planning committee mtg- Police/Fire discussion on safety at the event
- Community on Campus- Georgian College- International Student Program

Training/Workshops

- On the job training- Waterloo Police- Communication Centre, Diversity/Acceptance/Inclusion Team, Recruitment Team



(Pictures from L-R- Lisa Brady supporting #BellLetsTalk, Community on Campus poster- OSPS a main supporter and photo at Community on Campus- Georgian College)

REPORT TO THE OWEN SOUND POLICE SERVICES BOARD



SUBJECT: Records, Courts, and Bylaw Report - January 2024
TO: Chair and Members of the Owen Sound Police Services Board
DATE: February 21, 2024

RECOMMENDATION(S):

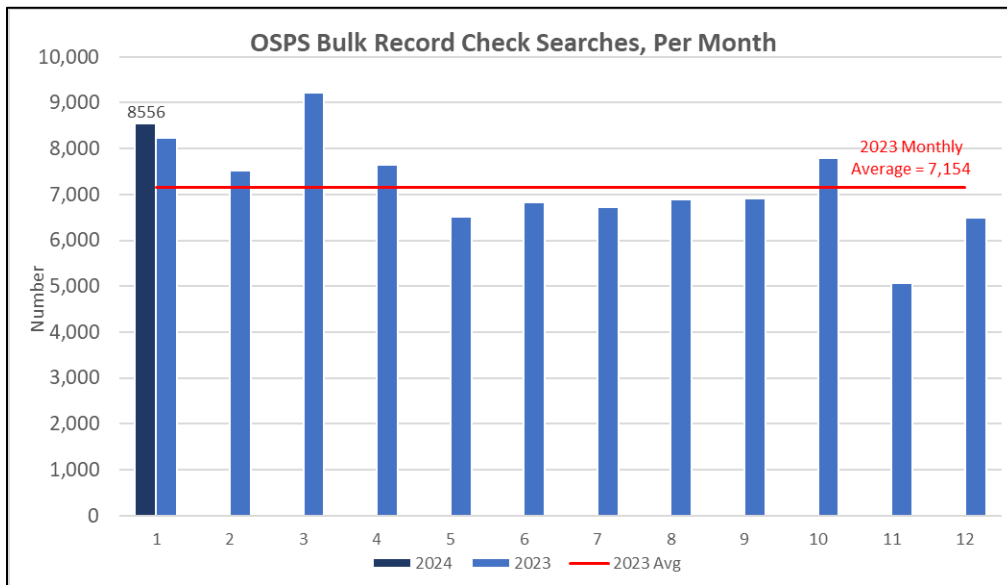
For Information

Report:

Records – January 2024:

Records Operational Statistics							
	This Month	Previous Month		Same Month	2024	2023	
	January 2024	December 2023	% Change	Previous Year	Year-to-Date	Year-to-Date	YTD
				January 2023	Jan.1-Jan.31, 2024	Jan.1-Jan.31, 2023	% Change
Records Services							
Bulk Record Check Searches	8,556	6,501	31.6%	8,229	8,556	8,229	4.0%
Executed Warrants	60	54	11.1%	44	60	44	36.4%
Number of Persons Charged*	49	63	-22.2%	48	49	48	2.1%

*May be multiple charges laid on same person. Includes adults and youth. Mostly CC charges, but may include some Provincial charges if coupled with CC charges.

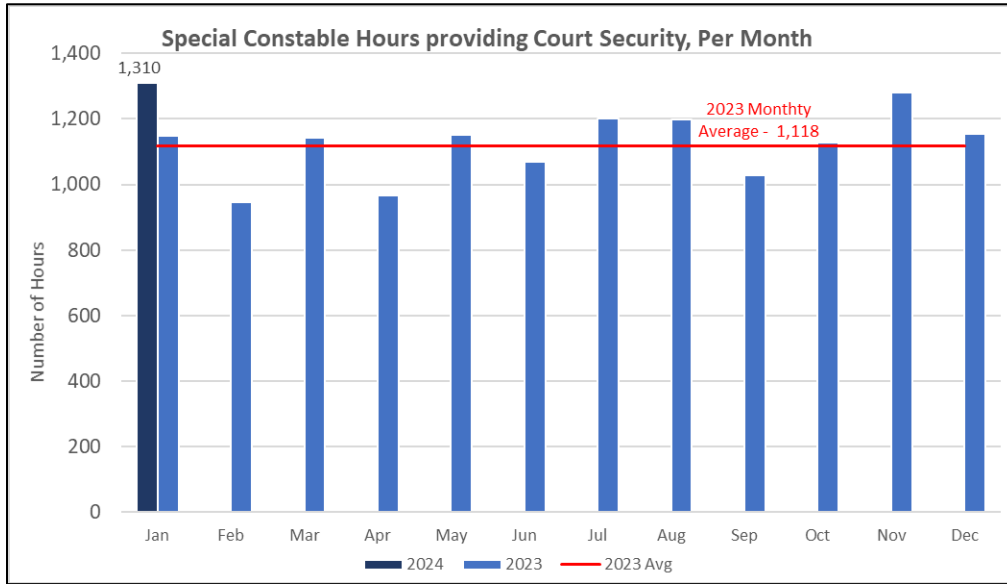


Courts – January 2024:

All Ontario and Superior Courts of Justice for the Owen Sound Courthouse remain as hybrid courts. The majority of custody court appearances still remain virtually either from the police service or correctional facility however there was an increase of in-person custody court appearances for the month of January. This results in additional Special Constable hours required to cover those court appearances.

All Special Constables also completed Defensive Tactics training in the month of January 2024 which contributes to the increase of hours for the month of January.

Courts Operational Statistics							
	This Month January 2024	Previous Month		Same Month Previous Year January 2023	2024 Year-to-Date Jan.1-Jan.31, 2024	2023	
		December 2023	% Change			Year-to-Date Jan.1-Jan.31, 2023	YTD % Change
Court Services							
Total Custodies Transported	61	33	84.8%	14	61	14	335.7%
OPP	26	13	100.0%	10	26	10	160.0%
OSPS	35	20	75.0%	4	35	4	775.0%
Video/Apearances	64	54	18.5%	47	64	47	36.2%
Special Constable Hours	1,310	1,155	13.4%	1,149	1,310	1,149	14.0%



Bylaw – January 2024:

New taxi driver application deferred to the Owen Sound Police Services Board for approval based on concerns over the number of convictions under the Highway Traffic Act and Compulsory Automobile Insurance Act. Taxi driver appeared before the Owen Sound Police Services Board during the January 2024 board meeting and decision was made that the taxi licence would be denied. Correspondence was prepared and sent to applicant advising of the denial.

Financial/Risk Implication(s):

Providing court security and transporting persons in custody comes with inherent risk, while the efficient and accurate processing of judicial documentation is foundational to community safety. The Owen Sound Courthouse serves all of Grey County, however court security is the responsibility of the Owen Sound Police Service. OSPS strives to maintain a balance of staffing that best aligns with the changing workload demands, member wellness, and contracted client expectations.

OPERATIONS PLAN:

The administrative services within Records, Courts, and Bylaw are essential components of the OSPS Mission to deliver high quality policing services that strengthen public safety and community wellbeing. Community Safety and Sustainability are two of the four strategic priorities of the Owen Sound Police Services Board. As part of the Operational Plan, Court security costs will be assessed and reviewed annually to advocate for a sustainable police funding model.

ATTACHMENT(S):

Nil

SUBMITTED BY:

Krista Fluney, Director, Civilian Services



REPORT TO THE OWEN SOUND POLICE SERVICES BOARD

SUBJECT: Lost Hours and Training – January 2024
TO: Chair and Members of the Owen Sound Police Services Board
DATE: February 6, 2024

RECOMMENDATION(S):

For Information

REPORT:

The following report highlights key metrics from OSPS full time members for November 2023, including lost hours due to leave from sick time, short term disability (STD), and Workplace Safety and Insurance Board (WSIB), as well as training opportunities.

Lost Hours:

Month/Year	SICK/STD			WSIB		
	Number of Fulltime Members	Total Number of Shifts (complete and partial)	Total Number of Hours	Number of Members	Total Number of Shifts (complete and partial)	Total Number of Hours
January 2024	17	32	317	3	50	354
December 2023	10	28	288	3	54	380
January 2023	10	49	465	3	43	164

Training:

Members attended the following courses:

One member attended the ALPR Trainer course in St. Thomas
All officers were on winter block training which included Defensive Tactics training

FINANCIAL/RISK IMPLICATION(S):

The loss of scheduled work hours is a potential financial risk and is monitored to ensure a balance with members' physical and mental wellbeing. Financial resources are required to provide ongoing member training which is an essential to updating qualifications, knowledge, and ultimately organizational risk mitigation.

OPERATIONS PLAN:

“Our Members” is one of the four strategic priorities of the Owen Sound Police Services Board. Information in this Board report supports the 2023-2026 OSPS Operations Plan’s goals: to promote members’ mental and physical wellbeing; and, to promote professional development and training opportunities for all members.

SUBMITTED BY:

Inspector Jeff Fluney



REPORT TO THE OWEN SOUND POLICE SERVICES BOARD

SUBJECT: Owen Sound Emergency Communications Centre (OSECC) - January 2024

TO: Chair and Members of the Owen Sound Police Services Board

DATE: February 21, 2024

RECOMMENDATION(S):

For Information

Report:

Human Resources – January 2024: As shown in the attached report, during January the vacancy rate for Communicators remained at 3. There were no staff hires or departures in January. The four new hires from December started their training in January. There was 426 hours of mandatory overtime in January due in part by some member accommodations.

911 Calls – January 2024: There were 4,929 emergency calls incoming from the 911 phone line to the OSECC in January, representing an average of 159 calls/day over this past month. This is a 5% decline in daily volume from last month and a decline in volume compared to both January 2023 and 2022. As shown on the graph, winter months are generally lower in volume and below the annual average rates which are offset by busier summer months.

Computer Aided Dispatch (CAD) Events – January 2024: Calls that are dispatched through CAD come from a variety of sources such as the non-emergency phone line, walk-ins, officer generated, as well as the 911 phone line. In January there were a total of 4,597 calls dispatched through CAD by the OSECC, or an average of 148 calls/day. This overall volume is almost identical to the number of dispatched calls last month (December 2023); but down 9% from January in 2023. A slight decrease in volume from December 2023 was recorded for police calls dispatched, however dispatch for Grey County Transport was up 50% and fire dispatch rose by 7%.

Information Technology (IT) Infrastructure – January 2024: Throughout January, the IT team has focused on NG911 implementation, training, and development of the call hosted solution, with the following activities of note:

- Met in regards to OSECC call hosted solution with vendors, Bell Canada, and OSECC clients;
- Attended Eastern Ontario at 3 PSAP locations to install equipment for NG911 to client sites; second trip in February for 4 locations;
- Participated in 4 weeks of combined training amongst IT members for security and NG911;
- Provided quotes to NG911 clients to expand services provided under NG911 grant funding (call recorders, workstations, phone systems, etc.);
- Added 2 PSAP dispatch locations under grant for NG911 clients in Eastern Ontario - currently at 9 client sites with possibly more onboarding in February; and
- Met with Bell Canada to migrate administration capabilities off existing legacy phone system - slated for March after new business cards arrive and Bell performs scheduled upgrades before migration.

Financial/Risk Implication(s):

Risk management and contingency planning are integral to the day-to-day operations of a Public Safety Answering Point (PSAP). While the OSECC continues to grow and evolve, OSPS strives to maintain a balance of staffing that best aligns with workload demands, member wellness, emergency response standards, and contracted client expectations.

OPERATIONS PLAN:

Within the 2023-2026 OSPS Operations Plan, six unique actions have been identified as important to reach towards the goal of fostering a sustainable emergency communication centre. In addition, monitoring and publishing emergency response times to priority calls is part of the goal to address safety concerns identified by the community.

ATTACHMENT(S):

- OSECC Monthly Report – January 2024

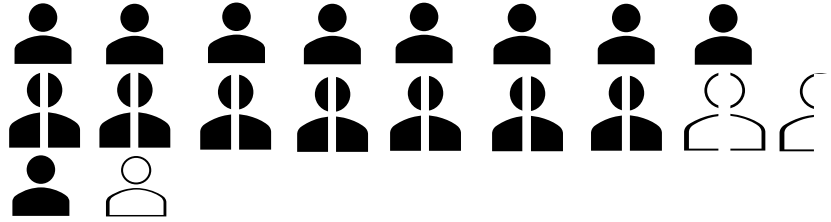
SUBMITTED BY:

Suzanne Bell-Matheson, Director, Corporate Services
Chris Hill, Director, Information Technology
Marg Gloade, Strategic Analyst

OSECC MONTHLY REPORT – JANUARY 2024

HUMAN
RESOURCES

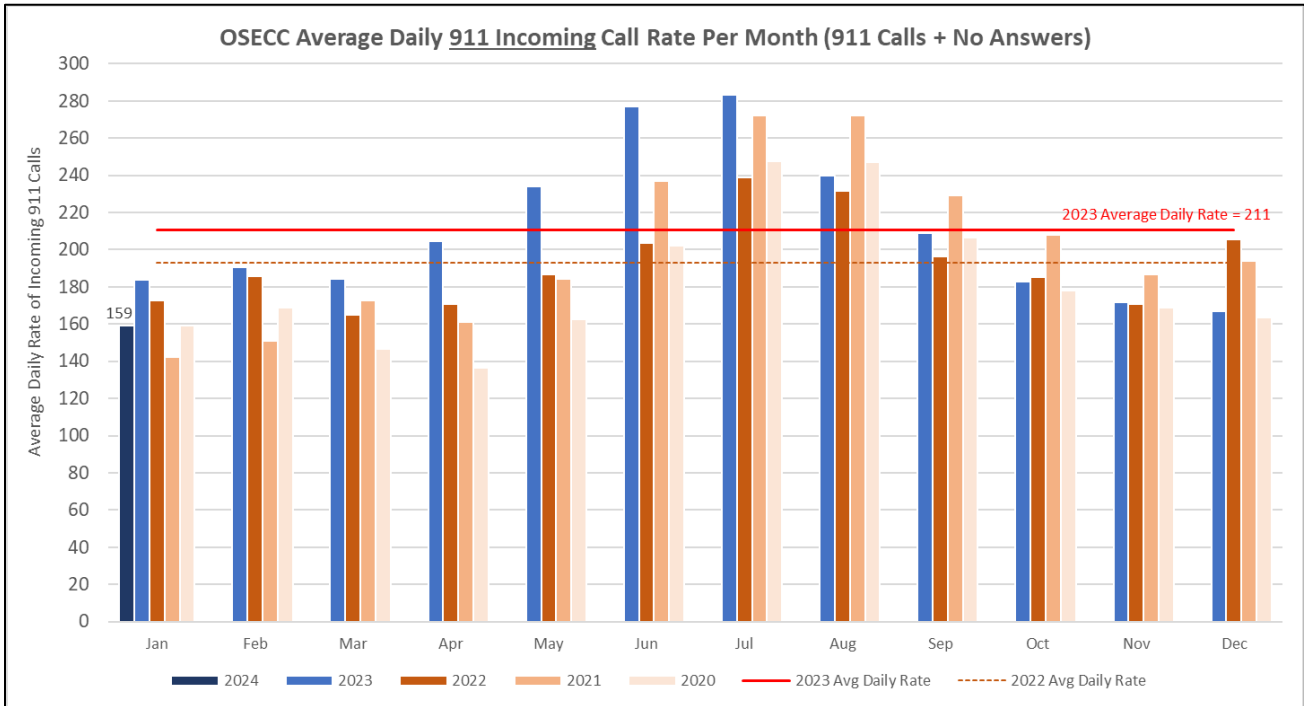
FT Communicator:
PT Communicator:
Switchboard Op.:



OSECC Human Resources												
2024	Authorized Positions		Actual People		Hires		Departures (Resignation, Retirement, Discontinued)		Vacancies		Mandatory OT (Hours)	
	FT	PT	FT	PT	FT	PT	FT	PT	FT	PT		
Jan-24	8	17	8	14	0	0	0	0	0	3	426	

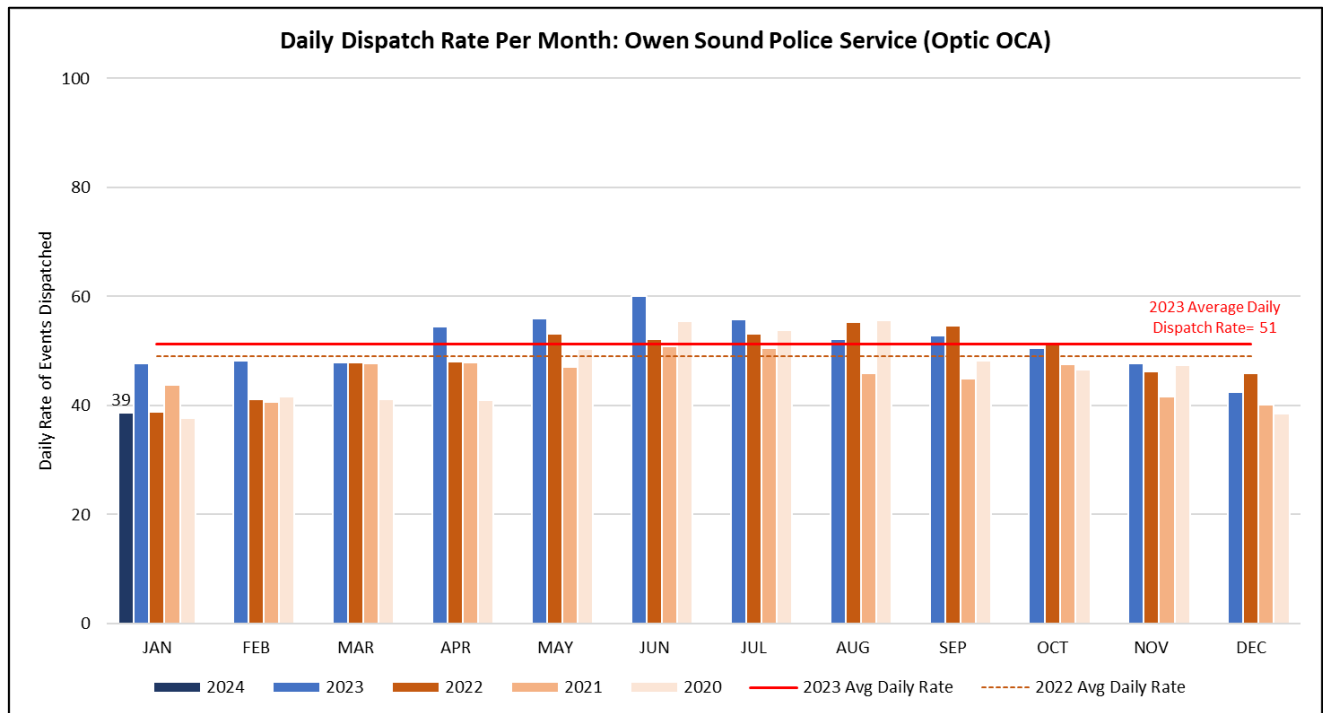
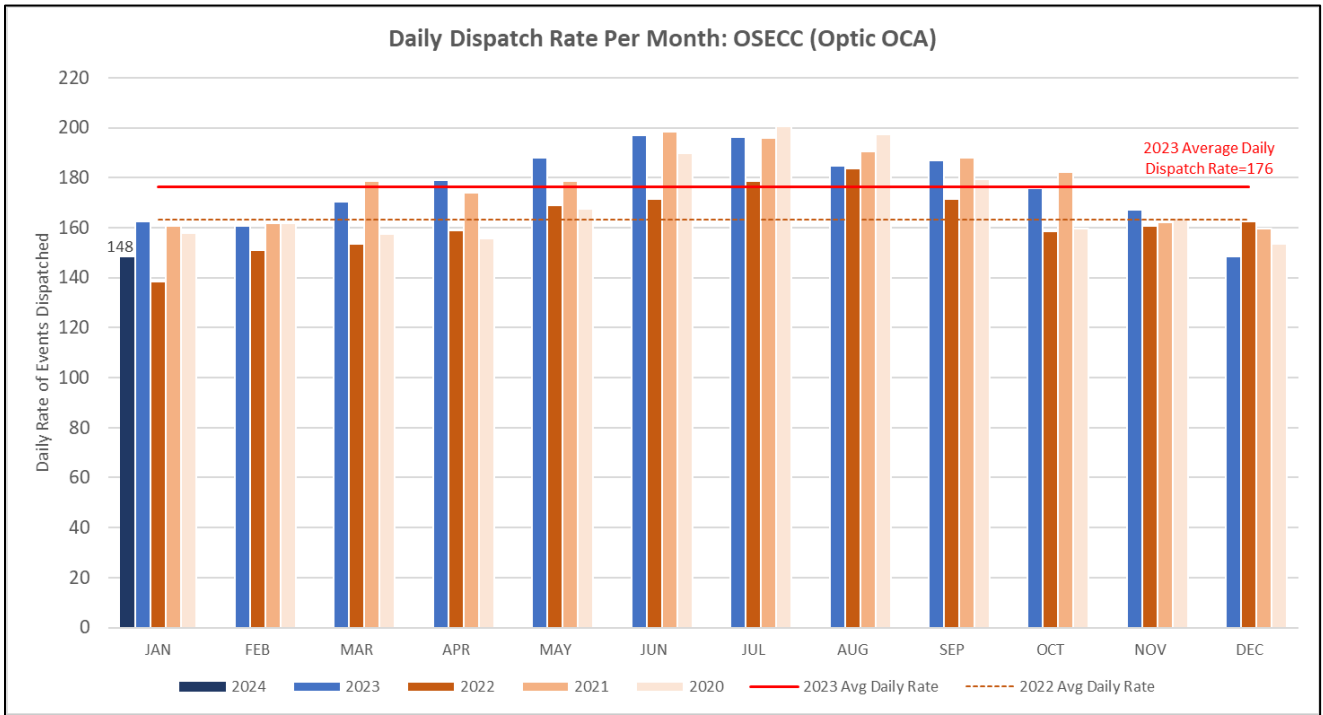
911 CALLS TO OSECC

