

## **Making Communities Safer**

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The province has passed the Safer Ontario Act, 2018, comprehensive public safety legislation that represents the largest policing transformation in a generation.

The legislative package repeals and replaces Ontario's Police Services Act from 1990, amends the Coroners Act and creates, for the first time, the Missing Persons Act, 2018 and the Forensic Laboratories Act, 2018.

In addition, it creates new acts to enhance police oversight in Ontario including: the Policing Oversight Act, 2018 and the Ontario Policing Discipline Tribunal Act, 2018.

### **Police Services Act, 2018 and associated police oversight legislation**

The legislation will modernize Ontario's current policing framework and makes improvements in four areas:

#### **Shifting to a Collaborative Approach to Community Safety and Well-being Planning**

Community safety and well-being planning requires collaboration between multiple partners. Municipalities will be mandated to develop and implement community safety and well-being plans. Municipalities will also be required to establish a multi-sectoral advisory committee that includes representation from local police services boards or, in the case of the Ontario Provincial Police (OPP), detachment commanders. Police service boards must also consider the community safety and well-being plan when developing their strategic plans.

By promoting collaborative partnerships between municipalities, police, and other sectors, such as education, health care and social services, those requiring assistance will receive the right response, at the right time, and from the right service provider. This new approach will also help improve interactions between police and vulnerable Ontarians by enhancing front-line responses. For example, in some communities, mental health and addictions may be identified as a local risk and communities can work together to implement preventative programs and strategies to address this risk before police response is necessary.

#### **Enhancing Police Accountability to the Public**

Numerous recommendations from independent reports, most recently from Justice Tulloch's [Independent Police Oversight Review](#), have called for strengthened police oversight and accountability.

The new Police Services Act, 2018 addresses oversight and accountability to ensure continued public trust in Ontario's police services.

Changes include:

- Establishing an Inspector General to oversee and monitor police services and police services boards against standards in the act. The Inspector General will have a mandate to ensure the delivery of adequate and effective policing, including compliance with any regulated conflict of interest standards, as well as the power to receive and review complaints, including complaints against police services boards, board members and chiefs of police
- Strengthening civilian governance for the OPP by creating local OPP detachment boards.
- Clarifying the role of the minister in relation to the OPP
- Enhancing the capacity of police service boards by requiring all board members to complete training, including training with respect to human rights and systemic racism and the rights and cultures of Ontario's First Nation, Inuit and Métis peoples, within a prescribed timeframe; strengthening reporting requirements for boards, requiring the municipal council to develop a diversity plan to help ensure members of the police service board are representative of their community; and increasing the minimum and maximum board size based on local needs
- Expanding the list of circumstances prohibiting individuals from becoming board members to ensure the integrity of civilian governance.

The changes will make police services and their boards more representative of and accountable to the communities they serve.

### **Outlining Police Responsibilities and Community Safety Service Delivery**

The new legislation outlines police responsibilities and ensures Ontario's highly trained police officers focus on community safety issues where their training and abilities are needed.

Changes include:

- Clarifying in legislation the core duties of a police officer
- Ensuring police education and training, including techniques to de-escalate a situation, are consistent across the province
- Updating the police disciplinary process, including setting new rules for suspension without pay in certain circumstances
- Modernizing the special constable program so that the duties of special constables are professionalized and clearly differentiated from that of police officers.

In addition to the legislative provisions in the act, Ontario will create a Public Safety Institute as a centre of excellence to inform the delivery of policing services, support evidence-based decision making and ensure delivery of expert training to increase public confidence in policing.

### **Ensuring Sustainability of First Nations Policing**

Under the new legislation, First Nations can choose to opt-in to the provincial policing framework. First Nations can establish their own police service boards under the act, or choose to continue with their current policing framework. First Nation police service boards will need to meet the same provincial standards as those governing other police services in the province.

The plan will ensure that policing services provided by First Nations police services boards:

- Meet provincial policing standards in areas such as service delivery, training, equipment, civilian governance and oversight
- Are culturally responsive and appropriate by requiring engagement with First Nations communities in the development of the police service board's strategic plan, and engagement with First Nations leadership regarding cultural traditions when developing board policies
- Are subject to the same oversight as the rest of police services in Ontario.

The legislation also guarantees an important mechanism to ensure that First Nations receive appropriate funding related to the policing needs in their community.

### **Forensic Laboratories Act, 2018**

The new Forensic Laboratories Act, 2018 makes accreditation mandatory for forensic laboratories operating in Ontario. The legislation establishes forensic laboratory oversight in Ontario to improve accountability and transparency of forensic testing through a multi-faceted oversight framework. Accreditation is designed to ensure a system of quality control for forensic laboratories that includes proficiency testing, annual audits, performance reports, surveillance visits, management reviews and a code of conduct.

Ontario will also establish an independent Forensic Advisory Committee to build knowledge and leverage the expertise of key representatives from forensic sciences, the justice sector, social services, child protection professionals and Indigenous partners. This committee will advise the minister on elements of the provincial oversight framework—including developing recommendations related to standards and oversight requirements, identifying emerging research and best practices, as well as providing guidance on education and training in the field of forensic sciences.

### **Coroners Act**

Changes to the Coroners Act now require mandatory inquests when a police officer, special constable or other peace officer's use of force is the cause of a death. Currently, the Chief Coroner decides on a case-by-case basis whether inquests are held in these situations. The recommendations generated by inquests help to enhance public safety and prevent future deaths.

Changes will also allow the Chief Coroner to hire new coroners directly and expand eligibility to include lawyers and current and retired judges, instead of just medical doctors, to preside over inquests for procedurally and legally complex cases. Until now, coroners could only be appointed by an Order in Council.

Earlier this year, the government established a program to provide funding for legal costs to ensure families whose loved ones died in a police-related event can be represented at the inquest.

The proposed updates address recommendations made by Justice Tulloch in his [Independent Police Oversight Review](#), as well as recommendations from Ontario's Chief Coroner.

### **Missing Persons Act, 2018**

The Missing Persons Act, 2018 will allow police to respond more quickly and effectively to missing persons investigations.

Currently, when there is no evidence a crime has been committed, police may not be able to obtain a judicial order to allow access to certain information and search powers that may assist in locating a missing person. The new legislation will allow police, in certain circumstances, to apply for judicial orders to access records that could assist in locating a missing person, such as information about travel or telephone and other electronic communications, or to authorize entry into premises to search for a missing person when that would assist in ensuring the safety of the person.

The act will balance public safety and privacy by requiring that, when determining whether to order the production of records or authorize a search, the justice would:

- Assess whether the public interest in locating the missing person outweighs the privacy interests at stake
- Consider any information that suggests that the missing person may not wish to be located, including information that suggests that the missing person has left or is attempting to leave a violent or abusive situation.

The act further protects privacy by requiring, for example, that the location of a missing person who has been found not be disclosed without seeking the consent of that person.

In addition to the tools provided in the act, enhanced training in the areas of cultural competency and serving vulnerable individuals will help ensure police have the right tools to respond effectively and sensitively to missing persons.

The new legislation was recommended as part of the inquest into the deaths of seven Indigenous youth in Thunder Bay and was one of the commitments in the [Long-Term Strategy to End Violence Against Indigenous Women](#)

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