



# AMO's Response to *Community Safety and Policing Act (CSPA), 2019*, Second Tranche of Regulations

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Submission to the Ministry of the Solicitor General

August 12, 2021

## **Proposed CSPA Regulations**

Municipalities are the main funders of police services across Ontario. They are also the chief representatives of resident and community needs and aspirations. Many municipal policies and services underpin and aim to improve the social determinants of health for all residents. With these priorities in mind, AMO brings to policing services a lens of appropriate governance, transparency, public accountability and evolution as well as adaptation to changing social demands to evaluate any legislative and regulatory proposals. With these principles in mind, AMO is pleased to provide comments on the following proposed regulations:

1. Code of Conduct for Police Officers
2. Code of Conduct for Police Services Board Members
3. Code of Conduct for the OPP Governance Advisory Council
4. Alternative Provision of Policing Functions
5. The Ontario Police Arbitration and Adjudication Commission

### **Regulation 1: Code of Conduct for Police Officers**

AMO supports police officer Codes of Conduct to help keep police accountable in their actions, help guide in situ decisions and promote consistency.

Overall, Ontario's proposed police officer Code of Conduct regulation appears to be consistent with other regulations/codes in Canada. However, it is uncertain if the Code of Conduct regulation itself provides actual guidance to police officers in the situations they may find themselves in during their work.

Additionally, the Ministry should consider inserting language to ensure that the Board's policies are known to officers and that officer conduct is in alignment with them.

### **AMO requests the following:**

- That compliance with the Charter of Rights and Freedoms and the Ontario Human Rights Code be moved up in the regulation to the first criteria to emphasize their importance;
- That police services in Ontario develop a Code of Ethics/Ethical Guidelines along the lines of the BC model to help police officers in their decision-making;
- The regulation be specifically amended to note the equality of treatment across all groups, including race, social and economic status, mental or physical ability, sex and sexual orientation, ancestry, race, colour, ethnicity, etc.;
- The regulation should also specifically note that its objective is public trust and confidence in policing in Ontario and the principle that police and public are one; and

- The regulation should include the need to ensure that chain of command is respected so that individual officers are familiar with the policies and priorities of the Police Services Board.

### **Regulation 2: Codes of Conduct for Police Services Board Members**

The proposed Ontario regulation is broadly consistent with Codes in other provinces. The regulation sets out the basic expectations of members and the CSPA details the duties of the Board in the provision and reporting on police services provision.

AMO maintains that training for Board members on discharging their duties as well as their policy setting role will be critical, especially as OPP transitions to Boards to govern each detachment. This training must also clarify member roles in holding police chiefs and detachment commanders accountable for board policies and appropriate administration of complaints.

#### **AMO requests the following:**

- That improved training and a required orientation on member roles is deemed necessary before appointment can take place – including for provincially- and community-appointed members. Training should especially account for member roles vis-à-vis the Chief, the Board's role as a policy setting body, and accountability of the Chief.

### **Regulation 3: Code of Conduct – OPP Governance Advisory Council**

AMO expects the OPP Governance Advisory Council could yet play a significant role in accountability of the force, but at this time its mandate is broad and not defined in detail. AMO supports the regulation as written, noting that representation of key stakeholders and groups will be crucial to the function of the Council.

### **Regulation 4: Alternative Provision - CSPA Section 13 & 14 - Use of Personnel/Alternative Provision of Policing Functions**

AMO notes its strong disappointment that the ability to use civilians for more functions is not included explicitly, even though specialized training isn't required for many non-core functions. The use of civilians was called for by AMO in 2015 and AMO has continued to recommend that this be implemented. Use of more civilian services in policing could help to substantially increase the affordability of these services to Ontario communities.

#### **AMO requests the following:**

- That the regulations clarify directly that a sworn officer can exert direction and control over alternative provision of services through communications and reporting mechanisms to ensure that they need not be directly present when these services are provided.

**Regulation 5: Ontario Police Arbitration and Adjudication Commission**

Municipalities are funders of police services for which labour inputs are a main driver of costs. As such, AMO and municipal governments have a keen interest in the arbitration and adjudication process. AMO supports the Commission's responsibility for collecting details of collective agreements and publishing reports/keeping a repository of agreements as it can help Ontario Police Services Boards move closer to a more coordinated bargaining process as recommended by AMO.

While no municipal representatives have been contemplated for this Commission, AMO believes that it is appropriate to balance membership between police association and Police Services Board representatives as well as including First Nation representatives in the specified circumstances. The government should consider how to best ensure accountability to municipal governments and their tax payers through the Commission membership by including the appointment of municipal representatives. There should also be legislative or regulatory guidance on the criteria for the appointment of the Commission Chair and members.

**AMO requests the following:**

- That the Commission include balanced representation of police associations and police services boards, First Nations Boards, and services as appropriate. The Commission should also include a member or members of racialized or other communities that reflect Ontario's ethnic/racial/social diversity;
- That the Chair of the Commission be a retired member of the judiciary with experience in labour law and collective agreements; and
- That the regulations provide further guidance on the appropriate skills and experience of the Chair of the Commission and specify the terms of office and renewal of appointment.