Source: Bell Flex reports	This Month January 2024	Previous Month		Same Month Previous Year January 2023	2024 Year-to-Date Jan.1-Jan.31, 2024	2023 Year-to-Date Jan.1-Jan.31, 2023	% Change
		December 2023	% Change				
All Incoming 911 Calls (Number)	4,929	5,177	-4.8%	5,694	4,929	5,694	-13.4%
Avg Daily Rate	159.0	167.0	-4.8%	183.7	159.0	183.7	-13.4%
No Answer 911 Calls (Number)	380	452	-15.9%	887	380	887	-57.2%
Answered 911 Calls (Number)	4,549	4,725	-3.7%	4,807	4,549	4,807	-5.4%
Avg Daily Rate	146.7	152.4	-3.7%	155.1	146.7	155.1	-5.4%
Transferred to Secondary PSAP (Number)	3,407	3,453	-1.3%	3,484	3,407	3,484	-2.2%
Dispatched by OSECC (Number)	1,142	1,272	-10.2%	1,323	1,142	1,323	-13.7%
Avg Daily Rate	36.8	41.0	-10.2%	42.7	36.8	42.7	-13.8%



DISPATCHED CAD EVENTS IN OSECC

Source: OPTIC's OnCallAnalytics	This Month January 2024	Previous Month		Same Month	2024 Year-to-Date Jan.1-Jan.31, 2024	2023	
		December 2023	% Change	Previous Year January 2023		Year-to-Date Jan.1-Jan.31, 2023	% Change
All CAD Events in OSECC (Number)	4,597	4,603	-0.1%	5,038	4,597	5,038	-8.8%
All Police (inc. OSPS)*	3,856	3,982	-3.2%	4,405	3,856	4,405	-12.5%
All Fire	476	444	7.2%	370	476	370	28.6%
Grey County Transport	265	177	49.7%	263	265	263	0.8%
OSPS	1,199	1,318	-9.0%	1,480	1,199	1,480	-19.0%
All CAD Events in OSECC (Avg Daily Rate)	148.3	148.5	-0.1%	162.5	148.3	162.5	-8.7%
All Police (inc. OSPS)*	124.4	128.5	-3.2%	142.1	124.4	142.1	-12.5%
All Fire	15.4	14.3	7.7%	11.9	15.4	11.9	29.4%
Grey County Transport	8.5	5.7	49.1%	8.5	8.5	8.5	0.0%
OSPS	38.7	42.5	-8.9%	47.7	38.7	47.7	-18.9%



CITY OF OWEN SOUND
POLICE SERVICES
For the Twelve Months Ending December 31, 2023

	DEC	YTD	VARIANCE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	BUDGET	FORECAST													
2410 POL SERV BOARD GENERAL	\$17,706.68	\$27,841.27	\$10,134.59	\$3,630.83	\$3,595.47	\$6,296.65	\$3,345.61	\$3,273.07	\$6,795.59	\$3,506.81	\$2,741.11	\$6,112.43	\$8,737.72	\$3,892.93	(\$24,086.95)
2420 POL SERV BOARD ADMIN	19,630.00	16,780.60	-2,849.40	1,605.11	1,811.33	1,488.75	0.00	3,108.02	3,874.04	0.00	112.50	0.00	4,319.74	314.70	146.41
2501 POLICE FORCE GENERAL	-229,520.00	-228,912.08	607.92	0.00	-57,379.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-172,139.89	0.00	607.07
2505 CSP CORE PROGRAM	-265,568.00	-273,851.70	-8,283.70	14,205.25	-101,257.40	17,147.70	9,722.09	11,707.06	8,327.42	6,810.97	7,445.70	5,867.64	-269,530.28	5,563.63	10,138.52
2510 POLICE FORCE PERSONELL	6,722,442.85	6,799,889.67	77,446.82	508,795.77	504,644.64	519,971.91	520,056.13	523,032.47	758,562.16	563,520.45	516,302.35	533,699.97	513,420.48	520,285.86	831,807.42
2511 PAID DUTY	-29,000.00	-13,651.62	15,348.38	1,768.99	-2,617.43	0.00	-2,458.57	-1,488.00	614.68	0.00	-4,398.51	-4,126.53	-136.46	-1,469.76	659.97
2512 R.I.D.E. PROGRAM	0.00	-843.42	-843.42	932.54	1,772.06	941.41	0.00	0.00	0.00	-12,900.00	266.47	488.21	3,143.73	2,936.43	1,575.73
2513 AUXILIARY POLICE EXPENSE	3,500.00	2,883.44	-616.56	44.75	576.81	1,026.16	0.00	0.00	0.00	57.50	458.73	207.97	0.00	108.41	403.11
2514 COM POLICE PARTNERSHP	0	29	29	282.61	195.62	176	74.28	293.78	210.8	213.13	-1446.22	0	0	0	29
2515 CRIMINAL SERVICE INTELLIGENCE	0.00	-7.32	-7.32	465.46	465.46	-6,940.48	0.00	750.28	750.28	750.28	750.28	750.28	750.28	750.28	750.28
2520 CRIME PREVENTION	102,131.01	78,172.76	-23,958.25	-10,889.94	9,966.09	13,315.96	6,991.67	7,514.36	13,372.18	-14,404.46	19,576.73	9,501.36	3,317.33	5,717.74	14,193.74
2522 USE OF FORCE TRAINING	12,000.00	12,295.06	295.06	3,536.26	0.00	0.00	242.51	0.00	39.58	7,153.74	712.32	0.00	0.00	0.00	610.65
2523 POLICE FORCE ADMIN	122,849.44	130,252.00	7,402.56	841.47	7,246.27	19,014.80	10,231.18	10,198.46	13,979.90	13,167.84	-3,083.23	14,581.87	17,934.72	13,356.52	12,782.20
2530 POC (HUMAN TRAFFIC)	0.00	-55,131.50	-55,131.50	-28,450.00	0.00	264.72	0.00	1,503.78	-28,450.00	0.00	0.00	0.00	0.00	0.00	0.00
2580 EQUIPMENT	402,633.00	368,222.01	-34,410.99	86,262.00	38,897.92	45,161.80	17,533.73	28,088.23	28,513.04	30,613.01	11,652.29	9,454.61	15,663.64	23,135.84	32,929.19
2586 CARAVAN 05EE66	4,113.00	0.00	-4,113.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2601 CIVILIANS GENERAL	-1,932,651.00	-1,982,283.77	-49,632.77	-738,777.28	-49,569.48	-141,942.49	-142,918.80	-486,691.33	-133,938.40	-149,890.01	-49,569.47	-148,472.60	-155,162.76	368,871.57	-154,222.72
2610 POLICE CIVILIANS PERSONNEL	1,863,950.66	1,817,683.11	-46,267.55	130,683.75	135,019.53	153,052.89	144,798.10	123,246.57	198,094.78	142,493.55	140,794.19	138,446.83	131,838.38	128,676.87	250,537.67
2611 RECORDS/DATA ENTRY	435,279.50	435,429.16	149.66	50,236.32	43,993.77	39,761.92	38,184.06	38,835.60	63,453.31	40,014.96	44,245.43	32,821.33	40,301.94	43,228.67	-39,648.15
2612 SECRETARIAL/FINANCIAL	155,047.78	165,471.91	10,424.13	7,560.14	7,560.14	7,560.14	7,560.14	9,935.08	18,650.60	12,665.82	12,427.42	12,814.48	14,902.51	14,577.84	39,257.60
2613 IDENTIFICATION UNIT	111,765.22	112,196.35	431.13	8,538.39	8,538.38	8,538.38	8,538.38	8,538.38	12,807.57	8,619.47	8,619.46	8,619.46	8,619.46	8,619.46	13,599.56
2614 TAXI LICENCE	-3,847.15	3,960.18	7,807.33	371.67	801.66	786.66	686.66	711.66	929.99	843.41	538.42	873.42	563.42	1,935.58	-5,082.37
2615 SWITCHBOARD	183,647.47	183,585.41	-62.06	17,474.85	18,842.31	23,996.70	24,154.92	19,953.35	49,782.61	26,140.53	26,401.06	16,600.25	12,385.81	23,896.58	59,456.44
2617 CELL BLOCK MONITORING/TPRC	-0.12	0.13	0.25	7,145.64	7,384.73	8,237.78	7,700.98	6,885.30	12,584.27	9,654.48	8,702.25	9,566.71	9,638.94	7,108.40	-94,609.35
2618 POLICE INFORMATION TECHNOLOGY	135,322.84	135,327.33	4.49	-63,403.39	19,290.42	17,252.65	19,243.17	16,146.34	30,261.01	21,258.32	24,148.16	18,720.10	13,351.22	30,182.52	46,566.81
2620 POLICE CIVILIANS ADMIN	30,000.00	92,316.73	62,316.73	2,306.36	7,758.13	9,549.05	7,351.02	7,632.09	8,017.12	8,266.95	8,777.41	6,944.57	9,956.66	5,204.57	10,552.80
2680 EQUIPMENT	10,000.00	29,714.52	19,714.52	0.00	122.01	170.96	707.48	1,049.38	23,879.91	22,172.90	-21,428.34	3,078.43	-4,160.48	3,095.29	1,026.98
2710 COURT SECURITY PERSONNEL	240,624.69	240,995.27	370.58	18,188.03	18,284.69	18,188.02	18,188.02	18,363.34	27,657.72	18,504.04	18,504.04	18,504.04	19,045.90	18,504.04	29,063.39
2711 SPECIAL CONSTABLES	38,391.24	249,770.75	211,379.51	37,537.11	43,318.02	38,834.35	39,194.11	-38,619.89	-21,296.18	53,535.65	44,426.49	43,449.61	-39,029.99	-36,130.96	84,552.43
2720 COURT SECURITY ADMIN	2,600.00	4,664.28	2,064.28	680.60	1,315.86	942.98	-374.86	412.77	814.72	372.57	501.03	-63.48	-306.96	1,081.81	-712.76
	8,153,049.11	8,352,799.53	199,750.42	61,573.29	670,577.75	802,795.37	738,752.01	314,380.15	1,098,288.70	813,141.91	818,178.07	738,440.96	187,425.06	1,193,444.82	1,122,884.67

CITY OF OWEN SOUND
POLICE SERVICES BOARD
For the Twelve Months Ending December 31, 2023

	DEC	YTD	VARIANCE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	BUDGET	FORECAST													
POL SERV BOARD GENERAL:															
11-3000-2410-59210 FROM PRIOR RESERVES	-32,500.00	-32,500.00	0.00												-32,500.00
11-3000-2410-61101 REMUNERATION	11,200.00	8,973.60	-2,226.40			2,781.00			2,310.60			1,941.00			1,941.00
11-3000-2410-61112 WAGES-PARTTIME	6,598.00	12,377.76	5,779.76	932.88	824.72	777.40	615.16	554.32	1,646.64	750.36	108.16	1,299.68	1,101.88	1,283.88	2,482.68
11-3000-2410-61210 PAYROLL BENEFIT OVERHEAD	1,055.68	1,927.80	872.12	163.80	158.60	126.10	118.30	106.60	226.20	144.30	20.80	88.40	211.90	246.90	315.90
11-3000-2410-61410 PAYROLL ACCRUAL EXPENSE		83.60	83.60	-78.00											161.60
11-3000-2410-63134 APPRECIATION FUNCTIONS		5,632.71	5,632.71									171.20	4,811.79	-250.00	899.72
11-3000-2410-65810 EMP EARNINGS ALLOCATION	22,500.00	22,500.00	0.00	1,875.00	1,875.00	1,875.00	1,875.00	1,875.00	1,875.00	1,875.00	1,875.00	1,875.00	1,875.00	1,875.00	1,875.00
11-3000-2410-65815 POLICE EARNINGS REALLOCATION	8,853.00	8,845.80	-7.20	737.15	737.15	737.15	737.15	737.15	737.15	737.15	737.15	737.15	737.15	737.15	737.15
Total POL SERV BOARD GENERAL	17,706.68	27,841.27	10,134.59	3,630.83	3,595.47	6,296.65	3,345.61	3,273.07	6,795.59	3,506.81	2,741.11	6,112.43	8,737.72	3,892.93	-24,086.95
POL SERV BOARD ADMIN:															
11-3000-2420-59210 FROM PRIOR RESERVES		0.00	0.00												
11-3000-2420-63120 PROFESSIONAL DEVELOPMENT	6,000.00	422.10	-5,577.90						217.40					204.70	
11-3000-2420-63128 MEMBERSHIPS	3,630.00	3,621.71	-8.29	250.00					3,371.71						
11-3000-2420-63130 MEETING EXPENSES	1,000.00	146.41	-853.59												146.41
11-3000-2420-63240 ADVERTISING		3,000.00	3,000.00				2,500.00						500.00		
11-3000-2420-64110 LEGAL FEES	9,000.00	5,209.80	-3,790.20	337.51	793.73	1,488.75	608.02	284.93					1,696.86		
11-3000-2420-64130 CONSULTANT FEES		4,380.58	4,380.58	1,017.60	1,017.60					112.50			2,122.88	110.00	
		0.00	0.00												
Total POL SERV BOARD ADMIN	19,630.00	16,780.60	-2,849.40	1,605.11	1,811.33	1,488.75	0.00	3,108.02	3,874.04	0.00	112.50	0.00	4,319.74	314.70	146.41
	37,336.68	44,621.87	7,285.19	5,235.94	5,406.80	7,785.40	3,345.61	6,381.09	10,669.63	3,506.81	2,853.61	6,112.43	13,057.46	4,207.63	-23,940.54

3100 OFFICERS -26,235.00
3200 CIVILIANS **4,885.86**
3300 COURT AND PRISONER **213,814.37**

FORECAST VARIANCE **199,750.42**

	DEC	YTD	VARIANCE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
	BUDGET	FORECAST														
11-3200-2615-61114	WAGES - OVERTIME		13,987.76	13,987.76	2,170.82	1,020.65	1,751.35	2,435.21	792.47	1,234.86	515.79	1,719.34	1,203.55	687.74	241.40	214.58
11-3200-2615-61210	PAYROLL BENEFIT OVERHEAD	44,288.47	55,796.73	11,508.26	3,447.67	3,414.72	4,159.22	4,074.42	3,661.71	8,687.22	4,709.67	4,557.58	3,059.99	2,463.45	4,391.92	9,169.16
11-3200-2615-61410	PAYROLL ACCRUAL EXPENSE		4,930.41	4,930.41	-2,825.32											7,755.73
Total SWITCHBOARD		183,647.47	183,585.41	-62.06	17,474.85	18,842.31	23,996.70	24,154.92	19,953.35	49,782.61	26,140.53	26,401.06	16,600.25	12,385.81	23,896.58	59,456.44
CELL BLOCK MONITORING/TPRC:																
11-3200-2617-53617	EXTERNAL POLICE REPORTS	-137,249.00	-61,177.75	76,071.25												-61,177.75
11-3200-2617-59210	FROM POLICE BOARD RESERVE (REVENUE)		-48,625.00	-48,625.00												-48,625.00
11-3200-2617-61112	WAGES - PARTTIME	118,318.00	85,607.83	-32,710.17	7,276.05	5,941.31	6,567.09	5,800.45	5,525.53	9,771.86	7,348.64	6,884.79	7,352.55	7,628.45	5,634.71	9,876.40
11-3200-2617-61114	WAGES - OVERTIME		6,923.74	6,923.74	1,082.98	300.90	407.81	785.09	297.20	933.27	892.57	493.37	797.14	543.38	390.03	
11-3200-2617-61210	PAYROLL BENEFIT OVERHEAD	18,930.88	16,466.34	-2,464.54	1,399.21	1,142.52	1,262.88	1,115.44	1,062.57	1,879.14	1,413.27	1,324.09	1,417.02	1,467.11	1,083.66	1,899.43
11-3200-2617-61410	PAYROLL ACCRUAL		804.97	804.97	-2,612.60											3,417.57
Total CELL BLOCK MONITORING/TPRC		-0.12	0.13	0.25	7,145.64	7,384.73	8,237.78	7,700.98	6,885.30	12,584.27	9,654.48	8,702.25	9,566.71	9,638.94	7,108.40	-94,609.35
POLICE INFORMATION TECHNOLOGY:																
11-3200-2618-52070	NG911 Deferred Revenue		-57,690.00	-57,690.00												-57,690.00
11-3200-2618-52070	RECORDS MANAGEMENT	-175,000.00	-147,471.00	27,529.00	-85,948.60	-3,254.80	-5,484.00	-4,737.80	-7,356.04	-7,689.00	-2,409.00	247.50	-6,603.26	-16,012.50	-1,325.00	-6,898.50
11-3200-2618-61110	WAGES - FULL TIME	281,983.00	281,765.62	-217.38	21,006.08	21,006.08	21,150.02	22,085.60	21,725.76	32,588.64	21,849.76	21,849.76	21,849.76	21,849.76	21,849.76	32,954.64
11-3200-2618-61110	WAGES - PART TIME		21,446.65	21,446.65										4,792.26	6,595.80	10,058.59
11-3200-2618-61114	WAGES - OVERTIME		2,603.40	2,603.40								233.34	1,656.04			714.02
11-3200-2618-61210	PAYROLL BENEFIT OVERHEAD	93,054.39	97,029.05	3,974.66	6,932.01	6,932.02	6,979.51	7,288.25	7,169.50	10,754.25	7,210.44	7,210.44	7,210.44	8,114.58	8,454.84	12,772.77
11-3200-2618-61410	PAYROLL ACCRUAL		2,358.17	2,358.17												2,358.17
11-3200-2618-65815	POLICE EARNINGS RECOVERY	-64,714.55	-64,714.56	-0.01	-5,392.88	-5,392.88	-5,392.88	-5,392.88	-5,392.88	-5,392.88	-5,392.88	-5,392.88	-5,392.88	-5,392.88	-5,392.88	-5,392.88
Total POLICE INFORMATION TECHNOLOGY		135,322.84	135,327.33	4.49	-63,403.39	19,290.42	17,252.65	19,243.17	16,146.34	30,261.01	21,258.32	24,148.16	18,720.10	13,351.22	30,182.52	46,566.81
POLICE CIVILIANS ADMIN:																
11-3200-2620-61282	PENSIONERS BENEFITS	0.00	66.85	66.85												66.85
11-3200-2620-63610	TELEPHONES & LINE LEASES	80,000.00	123,459.81	43,459.81	8,839.85	9,930.07	11,696.27	9,529.39	9,867.52	10,279.17	10,524.65	11,168.02	9,172.84	12,280.94	7,372.73	12,798.36
11-3200-2620-63612	TEL COST RECOVERY	-50,000.00	-31,209.93	18,790.07	-6,533.49	-2,171.94	-2,147.22	-2,178.37	-2,235.43	-2,262.05	-2,257.70	-2,390.61	-2,228.27	-2,324.28	-2,235.01	-2,245.56
Total POLICE CIVILIANS ADMIN		30,000.00	92,316.73	62,316.73	2,306.36	7,758.13	9,549.05	7,351.02	7,632.09	8,017.12	8,266.95	8,777.41	6,944.57	9,956.66	5,204.57	10,552.80
EQUIPMENT:																
11-3200-2680-63632	REPAIRS	10,000.00	29,714.52	19,714.52	122.01	170.96	707.48	1,049.38	23,879.91	22,172.90	-21,428.34	3,078.43	-4,160.48	3,095.29	1,026.98	
Total EQUIPMENT		10,000.00	29,714.52	19,714.52	0.00	122.01	170.96	707.48	1,049.38	23,879.91	22,172.90	-21,428.34	3,078.43	-4,160.48	3,095.29	1,026.98
Total		988,515.20	993,401.06	4,885.86	-577,863.55	199,741.60	126,964.64	116,006.11	-253,757.58	284,522.77	142,240.38	203,655.99	100,012.98	82,235.10	635,397.35	127,435.27

