

Caution:

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

COMMUNITY SAFETY AND POLICING ACT, 2019

ALTERNATIVE PROVISION OF POLICING FUNCTIONS

Alternative provision of policing functions by other police service board or Commissioner

1. (1) A police service board or the Commissioner may provide any of the policing functions listed in subsection (2), (3), (4), (5) or (6) in an area for which the board or the Commissioner has policing responsibility by entering, in accordance with section 14 of the Act, 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.

(2) The following policing functions, relating primarily to crime prevention, are prescribed for the purposes of subsection (1):

1. Delivering crime prevention initiatives.

(3) The following policing functions, relating primarily to law enforcement, are prescribed for the purposes of subsection (1):

1. Investigations into any of the following matters:

- i. Impaired or dangerous operation of motor vehicles, vessels or aircraft.
- ii. Sudden death.
- iii. Abuse of a vulnerable person, such as a person under 18 years of age or an elderly person.
- iv. Missing persons.
- v. Abductions and attempted abductions.
- vi. Arson.
- vii. Cybercrime, including online child exploitation and child pornography.
- viii. Found human remains.
- ix. Criminal conduct that is alleged or reasonably suspected to be motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or gender identity or expression, or any other similar factor.
- x. Human trafficking, including trafficking for the purpose of sexual exploitation or forced labour.
- xi. Any threshold offences, within the meaning of [citation TBC-major case management regulation], that are not otherwise listed under this paragraph.
- xii. Offences involving firearms or conducted energy weapons.
- xiii. Criminal organization offences, as defined in section 2 of the *Criminal Code* (Canada).

- xiv. Terrorism offences, as defined in section 2 of the *Criminal Code* (Canada).
 - xv. Non-violent financial crime, including fraud, corruption and corporate crime.
2. Care and transportation of detainees.
 3. Undercover police operations.
 4. Electronic interception of private communications.
 5. Physical surveillance.
 6. Video and photographic surveillance.
 7. Waterways patrol.
 8. Traffic direction and enforcement, including traffic patrol for the purpose of clauses 57 (c) and (d) of the Act.
 9. Police air support.
 10. Technical collision investigation and reconstruction.
 11. The following investigative supports:
 - i. Breath analysis by a breath technician.
 - ii. Drug recognition expert evaluation.
 - iii. Polygraph and behavioural science services.
 - iv. Crime scene analysis.

- v. Canine tracking.
- vi. Forensic identification services conducted by a forensic identification unit of a police service, which does not include services conducted for a police service by a laboratory.

12. Crime analysis.

13. Criminal intelligence analysis.

(4) The following policing functions, relating primarily to maintaining the public peace, are prescribed for the purposes of subsection (1):

1. The functions of a public order unit under [citation TBC-general adequacy and effectiveness regulation].

(5) The following policing functions, relating primarily to emergency response, are prescribed for the purposes of subsection (1):

1. Crisis negotiation.
2. Hostage rescue.
3. The functions of a major incident commander under [citation TBC-general adequacy and effectiveness regulation].
4. The functions of a tactical unit under [citation TBC-general adequacy and effectiveness regulation].
5. The functions of a mobile mental health and addictions crisis team.
6. Chemical, biological, radiological, nuclear and explosive response.

7. Explosive disposal.
8. Ground search, rescue and recovery.
9. Waterways search, rescue and recovery.

(6) The following policing functions are prescribed for the purposes of subsection (1) and paragraph 6 of subsection 11 (1) of the Act:

1. Dispatching members of a police service.

Alternative provision of policing functions by prescribed entity

2. A police service board or the Commissioner may provide any of the following policing functions in an area for which the board or the Commissioner has policing responsibility by entering, in accordance with section 14 of the Act, into an agreement with Criminal Intelligence Service Ontario to have it provide the policing function in the area:

1. Crime analysis.
2. Criminal intelligence analysis.

Provision of policing functions

3. (1) This Regulation shall not be read as limiting the ability of a police service to assist another police service in the provision of policing functions as may be needed from time to time.

(2) The inclusion of a function as a policing function in this Regulation shall not be read as suggesting that the function may be provided only by a police service or otherwise under the Act.

Commencement

4. [Commencement]