



To: Committee of the Whole
Meeting Date: June 13, 2024
From: Dan Kuzmyk
Regional Solicitor and General Counsel
Re: **Update on Policing in Ontario – *Community Safety and Policing Act, 2019***

This memorandum captures highlights of the [Community Safety and Policing Act, 2019](#) (“CSPA”) since its introduction through Bill 68. The highlights discussed in this memo specifically impact York Region and its relationship with The Regional Municipality of York Police Service Board (“YRPSB”) when compared to statutory requirements under the pre-CSPA *Police Services Act*.

Effective April 1, 2024, the *Police Services Act* was repealed and replaced with the *Community Safety and Policing Act, 2019* to modernize policing and enhance community safety

On March 6, 2019, the Province of Ontario passed the [Comprehensive Ontario Police Services Act, 2019](#) (“Bill 68”) to establish the CSPA and amend other legislation to modernize policing, increase police oversight and improve police relationships with vulnerable populations throughout Ontario. When the CSPA came into force on April 1, 2024, the [Police Services Act](#) (“PSA”) was repealed and the CSPA became the primary statutory framework governing policing in Ontario. Staff provided a report to Council in [April 2019](#) regarding Bill 68.

The CSPA includes:

- Updates to policing standards and training requirements, including refinements to the criteria in the definition of the “adequate and effective policing” standard
- Changes to the police discipline process and Provincial oversight bodies, including establishment of the Inspector General of Policing for the purpose of monitoring and advising police services, boards, board members and special constable employers in relation to CSPA compliance

- Empowering the Inspector General to conduct inspections, investigate some types of policing complaints and issue directions, and impose remedies related to police service CSPA non-compliance
- Additional policing options for First Nations and considerations related to policing First Nations, Inuit and Metis populations

Police Services Board name change

The CSPA refers to “police services” boards instead of “police serviceses” boards. Accordingly, moving forward YRPSB is now the “The Regional Municipality of York Police Service Board”. Existing agreements will be not affected by the name change.

The CSPA changes some municipal policing responsibilities

Under the PSA, the Region was required to provide for adequate and effective police services in accordance with the municipality’s needs. Under the CSPA, this statutory responsibility shifts to the Board.

The CSPA introduces possible changes to the number of YRPSB members

YRPSB is currently comprised of seven members: the Regional Chair, two Council Members, a Council-appointed community member and three Provincial appointees. Under the CSPA, the YRPSB may have five, seven or nine members.

If the Region does not pass a resolution confirming the number of YRPSB members by the time a new Council is organized after the 2026 municipal election, the size of the YRPSB will default to five members. If this were to occur, the appointment of all members would be terminated, and Council would need to re-initiate the appointment process. Staff will bring a proposed resolution before Council for consideration well in advance of October 2026.

The Region must have a diversity plan for appointments to the YRPSB

Section 28 of the CSPA requires every municipality to prepare and approve, by resolution, a plan to ensure diverse representation on its police service board. The Region’s first plan must be approved by Council before **April 2, 2025**.

Similar to the Community Safety and Well-Being Plan (“CSWBP”), the Region is responsible for reviewing and, if appropriate, revising the Diversity Plan at least every four years. The Diversity Plan and implementation reports must also be published on the Internet.

The CSPA also requires municipalities to take reasonable steps to promote opportunities for appointment across all communities, ensuring that Boards reflect the diverse demographics of the population.

Council must consider competency and diversity when appointing YRPSB Members

Section 33 of the CSPA requires Council to consider specific criteria when appointing or reappointing a YRPSB Member:

- Ensuring the Board represents the diverse demographics of the Region
- Alignment with the Diversity Plan
- Competency requirement as prescribed in the CSPA
- Satisfactory police record check

To ensure competency, upon appointment, Board Members are required to successfully complete mandatory training on roles and responsibilities of boards and their members, human rights and systemic racism, recognition of, and respect for, the diverse, multiracial and multicultural character of Ontario society, and the rights and cultures of First Nation, Inuit and Métis Peoples.