CITY OF OWEN SOUND
COURT SECURITY
For the Twelve Months Ending December 31, 2023

	DEC	YTD	VARIANCE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	BUDGET	FORECAST													
COURT SECURITY PERSONNEL:															
11-3300-2710-61110 WAGES-FULL TIME	179,793.00	179,736.30	-56.70	13,675.20	13,675.20	13,675.20	13,675.20	13,807.02	20,795.28	13,912.80	13,912.80	13,912.80	13,912.80	13,912.80	20,869.20
11-3300-2710-61114 WAGES-OVERTIME	1,500.00	73.61	-1,426.39												73.61
11-3300-2710-61210 PAYROLL BENEFIT OVERHEAD	59,331.69	59,313.11	-18.58	4,512.83	4,512.82	4,512.82	4,512.82	4,556.32	6,862.44	4,591.24	4,591.24	4,591.24	4,591.24	4,591.24	6,886.86
11-3300-2710-61260 CLOTHING & C. ALLOWANCE		405.19	405.19		96.67										308.52
11-3300-2710-61410 PAYROLL ACCRUAL EXPENSE		925.20	925.20												925.20
		541.86	541.86										541.86		
Total COURT SECURITY PERSONNEL	240,624.69	240,995.27	370.58	18,188.03	18,284.69	18,188.02	18,188.02	18,363.34	27,657.72	18,504.04	18,504.04	18,504.04	19,045.90	18,504.04	29,063.39
SPECIAL CONSTABLES:															
11-3300-2711-51220 OTHER ONTARIO GRANTS	-375,000.00	-326,852.12	48,147.88					-81,402.53	-82644.53				-81,402.53	-81402.53	
11-3300-2711-61110 WAGES-FULL TIME	67,847.55	69,197.60	1,350.05	5,295.20	5,295.20	5,295.20	5,295.20	5,295.20	7,942.80	5,295.20	5,295.20	5,295.20	5,295.20	5,295.20	8,302.80
11-3300-2711-61112 WAGES-PARTTIME	266,000.00	382,166.87	116,166.87	27,534.63	29,047.73	25,940.28	26,675.75	29,240.95	41,639.32	35,766.76	29,579.88	28,714.92	27,289.90	28,874.82	51,861.93
11-3300-2711-61114 WAGES-OVERTIME	2,000.00	8,243.01	6,243.01	63.01	1,151.57	34.59	92.23	620.94	892.39	1,759.18	563.79	63.61	1,144.50	1,528.61	328.59
11-3300-2711-61210 PAYROLL BENEFIT OVERHEAD	64,949.69	95,624.76	30,675.07	6,983.97	7,267.96	6,678.70	6,818.31	7,312.93	10,561.22	8,562.33	7,381.43	7,224.82	6,949.14	7,257.39	12,626.56
11-3300-2711-61260 CLOTHING & C. ALLOWANCE	1,550.00	1,548.60	-1.40			378.14				378.14			387.17		405.15
11-3300-2711-61262 UNIFORMS & EQUIPMENT	4,000.00	8,467.08	4,467.08	2,737.74	242.94	194.82				62.63	393.57	1,838.44	994.01	2002.93	
11-3300-2711-61282 PENSIONERS BENEFITS	3,544.00	3,751.44	207.44	312.62	312.62	312.62	312.62	312.62	312.62	312.62	312.62	312.62	312.62	312.62	312.62
11-3300-2711-61410 PAYROLL ACCRUAL EXPENSE		5,324.72	5,324.72	-5,390.06											10,714.78
11-3300-2711-63123 JOB TRAINING COURSES	3,500.00	2,298.79	-1,201.21							1,398.79	900				
Total SPECIAL CONSTABLES	38,391.24	249,770.75	211,379.51	37,537.11	43,318.02	38,834.35	39,194.11	-38,619.89	-21,296.18	53,535.65	44,426.49	43,449.61	-39,029.99	-36,130.96	84,552.43
COURT SECURITY ADMIN:															
11-3300-2720-63150 PRISONER & ESCORT EXP	1,000.00	6,647.47	5,647.47	600.00	200.00	765.00	164.34	780.00	677.63	400.00	400.00	350.00	691.53	937.02	681.95
11-3300-2720-63152 PRIS ESCORT EXP RECOVERY	-500.00	-4,767.50	-4,267.50				-668.49	-496.52		-203.00		-861.59	-1,085.36		-1,452.54
11-3300-2720-63410 MISCELLANEOUS EXPENSE	500.00	1,355.61	855.61		986.57				7.80			361.24			
11-3300-2720-63610 TELEPHONES & LINE LEASES	1,600.00	1,428.70	-171.30	80.60	129.29	177.98	129.29	129.29	129.29	175.57	101.03	86.87	86.87	144.79	57.83
Total COURT SECURITY ADMIN	2,600.00	4,664.28	2,064.28	680.60	1,315.86	942.98	-374.86	412.77	814.72	372.57	501.03	-63.48	-306.96	1,081.81	-712.76
	281,615.93	495,430.30	213,814.37	56,405.74	62,918.57	57,965.35	57,007.27	-19,843.78	7,176.26	72,412.26	63,431.56	61,890.17	-20,291.05	-16,545.11	112,903.06



Report to the Board: Chief 's Activities January 2024

From: Chief C. Ambrose

Date: Friday February 16, 2024

- Days Off/Annual Leave – 7 days
- Dispatch Meetings OSECC – 12 hours
- HR Interviews – 8 hours
- Georgian College Recruiting Presentation – 2 hours
- In Service Training Sessions with Staff – 7 hours
- Reviewing CSPA New Regulations – 2 days
- OPIOID Working Group Meeting – 1 hour
- Citizens Police Academy – 4 hours
- Grey Bruce Police Leaders Call – Disclosing Protocol – 2 hours
- Carleton University Research Project Meeting – 1 hour
- #ImmigrantsWork Employer Consultation – 1 hours
- Owen Sound & Grey County Housing Update – 1 hour



OWEN SOUND POLICE SERVICES BOARD

Expires: Indefinite

Repeals: , 2006-06,
2002-02, 01 & 2001-02 & 1997-01,
20001-02, 01 & 2002-02, 2006-06,
2014-01, 2020-01

Revisions: February 21, 2024

BY-LAW NO. 2024-01

A BYLAW TO LICENSE, REGULATE AND GOVERN BROKERS, OWNERS AND DRIVERS OF TAXICABS AND OTHER VEHICLES REGULARLY USED FOR HIRE FOR THE CONVEYANCE OF PASSENGERS IN AND ABOUT THE CITY OF OWEN SOUND COMMONLY REFERRED TO AS THE TRANSPORTATION BYLAW

WHEREAS the Board passed bylaw 2014-01 on the 19th day of February, 2014; and

WHEREAS Section 151 and Section 156 of the Municipal Act, 2001 S.O 2001, c M.25 as amended (the "Act"), authorize a municipality to pass bylaws for licensing, regulating and governing the owners and drivers of taxicabs and other vehicles used for hire, or any class or classes thereof, and the rates and fares to be charged for the conveyance of goods or passengers, and for revoking and canceling licences so granted; and

WHEREAS Section 23.1 and section 23.2 of the Act allows a municipality, to delegate its powers and duties; and

WHEREAS the Corporation of the City of Owen Sound has passed bylaw No. 1996-153 that delegates such power to the Owen Sound Police Services Board; and

WHEREAS the Police Services Board of the Corporation of the City of Owen Sound deems it desirable to establish a bylaw to license, regulate and govern the owners and drivers of taxicabs and other vehicles used for hire, or any class or classes thereof, and the rates and fares to be charged for the conveyance of goods or passengers, and for revoking and canceling licences so granted.

WHEREAS the Police Services Board deems it desirable to establish a bylaw to license, regulate and govern Driver for Hire Companies within the City of Owen Sound to:

a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the bylaw;

b) ensure that the Licensee has secured and holds valid liability insurance for the

general protection of the consumer; and,
c) ensure that the Licensee complies with all nuisance regulations

WHEREAS the Police Services Board deems it desirable to establish a bylaw to regulate and govern Driver for Hire - Drivers within the City of Owen Sound to:

- a) ensure that consumers are protected by requiring as a condition of operating that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
- b) ensure that the Licensee has secured and holds a valid Driver's Licence issued by the Ministry of Transportation for the Province of Ontario;
- c) ensure that the health and safety of its residents and visitors are protected through the establishment of operating standards; and,
- d) ensure that the Licensee complies with all nuisance control regulations.

WHEREAS the Police Services Board deems it desirable to establish a by-law to license, regulate and govern Pedicabs within the City of Owen Sound to:

- a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided and attained by the Issuer of Licences to assist in the enforcement of the bylaw;
- b) ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- c) ensure that the Licensee complies with all nuisance control regulations; and,
- d) ensure compliance with all provisions of the Highway Traffic Act, R.S.O. 190, c. H8, as may be applicable.

WHEREAS the Police Services Board deems it desirable to establish a bylaw to license, regulate and govern Private Transportation Companies within the City of Owen Sound to:

- a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the bylaw;
- b) ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer; and,
- c) ensure that the Licensee complies with all nuisance regulations.

WHEREAS the Police Services Board deem it desirable to establish a bylaw regulate and govern Private Transportation Company Vehicles within the City of Owen Sound to:

- a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
- b) ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer; and,
- c) ensure that the Licensee complies with all nuisance regulations.

WHEREAS the Owen Sound Police Service Board has deemed it expedient to pass a bylaw to regulate and govern Private Transportation Company Drivers within the City of Owen Sound to:

- a) ensure that consumers are protected by requiring as a condition of operating that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the bylaw;
- b) ensure that the Licensee has secured and holds a valid Driver's Licence issued by the Ministry of Transportation for the Province of Ontario;
- c) ensure that the health and safety of its residents and visitors are protected through the establishment of operating standards; and,
- d) ensure that the Licensee complies with all nuisance control regulations.

NOW THEREFORE THE POLICE SERVICES BOARD OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

SECTION 1 - SHORT TITLE

1.1 This bylaw may be cited as the "Owen Sound Private Transportation Bylaw".

SECTION 2 - DEFINITIONS

2.1 In this bylaw, the following definitions shall apply:

- a) "Board" means the Owen Sound Police Services Board

- b) "Chief of Police" means the Chief of Police for the Owen Sound Police Service.
- c) "Fare" means the fee a Person has to pay to be conveyed or to convey goods by Taxicab or Limousine.
- d) "Limousine" means a motor vehicle which may bear identification other than the number plate issued by the Ministry of Transportation for the Province of Ontario, which is kept or used for hire for the conveyance of Passengers or goods wholly within the City of Owen Sound or to any point not more than five (5) kilometers beyond its limits, but shall not include a Taxicab.
- e) "Agent/Owner" means any Person owning a Taxicab or Limousine, or having possession or control thereof under an installment purchase agreement or by way of rental, and who operates under agreement with a Taxi Broker, or who may himself/herself be a Taxi Broker licensed hereunder.
- f) "Customer" means the registered owner or his/her designate, of a private vehicle who requests, hires or contracts a driver.
- g) "Driver" means a driver of a Taxicab or Limousine who is licensed as such under this bylaw.
- h) "Driver for Hire Company" means a person defined by this by-law who facilitates, arranges or books a driver when requested, hired or contracted to provide driving services on behalf of a customer. Such service includes the transport of the customer in his/her own private vehicle from point A to point B as agreed upon.
- i) "Driver for Hire – Driver" means a person who has been requested, hired or contracted to physically drive the customer in their private vehicle from point A to point B as agreed upon.
- j) "Driver for Hire Company – Vehicle" means a vehicle owned or operated on behalf of the Driver for Hire Company and used solely for the transport of the Driver for Hire – Driver to and from each call for service.
- k) "Passenger" means in addition to its common meaning where used in context throughout this bylaw, an Individual travelling in a Taxicab or Limousine who is not paying a Fare.
- l) "Pedicab" means a vehicle propelled by muscular power for hire for the conveyance of passengers. Does not include a Taxicab, Limousine, Driver for Hire or Private Transportation Company.
- m) "Person" includes not only an individual but also a partnership, corporation or association and the heirs, successors and assigns thereof. Wherever the word "he" or "him" is used, it shall mean and include the feminine or neuter gender wherever the context so requires.
- n) "Place of Business" means a building or part thereof used for the conduct, management, or operation of a taxi business, including the keeping of records required by this bylaw, and shall include a municipal address, a telephone and published telephone number relating thereto, a sufficient area for the receipt of calls and dispatching of Taxicabs or Limousines, if any, and for the keeping of the records required by this bylaw.
- o) "Private Transportation Company" means a person who in any manner accepts, facilitates, or brokers requests for or advertises or offers transportation in a private vehicle-for-hire to passengers. Shall not include a person who facilitates "carpooling" as defined by the Public Vehicles Act., Taxicab Company, Limousine Company or Driver for Hire Company.
- p) "Private Transportation Company Vehicle" means a for hire motor vehicle with a seating capacity of less than nine (9) passengers excluding the driver used to provide transportation services to passengers.
- q) "Private Transportation Company Driver" means a person who is in care and control of a vehicle that provides transportation services to passengers through a Private Transportation Company but shall not include Taxicab Drivers, Limousine Drivers or Driver for Hire services.

- r) "Private Transportation Company Identifier" means a sign, decal, emblem, symbol or number displaying a logo or name of the Private Transportation Company through which the driver is providing transportation services to passengers and such other information required by this bylaw, in a form, size and location approved by the Issuer of Licenses.
- s) "Rate or Fare" means the basis or formulas used to calculate the rate or fare paid or charged to a customer for transportation provided by a Taxicab, Limousine, Private Transportation Company or Driver for Hire Company.
- t) "Senior" means an individual who has attained the age of sixty-five (65) years.
- u) "Taxi Broker" means a Person that operates a taxi business who accepts calls in any manner for Taxicabs or Limousines and may include a Person who takes telephone or radio calls for, or dispatches Taxicabs or Limousines owned or operated by himself or others in any manner.
- v) "Taxi Broker's Licence" means a licence issued under the provisions of this By-law to a Taxi Broker to operate a taxi business.
- w) "Taxicab" means any passenger, motor vehicle or other vehicle, regularly used for hire and licensed for the conveyance of Passengers and goods within the City of Owen Sound, having a normal seating capacity of not more than nine (9) Passengers but shall not include a public vehicle as defined in the Public Vehicles Act, R.S.O. 1990, Chapter P.54, as amended.
- x) "Taxicab Driver's Licence" means a licence issued under the provisions of this bylaw to a Driver of a Taxicab.
- y) "Taxicab Licence" means a licence issued under the provisions of this bylaw to an Agent/Owner of a motor vehicle which is, at all times or occasionally, kept or used for hire for the conveyance of Passengers or goods.

2.2 Any reference herein to the male gender shall be construed to include the female gender as well, and any reference to singular or plural shall be interpreted as the opposite number where the context so requires.

SECTION 3 - DUTIES OF THE CHIEF OF POLICE

- 3.1 The Chief of Police shall have supervision over all the Persons and vehicles licensed under this bylaw together with equipment used by them and the following shall be the duties of the Chief of Police in connection with the provisions of this By-law:
- a) On behalf of the Board to consider all applications for licence and where provided by this bylaw, to issue licences. The Chief of Police shall submit to the Board a report on these duties when required. Such report to include applications, approvals, denials, licences and notices of revocation of any licence.
 - b) To make all necessary inquiries concerning applications for licences, renewals and transfers as may be required to secure due observance of the law and of this bylaw.
 - c) To make all necessary inquiries concerning the qualifications and suitability of applicants for licences and without limiting the generality of the foregoing, may test the applicant's knowledge of the City of Owen Sound, and to investigate his/her police record and as much of the applicant's personal history as is relevant.
 - d) To examine and approve from time to time, and as often as may be required by the Board, every Taxicab, Limousine and the necessary equipment thereof and the condition of such Taxicab or Limousine.
 - e) To keep a register of all licences which shall contain the name and address of the applicant, the amount paid for the licence, the date of issue of licence and such further records as the Board may order.
 - f) To receive the fees payable for all licences and to transfer such fees to the City Treasurer.
 - g) To furnish each Person taking out a Taxi Broker's or Taxicab Licence, one copy of this bylaw.

- h) To ascertain by inspection and inquiry from time to time and as often as may be required by the Board whether any Person receiving a licence continues to comply with the provisions of the law and of this bylaw.
- i) To prosecute all Persons who offend against any of the provisions of this bylaw.
- j) The Chief of Police may delegate any act or duty authorized by this bylaw other than those under Subsection 8.1.

SECTION 4 - QUALIFICATIONS

4.1 No Person shall be an Agent/Owner, Taxi Broker or Driver of a Taxicab or Limousine in the City of Owen Sound unless that Person is licensed by the Board and every applicant for a Taxi Broker's Licence, Taxicab Licence, Taxicab Driver's Licence or Limousine Driver's Licence, as well as those Persons already licensed, shall:

- a) Be able to communicate with passengers;
- b) Have attained the age of eighteen (18) years;
- c) Complete the necessary application forms;
- d) Provide proof that the applicant has been licensed to drive a motor vehicle in any province of Canada for at least two years holding an unrestricted 'G' licence and currently holds a valid driver's licence issued by the Province of Ontario. A G1 or G2 restricted 'G' Licence will not be permitted;
- e) Must successfully complete a written examination on his/her familiarity with streets, public buildings and places within the City of Owen Sound and obtain a grade of no less than seventy (70%) percent;
- f) Be in a good state of health;
- g) Be of good character; and
- h) Provide a signed waiver and pay the cost of performing an enhanced criminal record check.

4.2 This Bylaw applies to all Brokers, Owners and Drivers of Taxicabs Limousines Pedicabs and other vehicles regularly used for carrying goods or passengers in and about the City of Owen Sound.

- a) Either wholly within the City of Owen Sound, or from outside the limits of the City of Owen Sound to a destination within the limits of the City of Owen Sound, or from a point within the limits of the City of Owen Sound to any point beyond the limits of the City of Owen Sound;
- b) Whether or not the Place of Business of the Agent/Owner, Taxi Broker, or Driver is located within the City of Owen Sound or a location outside the City of Owen Sound, so long as part of the taxi business, including the carrying of goods or Passengers, is carried on within the City of Owen Sound.

SECTION 5 - APPLICATIONS

5.1 Applications for licences, transfers of licences or the renewal of licences shall be addressed to the Chief of Police and delivered upon such forms as may be prescribed by the Board together with payment of the appropriate licence fee and proof of financial responsibility where required by this bylaw.

- a) Applicants for Taxi Broker's licences received after June 30th, and prior to December 31 in any year, will be required to pay half of the annual amount of a Taxi Broker's Licence fee as set out in Schedule 'A' of the Owen Sound Private Transportation Bylaw, and said licence will expire on December 31st of the same year and may be renewed thereafter at the full amount shown in the Licence Fees Schedule of this bylaw.
- b) Applicants for new licence(s) issued for Taxicab(s), received after June 30th and prior to December 31, in any year, will be required to pay half of the annual fee of a

Taxicab Licence as set out in Schedule 'A' of the Owen Sound Private Transportation Bylaw and will expire on December 31st of the same year and may be renewed thereafter at the full amount shown in the Licence Fees Schedule, in accordance with this bylaw.

52. Every application for a Taxi Broker's Licence shall include written particulars of his/her arrangements with the owner(s) of the vehicle(s) to be used in his/her Taxi Broker business.
- 5.3 Every application for a licence applied for under this bylaw shall include a non-refundable payment of fifty percent (50%) of the applicable fee as set out in Schedule 'A' of the Owen Sound Private Transportation Bylaw.
- 5.4 Any Person refused a licence under this By-law will be subject to a further fee as set out in Schedule 'A' of the Owen Sound Private Transportation Bylaw to re-apply not earlier than thirty (30) days after the date of the first application, or sooner with the consent of the Chief of Police.
- 5.5 All licence fees as prescribed in Schedule 'A' of the Owen Sound Private Transportation Bylaw shall be paid to the Chief of Police, payable to the Owen Sound Police Service, who in turn shall transmit such monies to the City Treasurer.
- 5.6 Every Person who applies for a Taxi Broker's Licence must include with his/her application an approved business licence issued by the City of Owen Sound if such a business licence is required by the City.
- 5.7 **DRIVER FOR HIRE:**
Applications for licences, transfers of licences or the renewal of licences shall be addressed to the Chief of Police and delivered upon such forms as may be prescribed by the Board together with payment of the appropriate licence fee and proof of financial responsibility where required by this bylaw.
- a) Applicants for Driver for Hire licence received after June 30th, and prior to December 31 in any year, will be required to pay half of the annual amount of a Driver for Hire Licence fee as set out in Schedule 'A' of this Bylaw, and said licence will expire on December 31st of the same year and may be renewed thereafter at the full amount shown in the Licence Fees Schedule of this bylaw.
- b) Applicants for new licence(s) issued for Driver for Hire vehicle received after June 30 and prior to December 31, in any year, will be required to pay half of the annual fee of a Driver for Hire Vehicle Licence as set out in Schedule 'A' of this bylaw, and will expire on December 31st of the same year and may be renewed thereafter at the full amount shown in the Licence Fees Schedule, in accordance with this bylaw.
- 5.8 **PRIVATE TRANSPORTATION COMPANY:**
Applications for licences, transfers of licences or the renewal of licences shall be addressed to the Chief of Police and delivered upon such forms as may be prescribed by the Board together with payment of the appropriate licence fee and proof of financial responsibility where required by this bylaw.
- a) Applicants for a Private Transportation Company licence received after June 30th, and prior to December 31 in any year, will be required to pay half of the annual amount of a Private Transportation Company Licence fee as set out in Schedule 'A' of the bylaw, and said licence will expire on December 31st of the same year and may be renewed thereafter at the full amount shown in the Licence Fees Schedule of this bylaw.
- b) Applicants for new licence(s) issued for a Private Transportation Company vehicle received after June 30 and prior to December 31, in any year, will be required to pay half of the annual fee of a Private Transportation Company Vehicle Licence as set out in Schedule 'A' of the bylaw, and will expire on December 31st of the same year and may be renewed thereafter at the full amount shown in the Licence Fees Schedule, in accordance with this bylaw.

