

Strengthening Safety and Modernizing Justice Act – Amendments to Community Safety and Policing Act, 2019

Title: Amendments to *Community Safety and Policing Act, 2019*

Summary of Proposal:

The Ministry of the Solicitor General (SOLGEN) is seeking to amend the *Community Safety and Policing Act, 2019* (CSPA) and make consequential amendments to other statutes. The legislative amendments support bringing the CSPA into force. Once in force, the CSPA will replace the current *Police Services Act* (PSA). The CSPA is an opportunity to modernize policing and enhance community safety in Ontario.

At this time, SOLGEN is requesting public and stakeholder input on proposed amendments related to the CSPA that are focused on clearer roles, stronger governance, and improved systems.

The CSPA would be amended to do the following:

Police Oversight and Governance-related Amendments

- Add the ability to appoint and delegate powers to vice chairs on the Ontario Police Arbitration and Adjudication Commission. The Commission will maintain rosters of adjudicators and registers of arbitrators for hearings required under the CSPA;
- Provide the Minister with the ability to make various regulations relating to Ontario Provincial Police detachment boards, which will provide oversight of policing delivered by the Ontario Provincial Police, including regulations creating exemptions from the requirement to have a detachment board for every detachment;
- Remove the requirement to establish the Ontario Provincial Police Governance Advisory Council;
- Require vacancies on police service boards to be promoted to the public with regard to the need to ensure that boards represent the communities they serve;
- Allow for regulations to permit the Ontario Civilian Police Commission to undertake duties beyond those already specified in the CSPA once the CSPA comes into force, during the transitional period before it is dissolved; and
- Give the Complaints Director of the Law Enforcement Complaints Agency (the Office of the Independent Police Review Director today) an additional 30 days to review investigations where no misconduct was found, upon request by a complainant.

Police Labour Arbitration-related Amendments

- Remove 'police service' as a party to arbitrations regarding a police association's duty of fair representation to an association member;

- Require arbitrators to render decisions on police labour matters sooner if hearings are completed quickly;
- Ensure arbitrators who are already seized of a police arbitration matter hear any disputes arising in connection with an award, decision, or agreement;
- Ensure the Chair of the Ontario Police Arbitration and Adjudication Commission is notified when parties to a budget dispute require the Chair to appoint an arbitrator because they could not jointly appoint one; and
- Require parties to a municipal police service budget dispute to pay the costs of the budget arbitration, instead of the province.

Officer Recognition and Education-related Amendments

- Maintain the educational eligibility requirements for police officers of a secondary school diploma or equivalent as it currently exists under the PSA, and allow for proof of higher education instead of meeting this requirement;
- Mirror the police educational eligibility requirements for special constables; and
- Make all police officers and First Nation Officers in the province who achieve a prescribed rank eligible to receive a King's Commission, instead of just OPP officers.

Improve Alignment with Other Government Statutes and Clarification:

- Remove requirements relating to data integration and defer such requirements to regulation, to avoid conflict with changes in the law on this topic since the CSPA was passed;
- Provide the ability to define the meaning of “emergency” for the purpose of the Act in the regulations, including for the purpose of determining when chiefs of police can make requests to other police services for emergency support;
- Add research regarding compliance with the Act and regulations to the Inspector General's duties, in addition to analysis, monitoring, advising, and inspecting for this purpose; and
- Require the Inspector General to consider lesser measures for remedying non-compliance by policing entities before imposing more serious measures, without reducing the Inspector General's discretion to impose any measure the Act provides for.

Technical Amendments

The changes would also:

- Clarify ambiguities;
- Ensure consistency throughout the Act; and
- Fix minor drafting errors.