

Classification PUBLIC

Meeting October 19th, 2021

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:

Oct 6/21

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

Directive **AO-07-001 Canadian Police Information Centre** was last reviewed and revised on January 18, 2021 consolidating directives **AO-07-005 CPIC Security Capabilities and Use**, **AO-07-001 Special Interest to Police (SIP) and Surveillance Entries** and **AO-07-007 CPIC Caution Contagious Disease Entries**

Directive **AO-16-002 Media Relations** was last reviewed on October 2, 2019 and Directive **AO-07-009 Privacy Breach** was last reviewed on October 31st, 2017. Both require a review. These will begin in October 2021.

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. Directive **LE-10-001 Suspect Apprehension Pursuits** was last reviewed on September 1st, 2021 and is current and compliant.

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. Directive **LE-02-001 Major Case Management System** was last revised on March 5, 2020 and last reviewed on December 19, 2019

Directive **LE-01-023 Criminal Investigation Management Plan** was last revised on May 29, 2020 and last reviewed on January 15, 2020. Both directives are current and compliant.

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, which outlines those offences that are subject to ViCLAS reporting and sets out the authorities and responsibilities of members to ensure adherence with the regulation. Directive **LE-02-005 ViCLAS Reporting Procedures** was last revised on April 23, 2018 and last reviewed on December 5, 2013. This directive requires a review which will begin in October 2021.

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. 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. Directive **CT-01-001 Terrorism** was last reviewed and revised on July 12, 2019. The directive is current and compliant.

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