SECTION 6 - LICENCES

- 6.1 Subject to section 6.11 hereof, a taxi business or Taxi Broker having a Place of Business within the City of Owen Sound must meet the regulations of the City's Zoning By-law.
- 6.2 No Agent/Owner of a Taxicab or Limousine, shall use or permit the use or operation of a Taxicab or Limousine without a valid licence issued pursuant to this bylaw.
- 6.3 No Person shall drive or act as a Driver of any Taxicab or Limousine without having a licence under this bylaw from the Board, under the hand of the Chief of Police. The fee for such licence shall be as set out in Schedule 'A' of the bylaw.
- 6.4 No Person shall carry on the business of a Taxi Broker without having a current, valid licence from the Board, the fee for which is set out in Schedule 'A' of the Owen Sound Private Transportation Bylaw; such licence shall at all times be prominently displayed at the Place of Business of the Taxi Broker.
- 6.5 Every Agent/Owner of more than one Taxicab or Limousine, required to be licensed under this bylaw, shall take out a separate licence for each Taxicab or Limousine.
- 6.6 No Agent/Owner of a Taxicab or Limousine licensed under this bylaw shall use or permit the use of any number plate upon any Taxicab or Limousine other than the plates issued by the Ministry of Transportation of Ontario for such vehicle.
- 6.7 No licensed Taxi Broker, incorporated under the laws of the Province of Ontario or any other jurisdiction, shall permit the transfer of shares, which would have the effect of changing control of the corporation without the approval of the Board.
- 6.8 Any transfer of a licence issued under this bylaw shall require the issuing of a new licence.
- 6.9 Every Person licensed as a Taxi Broker will:
 - a) Prepare and deliver to the Chief of Police a current updated list every 30 days of:
 - i) The names of the Agent/Owners owning or operating Taxicabs or Limousines in association with such Taxi Broker and the number of Taxicabs or Limousines owned or operated by such Agent/Owner and;
 - ii) The names and addresses of all Drivers operating in association with such Taxi Broker.
 - b) Ensure that all vehicles and Drivers dispatched are properly licensed under this by law.
- 6.10 Every Agent/Owner operating a Taxicab(s) must have an association with a properly licensed Taxi Broker under this bylaw.
- 6.11 Notwithstanding Section 6.1 hereof, the regulations of the City's Zoning By-law and Ontario Planning Act shall be used to define and regulate a legal non-conforming/complying taxi business or Taxi Broker operating from a Place of Business located in the City of Owen Sound.

SECTION 7 - ISSUE

- 7.1 Upon completion of the examination and investigation conducted by the Chief of Police, the Board authorizes the Chief of Police to grant a licence to the applicant, or to recommend denial of this licence. If a licence is granted, the applicant is to attend as directed by the Chief of Police for the taking of an identification photograph and thereafter the Chief of Police shall cause to be issued the applicable licence. Any applicant who is to be denied a licence(s) as recommended by the Chief of Police may appeal to the Board.
- 7.2 Any applicant who is denied a licence by the Chief of Police under section 7.1, shall be given written notice of the denial of the application for a licence and may appeal to the Board by delivering to the Chief of Police within ten (10) days of mailing of the notice of denial, a written request for a hearing before the Board. Within ten (10) days of the Chief of Police receiving the request for a hearing, the Chief of Police will send notice by registered mail or delivered to the applicant's address last known to the Chief of Police, notice of the date, time and place of the hearing and the applicant shall be permitted either by himself/herself or a representative, to appear before the Board to show cause

why such licence should not be denied.

- 7.3 On the issuing of a Taxicab Driver's Licence, the Chief of Police shall supply a photo identification card which shall be carried by the licence holder at all times while operating a Taxicab, which he/she shall produce upon demand by any Person hiring his/her Taxicab or by any police officer.
- 7.4 No Person may operate a Taxicab without a Taxi Broker's Licence or an agreement with a Taxi Broker as an Agent/Owner.

SECTION 8 - SUSPENSION OR REVOCATION

- 8.1 The Chief of Police may suspend a licence with cause, to take effect immediately where the licensee has been charged with any breach of this bylaw or any Federal or Ontario statute relevant to licensed activities, and for such period of time as the Board shall determine, or if the circumstances appear to warrant such action, may recommend that the Board revoke such licence. Any Person whose licence is suspended or to be revoked may appeal to the Board.
- 8.2 The Chief of Police or any interested party may apply to the Board to have a licence revoked for cause. Cause shall include a breach of any condition of the licence held, a conviction for any breach of this bylaw, or any breach of a federal or Ontario statute relevant to licensed activities.
- 8.3 At a hearing before the Board where the suspension or revocation of a licence is being considered, the holder of that licence shall be given at least five (5) days notice by registered mail or delivered to his/her address last known to the Chief of Police, of the date, time and place of the hearing and the holder of the licence shall be permitted either by himself/herself or a representative, to appear before the Board to show cause why such licence should not be suspended or revoked as the case may be.
- 8.4 In the event of any licence issued under this By-law being cancelled or revoked, the previous holder thereof shall not, without approval of the Board, apply for another licence before the lapse of six (6) months from the date of such cancellation or revocation.
- 8.5 All licences issued pursuant to this bylaw, with the exception of Taxicab Driver's licences, shall be in force for the remainder of the calendar year in which issued, unless they are sooner cancelled or revoked and, in any case, shall expire in each year at midnight December 31st.
- 8.6 Taxicab Driver's licence issued pursuant to this bylaw, as amended, shall be in force for a period of one (1) year, unless sooner cancelled or revoked and in any case shall expire one year from the date of issue, and thereafter may also be renewed for a period of three (3) years, in accordance with the fees as set out in Schedule 'A' of the Taxi By-law, unless sooner cancelled or revoked and in any case shall expire on the third year anniversary from the date of issue at midnight.
- 8.7 A licence issued pursuant to this bylaw, which is not prior to its expiry renewed for the next consecutive period, shall not thereafter be renewed and the previous licence holder shall be required to submit a new application.

SECTION 9 - EQUIPMENT AND USES

- 9.1 No Person licensed under this bylaw shall carry or permit to be carried in any Taxicab or Limousine, a load in excess of that for which its commercial motor vehicle permit was issued.
- 9.2 No Person licensed under this bylaw shall carry in any Taxicab or Limousine a greater number of Passengers than recommended by the manufacturer's rating. Every Taxicab or Limousine licensed under this bylaw shall be a model having at least four doors.
- 9.3 Before a licence authorizing the use of any vehicle is granted, the Chief of Police shall ascertain, by the production of a valid Safety Standards Certificate, if such vehicle is in a safe condition to be operated upon a highway and if he/she finds that such vehicle is in a dangerous or unsafe condition, require that such vehicle be placed in a safe condition

before such licence is issued. A vehicle is exempt from the Safety Standards Certificate, which has traveled less than twenty thousand kilometers (20,000 km.) or no more than twelve (12) months has elapsed from date of first registration as a new motor vehicle.

- 9.4 The Taxi Broker of a vehicle licensed pursuant to this bylaw shall provide to the Chief of Police or designate a valid Safety Standards Certificate where the age of that vehicle exceeds thirty-six (36) months from the date of first registration as a new motor vehicle. Such Safety Standards Certificate shall be submitted each year between May 31st and June 5th or as directed by the Chief of Police and is in addition to any other Safety Standards Certificate, which may be required by this bylaw.
- 9.5 Safety Standards Certificates shall be obtained by the Taxi Broker of the vehicle and at the Taxi Broker's expense. Failure to provide a Safety Standards Certificates as required by this bylaw shall result in the immediate revocation of licence.
- 9.6
- a) No Taxi Broker shall permit the operation or operate a Taxicab unless such Taxicab has signs or letters identifying the company name consistent with the name indicated on the Taxicab Brokers Licence.
 - b) No Taxi Broker shall permit the operation of a licensed Taxicab as a private vehicle.
 - c) Where more than one Taxicab is operated and licensed under the same company name, each Taxicab shall also display a number unique from any other number which identifies it from any other Taxicab of that company. Such number shall be as clear and simple as possible but in no case shall such number consist of more than two digits.
 - d) The Taxi Broker of every vehicle in respect of which a licence has been issued under this bylaw shall have at all times, firmly affixed, on the left rear exterior of the vehicle, in an area clearly visible, a Taxicab numbered plate, issued by the Board.
 - e) Taxicab numbered plates issued by the Board, must be returned on demand to the Chief of Police.
 - f) Any Taxicab numbered plate issued by the Board which is lost or stolen, must be reported to the Chief of Police within 24 hours and reissued in accordance with Schedule 'A' of this bylaw.
- 9.7 The Taxi Broker of every vehicle in respect of which a licence has been issued under this bylaw shall, when required, submit his/her vehicle for examination by the Chief of Police or any of his/her officers and no Agent/Owner or Driver shall, at any time, prevent or hinder the Chief of Police or his/her designate from entering a garage or other building for the purpose of inspecting any Taxicab or Limousine.
- 9.8 The operator of a Taxicab or Limousine shall be responsible to ensure that the interior and exterior of his/her vehicle is in clean condition and in good repair at all times.
- 9.9 Every Agent/Owner or Driver, licensed under this by-law, shall on each work shift, before commencing driving, examine for mechanical defects any vehicle which he/she is to drive during the shift, and shall similarly examine the Taxicab or Limousine at the end of each shift, and if he/she is not the owner of the Taxicab or Limousine, shall report forthwith to the owner any mechanical defects of which he/she is, or becomes, aware.
- 9.10 Every Taxi Broker shall check immediately any mechanical defect in his/her vehicle reported by a Driver and shall not in any case operate or permit to be operated any vehicle not in good mechanical condition.
- 9.11 The Board may, from time to time, limit the number of Taxicabs and Limousines for which licences may be issued under this By-law.

9.12 **DRIVER FOR HIRE COMPANY:**

No person shall own, operate, carry on or maintain a business as a Driver for Hire Company within the City of Owen Sound without first having obtained a licence to do so.

The applicant shall provide to the Issuer of Licences at the time of application, proof of commercial liability insurance in the minimum amount of \$2,000,000.

The applicant shall provide to the Issuer of Licences at the time of application, proof of HST (Harmonized Sales Tax) registration. Such registrations shall be provided for the Driver for Hire Company and on behalf of all registered Driver for Hire - Drivers operating on behalf of the Driver for Hire Company as may be applicable.

The applicant shall provide to the Issuer of Licences at the time of application, and within fourteen (14) days of any change, a registry of all persons operating as a Driver for Hire - Driver for the Company. Such listing shall include:

The Full Legal Name, residential address and contact number for each individual operating on behalf of the Company;

No person shall use or permit the use of a Driver for Hire Company Vehicle to be used to transport customers or clients at any time.

No person shall permit any person to operate as a Driver for Hire - Driver unless such person is registered under the provisions of this bylaw to do so.

The licensee shall ensure that every driver operating on behalf of the Driver for Hire Company is familiar with the provisions of this bylaw, the laws and regulations relating to traffic and the geography of the City of Owen Sound.

The licensee shall ensure that every person operating as a Driver for Hire - Driver is the holder of any of a class A, B, C, D, E, F or G driver's licence issued to him by the Ministry of Transportation for the Province of Ontario and that such licence is valid at all times while such driver is engaged in transporting or driving any person or vehicle during the course of conducting business.

The licensee shall immediately notify the Issuer of Licences should the driver's licence of the Driver for Hire- Driver be suspended or revoked and such Driver shall immediately be removed from the registry.

The applicant shall be at least 18 years of age to be licensed under this

section. The Licensee shall satisfy the Issuer of Licenses that:

- a) any Driver for Hire - Driver operating in association with the Company will accept calls only from the licensed Driver for Hire Company; and,
- b) Every Driver for Hire Company be required to provide to the Issuer of Licences at the time of application and within fourteen (14) days upon any change to such information:
 - i. a registry containing the name(s), address and contact information of any person operating as a Driver for Hire - Driver for the driver for hire company;
 - ii. a copy of a criminal records check issued by a police service or duly authorized agency, issued within 12 months of the date of application for each Driver for Hire – Driver operating; and,
 - iii. a copy of a drivers abstract issued by the Ministry of Transportation for each Driver for Hire – Driver, valid within 30 days of the date of application.

Every licensee shall:

- a) keep an orderly record of all calls answered by the Company showing date, time, origin, destination, and the name of the Driver. The records shall be retained for a period of 12 months from date of entry and shall be open for inspection by any Municipal Law Enforcement Officer, Police Officer or other duly appointed individual at any reasonable time and may be removed by such Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and retained for any reasonable period of time;
- b) ensure that all persons employed by him as a Driver for Hire - Driver are properly registered under the provisions of this by-law;
- c) All rates and fares shall be made available through an electronic format or paper format to every customer prior to the commencement of any conveyance and shall include any discounts, price variances or surges in effect at the time and the

conveyance must be agreed upon prior to commencement;

- d) provide or make available the necessary dispatching equipment, mobile software applications or two-way communication devices to each Driver and maintained in proper working condition;
- e) ensure all trip records include the amount of the fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each call answered by the Driver for Hire – Driver; and,
- f) not permit, encourage or condone the acceptance of hails or the solicitation of passengers by a Driver for Hire - Driver, whether on the street or in any manner or any other location.

The licensee shall notify the Issuer of Licences immediately should a Driver for Hire - Driver be suspended or terminated from operating on behalf of the Driver for Hire Company and shall not reinstate such Driver unless prior approval has been granted by the Issuer of Licences.

The licensee shall ensure that at no time does a Driver for Hire – Driver allow a customer or client to enter or be transported in the Driver for Hire Company Vehicle as defined by this by law.

The licensee shall be held liable for any violations found or misconduct done so by any Driver for Hire Company employee or Driver for Hire - Driver, to any provision of this bylaw and may result in the suspension, revocation or denial of the Driver for Hire Company licence by the Issuer of Licences.

The licensee shall ensure that a copy of the Driver-for-Hire Company identifier is filed with the Issuer of Licences at the time of application and that approval is granted relating to the form, size and vehicle location by the Issuer of Licences.

The licensee shall ensure that such identifier is placed on each Driver-for-Hire vehicle so as to be visible to the public at all times when operating.

9.13 DRIVER FOR HIRE DRIVER:

No person shall operate or carry on business as a Driver for Hire - Driver within the City without first having been registered to do so.

The applicant or his designate shall provide to the Issuer of Licences, through the Driver for Hire Company, at the time of application:

- a) two (2) pieces of identification, one of which shall be photographic identification detailing the applicant's birth date, legal name and current residential address;
- b) a Criminal Record Check obtained from a Police enforcement agency or other duly appointed agency and dated within 12 months of the date of receipt of the application;
- c) an Ontario Driver's Licence abstract obtained from the Ministry of Transportation and dated within 12 months of the date of receipt of the application; and
- d) the applicant's Ontario Driver's Licence with a minimum Class G designation with no driving restrictions.

The applicant or his designate shall provide to the Issuer of Licences, through the Driver for Hire Company, at the time of application, documentation to the satisfaction of the Issuer of Licences from the owner or designate of the Driver for Hire Company for whom the applicant is to provide services as a Driver for Hire - Driver confirming that the applicant is employed by or otherwise authorized to provide services as a Driver for Hire – Driver for the said Driver for Hire Company. This may be in the form of a registry.

No person shall provide any service or operate as a Driver for any Driver for Hire Company which is not licensed under the provisions of this bylaw.

No person providing services or operating as a Driver for Hire - Driver shall receive requests for service, in any format, from a Driver for Hire Company unless such company is licensed under the provisions of this bylaw.

No person shall, while in charge of a Customer Vehicle:

- a) solicit any person to take or use the Customer Vehicle he is driving by calling out or shouting. The person wishing to use or engage the Driver for Hire shall be left to choose without interception or solicitation;
- b) take, consume or have in his possession any intoxicant (alcohol/drug);
- c) obstruct the use of any sidewalk, make any loud noise or disturbance, use any abusive language, molest, annoy or insult any person whatsoever;
- d) employ or allow any runner or other person to assist or act in concert with him in obtaining any passenger;
- e) carry a greater number of persons than the Customer Vehicle is intended to seat according to manufacturer's rating or than specified in the license issued under this by-law;
- f) smoke or allow or permit the smoking of any equipment or product including but not limited to cigar, cigarette, pipe, hookah or any other lit smoking product or vaping product whether lit by flame or battery powered, in contravention of the City by-law regarding smoking or other applicable legislation, whichever is the most restrictive;
- g) park, stop or otherwise stand the Customer Vehicle in any prohibited area;
- h) park, stop or otherwise stand the Customer Vehicle in a designated Taxicab stand for which a sign is posted;
- i) discriminate in any way against any member of the public in the carrying on of the business on any basis; and,
- j) refuse to serve a person with a disability or fail to permit a service animal to enter any vehicle to which the licence relates.

9.14 PEDICAB:

No person shall operate or maintain a Pedicab within the City without first obtaining a licence to do so.

The applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.

No person, while operating a pedicab, shall obstruct motor vehicle traffic.

No person shall operate a pedicab unless such person is physically capable of doing so.

Every person operating a pedicab shall comply with all provisions of the Highway Traffic Act, R.S.O. 1990, c. H.8, as may be applicable

No person shall operate a pedicab on any City bike path, walking path, sidewalk or within any City Park

No person shall discharge any passenger in such a way as to create a hazard, danger or any risk to the passenger.

No person shall stop a pedicab within an intersection to permit any person to embark or disembark the pedicab.

9.15 PRIVATE TRANSPORTATION COMPANY:

No person shall own, operate, carry on or maintain a business as a Private Transportation Company within the City of Owen Sound without first having obtained a licence to do so.

The applicant shall provide to the Issuer of Licences at the time of application, proof of commercial liability insurance in the minimum amount of \$2,000,000.

The applicant shall provide to the Issuer of Licences at the time of application, proof of H.S.T. (Harmonized Sales Tax) registration. Such registrations shall be provided for the Private Transportation Company and on behalf of all registered Private Transportation Company Drivers and all registered Private Transportation Company Vehicles operating on behalf of the Private Transportation Company as may be applicable.

The applicant shall provide to the Issuer of Licences at the time of application, and within fourteen (14) days of any change, a registry of all persons operating as a Private Transportation Company Driver on behalf of the Company. Such listing shall include:

- a) the Name, address and contact number for each individual;
- b) Criminal Records Check issued by a Police enforcement agency or other duly appointed agency valid within 12 months of receipt by the Issuer of Licences;
- c) a driver's abstract issued by the Ministry of Transportation valid within 30 days of receipt by the Issuer of Licences;
- d) copy of valid Ontario Driver's Licence issued by the Ministry of Transportation with no driving restrictions.

The applicant shall provide to the Issuer of Licences at the time of application, and within fourteen (14) days of any change, a list of all vehicles operating as a Private Transportation Company Vehicles on behalf of the Company. Such listing shall include:

- a) the vehicle identification number and the Ontario licence plate number as issued by the Ministry of Transportation for each vehicle operating on behalf of the Private Transportation Company;
- b) a valid Safety Standards Certificate issued pursuant to the provisions of the Highway Traffic Act, R.S.O. 1990, c. H8, as amended; at the time of application,
- c) the unique identifier issued to each vehicle operated as a Private Transportation Company Vehicle by such Private Transportation Company.

No person shall use or permit any Private Transportation Company Vehicle to be used for hire unless such Private Transportation Company Vehicle is registered under the provisions of this bylaw.

No person shall permit any driver to drive a Private Transportation Company Vehicle unless such Driver is registered under the provisions of this bylaw to do so.

Every person shall advise the Issuer of Licences within fourteen (14) days of any change in any licence plate issued by the Ministry of Transportation.

The licensee shall ensure that every driver of a Private Transportation Company Vehicle shall be familiar with the provisions of this bylaw, the laws and regulations relating to traffic and the geography of the City of Owen Sound.

The licensee shall ensure that every Driver of a Private Transportation Company Vehicle is the holder of any of a class A, B, C, D, E, F or G driver's licence issued to him by the Ministry of Transportation for the Province of Ontario and that such licence is valid at all times which such driver is engaged in driving any Private Transportation Company Vehicle used by the licensee.

