



MEMO / NOTE DE SERVICE

To / Destinataire Mayor and Members of City Council File/N° de fichier: _____

From / Expéditeur David White, City Solicitor and Interim City Clerk

Subject / Objet New Policing Legislation – Bill 68 and Bill 102 Date: March 1, 2024

The purpose of this memorandum is to provide Members of Council with information regarding forthcoming changes to policing legislation in Ontario. The Ontario Government has proclaimed April 1, 2024, as the date that various legislative provisions will come into force under Bill 68, the [Comprehensive Ontario Police Services Act, 2019](#), as well as Bill 102, the [Strengthening Safety and Modernizing Justice Act, 2023](#).

The legislation makes changes in many areas of policing policy, including the role of municipal councils with respect to police services boards. Through Bill 68, the current *Police Services Act* will be repealed and replaced by the *Community Safety and Policing Act, 2019*. More than 25 regulations under the new Act have also been published and will generally come into force on April 1, 2024.

Staff are reviewing legislative requirements and transition-related matters. Staff anticipate that items Council must address within prescribed timelines will be brought forward through the 2022-2026 Mid-term Governance Review process, as described below and in the attachment to this memorandum.

General responsibilities with respect to policing

Bill 68 includes updated language with respect to a municipality's role with respect to policing. Currently, Subsection 4(1) of the *Police Services Act* provides that a municipality "shall provide adequate and effective police services in accordance with its needs." Under Subsection 31(1) of the *Police Services Act*, a municipal police services board "is responsible for the provision of adequate and effective police services in the municipality ...".

In updated language regarding policing responsibility, Subsection 10(1) of the *Community Safety and Policing Act, 2019*, as amended by Bill 102, states that police service boards "shall ensure adequate and effective policing is provided 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.” The legislation also includes an updated definition of “adequate and effective policing,” as set out in Attachment 1.

A municipality that maintains a police service board is required to provide the board with sufficient funding to “comply with this Act and the regulations” and “pay the expenses of the board’s operation, other than the remuneration of board members”.

Matters to be addressed by Council within prescribed timelines

Council will be required to address the following matters within prescribed timelines after the *Community Safety and Policing Act, 2019* comes into force. As noted above, staff anticipate that Council will consider these matters through the 2022-2026 Mid-term Governance Review process:

1. Size of the police service board – The Ottawa Police Services Board currently includes seven members, which is the maximum size of a police services board under the *Police Services Act*. The *Community Safety and Policing Act, 2019* provides that Council may determine whether its board shall be composed of five, seven or nine members; the default size will be five members unless a Council passes a resolution to increase the size.
2. Mandatory diversity plan regarding Council appointments to the police service board – Every municipality that maintains a municipal board will be required to “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.”

Matters that may affect future Council processes and decisions

Other provisions of Bill 68 and Bill 102 may affect the following Council-related matters after April 1, 2024, and will be addressed by staff as required:

1. Council appointments to the police service board – The *Community Safety and Policing Act, 2019* includes additional requirements regarding diversity and competency considerations, as well as the promotion of available board appointments, police record checks for board appointments, and new restrictions on board member eligibility.
2. Board budget matters and process – Among other things, the *Community Safety and Policing Act, 2019* changes the process followed if a police service board disagrees with Council’s budget. Staff will provide additional information prior to the 2025 budget process.
3. Board planning and reporting – The police service board will be required to adopt a strategic plan for the provision of policing, and in doing so will be required to consult with various entities, including Council. On or before June 30 in each year, the board will be required to file an annual report with the municipality regarding various matters, including the implementation of the strategic plan.
4. Community safety and well-being plan – The *Community Safety and Police Act, 2019* continues the requirement for such a plan and adds a requirement upon the municipality to consult with individuals who have received or are receiving mental health or addiction services in its preparation. The new regulation also requires Council to review and, if appropriate, revise the plan every four years.

Staff are also reviewing any new provisions applicable to a “special constable employer.”

The attachment to this memorandum provides additional details regarding the Council-related matters noted above, as well as a summary of some provisions that will apply to the Ottawa Police Services Board. The latter includes new requirements with respect to matters such as open meetings, policies, training, the code of conduct for board members, and a provincially appointed Inspector General of Policing whose duties include oversight of police service boards. On January 22, 2024, the Ottawa Police Services Board considered the reports titled, “[Community Safety and Policing Act, 2019 \(CPSA\)](#),” and “[Ottawa Police Services Board Work Plan: 2024](#),” which provide additional information from the perspective of the Ottawa Police Service and Ottawa Police Services Board.

I trust the above-noted overview is of assistance.

David White
City Solicitor and Interim City Clerk