Completion of Member training is tracked by the Solicitor General's Office and individuals are prohibited by section 35 of the CSPA from exercising Board powers or duties until mandatory or otherwise prescribed training is completed.

YRPSB must prepare a Strategic Plan in consultation with the Region

Section 39 of the CSPA requires the YRPSB to prepare and adopt a strategic plan which shall address, at a minimum:

- How YRPSB will ensure the provision of adequate and effective policing in response to the needs of the Region
- Objectives, priorities and core functions of the police service
- Information technology, resource planning, and police facilities
- Interactions with youths, members of racialized groups and First Nation, Inuit and Métis communities, and persons who appear to have mental illness or a neurodevelopmental disability
- Performance objectives and indicators of outcomes relating to a variety of policing matters, including: crime prevention, patrols, investigations, community satisfaction, emergency calls, crime rates, interactions with marginalized populations, police assistance to victims, and road safety

In developing the plan, YRPSB must conduct, and have regard for, consultations with various groups, including Regional Council and local councils. YRPSB must also have regard for the Region's CSWBP and the needs of diverse communities in York Region. As with the Diversity Plan and the CSWBP, the Strategic Plan must be reviewed, and revised if appropriate, at least once every four years. The Strategic Plan must also be published on the Internet.

Currently, YRPSB has a [2023-2025 Business Plan](#) which was adopted under the PSA. The business planning process under the PSA will now transition into the strategic planning process culminating in the next YRPSB Strategic Plan aligning with CSPA requirements.

Section 41 of the CSPA modifies annual Board reporting requirements to include implementation of the Strategic Plan, achievement of the Plan's performance objectives and the provision of policing as it relates to the CSWBP and the over-arching requirement to provide adequate and effective policing in York Region.

CSPA expands special constable regulations impacting York Region Transit (“YRT”)

The CSPA expands regulation of Special Constable appointments and training. The Region employs YRT Special Constables in [accordance with an agreement with YRPSB](#). YRT Special Constables exercise some of the powers of “peace officers” under the *Criminal Code* including powers of arrest incidental to providing security to a prescribed public facility.

The CSPA introduces new minimum training requirements for Special Constables, including the requirement to have a secondary school diploma and other educational or experiential equivalencies. Furthermore, Special Constables will be required to undergo mandatory training regarding de-escalation of conflict, human rights and systemic racism, and training approved by the Province promoting recognition of, and respect for, diversity.

Under the PSA, YRPSB's power to appoint YRT Special Constables was subject to Solicitor General approval. The Region is now required to obtain a Special Constable Employer authorization. Once the Region is approved as a Special Constable Employer by the Province, the YRPSB may appoint Special Constables, subject to any terms and conditions of the authorization.

Special Constable appointments made by YRPSB prior to April 1, 2024, are continued under the CSPA. The continuation provides an opportunity for the Region to comply with training expectations for Special Constables in advance of reappointment and prior to the next round of recruitment of YRT Special Constables in the fall of 2024. Training will support compliance with the Provincial Code of Conduct introduced through [O. Reg. 410/23, Code of Conduct for Special Constables](#). Contravention of the Code of Conduct will be an offence potentially subject to discipline.

A Special Constable Employer, under the CSPA, is required to investigate Special Constable misconduct complaints within 120 days of receipt of a complaint and have a process in place to determine if misconduct occurred, take appropriate action to remedy the contravention, and

notify YRPSB of actions taken. The Region currently has a process in place which is under review with YRPSB to ensure that it satisfies CSPA requirements. There do not appear to be any financial implications arising from these changes at this time.

Finally, the CSPA introduces fines of up to \$10,000 for Special Constables holding themselves out as police officers and Special Constable Employers holding themselves out as police forces. In keeping with the principle of clearly distinguishing Special Constables from police officers, the CSPA also introduces new Special Constable uniform requirements including prominent display of the words “Special Constable” and pants or shorts with purple stripes on the side. Special Constable vehicles will also require clear identification labelling, which is anticipated to have financial implications for the Region.