The licensee shall immediately notify the Issuer of Licences should any Private Transportation Company Driver's driver's licence no longer be valid. Such Driver shall immediately be removed from the registry.

The applicant shall be at least 18 years of age to be licensed under this section. The applicant shall satisfy the Issuer of Licences that any Private Transportation Company Vehicle operated in association with the Company will accept calls only from that Private Transportation Company;

Every licensee shall:

- a) keep an orderly record of all calls answered by vehicles operating on behalf of the Private Transportation Company showing date, time, origin, destination, vehicle licence number and the name of the driver. The records shall be retained for a

period of 12 months from date of entry and shall be open for inspection by any Municipal Law Enforcement Officer, Police Officer or other duly appointed individual at any reasonable time and may be removed by such Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and retained for any reasonable period of time;

- b) submit each Private Transportation Company Vehicle for vehicle safety inspection as required by the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and shall file with the Issuer of Licences a valid and current Safety Standards Certificate for each vehicle operated on behalf of the company as required by the Issuer of Licences in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, c. H8;
- c) ensure that all persons employed or operating on behalf of the Private Transportation Company as a Private Transportation Company Driver are properly registered under the provisions of this bylaw;
- d) All rates and fares shall be made available through an electronic format to every customer prior to the commencement of any conveyance and shall include any discounts, price variances or surcharges in effect at the time and the conveyance must be agreed upon prior to commencement;
- e) provide the necessary or make available the necessary dispatching equipment, mobile software applications or two-way communication devices to each Driver and maintained in proper working condition;
- f) ensure all trip records include the amount of the fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each call answered by the Private Transportation Company Driver; and,
- g) not permit, encourage or condone the acceptance of hails or the solicitation of passengers by Private Transportation Company Drivers, whether on the street or in any manner or any other location.

The licensee shall ensure that any Private Transportation Company Vehicle operating on behalf of the company is driven for the transportation exclusively of one person or group of persons in the same party and that only one fare or charge is collected for each specified trip.

The licensee shall notify the Issuer of Licences immediately should a Private Transportation Company Driver be suspended or terminated from operating on behalf of the Private Transportation Company and shall not reinstate such Driver unless prior approval has been granted by the Issuer of Licences.

The licensee shall ensure that a copy of the Private Transportation Company identifier is filed with the Issuer of Licences at the time of application and approval is granted relating to the form, size and location by the Issuer of Licences.

The licensee shall ensure that such identifier is placed on each Private Transportation Company Vehicle so as to be visible to the public at all times when operating.

The licensee shall be held liable for any violations found or misconduct done so by any registered Private Transportation Company Driver or Private Transportation Company Vehicle, to any provision of this bylaw and may result in the suspension, revocation or denial of the Private Transportation Company licence by the Issuer of Licences.

9.16 PRIVATE TRANSPORTATION COMPANY - DRIVER:

No person shall operate or carry on business as a Private Transportation Company Driver within the City without first having been registered to do so.

The applicant or his designate shall provide to the Issuer of Licences, through the Private Transportation Company, at the time of application:

- a) two (2) pieces of identification, one of which shall be photographic identification detailing the applicant's birth date, legal name and current residential address;

- b) a Criminal Record Check obtained from a Police enforcement agency or other duly appointed agency and dated within 12 months of the date of receipt of the application;
- c) an Ontario Driver's Licence Abstract obtained from the Ministry of Transportation and dated within 12 months of the date of receipt of the application; and,
- d) the applicant's Ontario Driver's Licence with a minimum Class G designation with no driving restrictions.

The applicant or his designate shall provide to the Issuer of Licences, through the Private Transportation Company, at the time of application, documentation to the satisfaction of the Issuer of Licences from the owner or designate of the Private Transportation Company for whom the applicant is to provide services as a Private Transportation Company Driver confirming that the applicant is employed by or otherwise authorized to provide services as a Private Transportation Company Driver for the said Private Transportation Company. This may be in the form of a registry.

No person shall provide any service or operate as a Driver for any Private Transportation Company which is not licensed under the provisions of this bylaw.

No person shall drive any vehicle operated as a Private Transportation Company vehicle unless such vehicle is registered under the provisions of this bylaw.

No person providing services or operating as a Private Transportation Company Driver shall receive requests for service, in any format, from a Private Transportation Company unless such company is licensed under the provisions of this bylaw.

Every registered Private Transportation Driver shall keep a daily trip records, such daily trip record may be in paper or electronic format, hereinafter referred to as a trip record, of all calls received by him which result in the transporting of a passenger from one location to another and such trip record shall contain the following information:

- a) the Private Transportation Company vehicle licence number issued under the provisions of this bylaw;
 - i) the name, address of the Driver;
 - ii) the amount of remuneration collected for the service;
 - iii) date, time, origin and destination of each trip.

Every person, while in charge of a Private Transportation Company Vehicle for hire shall:

- a) produce daily trip records upon the request of any Municipal Law Enforcement Officer, Police Officer or other duly authorized individual;
- b) upon request of any passenger, give in writing his name, and company contact information along with the license number issued to the company under the provision of this by- law; and,
- c) ensure all daily trip records include the amount of the fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each call answered by the Private Transportation Company Driver

No person shall, while in charge of a Private Transportation Company Vehicle for hire:

- a) solicit any person to take or use the Private Transportation Company Vehicle he is driving by calling out or shouting. The person wishing to use or engage the Private Transportation Company Vehicle shall be left to choose without interception or solicitation;
- b) take, consume or have in his possession any intoxicant;
- c) obstruct the use of any sidewalk, make any loud noise or disturbance, use any abusive language, molest, annoy or insult any person whatsoever;
- d) employ or allow any runner or other person to assist or act in concert with him in obtaining any passenger;

- e) carry a greater number of persons than the Private Transportation Company Vehicle is intended to seat according to manufacturer's rating or than specified in the license issued under this bylaw;
- f) smoke or allow or permit the smoking of any equipment or product including but not limited to cigar, cigarette, pipe, hookah or any other lit smoking product or vaping product whether lit by flame or battery powered, in contravention of the City by-law regarding smoking or other applicable legislation, whichever is the most restrictive;
- g) park, stop or otherwise stand the Private Transportation Company Vehicle in any prohibited area;
- h) park, stop or otherwise stand in a designated Taxicab stand for which a sign is posted;
- i) discriminate in any way against any member of the public in the carrying on of the business on any basis; and,
- j) refuse to serve a person with a disability or fail to permit a service animal to enter any vehicle to which the licence relates.

9.17 PRIVATE TRANSPORTATION COMPANY VEHICLE:

No person shall own, operate, carry on or maintain a business as a Private Transportation Company Vehicle within the City of Owen Sound without first having been registered to do so.

The applicant or his designate shall provide to the Private Transportation Company, at the time of application, proof of automobile liability insurance in the minimum amount of \$2,000,000.

The applicant or his designate shall provide to the Private Transportation Company, at the time of application, proof of H.S.T. (Harmonized Sales Tax) registration, if applicable.

The applicant or his designate shall provide to the Private Transportation Company, at the time of application, and within fourteen (14) days of any change, a list of all vehicles operating as a Private Transportation Company Vehicle for the Company. Such listing shall include:

- a) the vehicle identification number and the Ontario licence plate number as issued by the Ministry of Transportation for each vehicle operating on behalf of the Private Transportation Company;
- b) a valid Safety Standards Certificate, for each vehicle, issued pursuant to the provisions of the Highway Traffic Act, R.S.O. 1990, c. H8, as amended; at the time of application, and submitted each year between May 31st and June 5th, or as directed by the Chief of Police and is in addition to any other Safety Standards Certificate, which may be required by this By-Law.
- c) the unique identifier issued to each vehicle operated as a Private Transportation Company Vehicle by such Private Transportation Company.

No person shall use or permit any Private Transportation Company Vehicle to be used for hire unless such Private Transportation Company Vehicle is registered under the provisions of this by-law.

No person shall permit any driver to drive a Private Transportation Company Vehicle unless such driver is registered under the provisions of this by-law to do so.

Every person shall advise the Issuer of Licenses within fourteen (14) days of any change in any licence plate issued by the Ministry of Transportation.

The registered owner of a Private Transportation Company Vehicle shall be familiar with the provisions of this by-law, the laws and regulations relating to traffic and the geography of the City of Owen Sound.

The applicant or his designate shall be at least 18 years of age to be licensed under this section. The applicant or his designate shall satisfy the Issuer of Licenses that:

- d) any Private Transportation Company Vehicle operated in association with the company will accept calls only from the Private Transportation Company;

Every registered vehicle owner or licensee shall:

- a) submit each registered Private Transportation Company Vehicle for vehicle safety inspection, as required, by the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and shall file with the Issuer of Licences a valid and current Safety Standards Certificate for each vehicle operated on behalf of the company as required by the Issuer of Licences in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, c. H8;
- b) ensure all trip records include the amount of the fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each call answered by the Private Transportation Company Driver; and
- c) not permit, encourage or condone the acceptance of hails or the solicitation of passengers by Private Transportation Company Drivers, whether on the street or in any manner or any other location.

The registered vehicle owner or licensee shall ensure that any Private Transportation Company Vehicle operating on behalf of the Company is driven for the transportation exclusively of one person or group of persons in the same party and that only one fare or charge is collected for each specified trip.

The registered vehicle owner or licensee shall ensure that such identifier is placed on each Private Transportation Company Vehicle so as to be visible to the public at all times, when operating.

SECTION 10 – RATES AND FARES:

10.1 DRIVER FOR HIRE COMPANY:

Every licensee shall:

- a) ensure all rates and fares are posted within the vehicle or available through an electronic format to every customer prior to the commencement of any conveyance and shall be agreed upon;
- b) ensure each customer is advised immediately and prior to the commencement of any conveyance of any price variance or surging in effect at the time of the request for service; and,
- c) ensure all rates and fares are inclusive of Harmonized Sales Tax (H.S.T.) if applicable.

10.2 PRIVATE TRANSPORTATION COMPANY:

Every licensee shall:

- a) ensure all rates and fares are posted within the vehicle or available through an electronic format to every customer prior to the commencement of any conveyance and shall be agreed upon,
- b) ensure each customer is advised immediately and prior to the commencement of any conveyance of any price variance or surging in effect at the time of the request for service,
- c) ensure all rates and fares are inclusive of Harmonized Sales Tax (H.S.T.) if applicable;
- d) ensure that no driver accepts any payment in cash or any other form of payment for services provided. All payments shall be made through the appropriate mobile software application; and,
- e) ensure that the customer is provided with a receipt detailing all rates and fares, date of transaction, total time of trip, start / end locations and Private

Transportation Company licence number associated with each trip. Such receipt shall be in an electronic format

Every licensee shall ensure each Private Transportation Company Driver operating on his behalf, has correctly logged or signed into the applicable mobile software application that will register distances travelled and computing fares to be paid.

Every Licensee shall be required upon request, to create anonymous passenger and driver accounts to be used for enforcement purposes by a Law Enforcement Officer or other duly appointed officer authorized to enforce the provisions of this bylaw. Such accounts can be used from time to time to complete random inspections to ensure compliance with the provisions of the by-law.

SECTION 11 - TAXIMETER

- 11.1 Every Taxi Broker shall have affixed to every regular Taxicab licensed under this by law, a Taximeter which shall register distance travelled, record trips and units, and compute fares to be paid for distance and hourly rates, and each Taximeter shall be:
- a) Identified with a serial number;
 - b) Submitted when requested by the Chief of Police for testing, inspection and sealing;
 - c) Illuminated between dusk and dawn;
 - d) Attached to the vehicle in a location and manner approved by the Chief of Police or designate so as to be in plain view of the passengers therein;
 - e) Adjusted in accordance with the tariff prescribed in Schedule 'B' of this bylaw as amended;
 - f) Submitted for testing inspection and sealing by such Persons as the Chief of Police or the Owen Sound Police Services Board directs in each year and at such other times as directed by the Chief of Police or the Owen Sound Police Services Board. The Chief of Police or the Owen Sound Police Services Board may request a certificate of accuracy issued by a qualified testing company and on its letterhead, certifying that the said Taximeter is properly sealed and registers accurately;
 - g) Used only when the seal thereon is intact and shall not be used longer than twelve (12) months without retesting and resealing;
 - h) Kept in good working order at all times and shall not be used if out of order or defective in any way;
 - i) No Person shall operate, or allow to be operated, a Taxicab equipped with a Taximeter unless and until the Taximeter has been tested and sealed by the Chief of Police or designate; and
 - j) No Person shall operate, or allow to be operated a Taxicab equipped with a Taximeter when such Taximeter has been changed, repaired, altered (e.g. pause button), tampered with (e.g. by-pass switch), adjusted, or transferred to another Taxicab unless and until such Taximeter has been subsequently retested and resealed by the Chief of Police or designate.
 - k) Every Agent/Owner or Driver shall have affixed to every regular Taxicab on the roof, an electric sign, permanently secured as approved by the Chief. The word "Taxi" must be in letters large enough to be clearly visible to the public. The driver shall ensure that such roof sign will be coordinated with the operation of the taximeter in the manner provided for in subsection 10.1 (i). Thus, when the taximeter is initiated, the roof sign will be turned off and shall be dark. In the event a driver is attending to pick up a Passenger or is off duty, the roof sign should be dark to advise people that this cab is not in service.

SECTION 12 - TRANSPORTATION STANDARDS (According to Accessibility for Ontarians with Disabilities Act)

- 12.1 Agents/Owners and Drivers of Taxicabs are prohibited from charging additional fees or fares for persons with disabilities than that charged for other persons, including for the storage of mobility aids or devices.

- 12.2 Taxicab Agents/Owners and Drivers must place vehicle registration and identification information on the rear bumper of their taxicabs.
- 12.3 Taxicab Agents/Owners and Drivers must make vehicle registration and identification information available in an accessible format to persons with a disability.

SECTION 13 - GENERAL PROVISIONS

- 13.1 A person requiring a second licence for that of a taxi driver, driver for a driver for hire company or driver for a private transportation company will be required to pay one half of the annual amount of the licence fee as set out in Schedule "A" of this bylaw. Said licence will expire on December 31 of the same year and may be renewed thereafter at one half of the amount shown in the Licence fee Schedule of this by-law.
- 13.2 No Agent/Owner or Driver licensed under this By-law shall wash, clean or make repairs to his/her vehicle while on the street unless such repairs are immediately required.
- 13.3 No Agent/Owner or Driver licensed under this bylaw shall drive any Taxicab or Limousine licensed under this bylaw more than fifteen hours within any consecutive twenty-four hours.
- 13.4 No Person operating a Taxicab or Limousine shall in any way obstruct the use of the sidewalk, or make any loud noise or disturbance, or use profane, obscene, impudent or abusive language, or molest, annoy or insult the owners, occupants, inmates or inhabitants of any building or residence or any Person whatsoever, and shall not so place his/her Taxicab or Limousine as to obstruct traffic in any way.
- 13.5 Every Taxi Broker shall notify the Chief of Police of any change of his/her business address within five (5) days of changing location.
- 13.6 No Person licensed under this bylaw shall employ or allow any runner or other Person to assist or act in concert with them in obtaining any Passenger in the City.
- 13.7 No Taxi Broker, Agent/Owner or Driver licensed under this bylaw or other Person employed by them shall solicit any Person to take or use his/her Taxicab or Limousine, but the Person wishing to use or engage such Taxicab or Limousine shall be left to choose without interruption or solicitation.
- 13.8 Every Agent/Owner or Driver licensed under this bylaw shall, unless he/she has some previous order, serve the first Person requiring the service of his/her vehicle at any place within the City at any specified time by day or night, provided however, that he/she shall not be compelled to accept any order from a Person who owes a previous Fare for service, unless and until the same is paid.
- 13.9 Every Taxi Broker licensed under this bylaw or Agent/Owner employed by him/her, shall take due care of all property delivered or entrusted to him/her for conveyance or safekeeping.
- 13.10 Every Driver shall inspect his or her Taxicab or Limousine at the conclusion of each Passenger to assure that no property is forgotten or abandoned. Any such property is to be returned immediately to its owner. If the owner of the property can not be determined, the Driver shall forthwith, deliver such property to the Owen Sound Police together with all relevant information.
- 13.11 Every licensed Driver shall proceed by the most direct route to the point of destination, unless otherwise directed by the Passenger.
- 13.12 Every licensed Taxi Broker shall keep complete records at their Place of Business including the date, time, origin and destination of each trip, name of Driver, identification of Taxicab or Limousine and the amount of Fare collected for each trip, and such records shall be retained for at least twelve (12) months and produced to the Chief of Police or his/her officers upon demand. Full information shall be given by the licence holder to any police officer upon being required to do so with reference to:
 - a) The address of the house, or place to and from which he/she has driven any Passenger with the description of such Passenger and his/her name and address, if known; and

- b) Pertinent matters, within his/her knowledge, relating to such Passenger.
- 13.13 Any licensed Driver operating a Taxicab may carry two or more "unrelated Passengers" from a common starting point to two or more destinations subject to the following regulation:
- a) Each stop to discharge a Passenger shall be deemed to be the end of one trip and the commencement of a new trip.
- 13.14 No licensed Driver shall pick up, while on route, any additional Passenger unless the Person who originally engages the Taxicab or Limousine so directs.
- 13.15 No Person operating a Taxicab or Limousine shall take, consume, or have in his/her possession any alcoholic substance while in charge of a Taxicab or Limousine, nor shall the use of alcohol by him/her be apparent while in charge of such Taxicab or Limousine. Provided that no Person commits an offence of having in his/her possession any alcoholic substance while in charge of a Taxicab or Limousine, under this section, if the Taxicab or Limousine is engaged in the delivery of liquor pursuant to the Alcohol and Gaming Act and/or Regulations.
- 13.16 No Person operating a Taxicab or Limousine shall smoke while driving such Taxicab or Limousine. Offences against this section shall be prosecuted in accordance with Provincial Statute or Municipal bylaw.
- 13.17 No Person holding a licence under this bylaw shall persuade any Person to employ him/her by either knowingly, wantonly or willfully misinforming, misleading or deceiving such Person as to the time or place of arrival or departure of any railroad trains, bus or other public conveyance or the location or distance from any part of the City, of any railway station, airport, hotel, public place, private residence or other place, nor shall he/she in any manner or form impose upon or deceive or in any way insult, abuse or ill-treat any Person employing him/her.
- 13.18 Any Taxicab or Limousine which has been used for the purpose of carrying any Person suffering from any contagious disease must, before being used for the conveying of any other Passenger, and within twenty-four hours of such use, be thoroughly fumigated under the supervision of the proper official of an officer of Health.
- 13.19 No Driver shall have in their Taxicab any radio receiver, which is capable of intercepting or receiving any radio communication for any Taxicab operation other than their own.
- 13.20 No Taxi Broker shall permit any radio receiver, which is capable of intercepting or receiving any radio communication for any Taxicab operation other than their own, to be kept on the premises where Taxicabs are dispatched.

SECTION 14 - TARIFFS AND TARIFF CARDS

- 14.1 The rates of Fares to be charged by the Taxi Broker, Agent/Owner or Driver of Taxicabs or Limousines to which this bylaw applies, for the conveyance of Passengers or goods, wholly within the City of Owen Sound, shall be exactly as shown in Schedule "B" of this bylaw. No higher amount than that contained in Schedule "B" shall be charged or payable except as provided by this bylaw as may be amended from time to time.
- 14.2 The rates or Fares to be charged may be varied from time to time by this bylaw of the Board.
- 14.3 No Taxi Broker, Agent/Owner or Driver licensed under this bylaw shall be entitled to recover or receive any Fare or charge from any Person or Persons from whom he/she shall have demanded any Fare or charge greater than those authorized by this bylaw, or to whom he/she had refused to show his/her card of tariff as provided in this bylaw.
- 14.4 Any Person employing any Taxicab or Limousine for hire may require the Driver thereof to furnish a receipt for charges made and paid, and the Driver shall promptly furnish such receipt upon request, together with his/her name and identification number of his/her cab.
- 14.5 No Taxi Broker, Agent/Owner or Driver licensed under this bylaw shall publish or use a

tariff or demand rates and charges other than those authorized by this bylaw.

- 14.6 The tariff card furnished by the Chief of Police, showing the tariffs as set out in Schedule "B", shall be placed and kept by the Person licensed in or upon his/her Taxicab or Limousine and no Person licensed under this bylaw shall use any tariff card or exhibit any tariff other than that shown on the tariff card and no Person shall lend, exchange or otherwise dispose of his/her tariff cards.
- 14.7 The use of a credit voucher is approved with the stipulation such savings do not adversely affect the remuneration of the Taxicab Driver by the company.
- 14.8 Tariff cards and identification cards defaced, lost or destroyed may be replaced by the Chief of Police upon the original tariff card or identification card being satisfactorily accounted for and replacement costs being paid.
- 14.9 No licensed Person shall make any charge under this bylaw for time lost for defects or inefficiency of the Taxicab or Limousine or the incompetence of the Driver thereof, or for the time consumed by the arrival of the Taxicab or Limousine in response to a call in advance of the time such Taxicab or Limousine has been requested by the Person calling same.
- 14.10 No Person employing any Taxicab or Limousine shall refuse upon demand, to pay the Fare or charge authorized under this bylaw.

