



Kingston Police

Public Agenda Information Report

To: Kingston Police Services Board
From: Fred Kaustinen, Governedge
Subject: *Community Safety and Policing Act* - Provincial Regulations
Date: 20 September 2023

Recommendation:

That the attached report be received for information purposes.

Information:

Before the Government of Ontario will make the 2019 *Community Safety and Policing Act* into effect (expected Spring 2024), it intends to complete several associated Regulations it considers key to the successful implementation of the Act.

DISCUSSION/ANALYSIS:

The Ministry of the Solicitor General has released several new draft Regulations. Their impact is summarized in the following chart.

Draft Regulation	Comments	Next Steps (upon Regulation finalization)
Special Constable Uniforms	Outline uniform standards	No action required
Code of Conduct for Special Constables	This is new requirement, and is related to <i>Complaints about Special Constables</i> .	New policy required

Draft Regulation	Comments	Next Steps (upon Regulation finalization)
Complaints About Special Constables	This is a new initiative intended to bring more accountability to Special Constables, especially those employed by non-police agencies, given their authorization to use force	New policy required
Appointment and Functions of Special Constables and the Authorization of Special Constables	<p>Outlines the new standardized classifications of Special Constables, which is intended to codify and simplify appointments, training and oversight (much like the Private Investigator classification system introduced some 10 years ago).</p> <p>A key change in the new legislation is that police boards become the appointing authority for special constables in their jurisdiction, while the province becomes the 'licensing' agency for non-police agencies wishing to employ Special Constables.</p>	New Policy/policy revision required
Collection of Identifying Information in Certain Circumstances	Proposed changes are largely housekeeping changes to an existing Regulation.	Review Collection of Identifying Information in Certain Circumstances policy
Disclosure of Personal Information	This draft Regulation is intended to standardize public disclosures of personal information by police	Update Treatment of the Public policy
Investigations Standard (Including ViCAS)	These proposed changes are largely housekeeping changes to an existing Regulation.	Review Chief's Operational Requirements policy
Adequate & Effective Policing (General)	<ul style="list-style-type: none"> • In general A&E means that "a policing function shall be provided to an extent and in a manner that is reasonable, having regard to the following factors: <ol style="list-style-type: none"> 1. The policing needs of the community. 	Update Board Job Description policy, Chief's Operational Requirements policy

Draft Regulation	Comments	Next Steps (upon Regulation finalization)
	<p>2. The geographic and socio-demographic characteristics of the police service's area of policing responsibility.</p> <p>3. The extent to and manner in which the policing function is effectively provided in similar communities in Ontario.</p> <p>4. The extent to which past provision of the policing function by the police service has been effective.</p> <p>5. Best practices respecting the policing function."</p> <ul style="list-style-type: none"> • Standard identifies the policing capabilities and policing procedures required in each police service, either with its own resources or through shard service agreements • The Act itself limits outsourcing of policing functions to alternative service providers • The Board and the Chief must each establish a QA/audit program re: adequate & effective policing 	
Response to Active Shooter	Chief to provide report to Board after an Active Shooter incident	Update Chief's Operational Requirements policy
Major Incident Response Plan	<ul style="list-style-type: none"> • The Major Incident Response Plan (MIRP) replaces the current Provincial Counter-Terrorism Plan (PCTP). • Defines 'major incident' • Requires min annual risk assessments • Provisions for public alerts • Post incident review • Linkages to HPB Matters(?) of Strategic Significance policy 	Create new policy on Policing Designated Major Events
Regulatory requirements relating to training	<ul style="list-style-type: none"> • Of note, standardized OPC-curriculum training courses for all special constables. • Of note, standardized OPC-curriculum de-escalation training is part of mandatory annual police officer requalification (along with use-of-force). 	Update (Board) Professional Development policy

Draft Regulation	Comments	Next Steps (upon Regulation finalization)
	<ul style="list-style-type: none"> • All Board members will be required to complete Ministry training on (1) board roles and responsibilities, and (2) human rights and systemic racism, within 6 months of appointment, in order to continue exercising powers. 	
<p>General Matters under Authority of Lt. Gov. in Council</p>	<ul style="list-style-type: none"> • Before entering into a shared services agreement, a board must consult with the other board(s) regarding the latter's policies and procedures • Political rights of police officers are identified. Of note, regarding permissible on-duty political activities: <ul style="list-style-type: none"> ○ "If authorized to do so by the chief of police or, in the case of the chief of police, the police service board, a police officer may, on behalf of a police service, <ul style="list-style-type: none"> (a) express views on any issue, as long as the police officer does not, during an election campaign, express views supporting or opposing, <ul style="list-style-type: none"> (i) a candidate in the election or a political party that has nominated a candidate in the election, or (ii) a position taken by a candidate in the election or by a political party that has nominated a candidate in the election; and (b) attend and participate in a public meeting, subject to the restrictions set out in clause" • Annual report mandatory reporting components are identified, and legislative change of responsibility for public reporting from Chief to Board is reinforced 	<p>Review all existing Shared Services Agreements</p> <p>Update Employment policy</p> <p>Create Annual Report policy</p>

Draft Regulation	Comments	Next Steps (upon Regulation finalization)
	<ul style="list-style-type: none"> Note that board appointments are covered in the Act itself, rather than Regulation 	
Major Case Management Regulation	<p>'Major Case' and 'Maor Case Investigation' are defined, along with mandatory components and procedures.</p>	Review Chief's Operational Requirements policy
Use of Force	<p>Summary of Weapon Approvals, Specifications and Standards for Use are prescribed.</p>	Review Chief's Operational Requirements policy
Ontario Police Arbitration Adjudication Commission (OPAAC)	<ul style="list-style-type: none"> Outlines the provincial Arbitrator Committee membership of chair, 3 police board reps and 3 police association reps Outlines the provincial Adjudication (discipline) Committee membership of chair, 3 police chief reps and 3 police association reps <p>Comments due to SOGEN 2 Oct 23</p>	No action required
Ontario Police Arbitration Adjudication Commission (OPAAC) Cost Recovery of Hearing Costs	<p>Police boards will be charged by OCAAP the cost of Adjudication (discipline) hearings, in graduated steps until 31 Mar 27 when the full cost of hearings will apply</p> <p>Comments due to SOGEN 2 Oct 23</p>	Budgetary considerations
Procedural Rules for Adjudication Hearings	<p>Prescribes the rules of procedure for OPAAC Adjudication (discipline) hearings. Boards have no role, other than funding (refer to Cost of Recovery of Hearing Costs above)</p> <p>Comments due to SOGEN 10 Oct 23</p>	No action required

Draft Regulation	Comments	Next Steps (upon Regulation finalization)
Minimum Weapons and Equipment requirements for Public Order Units and Emergency Response Teams/Units/ Members	<p>Outlines the minimum weapons and equipment required within public order units and various emergency response teams (containment teams, tactical and hostage rescue teams, crisis negotiators, incident commanders, canine units, explosive disposal units, ground and waterways search, and underwater search and recovery).</p> <p>Comments due to SOGEN 10 Oct 23</p>	Review Chief's Operational Requirements policy; potential budget implications