York Region and YRPSB staff are reviewing the existing joint services agreement to ensure CSPA compliance and alignment with Special Constable employer authorization, once applied for and received.

CSPA changes some considerations for Police Service Boards in setting police budget estimates

The CSPA continues to require Board to submit capital and operating budget estimates to the Region. However, section 50 introduces a YRPSB requirement to submit estimates that will separately show amounts required for CSPA compliance, including amounts to provide the police service with required equipment and facilities, having regard for the various ways that the Board can discharge this obligation and pay Board operating expenses. Under the PSA, YRPSB was simply required to submit estimates to maintain the police service and provide it with equipment and facilities.

Remuneration for YRPSB Members has been set by Council for Regional appointees (except for Regional Council Members and the Head of Council who do not receive remuneration) and is prescribed for Provincial appointees. Municipalities are required to pay the set rate of remuneration, and both Council and Provincial appointees are funded through the YRPSB budget. Provincial appointee remuneration to be paid by the Region under the CSPA is [prescribed](#) as a daily rate of at least \$150 per day as opposed to \$1,000 per year under the former [PSA Regulation](#).

The CSPA changes the process for disputing police service budgets

Under the PSA, if a police services board was not satisfied that the budget established for it by a municipal Council was sufficient, the board could have requested a hearing by the Ontario Civilian Police Commission to decide budget sufficiency. It should be noted that funding disputes between Police Services Boards (as they were formerly known) and municipal funders under the PSA have been very rare; in fact, there has never been a police funding dispute that was not able to be resolved without resorting to an arbitrated decision.

Under the CSPA, if a board is not satisfied with a budget set by Council, the board and Council may jointly apply to the Ontario Police Arbitration and Adjudication¹ Chair to appoint a conciliation officer to attempt to resolve the matter. Alternatively, the municipality can directly request an arbitration, the costs of which will be paid for jointly by the board and the municipality.

If such an arbitration process was undertaken, the municipality would be required to prove that it could reasonably have entered into an agreement with a policing services provider at a lower cost than budgeted by YRPSB. If the municipality were able to demonstrate this to an arbitrator, the police service board would be required to revise the budget to align with the amount that could have been saved by the entering into an agreement with another provider.

The role of the Regional Community Safety and Well-Being Plan is enhanced

The Region's [CSWBP for 2022-2026](#) was prepared by the Region's [Human Services Planning Board](#) and adopted by Council in [May 2022](#) pursuant to the provisions of the *Comprehensive Ontario Police Services Act*. CSWBPs are required to identify community risk factors and identify strategies to reduce prioritized risk factors which must be adopted by Council. Regional staff provide annual updates regarding Plan implementation, with the next update planned for Fall, 2024. Evaluation of the Plan is underway for preparation of the next version. Under the CSPA, Plans are required to be reviewed every four years.

The role of the CSWBP is enhanced under the CSPA which, as noted above, specifically requires that the Plan be considered in a board's preparation and revision of its Strategic Plan. The municipality must also consider the CSWP during development of its Diversity Plan. In its annual report YRPSB will also be required to report on the provision of adequate and effective policing as it relates to CSWBP requirements.

CSPA closed meeting requirements now align with those in *Municipal Act, 2001*

Section 44 of the CSPA has modified the closed meeting exemptions for police service board meetings which now align with the highly prescriptive exemptions in the *Municipal Act, 2001* which are applicable to municipal councils and committees. Formerly, under section 35 of the PSA, closed meetings were permitted where "matters of security may have been disclosed or where, having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public".

¹ This commission has assumed an expanded role under the CSPA. It was previously the Ontario Police Arbitration Commission and dealt primarily with labour disputes.

Next Steps

Regional and YRPSB staff will continue to monitor the impact of CSPA changes on the Board, on the Region and on policing in York Region, and will provide updates and recommendations as required or directed.

For more information on this memo, please contact Dan Kuzmyk, Regional Solicitor and General Counsel, at 1-877-464-9675 ext. 71401. Accessible formats or communication supports are available upon request.



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