SECTION 15 - VALIDITY OF EXISTING LICENSING

- 15.1 All licences issued under bylaw 2024-01 will be deemed to be valid under this bylaw provided the provisions of this by-law are otherwise complied with and shall remain valid until their normal renewal date, expiry date or revocation. Any renewal of such licences shall require compliance with this By-law.

SECTION 16 - INSURANCE

- 16.1 Before a licence is granted under this bylaw the applicant for such licence shall provide and maintain in full force and effect, a policy of insurance on each of his/her vehicles to be licensed, covering public liability and property damage and Passenger hazard risk to at least the amount of two million dollars (\$2,000,000.00), inclusive, for any one accident. Before a licence is granted the applicant shall provide a copy of his/her insurance policy at the time of application. A copy of the insurance policy shall be retained by the Chief of Police, who nevertheless shall not, in any way, be responsible for seeing that such policy of insurance is kept in force, and such policy of insurance shall cover and include any vehicle used by the insured as a Taxicab or Limousine in substitution for the Taxicab or Limousine mentioned or described in the said policy, so long as the licence to be granted is in force and effect.
- 16.2 Insurance policies referred to in Section 16.1 shall be kept in force by the respective Agent/Owner or Taxi Broker during such period for which a licence is issued to him/her or any renewal thereof in effect and should he/she fail to renew the policy from time to time and/or pay the premiums due therein, the Board may forthwith cancel such licence.
- 16.3 All such insurance policies must be maintained in good standing during such period for which a licence is issued to him/her or any renewal thereof in effect and if for any reason, licenced parties and/or insurance company intends to cancel or, in any way, change the insurance coverage or insurance company including non-payment of premiums, immediate notification of intention must be delivered personally or by registered mail to the Chief of Police at the Owen Sound Police Services.

SECTION 17 - PENALTIES

- 17.1 The licence of any Person convicted of any breach or violation of any of the provisions, sections or sub-sections to this bylaw may be revoked or cancelled by the Board.
- 17.2 Any licence issued under this bylaw may include conditions as a requirement of obtaining, continuing to hold, or renewing a licence, and any breach of any of the conditions may result in prosecution, or in the revoking or refusal to renew any licence, or both.
- 17.3 Any applicant for a licence under this bylaw may be required to sign an acknowledgement

that the licence is issued subject to the conditions attached thereto or referred to therein as a requirement of obtaining, continuing to hold, or renewing the licence.

- 17.4 Every Person who contravenes this bylaw, and every director or officer of a Corporation who concurs in such contravention by the Corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00 pursuant to the provisions of the Act.
- 17.5 Where a Corporation is convicted of an Offence under this By-law, the maximum penalty that may be imposed on the Corporation is \$50,000.00 pursuant to the provisions of the Act.
- 17.6 Where an owner is convicted of knowingly carrying on or engaging in the taxi business, on, in or in respect of any premises or part of any premises without a licence required by this By-law, the Court shall order that the premises or part of the premises be closed to any use for any period not exceeding two years.
- 17.7 Where a Person is convicted of a contravention of this By-law, other than carrying on a taxi business without a licence to do so, and the Court decides that the owner or other Person occupying the premises or part thereof in respect of which the conviction was made, knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the Court may order that the premises or part thereof be closed to any use for any period not exceeding two years.

SECTION 18 – REPEAL OF PRIOR TAXICAB LICENCING BYLAW

- 18.1 Effective on the final passage of this bylaw, bylaw 2024-01 shall be repealed except to the extent that there shall be any outstanding prosecution or other proceedings instituted prior to such repeal, in which event the provisions of the said bylaw 2024-01 shall continue in full force relating only to such prosecution or other proceeding until the conclusion.

This By-law 2024-02 shall come into full force and effect upon the final passing hereof.

Read a first and second time this 31 day of January 2024.

Read a third and finally passed this 21 day of February 2024.

John Thomson, Chair

Kayla Wardell, Executive Assistant



**SCHEDULE "A" – Licence Fees
Bylaw 2024-01**

The licence fees to be paid under this bylaw shall be as follows:

- a) the annual fee for one Taxicab
- b) the annual fee for each additional Taxicab owned by the same Owner as in (a) above
- c) the annual fee for one Limousine
- d) the annual fee for each additional Limousine owned by the same Owner as in (c) above
- e) for each new Driver including an Agent-Driver for a one-year period
- f) for the renewal of a Driver's licence for a one-year period
- g) for the renewal of a Driver's licence for a three-year period
- h) the annual fee for a new Taxi Broker's licence
- i) for the renewal of a Taxi Broker's licence for a one-year period
- j) the replacement fee for lost or destroyed Taxicab Driver's licence
- k) replacement fee for lost or destroyed tariff card
- l) replacement fee for lost, destroyed or stolen licence plate issued by the Board
- m) the annual fee for a second drivers' licence for a one-year period
- n) for the renewal of a second drivers' licence for a one-year period

Licence Fee			
		January 01	March 1,
	2006	2020	2024
a) Taxicab	\$250.00	\$250.00	\$150.00
b) Additional Taxicab	\$250.00	\$250.00	\$250.00
c) Limousine	\$375.00	\$375.00	\$375.00
d) Additional Limousines	\$375.00	\$375.00	\$375.00
e) Driver/Agent	\$80.00	\$100.00	\$100.00
f) Renewal Driver (1 yr)	\$80.00	\$80.00	\$80.00
g) Renewal Driver (3 yr)	\$240.00	\$240.00	\$240.00
h) Broker	\$700.00	\$700.00	\$600.00
l) Renewal Broker (1 yr)	\$700.00	\$700.00	\$600.00
j) Replacement D L	\$80.00	\$80.00	\$80.00
k) Replacement Tariff Card	\$30.00	\$30.00	\$30.00
l) Replacement Plates	\$30.00	\$30.00	\$30.00
m) Second Drivers' (1 yr)		\$50.00	\$50.00
n) Renewal Second Drivers' (1 yr)		\$40.00	\$40.00



Ride Sharing Fee		
	January 01	March 01
	2020	
a) Diver – Ride Sharing Company	\$700.00	\$700.00
b) Driver – Ride Sharing	\$100.00	\$100.00
c) Driver – Ride Sharing – renewal (1yr)	\$80.00	\$80.00
d) Driver – Ride Sharing – renewal (3yr)	\$240.00	\$240.00
e) Driver for Hire Company	\$700.00	\$700.00
f) Driver for Hire – Driver	\$100.00	\$100.00
f) Driver for Hire – Renewal (1yr)	\$80.00	\$80.00
g) Driver for Hire – Renewal (3yr)	\$240.00	\$240.00
j) Replacement Licence	\$30.00	\$30.00
k) Replacement Tariff Card	\$30.00	\$30.00

****PEDICAB: Business Licence Fee – City of Owen Sound**



SCHEDULE "B"

Taxicab Tariffs

Bylaw 2024-01

The Taxicab tariffs to be charged under this bylaw shall be as follows.

	2020	2024
By Distance		
a) Start Rate for Pick up – includes HST	\$4.85	\$5.00
b) For Each additional kilometer	\$1.15	\$2.70
Hourly Rate:		
a) For each hour	\$30.00	\$39.00
b) Per minute wait time	\$0.00	\$0.50



SCHEDULE "C"

Limousine Tariffs Bylaw 2024-01

The Limousine tariffs to be charged under this bylaw shall be as follows:

- a) On a trip basis, for one trip, minimum thirty dollars (\$30.00).
- b) On a time basis, minimum sixty dollars (\$60.00) for the first hour and fifty dollars (\$50.00) per hour thereafter, with the minimum amount being thirty dollars (\$30.00) per half hour.



SCHEDULE "D"
Bylaw 2024-01

Application for Licence of a Taxicab or Limousine

Name of Agent/Owner: _____

Mailing Address of Agent/Owner: _____

Telephone No: _____

Age: _____

Name of Broker you are associated with: _____

If a partnership, state the above in respect to all partners. If a lease vehicle, state Lessee's name and address:

Licence No. of Vehicle: _____

Vehicle Registration Number (VIN): _____

Year: _____ Model: _____ Make: _____

Colour: _____

Odometer Reading: _____ miles: _____ kilometers

Insurer: _____

Agency: _____

Address of Agency: _____

Expiry Date of Insurance: _____

Agency Telephone No.: _____

Safety Standards Certificate Number: _____

Does the applicant operate a Taxi Brokerage? Yes _____, No _____

Number of vehicles owned by applicant which are licensed or intend to be licensed under this By-law No.2024-01. _____

Signature of Registered Owner Date

Signature of Chief of Police Date
or Designate



SCHEDULE "E"
Bylaw 2024-01
Application for Taxicab or Limousine Driver's Licence

Name: _____

Address: _____

Telephone No.: _____

Driver's Licence No.: _____ Class: _____

Conditions: _____

Employer (If not self employed): _____

Employer's Address: _____

Name of Immediate Supervisor: _____

Telephone No.: _____

Have you ever been convicted under the Criminal Code, Narcotics Control Act, Highway Traffic Act or Liquor Licence Act? Yes _____ No _____

If yes, please specify: _____

Does applicant own any vehicle which are licensed or intended to be licensed under bylaw No. 2024-01. Yes _____ No _____

I understand that my criminal record, as well as any personal history, pertinent to this position may be investigated.

Signature of Applicant

Date

Signature of Chief of Police
or Designate

Date



SCHEDULE "F"
By-law 2024-01
Application for Licence as Taxi Broker Business

Name of Registered
Broker: _____

Mailing Address of Registered
Broker: _____

Permanent Address of Registered
Broker: _____

Telephone No.: _____

Age: _____

Is the Taxi Brokerage a Partnership? Yes _____ No _____

If Yes, attach all the above information in respect of all the partners.

Is the applicant a Corporation? Yes _____
No _____

Does the applicant own any vehicles which are licensed or intended to be licensed under this
By-law No. 2024-01. Yes _____ No _____

Names and addresses of all vehicle agents, owners, or lessees for whom the applicant will act
as Taxi Broker. (Attach separate sheet if necessary)

Signature of Applicant Date

Signature of Chief of Police Date
or Designate



**SCHEDULE
"G"
By-law 2024-01**

Application for Licence as Private Transportation Company

Name of Registered Broker: _____

Mailing Address of Registered
Broker: _____

Permanent Address of Registered
Broker: _____

Telephone No.: _____

Age: _____

Is the Taxi Brokerage a Partnership? Yes _____ No _____

If Yes, attach all the above information in respect of all the partners.

Is the applicant a Corporation? Yes _____
No _____

Does the applicant own any vehicles which are licensed or intended to be licensed under this
By-law No. 2024-01. Yes _____ No _____

Names and addresses of all vehicle agents, owners, or lessees for whom the applicant will act
as Taxi Broker. (Attach separate sheet if necessary)

Signature of Applicant Date

Signature of Chief of Police Date
or Designate



**SCHEDULE "H"
By-law 2024-01**

Application for Driver for Hire – Driver/Private Transportation Company - Driver

Name: _____

Address: _____

Telephone No.: _____

Driver's Licence No.: _____ Class: _____

Conditions: _____

Employer (If not self-employed): _____

Employer's Address: _____

Name of Immediate Supervisor: _____

Telephone No.: _____

Have you ever been convicted under the Criminal Code, Narcotics Control Act, Highway Traffic Act or Liquor Licence Act? Yes _____ No _____

If yes, please specify: _____

Does applicant own any vehicle which are licensed or intended to be licensed under By-law No. 2024-01. Yes _____ No _____

I understand that my criminal record, as well as any personal history, pertinent to this position may be investigated.

Signature of Applicant Date

Signature of Chief of Police Date
or Designate



TABLE – INSPECTIONS AND APPROVALS

Pedicab	Liability Insurance - \$2,000,000.00
<p>Private Transportation Company</p>	<ul style="list-style-type: none"> • H.S.T. registration, if applicable • Incorporation documents outlining owners, directors or shareholders as may be applicable • List of all vehicles to be used as Private Transportation Company Vehicles • Vehicle Identification Number for each vehicle • Ontario Licence Plate Number for each vehicle • List of all Private Transportation Company Drivers operating • Automobile Liability Insurance-\$2,000,000 each vehicle • Commercial Liability Insurance - \$2,000.000 • Vehicle Safety Standards Certificate for each vehicle (valid within 12 months of application) • Driver Document Submissions Required (per driver) • Criminal Records Check (valid within 12 months of application) • Ministry of Transportation Driver's Abstract (valid within 12 months of application) • 2 pieces of government issued identification (1 being a valid Ontario Driver's Licence) • Letter of employment or affiliation from Private Transportation Company
<p>Driver for Hire Company</p>	<ul style="list-style-type: none"> • H.S.T. registration, if applicable • Incorporation documents outlining owners, directors, shareholders as may be applicable • List of all Driver for Hire - Drivers authorized to operate • Commercial Liability Insurance - \$2,000.000 • Driver Document Submission Required (per driver): • Criminal Records Check (valid within 12 months of application) • Ministry of Transportation Driver's Abstract (valid within 12 months of application) • 2 pieces of government issued identification (1 being a valid Ontario Driver's Licence) • Letter of employment or affiliation from Driver for Hire Company • Each Driver must attend Enforcement Services Office for Photo ID Card to be generated

<p>Taxi Cab</p>	<ul style="list-style-type: none"> • Incorporation documents outlining owners, directors or shareholders as may be applicable • List of all vehicles to be used as Taxicab Vehicles • Vehicle Identification Number for each vehicle • Ontario Licence Plate Number for each vehicle List of all Taxicab Drivers authorized to operate • Automobile Liability Insurance-\$2,000,000 each vehicle • Commercial Liability Insurance - \$2,000.000 • Vehicle Safety Standards Certificate for each vehicle • Driver Document Submissions Required (per driver): • Each Driver must attend Owen Sound Police Service for Photo ID Card to be generated • Criminal Records completed by Owen Sound Police Service • Ministry of Transportation Driver’s Abstract – completed by Owen Sound Police Service • 2 pieces of government issued identification (1 being a valid Ontario Driver’s Licence)
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OWEN SOUND POLICE SERVICES BOARD

Expires: Indefinite

Repeals: 1989-02, 2000-01, 2005-01, 2017-01

Revisions: February 21, 2024

BY-LAW NO. 2024-02

A BYLAW TO CONTROL THE INCIDENCE OF FALSE ALARMS WITHIN THE CITY OF OWEN SOUND

WHEREAS the Board passed bylaw 2017- 01 on the 1st day of August 2017; and

WHEREAS the Board deems it necessary to review bylaw 20 2017-01 in accordance to the provisions of the Municipal Act S.O. 2001; and

WHEREAS the incidence of false alarms impedes the effective protection of the community by occupying police resources which are thereby delayed in their response to real needs; and

WHEREAS the Owen Sound Police Services Board is responsible for the provision of Police Services in the City of Owen Sound; and

WHEREAS the Board may by bylaw provide for the effective management of Police Services; and

WHEREAS the Board may regulate, by bylaw, certain activities within the City of Owen Sound, pursuant to the Municipal Act.

NOW THEREFORE THE OWEN SOUND POLICE SERVICES BOARD ENACTS THE FOLLOWING BYLAW TO CONTROL THE INCIDENCE OF FALSE ALARMS WITHIN THE CITY OF OWEN SOUND.

1. **Definitions:**

In this bylaw, unless the context otherwise specifies:

- a) **"Alarm"** means any mechanical or electrical device which is designed or used for the detection of unauthorized entry into any building, structure, or facility or for alerting others to the commission of an unlawful act, or both, and which emits a sound or transmits a signal or message when activated.
- b) **"Alarm System"** means an alarm or all alarms which:
 - i) are within an enclosed physical area; and
 - ii) can be turned on or off independently of other alarms from an operating control.
- c) **"Automatic Calling Device"** means any device, or combination of devices that will, upon activation, either mechanically, electronically or by any other automatic means initiate a telephonic or recorded message which is designed to be transmitted over regular telephone lines.
- d) **"False Alarms"** includes but is not limited to an alarm activated unnecessarily, or improperly, resulting in a police response and includes:
 - i) the testing of an alarm without notifying the Chief of Police or designate.
 - ii) an alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment.
 - iii) an alarm activated accidentally by the owner of the premises and agent or employee.

BUT does not include:

- iv) any alarm which the owner can demonstrate was caused by a storm, lightning, earthquake, or any other act of God or by a telephone system failure or power failure.
- v) any alarm which the owner can demonstrate was actually caused by the act of some other person other than:
 - a) The owner, agents, employees, independent contractors or any other person subject to the direct or indirect control of the owner;
 - b) The person who installed, connected, operated, maintained or serviced the alarm system; or
- vi) a device that is installed in a vehicle.
- e) **"Owner"** for the purposes of this By-law shall include the owner, occupier or lessee or person acting permanently or temporarily as owner, occupier or lessee of premises where an alarm system is installed.

2. **Fines:**

- a) No owner shall cause or permit a public nuisance by causing or permitting a false alarm on more than one (1) occasion in any calendar month.
 - b) Any owner contravening this section is guilty of an offense and liable to a fine of \$25.00.
 - c) Any owner who commits a third offense within any calendar month commits a subsequent offense and is liable to an increased penalty of \$100.00.
 - d) Any owner who cancels an alarm call after an Officer has been dispatched to the scene is liable for a fine of \$25.00 per cancelled call.
- (1) No person shall install, maintain or use an audible alarm that is capable of being sounded continuously for a period of greater than fifteen (15) minutes after each activation.
- (2) No person shall install, maintain or use an automatic calling device designated to transmit a message to the Owen Sound Police Service.
- (3) The Owner shall:
- a) be available at any time to receive calls from a member of the Owen Sound Police Service in respect of an alarm.
 - b) be capable of obtaining or allowing access to the premises where the alarm is located.
 - c) attend the premises where the alarm is located, within thirty (30) minutes of being requested to do so by a member of the Owen Sound Police Service, following the activation of the alarm.
 - d) identify, where there is more than one alarm system within a building, which alarm system has experienced an activation of an alarm.
- (4) Where an alarm system persistently signals false alarms and in the opinion of the Chief of Police or designate is unreliable, the Chief may direct that the owner provide confirmation of an alarm before dispatching a Police response.
- (5) The Owen Sound Police Service will not respond to alarm calls received by means of an automatic calling device.

3. **Penalties:**

Any person convicted of a breach or violation of any of the provisions, sections, or sub-sections of this By-law shall forfeit and pay, at the discretion of the convicting Justice of the Peace or Magistrate, a penalty not exceeding the sum of one thousand dollars (\$1,000.00), exclusive of costs, for each offence and such penalty shall be recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990 and amendments thereto or any Act replacing same.

4. BYLAWS REPEALED

Bylaw 1989-02, 2000-01, 2005-01 & 2017-01 are hereby repealed.

This By-law 2024-02 shall come into full force and effect upon the final passing hereof.

Read a first and second time this 31 day of January 2024.

Read a third and finally passed this 21 day of February 2024.

John Thomson, Chair

Kayla Wardell, Executive Assistant



OWEN SOUND POLICE SERVICES BOARD

Expires: Indefinite

Repeals: 1999-05, 2004-04,
2005-09, 2006-12, 2017-02

Revisions: February 21, 2024

BY-LAW NO. 2024-03

A BY-LAW TO ESTABLISH ADMINISTRATIVE FEES FOR SERVICES PROVIDED BY THE OWEN SOUND POLICE SERVICE

WHEREAS the Board passed By-law 2017-02 on the 01st day of August , 2017; and

WHEREAS the Board deems it necessary to review By-law 2017-02 in accordance to the provisions of the Municipal Act S.O. 2001; and

WHEREAS Section 31(1) of the Police Services Act, R.S.O. 1990 states that a Board is responsible for the provision of adequate and effective police services in the municipality; and

WHEREAS the Board may, by by-law, make rules of the effective management of the police service; and

WHEREAS it is the responsibility of the Chief of Police to administer the Owen Sound Police service in accordance with the policies, priorities and objectives established by the Board; and

WHEREAS the Board recognizes that certain demands are placed on resources by corporations, agencies and individuals requesting information, reports and security clearances and other services not ordinarily provided by police services; and

WHEREAS the Municipal Act, 2001 c. 25 Section 391, Section 150 (9) empowers the Owen Sound Police Services Board to have fees administrative services;

THEREFORE the Board deems it expedient to develop a schedule of fees for such administrative services;

THE OWEN SOUND POLICE SERVICES BOARD ENACTS AS FOLLOWS:

1. DEFINITIONS:

- 1.1 "Board" shall mean the Owen Sound Police Services Board
- 1.2 "Chief" shall mean the Chief of the Owen Sound Police Service.
- 1.3 "Record" shall mean an item as noted in the Schedule of Services – Appendix "A"
- 2. The purpose of this by-law is to provide consistent structure for fees to be charged to person/agencies requesting records. The fees and charges attached hereto are subject to H.S.T. where applicable.
- 3. The Chief shall ensure that a procedure is in place to make certain that members of the Owen Sound Police Service adhere to this by-law. The process shall include provision for the effective security, documentation, receipting and depositing all money received pursuant to this by-law and the Schedule of Services - Appendix "A" as amended from time to time by the Board.

