

Classification **PUBLIC**

Meeting **November 17th, 2020**

Agenda Item **Monitoring Report:**
Police Services Act Regulations



Recommended Motion:

THAT the Board find that all provisions of the *Police Service Act Regulations Executive Limitations Policy* have been complied with and that counter-terrorism plans, preparedness, training, mitigation measures, responses, notifications, and recovery, are consistent with federal and provincial plans, regulations and guidelines.

I hereby submit my monitoring report on your Executive Limitations Policy, "*Police Service Act Regulations*" according to the schedule set out. I certify that the information contained in this report is true.

Signed:



Chief of Police

Date:

Nov 4/20

BROADEST POLICY PROVISION:

The Chief of Police shall not fail to comply with all requirements prescribed in the Regulations made under the Police Services Act.

Further, without limiting the scope of the foregoing, he or she shall not:

1. *Fail to establish, communicate and operate with procedures that ensure adherence to the following Regulations:*
 - a. *Disclosure of Personal Information*
 - b. *Suspect Apprehension Pursuits*
 - c. *Major Case Management*
 - d. *Violent Crime Linkage Analysis System Reports*

2. *Fail to ensure that counter-terrorism plans, preparedness, training, mitigation measures, responses and notifications, and recovery, are consistent with federal and provincial plans, regulations and guidelines, and further that:*
 - a. *Counter-terrorism plans, preparedness and training identify, evaluate and assess potential targets and associated risks within the community, and establish priorities and procedures for mitigation;*
 - b. *Counter-terrorism plans are clearly linked to the municipal and other pertinent local emergency plans;*
 - c. *Terrorism response and notifications serve to protect potential targets within the community; and*
 - d. *Terrorism recovery addresses community concerns and the prevention of repercussions; and*
 - e. *Terrorism response, notifications, and recovery serve victims.*

Interpretation of the Chief of Police:

It is my interpretation of this policy provision that the Chief and the Service must be in compliance with all of the regulations under the *Police Services Act*, including those areas of specific interest to the Board as identified in various Ministry Inspections, specifically *O. Reg. 265/98 "Disclosure of Personal Information"*, *O. Reg. 266/10 "Suspect Apprehension Pursuits"*, *O. Reg. 354/04 "Major Case Management"*, and *O. Reg. 550/96 "Violent Crime Linkage Analysis System Reports"*. Given that these regulations govern basically all aspects of police service delivery, and that reporting on each and every aspect would be unreasonable, it is my interpretation that the reporting here needs to be at the highest level.

Data in Support:

Directives are the written orders of the Chief of Police; they establish and communicate to members the policies and procedures to be followed in order to ensure adequate and effective police service delivery. Directives are available to all members on the service intranet and each member is responsible for familiarizing themselves and operating in accordance with the directives.

O. Reg. 265/98 Disclosure of Personal Information

Procedures related to the general disclosure of personal information are contained within the “Media Relations” directive. This directive establishes the authorities and procedures for releasing information to the public, including personal information in accordance with *O. Reg. 265/98, sections 2 and 3*. In addition, the “CPIC – Security, Capabilities and Use” directive addresses the sharing of personal information with other police services, correctional or parole authorities, or persons or agencies engaged in the protection of the public or the administration of justice, in accordance with *O. Reg. 265/98, section 5*. Both Directives were last reviewed in 2019.

O. Reg. 266/10 Suspect Apprehension Pursuits

Procedures for suspect apprehension pursuits are documented in the “Suspect Apprehension Pursuits” directive in accordance with *O. Reg. 266/10, section 5*. This directive reflects the criteria specified in the regulation and the guidelines in the Policing Standards Manual, including the tactics that may be used, the authorities and responsibilities of members, reporting requirements, and training. This Directive was recently reviewed and is awaiting approval for posting, the previous review took place in 2018. The Police Vehicle Operations (PVO) Committee meets quarterly to review and provide any additional recommendations addressing Service vehicle collisions and pursuits. Within the mandate of the PVO Committee is the need to ensure compliance with policies and procedures outlined in the “Suspect Apprehension Pursuits” directive.

O. Reg. 354/04 Major Case Management

The “Major Case Management” directive establishes policies in accordance with the Ontario Major Case Management Manual. The policies and procedures contained within the “Major Case

Management” directive ensure that there is a common, coordinated case management process for conducting major case investigations as outlined in *O. Reg. 354/04*. This Directive was reviewed and updated earlier this year. Ministry approved software is used for the purpose of undertaking and managing investigations into major cases in accordance with the Ontario Major Case Management Manual. A report setting out the number of major cases the service investigated in the previous year is provided to the Ministry annually in accordance with *O. Reg. 354/04, subsection 2(1)*.

O. Reg. 550/96 Violent Crime Linkage Analysis System Reports

Procedures for completing and submitting Violent Crime Linkage Analysis System (ViCLAS) reports are documented in the “ViCLAS Reporting Procedures” directive in accordance with *O. Reg 550/96*. The directive outlines those offences that are subject to ViCLAS reporting and sets out the authorities and responsibilities of members to ensure adherence with the regulation. This Directive is currently open for review. A report setting out the number of ViCLAS Crime Analysis Reports the service submitted in the previous year is provided to the Ministry annually in accordance with *O. Reg. 550/96, subsection 3(1)*.

Counter-Terrorism (O. Reg. 3/99 s.28 Adequacy and Effectiveness of Police Services)

Section 28 of the Adequacy Standards Regulation requires every Chief of Police to establish procedures that are consistent with any federal or provincial counter-terrorism plan designated by the Minister of Public Safety and Security. These procedures are provided in the “Terrorism” directive, which was last reviewed in 2019. Although this does not replace the Provincial Counter-Terrorism Plan (PCTP) or the National Counter-Terrorism Plan (NCTP), it provides members with direction in dealing with terrorist incidents and points to these plans and many other related policies and procedures. If an event takes place that falls within the parameters of the NCTP, the Integrated National Security Enforcement Team (INSET) and the Royal Canadian Mounted Police (RCMP) would be notified. Responsibilities, training requirements, awareness of potential local targets, notification and readiness policy, transfer of command and control policy, scene and activity procedures including investigative and administrative procedures, and post attack guidance are all outlined in the directive.

Based on the above proof provided, I report overall compliance with the policy.