4. BY-LAWS REPEALED

By-law 1999-05, 2004-04; 2005-09, 2006-12 and 2017-02 are hereby repealed.

This By-law 2024-02 shall come into full force and effect upon the final passing hereof.

Read a first and second time this 31 day of January 2024.

Read a third and finally passed this 21 day of February 2024.

John Thomson, Chair

Kayla Wardell, Executive Assistant

Appendix "A"

Schedule of Services	Cost	New Feb 2024
Collision Reconstruction Report		
• CAD Scale Diagram (including measurements)		\$550.00
• Field Sketch		\$250.00
• Officer Technical Notes		\$75.00
• Photographs (on DVD)		\$75.00
• Technical Data Report		\$550.00
• Technical Interview with Collision Reconstruction Officer		\$150.00
• Vehicle Mechanical Inspection Report (if necessary)		\$200.00
• Video of Collision Scene		\$100.00
• Complete Motor Vehicle Accident Reconstruction	Hard copy \$1,625.00 CD \$1,500.00	Hard copy \$1,800.00 CD \$1,800.00
Records		
• General Occurrence Report	\$50.00	\$50.00
• Motor Vehicle Collision Report	\$50.00	\$50.00
• Digital Images (on DVD)	\$10.00	\$35.00
• File Closure	\$25.00	\$50.00
• Images provided on CD	\$10.00	
• Audio Tape (plus search time if applicable)	\$40.00 + hr. rate for search	\$40.00 + hr. rate for search
• Transcript	\$8.00/page	\$10.00/page
• Video (on DVD)		\$55.00
• Transcript	\$8.00/page	\$10.00/page
• Towing Release	\$10.00	\$10.00
• Compliance Administration Fee	\$20.00	Free
Fingerprints		
• Civilian - processing visa, adoption, pardons, immigration, Government Agency, Employer (Meaford Base, Purolator etc.)	\$25.00	\$35.00
• Volunteer (VS hit)	\$25.00	\$15.00
• Employment (VS hit)		\$25.00
• Non-resident Fee	\$25.00	\$25.00
Criminal Record Check - Employment		
• Police Criminal Record Check	\$50.00	\$50.00
• Police Information Check	\$50.00	\$50.00
• Police Vulnerability Sector	\$50.00	\$50.00

<ul style="list-style-type: none"> • Criminal Record Check – Volunteer * In person background checks only. Fee applied for online service 	\$25.00	Free
<ul style="list-style-type: none"> • Police Criminal Record Check 	\$25.00	Free
<ul style="list-style-type: none"> • Police Information Check 	\$25.00	Free
<ul style="list-style-type: none"> • Police Vulnerable Sector 	\$25.00	\$25.00
Freedom of Information (FOI)		
<ul style="list-style-type: none"> • FOI Application 		\$5.00
<ul style="list-style-type: none"> • Photocopies and Computer printouts (over 100 pages) 		\$0.20 per page
<ul style="list-style-type: none"> • Records provided on DVD 		\$10.00 per DVD
<ul style="list-style-type: none"> • Manual Search for a record 		\$7.50 per 15 minutes
<ul style="list-style-type: none"> • Preparing a record for Disclosure 		\$7.50 per 15 minutes
Paid Duty		
<ul style="list-style-type: none"> • Late notice request fee 	\$100.00/hr	\$120.00/hr
<ul style="list-style-type: none"> • Cruiser Fee 	\$46.80	\$52.88
<ul style="list-style-type: none"> • Officer Fee 	\$80.00/hr	\$103.81 per hour per officer
<ul style="list-style-type: none"> • Short notice cancelation fee if less than <24hours notice provided 	Min. fee 3 hours per officer	Min. fee 3 hours per officer



REPORT TO THE OWEN SOUND POLICE SERVICES BOARD

SUBJECT: OPTIC UPDATE 2024 FEE INCREASE AND CHANGES
TO: Chair and Members of the Owen Sound Police Services Board
DATE: February 21, 2024

RECOMMENDATION(S):

For Information

REPORT:

OPTIC (Ontario Police Technology Information Co-operative) currently consists of 27 municipal police services, 6 first nation police services, the Ontario Provincial Police, the Enforcement Branch of the Ministry of Natural Resources, the Enforcement Branch of the Ministry of Agriculture, Food and Rural Affairs, Animal Health and Welfare Branch, OC Transpo Security, University of Toronto Campus Police, and the VIA Rail Police Service. Given this, OPTIC's technology impacts on the day-to-day functions of some 10,355 Ontario police officers and 4269 civilian support staff.

The purpose of **OPTIC** is to provide state of the art information technology and data management systems, including but not limited to, Records Management (RMS) and Computer Aided Dispatch (CAD) systems through a shared data network to Approved Agencies. OPTIC provides vital services to OSPS and the OSECC in order to maintain systems and support for both our Uniform and Civilian members.

OPTIC has struggled to maintain costs for several years and had been using reserves to meet their financial obligations before increasing user fees. OPTIC also looked to onboard further agencies to offset costs to the current users through economies of scale. IT salaries have also increased significantly over the years and in order to attract and retain qualified staff, increases were necessary. OPTIC is not immune to the fiscal changes that are affecting all police services. The membership fees had not increased for several years due to reserves and injections of funding from onboarding and other agencies. In order to meet the current obligations a significant fee increase is required.

IN December of 2023 at the OPTIC AGM a proposal to increase fees from \$85.00 per user to \$197.00 per user was approved. As well the definition of "user" was also updated to make the criteria more consistent across services. A "user" will be defined as anyone within an organization authorized to use CAD or RMS databases, including sworn, special constables and civilians who are full, permanent part time or part time. Not only does the fee increase affect the service, but the new definition also increases the number of users as part time members were prorated to a full time member based on hours of the position.

FINANCIAL/RISK IMPLICATION(S):

Financial implications are significant. OPTIC fees are calculated on a basic fee that will remain relatively consistent and the per user fees that have increased. The annual OPTIC fees are a budgeted cost and included annually.

2023 OPTIC fees- \$64,251.95 plus user fees (\$85.00 X 74 members) \$7,107.70 = \$71,359.62 incl HST

Estimated 2024 User fees- \$64,251.95 plus user fees (\$197.00X 91 members) \$17,927.00= \$84,509.46

Although fees have increased significantly, other options are limited and could not be provided in a more cost-effective manner for the same products. The increase in costs for the services was not budgeted in the 2024 operating budget because the increases had not been approved and implemented at the time the budget was created. The increases for 2024 will be absorbed into the operating budget and moving forward in 2025 will be included in the annual budgeting estimates.

OPERATIONS PLAN:

Providing a proper Records Management System (RMS) and Computer Aided Dispatch System (CAD) are vital in a policing environment. RMS and CAD are key deliverables and affect all key areas of the OSPS 2023-2026 Operations Plan. In particular the Sustainability Strategic Priority is greatly affected by the data from these systems and the ability to analyze business functions and make informed decisions affecting all aspects of policing are key.

ATTACHMENT(S):

- None

SUBMITTED BY:

Craig Ambrose, Chief of Police



REPORT TO THE OWEN SOUND POLICE SERVICES BOARD

SUBJECT: 2023-2026 Operations Plan – Year One Progress Report

TO: Chair and Members of the Owen Sound Police Services Board

DATE: February 21, 2024

RECOMMENDATION(S):

For Information

REPORT:

In March 2023 the Owen Sound Police Services Board approved the 2023-2026 OSPS Operations Plan. The Plan includes 14 goals and 50 specific actions within the Board's priorities of:

- Community Safety;
- Community Wellbeing;
- Our Members; and
- Sustainability.

As part of our commitment to achieving these goals, each action has a designated Position and Person Accountable who has been selected to lead, coordinate, and take ownership of moving the action forward. Each Person Accountable is responsible for identifying and updating timelines and measurements of success in the working copy of the Operations Plan, as well as providing brief progress updates every six months. These progress reports are important to ensure goals and actions stay on track, and to discuss/assist with any challenges or roadblocks.

Attached is the OSPS 2023-2026 Operations Plan's Year One Progress Report (six-month progress update #2) At this point in time, two actions have been completed; three actions are to be initiated in the Plan's second year; and the other 45 actions are all in progress.

Sustainability goal 1, to promote and plan for long term succession, includes one action that has been completed (S1c): by developing a long-term facility plan that anticipates future growth and updates. With the City Facilities Assessment completed in June 2023, short- and long-term facility needs up to the next 10 years can now be aligned and help support long term budgeting, staffing, and IT requirements which are also included within the Sustainability priority.

The other completed action is part of Our Members goal 1, to promote OSPS members' mental and physical wellbeing, by evaluating the shift schedule rotation pattern to maximize member wellness (OM1b). In partnership with the Owen Sound Police Association, an evaluation was conducted of the new "5-4" shift schedule pattern being piloted. The analysis found overtime and sick time were not significantly influenced and the majority of members agree the new schedule has improved their overall wellness and work-life balance.

Most, or 90%, of the actions are in progress as of the end of the Plan's first year. As shown in the attachment, there are tremendous efforts and initiatives ongoing across the Service. In some cases, significant steps have been completed in year 1 while additional actions continue; and in other cases, the efforts in year one are part of ongoing efforts to solidify the actions into long term, standard business practice.

A few examples are highlighted here. Community Safety goal 3, to address controlled substances, firearms and violent crime, by targeting drug and weapon traffickers, and working with other law enforcement partners to investigate and prosecute offenders (CS3a). Onboarding of a new, province-wide Confidential Informant Management System is complete. In addition, a new template to improve information sharing within the Records Management System will be implemented in 2024, and attendance at regular CISO district meetings continue.

Community Wellness goal 3, to build and foster relationships with community groups, by focusing on preventative youth programming in cooperation with school boards and community groups (CW3b), moved forward in year one with the completion of 8 presentations to students on internet safety, inappropriate distribution of images through text and on social media platforms and an in-person after-school program focused on safety. Ongoing work with local schools on a variety of issues continues.

Our Members goal 2, to promote professional development and training opportunities for all OSPS members, by conducting annual performance appraisals and discussions of professional development planning (OM2d), in underway with annual appraisals for all members initiated in 2023, and additional training on conducting appraisals for supervisors.

There have been some challenges in moving these actions forward. For example, the ongoing major investigations in the Criminal Investigations Branch (CIB) have consumed resources and delayed focus on some initiatives. Waiting on grant funding availability, and allotting the necessary time and budget needed within the ongoing workload and day to day priorities can also be challenging.

OSPS is pleased with progress so far and looks forward to continuing work on the goals and actions of the Operations Plan, with the ongoing cooperation and support from the Board.

FINANCIAL/RISK IMPLICATION(S):

Financial and human resources may be required to significantly move some actions forward over the four-year cycle of this Operations Plan.

OPERATIONS PLAN:

Monitoring progress on the goals and actions of the OSPS 2023-2026 Operations Plan will help maintain focus on priorities and initiatives set by the Board, and raise awareness of any issues or challenges that may arise and prevent success.

ATTACHMENT(S):

- OSPS 2023-2026 Operations Plan – Progress Report #2 – Year One - January 2024

SUBMITTED BY:

Margaret Gloade, Strategic Analyst

Goals	Actions	Accountable		Progress Report #2 – January 2024
		OSPS Position	OSPS Member	Brief update on work done to-date to move actions forward. 1. Include status: Not Started ; In Progress ; or Completed 2. Include key steps/tasks undertaken over last 6 months to move action forward and any challenges/issues 3. Include measurements/performance indicators, where possible

Community Safety (CS)

CS 1 - To address safety concerns identified by the community	a. by improving external OSPS messaging regarding current crime trends and crime prevention tips	CIB Sergeant	P.Rawn	<ul style="list-style-type: none"> In Progress - Media releases were sent out with public safety in mind (school's out, holiday long weekend). Social Media releases were sent out in an effort to have an attention-grabbing format that links to OSPS website and Media Release. The challenge regarding this initiative has been the ongoing major case investigations in the Criminal Investigations Branch (CIB) that have prevented CIB resources from contributing to this initiative. Pursuing development of analytical tools such as OnCallAnalytics or Niche Datamart for Crime Analysis to share with members and public has not yet started.
	b. by gathering feedback and safety concerns from the community	Strategic Analyst	M.Gloade	<ul style="list-style-type: none"> In Progress - New external OSPS website is in development with consultant and is anticipated to go-live by end of February 2024. New website will have capabilities to customize "forms" which will be designed to gather feedback and safety concerns from the community. Early in 2024, will be developing specific text and workflows with new CORE team members and designated Sergeant.
	c. by deploying flexible proactive community-oriented response based on feedback from the community and OSPS priorities	CIB Sergeant	P.Rawn	<ul style="list-style-type: none"> In Progress – Community Oriented Response and Enforcement (CORE) team members responded to "extra checks" emails with targeted enforcement and spoke with complainants for follow up. CORE utilized the briefing room whiteboard in an effort to make officers aware of as many community events within the city and encouraged attendance on foot and bike to enhance visibility and engagement. The challenge regarding this initiative has been the ongoing major case investigations in CIB that have diverted CORE from being able to fully contribute to this initiative.
	d. by monitoring and publishing emergency response times to priority calls	Director of Corporate Services	S.Bell-Matheson	<ul style="list-style-type: none"> In progress – List of priority calls need to be reviewed and updated. Have obtained a copy of Waterloo to use as comparison First quarter of 2024 develop master list of call types and priority assignment and review with police partners Start utilizing OnCallAnalytics and analyzing the response times for accuracy in January 2024
CS 2 - To improve police visibility in the River District and at other priority areas	a. by increasing visibility, foot, and bicycle patrol in the River District and other priority areas	CIB Sergeant	P.Rawn	<ul style="list-style-type: none"> In Progress – CORE had increased visibility in the River District by way of hours on foot and bicycle patrol, as well as by wearing high visibility clothing. CORE were present at several priority areas as well as priority events. The challenge regarding this initiative has been the ongoing major case investigations in CIB that have diverted CORE from being able to fully contribute to this initiative.
	b. by scheduling alternative OSPS members to increase visibility at peak periods	P2 Sergeant	C.Matheson	<ul style="list-style-type: none"> In progress - Part-time officers have been assigned to emphasize foot patrol and increased presence during peak periods, special events and identified problem areas. To ensure a continued commitment to the initiative, platoon Sergeants were sent a directive to assign and monitor progress on an ongoing basis, particularly by part-time officers. Increased visibility has been prioritized at community gatherings, parades, the weekend farmers market, both high schools and at occasional protests. The most impactful challenge regarding this initiative has been a reduction in officers, both full and part-time due to injury and resignations. Efforts are ongoing to fill these vacancies.
	c. by attending and/or hosting community events	CSO	J.Cranny	<ul style="list-style-type: none"> In progress- Commenced a River District crime prevention analysis- talking with local business owners, taking photos of unlit, dimly lit areas, areas with no windows with foot traffic and areas with no cameras or video surveillance. Talked with TD Bank Manager and Security about their forthcoming outdoor bank machine install and renovation. Made recommendations regarding increased lighting, additional visibility and video surveillance. In 2023, took part in the Santa Claus Parade, and engaged with community at Festival of Northern Lights. Though technically outside the River District area- 2 presentations were hosted at the Owen Sound Legion regarding common Frauds and Scams.
CS 3 - To address controlled substances, firearms, and violent crime	a. by targeting drug and weapon traffickers, and working with other law enforcement partners to investigate and prosecute offenders	Drug Investigator	J.Hawke	<ul style="list-style-type: none"> In Progress –Niche Template for Intelligence Report is completed. Two OSPS members attended training program at Waterloo Regional Police Service, and will roll out Intelligence Report training to uniform members in the new year. 1 of 2 CISO District meetings were attended in the second-half of 2023. A new initiative, onboarding of Confidential Informant Management System (CIMS), began in Dec.2023, which is an electronic management software used Province wide.
	b. by focusing investigative efforts on repeat offenders of violent and property crime	CIB Sergeant	P.Rawn	<ul style="list-style-type: none"> In Progress – CORE compiled a list of repeat offenders in order that efforts could be focused on those individuals by way of compliance checks and surveillance and had met with Probation & Parole. The challenge regarding this initiative has been the ongoing major case investigations in CIB that have diverted CORE from being able to fully contribute to this initiative.
	c. by educating the community regarding Canadian governmental changes in controlled substances policies and authorities of police	Insp.P3&4 CIB CORE	D.Bishop	<ul style="list-style-type: none"> In progress – CORE team's efforts on community education diverted due to homicide investigations. Will refocus in 2024 on ongoing education with community, including during Citizen Police Academy.

Goals	Actions	Accountable		Progress Report #2 – January 2024
		OSPS Position	OSPS Member	Brief update on work done to-date to move actions forward. 1. Include status: Not Started ; In Progress ; or Completed 2. Include key steps/tasks undertaken over last 6 months to move action forward and any challenges/issues 3. Include measurements/performance indicators, where possible
CS 4 - To promote road safety	a. by addressing areas of road safety concerns based on feedback from the community	P3 Sergeant	B.Baker	<ul style="list-style-type: none"> In progress – New external OSPS website is in development with an anticipated go-live date end of February 2024 New website will have capabilities to customize “forms” which will be designed to gather feedback and road safety concerns from the community.
	b. by promoting road-user safety information, targeted traffic enforcement activities, and sharing results with the community	P3 Sergeant	B.Baker	<ul style="list-style-type: none"> In progress – the development of the new external website will allow information and results regarding traffic enforcement to be easily shared with the community Monitoring traffic concerns, identifying problem areas, and addressing traffic initiatives and communication with uniform officers.
	c. by collaborating with the City of Owen Sound on road safety initiatives	Insp.P1&2 PT CS Training	J.Fluney	<ul style="list-style-type: none"> In progress – Ongoing communication and collaboration with City, such as: New stop sign installed in response to traffic calming needs at 19th St.W. and 4th Ave.W. with follow up education and police enforcement. Communication about need for student crossings at locations throughout City.

Community Wellbeing (CW)

CW 1 - To improve collaboration with social service providers	a. by defining and educating on roles, responsibilities, and authorities of police and social service providers involved with mental health, addictions, and homelessness	MMHART	G.Bridgeman	<ul style="list-style-type: none"> In Progress - OSPS MMHART continues to foster effective working relationships with social service providers by providing ongoing education to providers relating to the roles of Police/MMHART. MMHART continues to be an active member of the Grey Bruce STAR table and Grey Bruce Public Health Home Take Over Committee which both largely address issues surrounding mental health, addictions and homelessness. MMHART has experienced an officer resource issue due to major case investigations in CIB that have diverted OSPS MMHART/CIB officer from being able to fully contribute to this initiative.
	b. by supporting the Community Safety and Well-being Planning efforts of the municipalities of Bruce and Grey, including referrals to the Situation Table	CIB Sergeant	P.Rawn	<ul style="list-style-type: none"> In Progress – Referrals to the STAR table have been completed including an increase of 300% over previous years. Inaugural meeting of the Crime Prevention Table of the CSWB held December 2023. Educating patrol officers on STAR in order to enhance their ability to identify individuals suitable for the situation table has not yet started. The challenge regarding this initiative has been the ongoing major case investigations in CIB that have diverted OSPS MMHART/CIB officer from being able to fully contribute to this initiative.
	c. by examining opportunities to include crisis workers into the Owen Sound Emergency Communications Centre (OSECC)	Chief	C.Ambrose	<ul style="list-style-type: none"> In Progress – Mobile Crisis Enhancement Team grant was awarded in November 2023 for expanded MMHART coverage. However, waiting for grant opportunity to embed crisis worker into OSECC.
CW 2 - To leverage available social services/resources	a. by reviewing OSPS follow-up with victims of crime	P4 Sergeant	E.Cranny	<ul style="list-style-type: none"> In Progress – change to Cell Booking Sheet to include check box for “Victim Contacted Upon Release” and “Contacted By” with a space for signature and date Propose change to front of Crown Brief Jacket for same To set meeting with VWAP to discuss inefficiencies in referrals
	b. by providing ongoing education to OSPS members on social services and resources available to the community	Training Officer	C.Obillos	<ul style="list-style-type: none"> In Progress - Two sessions of Crisis Intervention Training have been delivered, in which community partners present to members about scopes of practice. Community partners will continue to be invited to block training for sworn/civilian members.
	c. by advocating with social service providers to address identified service gaps in the community	Chief	C.Ambrose	<ul style="list-style-type: none"> In progress – Met with new Executive Director of Victim Services Grey Bruce Perth to increase referrals and resources. Assigned Sergeant liaison with Victim Services. Met with service providers over high-needs individual, identified critical community gaps, and came up with short-term plan on how best to meet their needs collectively. Met with University of Carleton team of researchers to initiate study on mental health response from community and police partners in Owen Sound. Support letter for GBPH and EMS for Class 56 Health Canada exemption to test illicit substances to improve drug screening. And partnering on disposal of surrendered or abandoned substances. Support letter for supportive housing on 14th Street. Partnering with United Way on backpack program providing necessary items to individuals through Community Foundations grant.

Goals	Actions	Accountable		Progress Report #2 – January 2024
		OSPS Position	OSPS Member	Brief update on work done to-date to move actions forward. 1. Include status: Not Started ; In Progress ; or Completed 2. Include key steps/tasks undertaken over last 6 months to move action forward and any challenges/issues 3. Include measurements/performance indicators, where possible
CW 3 - To build and foster relationships with community groups	a. by educating OSPS members and the community on OSPS partnerships	CSO	J.Cranny	<ul style="list-style-type: none"> In Progress - Proceeds of Crime grant accepted- Georgian College, 3 local school boards, OHL, Owen Sound Attack, Grey Bruce Local Immigration Partnership (GBLIP) & Y Settlement Services are all partners on the grant and deliverables moving forward. Currently the only active Police Service member from GB on the Grey Bruce Local Immigration Partnership- working on a community event in fall- planning stages have commenced. Regular communication with Y Settlement Services, Grey Bruce Local Immigration Partnership, Georgian College International Student program and with M'Wikwedong on employment and education opportunities at OSPS. Most recently, the Citizens Police Academy.
	b. by focusing on preventative youth programming in cooperation with school boards and community groups	CSO	J.Cranny	<ul style="list-style-type: none"> In Progress - Ongoing work with local schools on a variety of issues- hate speech/hateful language, threat with weapon, fighting/threat of fighting or physical altercation, emergency safety procedures. Completed in 2023: 8 presentations to grade 6-8 students on internet safety, inappropriate distribution of images through text and on social media platforms; In person - 6 week after-school program at Ordinance Park/Bayfield Landing- focus on street, community safety
	c. by fostering and building relationships with diverse groups within the community	CSO	J.Cranny	<ul style="list-style-type: none"> In Progress – Continued partnership with Georgian College- attended Welcoming Week. Worked with students on police checks for co-op placement, discussed cell monitor job opportunities and advised on safety when online (frauds and scams). Continued work with Alpha Street partners- planning for after school programming in the spring of 2024 Backpack program in partnership with the United Way- Officers/Specials handing out backpacks to individuals in need when opportunity presents itself in community at school.
	d. by promoting crime prevention with business owners, victims, and the community	CIB Sergeant	P.Rawn	<ul style="list-style-type: none"> In Progress – CORE members have taken the CPKN Introduction to CPTED online course and have applied it within the community. CORE has made proactive visits with business owners to learn about the issues they are experiencing. The challenge regarding this initiative has been the ongoing major case investigations in CIB that have diverted CORE from being able to fully contribute to this initiative.

Goals	Actions	Accountable		Progress Report #2 – January 2024
		OSPS Position	OSPS Member	Brief update on work done to-date to move actions forward. 1. Include status: Not Started ; In Progress ; or Completed 2. Include key steps/tasks undertaken over last 6 months to move action forward and any challenges/issues 3. Include measurements/performance indicators, where possible

Our Members (OM)

OM 1 - To promote OSPS members' mental and physical wellbeing	a. by raising awareness among OSPS members of available physical and mental health programs/resources	Peer Support Representative	C.Fernando	<ul style="list-style-type: none"> In progress – new civilians (communications employees) are receiving a 4-hour R2MR session during their initial training period. Peer Support members are discussing program with new hires, providing contact information, and discussing available resources. Fitness Pin testing was completed on 06JAN23 with 6 OSPS members participating. Discussing with training officer to have an OSPS member trained as a test facilitator to be able to provide additional test dates to accommodate all members working shift work. Continuing to consider options for incentives for Ontario Police Fitness Pin Test participation.
	b. by evaluating the shift schedule rotation pattern to maximize OSPS member wellness	Strategic Analyst	M.Gloade	<ul style="list-style-type: none"> Completed – In partnership with the Owen Sound Police Association (OSPA), an evaluation was conducted in June/July 2023 of the new “5-4” shift schedule rotation pattern being piloted. Analysis of overtime and sick time back to 2017 indicated that, on their own, OT and sick time do not seem to be influenced significantly by the different shift schedule rotation pattern. Results from the OSPA survey conducted with their members in June found, “everyone is in favor of staying on the new shift rotation.” A repeated question from the 2022 Member Survey related to health and wellness indicated the “majority of members agree that the 5-4 shift schedule rotation pattern has improved their overall wellness and work-life balance.”
	c. by hosting and supporting social events for OSPS members and their families, and area-specific team building events	Executive Assistant	A.Gaviller	<ul style="list-style-type: none"> In progress – Hosted Staff Appreciation event at Heartwood in December 2023. Social event (amazing race) was planned for fall 2023 but deferred to spring 2024; in talks with EMS Grey Bruce to hold a wellness day event with different vendors and speakers in 2024.
OM 2- To promote professional development and training opportunities for all OSPS members	a. by identifying internal and external education and career planning resources available to all OSPS members	Training Officer	C.Obillos	<ul style="list-style-type: none"> In progress - Compiling career path guide showing progression of courses available from Ontario Police College, Canadian Police College, Canadian Police Knowledge Network, Ontario colleges and universities.
	b. by implementing annual block training for OSPS civilian members	Training Officer	C.Obillos	<ul style="list-style-type: none"> In progress - Civilian members to be included in block training sessions April-May 2024 focussing on wellness and other topics relevant to all members. All civilian members to be scheduled for block training yearly.
	c. by documenting recommended training courses and maintaining updated training records for all OSPS members	Training Officer	C.Obillos	<ul style="list-style-type: none"> In progress - Member training records are now up to date. Will be made accessible to Sergeants and Training Officer for reference. Not yet started development plan for members outlining goals and steps needed to achieve them.
	d. by conducting annual performance appraisals and discussions of professional development planning	Inspectors	J.Fluney and D.Bishop	<ul style="list-style-type: none"> In progress – As per new Performance Appraisal procedure, annual appraisals to all members are being conducted in 2023 based on their birthday month. Appraisals now being conducted regularly and reviews to ensure compliance. Further training on conducting effective performance appraisals at Sergeants retreat in December 2023.
	e. by providing ongoing training for all OSPS members on persons requiring mental health/crisis intervention	Insp.P1&2 PT CS Training	J.Fluney	<ul style="list-style-type: none"> In progress – Second Crisis Intervention training and de-escalation training for dispatchers offered in November 2023. CMHA’s ASIST training offered to additional members in November 2023.
OM 3 - To improve the flow of internal communication	a. by maintaining and providing access to common information resources e.g. network drive, bulletin boards, email	Training Officer	C.Obillos	<ul style="list-style-type: none"> In progress - Network drives partially surveyed and suggestions made. Intranet options to be evaluated beginning March 2024. Feedback to be gathered from Members regarding intranet content/communication needs.
	b. by identifying best practices and methods for distributing different types of internal communications	Strategic Analyst	M.Gloade	<ul style="list-style-type: none"> In progress - New external website is in development with consultant, with anticipated go-live by end of February 2024. Internal members representing key areas of the Service will be trained and given access to maintain their designated webpages. Once external website is up and running, focus will turn to internal website options and costs. Common network drive continues to be cleaned up to ensure resources and information can be easily found. Two other internal network drives have been identified as needing similar review, update, and ongoing maintenance.

Goals	Actions	Accountable		Progress Report #2 – January 2024
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Sustainability (S)

S 1 - To promote and plan for long term succession	a. by developing a long-term staffing recruitment and retention plan within a competitive labour market	Chief	C.Ambrose	<ul style="list-style-type: none"> In progress – Discussion around hiring and HR needs with Police Services Board. Further work in first quarter of 2024.
	b. by providing increased opportunities for OSPS members to gain leadership experience in different areas and roles	Chief	C.Ambrose	<ul style="list-style-type: none"> In progress – Weekly Senior Leadership Team meeting will resume in 2024 Sergeants’ roles being expanded to include victim services liaison, River District liaison, City Council liaison program, Leadership training provided by Retired WRPS Deputy Chief at Sergeants retreat in December 2023.
	c. by developing a long-term facility plan that anticipates future growth and upgrades	Insp.P1&2 PT CS Training	J.Fluney	<ul style="list-style-type: none"> Completed – City Facilities Assessment completed in June 2023 which identified short- and long-term facility needs up to next 10 years; presented to PSB in July 2023 Will be revisited annually.
	d. by developing a long-term information technology (IT) plan that anticipates future IT priorities and demands	Director of Information Technology	C.Hill	<ul style="list-style-type: none"> In Progress – Currently undertaking an inventory project to identify any deficiencies in needs of different departments and delivery of software/hardware as needed. Inventory to be completed by mid 2024. NG911 and related software is being delivered to Comm Centre this year, with Digital Evidence Management System to civilian and sworn staff in 2024.
S 2 - To foster a sustainable emergency communication centre	a. by reviewing, documenting and tracking standard training for Communicators	Communications Trainer	A.Byers	<ul style="list-style-type: none"> In Progress - Training binder has been revamped with new group of hires and will continue to be tweaked during training of next group of hires starting in in February Training program now includes more hands-on learning; radio work and fire calls over the radio and phones Additional room sit-ins have trainees observe and get a feel for the room and the flow of things prior to going with their mentors Trainees are now entering the room with NICHE/CPIC work Bi-weekly surveys were completed with trainees to see what works and what does not work and where we can tweak training program to make it better for the next class
	b. by developing a robust Communication Centre recruitment and retention strategy	Chief	C.Ambrose	<ul style="list-style-type: none"> In progress – Five new hires in November 2023; four scheduled for January 2024 Ongoing efforts to send OSECC members on Communications Supervisors course Ongoing to enhance partnership with colleges offering emergency communications program. Media coverage of new OSECC renovations in December 2023 provided positive promotion of OSECC and dispatching as a career Citizen Police Academy also highlighting OSECC and dispatching career.
	c. by reviewing and maintaining standard operational procedures for all agencies dispatched to manage expectations	Director of Corporate Services	S.Bell-Matheson	<ul style="list-style-type: none"> In Progress – Have started to create an SOP manual for OSECC based on SOP’s and roles/responsibilities as outlined in General Orders Conducted satisfaction survey with police and fire partners in December 2024 and working on suggested improvements. Some difficult tasks, i.e. common verbiage requested by fired departments, some counties want dispatch to refer to themselves as Fire Dispatch and others Fire Comm – 2024 will focus more on trying to reach common ground. 2024 look to review and implement consistent Quality Assurance guidelines and feedback Establishing quarterly meetings with police and fire partners to improve communication, address issues, and manage expectations
	d. by routinely testing and operating from the OSECC’s back-up communication centre	Communications Trainer	A.Byers	<ul style="list-style-type: none"> In Progress – Ongoing work to ensure back-up communications centre is fully operating and testing. Currently, the back up site is still not a mirror of the main site e.g. radios are not functioning properly; fire channels unable to page and respond to half of them. Phones are now working and are a full set. More speakers are required for the radios as there is only 4 at each desk and needs to be 6 for each workstation. Some of the websites required on a daily basis are unable to be opened such as Canadian PSAP registry. Needs to have a 5th workstation completely installed
	e. by regularly reviewing the contract structure fees and costs for services for agencies dispatched by the OSECC	Chief	C.Ambrose	<ul style="list-style-type: none"> In progress – Ongoing review of contracts and improved record management. Better capturing of call data and other demands in the OSECC to support potential increases in contract costs in future.
	f. by relocating the OSECC to a modern, functional workspace that better supports emergency dispatch needs	Insp.P3&4 CIB CORE	D.Bishop	<ul style="list-style-type: none"> In progress – Tender process completed in November 2023; process approved and contract awarded in December 2023. Work to begin on new renovated workspace in early 2024. Approximately 20-week project plan and construction period.
	a. by reviewing call type response methods to police calls for service	Inspectors	J.Fluney and D.Bishop	<ul style="list-style-type: none"> Not Started – planned to be initiated in 2024.

Goals	Actions	Accountable		Progress Report #2 – January 2024
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S 3 - To undertake a comprehensive service delivery model review	b. by reviewing alternative response methods to non-police calls for service	Inspectors	J.Fluney and D.Bishop	<ul style="list-style-type: none"> Not Started – planned to be initiated in 2024.
	c. by finding efficiencies in ways of doing business throughout the organization	Inspectors	J.Fluney and D.Bishop	<ul style="list-style-type: none"> In progress – Ongoing support and encouragement of efficiencies, for example: <ul style="list-style-type: none"> Digital evidence management system (DEMS) is currently rolling out and will replace DVDs, replace paper, Personnel records are moving to a digital record keeping model New mental health call template is in development to streamline and improve information capture Procedural review revamped and now modernized and consistent with other police services through shared development model New external website in development with improved access for ongoing maintenance and forms for improved information gathering
	d. by educating the community on changes or new police delivery models	Inspectors	J.Fluney and D.Bishop	<ul style="list-style-type: none"> Not Started – planned to be initiated in 2024.
S 4 - To advocate for a sustainable police funding model	a. by examining equitable policing costs amongst local municipalities	Chief	C.Ambrose	<ul style="list-style-type: none"> In progress – Preliminary discussions occurring. One example is in regard to court security costs as noted below.
	b. by forecasting long term OSPS budgeting requirements	Financial Coordinator	J.Hawke	<ul style="list-style-type: none"> In progress - In this new role, developing better understanding of financial systems between OSPS and City. Once 2023 year-end is wrapped up, will have improved opportunity to consider projections for 2025, 2026 and beyond.
	c. by reviewing and assessing OSPS court security costs	Director of Civilian Services	K.Fluney	<ul style="list-style-type: none"> In progress - Report to Council on court security costs, outlining inequities of funding requirements for discussion with Grey County Council.



**Report to the Board: 2023 Sale of Fixed Assets – Board
Equipment/Disposed Items**

From: Inspector J. Fluney

Date: February 12, 2024

Please see attached list of property

Asset Tracking System
ITEM DISPOSE - DETAIL
 Disposed Between 01/01/2023 and 12/31/2023

2/12/2024
 10:30:49

Bar Code OSP11120	Purchased Nov/20/09	GL Account
Inventory No.	Requisition	GL Sub Account
Serial No. 7VMPJL1	Purchase Order 3134	Business Unit
	Price \$ 1,608.48	
Status Disposed	Vendor DELL	Disposal Type RECYCLED
Type of Asset COMPUTER	Warranty Expires Nov/20/12	Disposal Date May/05/23
Model OPTIPLEX 960		alvage Value
Manufacturer DELL		Last Physical Inventory
Description Computer - Dell Optiplex 960 Chris Hill		
Comments		

Bar Code OSP11626	Purchased	GL Account
Inventory No.	Requisition	GL Sub Account
Serial No. G2FYZQ1	Purchase Order	Business Unit
	Price	
Status Disposed	Vendor	Disposal Type RECYCLED
Type of Asset COMPUTER		Disposal Date May/05/23
Model OPTIPLEX 390		alvage Value
Manufacturer DELL		Last Physical Inventory
Description COMPUTER - DELL - HEAT/CORE		
Comments		

Bar Code	OSP11639	Purchased	Aug/16/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	G2FZZQ1	Purchase Order	3566	Business Unit	
		Price	\$ 929.55		
Status	Disposed	Vendor	DELL	Disposal Type	RECYCLED
Type of Asset	COMPUTER	Warranty Expires	Aug/16/14	Disposal Date	May/05/23
Model	OPTIPLEX 390			alvage Value	
Manufacturer	DELL			Last Physical Inventory	
Description	COMPUTER - DELL OPTIPLEX 390 - REPORT ROOM				
Comments	W/ 24" MONITOR				

Bar Code	OSP10991	Lease Start	May/19/09	GL Account	
Inventory No.		Lease End	May/19/12	GL Sub Account	
Serial No.	JD5TK4K1	Lease Document	2000482048	Business Unit	
		Monthly Rate			
Status	Disposed	Vendor		Disposal Type	RECYCLED
Type of Asset	LAPTOP			Disposal Date	May/05/23
Model	LATITUDE E6500			alvage Value	
Manufacturer	DELL			Last Physical Inventory	
Description	Computer -LAPTOP DELL LATITUDE E6500 KATHRYN				
Comments					

Bar Code	OSP11004	Purchased		GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	F38W291	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor		Disposal Type	RECYCLED
Type of Asset	NETWORK SWITCH			Disposal Date	May/05/23
Model	POWER CONNECT 2708			alvage Value	
Manufacturer	Dell				
Description	Computer - Network Switch 8 port gigabit upstairs lan room				
Comments					

Last Physical Inventory

Bar Code	OSP11632	Purchased	Aug/16/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	9BZSVR1	Purchase Order	3566	Business Unit	
		Price	\$ 929.55		
Status	Disposed	Vendor	DELL	Disposal Type	RECYCLED
Type of Asset	PC	Warranty Expires	Aug/16/14	Disposal Date	May/05/23
Model	OPTIPLEX 390 W/ 24" MONITOR			alvage Value	\$ 2,023.00
Manufacturer	DELL				
Description	COMPUTER - DELL OPTIPLEX 390 W/ 24" MONITOR PAM DODD				
Comments					

Last Physical Inventory

Bar Code OSP11958
Inventory No.
Serial No. J9BCCZ1

Status Disposed
Type of Asset PC
Model DELL
Manufacturer DELL
Description RADIO - PC FIREHALL POS 1
Comments

Purchased
Requisition
Purchase Order
Price
Vendor

GL Account
GL Sub Account
Business Unit

Disposal Type RECYCLED
Disposal Date May/05/23
alvage Value

Last Physical Inventory

Bar Code OSP11971
Inventory No.
Serial No. JBDLCZ1

Status Disposed
Type of Asset PC
Model DELL
Manufacturer DELL
Description RADIO - PC FIREHALL POS 2
Comments

Purchased
Requisition
Purchase Order
Price
Vendor

GL Account
GL Sub Account
Business Unit

Disposal Type RECYCLED
Disposal Date May/05/23
alvage Value

Last Physical Inventory

Bar Code	OSP11689	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1401460	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	NX-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - CIB1			Last Physical Inventory	
Comments					

Bar Code	OSP11691	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400860	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - SGT			Last Physical Inventory	
Comments					

Bar Code	OSP11693	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400725	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - COURTS1			Last Physical Inventory	
Comments					

Bar Code	OSP11695	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400859	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - COURTS4			Last Physical Inventory	
Comments					

Bar Code	OSP11696	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1500925	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 21			Last Physical Inventory	
Comments					

Bar Code	OSP11697	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400862	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 3			Last Physical Inventory	
Comments					

Bar Code	OSP11698	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1401454	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 4			Last Physical Inventory	
Comments					

Bar Code	OSP11699	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400729	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 5			Last Physical Inventory	
Comments					

Bar Code	OSP11700	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400728	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 6			Last Physical Inventory	
Comments					

Bar Code	OSP11701	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400727	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 7			Last Physical Inventory	
Comments					

Bar Code	OSP11702	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1401459	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 8			Last Physical Inventory	
Comments					

Bar Code	OSP11703	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400854	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 9			Last Physical Inventory	
Comments					

Bar Code	OSP11704	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400855	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 10			Last Physical Inventory	
Comments					

Bar Code	OSP11705	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400726	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 11			Last Physical Inventory	
Comments					

Bar Code	OSP11706	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1401458	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 12			Last Physical Inventory	
Comments					

Bar Code	OSP11707	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400732	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 14			Last Physical Inventory	
Comments					

Bar Code	OSP11708	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400861	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
				Last Physical Inventory	
Description	PORTABLE RADIO - PORT 15				
Comments					

Bar Code	OSP11709	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400857	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
				Last Physical Inventory	
Description	PORTABLE RADIO - PORT 16				
Comments					

Bar Code	OSP11712	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1401457	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 19			Last Physical Inventory	
Comments					

Bar Code	OSP11713	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1400731	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - PORT 20			Last Physical Inventory	
Comments					

Bar Code	OSP11714	Purchased	Jun/29/11	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	B1401461	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	TELEQUIP	Disposal Type	RECYCLED
Type of Asset	PORTABLE RADIO			Disposal Date	May/05/23
Model	TK-200			alvage Value	
Manufacturer	KENWOOD				
Description	PORTABLE RADIO - COURTS4			Last Physical Inventory	
Comments					

Bar Code	OSP11636	Purchased	Oct/26/12	GL Account	
Inventory No.		Requisition		GL Sub Account	
Serial No.	3B1220X28387	Purchase Order		Business Unit	
		Price			
Status	Disposed	Vendor	STAPLES	Disposal Type	RECYCLED
Type of Asset	UPS			Disposal Date	May/05/23
Model	BX1000G-CA			alvage Value	
Manufacturer	APC				
Description	UPS at Meaford Water Tower			Last Physical Inventory	
Comments					

Bar Code OSP10849	Purchased Apr/18/03	GL Account
Inventory No.	Requisition	GL Sub Account
Serial No. 1N95P21	Purchase Order	Business Unit
	Price \$ 3,595.00	
Status Disposed	Vendor Dell	Disposal Type RECYCLED
Type of Asset computer	Warranty Expires Apr/18/06	Disposal Date May/05/23
Model D800		alvage Value
Manufacturer DELL		Last Physical Inventory
Description Computer - notebook pc - Training		
Comments PO #1674		