

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Ken Weatherill
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SUBJECT: **New developments concerning the *Community Safety and Policing Act, 2019***

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On April 1, 2024, the *Community Safety and Policing Act, 2019* (CSPA) will come into force. It has taken considerable work to achieve this significant milestone and the Ministry of the Solicitor General recognizes the important role our policing partners have played during this process.

I am writing to ensure you are aware of recent developments in March 2024 respecting the CSPA including legislative amendments made as part of the *Enhancing Access to Justice Act, 2024* and some new and amended regulations. Below is a summary of the updates we wanted to share.

- The *Enhancing Access to Justice Act, 2024* (<https://www.ontario.ca/laws/statute/S24002>) received Royal Assent on March 6, 2024, which contained amendments to the CSPA to:
 - Update the French term for “special constable” from “agent spécial” to “constable spécial”.
 - Section 207: Clarifies that the Commission Chair must appoint an adjudicator to expungement matters (e.g., where a Chief seeks an extension on the expungement of disciplinary records) within 30 days, but that the hearing itself does not. Amendments also expand the list of disciplinary measures for which the chief is required to expunge records two years (rather than five years) after the day the disciplinary measure was imposed and enable the chief of police to apply to the Commission

Chair to appoint an adjudicator for a hearing to determine whether a record should be retained for longer than two years for certain disciplinary measures.

- Section 220: Narrow the class of persons who are restricted from membership in a police association if their position would likely give rise to a conflict of interest and narrow the test to address conflicts in respect of collective bargaining matters, as opposed to labour relations matters more broadly.
- Repeal s. 262: To make the Lieutenant Governor in Council regulation-making authority consistent with other provincial statutes that do not have these statutory requirements.
- New and amended CSPA regulations, including:
 - **New regulation - O. Reg. 90/24: General Matters under the Authority of the Minister** (<https://www.ontario.ca/laws/regulation/r24090>)
 - New regulation that covers matters such as: municipal board member remuneration, uniform specifications with respect to police officers employed by a police service board, and reporting requirements.
 - **New regulation - O. Reg. 135/24: O.P.P. Detachment Boards** (<https://www.ontario.ca/laws/regulation/r24135>)
 - New regulation that details the particulars on the composition of O.P.P. detachment boards, term of office, and remuneration for members.
 - **New regulation - O. Reg. 86/24: Special Constable Uniforms** (<https://www.ontario.ca/laws/regulation/r24086>)
 - New regulation that establishes the uniform standards that would apply to all special constables, other than law enforcement personnel from another jurisdiction and the Niagara Parks Police Service, including a requirement to have a light purple stripe along the length of the pants.
 - **Note:** there is an 18-month transition period to comply with the light purple stripe on pant/shorts requirement.
 - **New regulation - O. Reg. 87/24: Training** (<https://www.ontario.ca/laws/regulation/r24087>)
 - New regulation that prescribes general and specialized training requirements for police officers and special constables, and details exemptions.
 - **New regulation - O. Reg. 125/24: Transitional Matters** (<https://www.ontario.ca/laws/regulation/r24125>)
 - New regulation created to ensure a smooth transition from the *Police Services Act* (PSA) to the CSPA.
 - The new regulation deals with certain transitional matters including:
 - setting out transitional rules for how certain Ontario Civilian Police Commission (OCPD) functions will be handled after the PSA is repealed;

- extending the time for the completion of certain mandatory training under the CSPA; and
- terminating certain agreements under s. 10 of the PSA.
- **Amendments to O. Reg. 404/23: Adjudication Hearings** (<https://www.ontario.ca/laws/regulation/r24123>)
 - Amending regulation that adds rules in regard to expungement-related hearings.
- **Amendments to O. Reg. 396/23: Matters respecting the appointment and functions of special constables, and the authorization of special constable employers** (<https://www.ontario.ca/laws/regulation/r24124>)
 - Amended the regulation to remove the prohibition of apprehensions under the *Mental Health Act* for special constables who are members of a police service or whose special constable employer is an entity that employs First Nation Officers, and special constables who are employed by transit services, universities and colleges, and community housing.
 - Amended the regulation to allow the use of the French term “constable spécial” on patrol vehicles used by special constables.

Note: All of the new regulations, amendments to CSPA regulations, and amendments to the CSPA itself will come into force on April 1, 2024.

Lastly, when the CSPA comes into force, the legislative mandate of the Inspector General of Policing will be in effect. This new oversight role will be responsible for ensuring compliance with the Act and its regulations, including that adequate and effective policing is provided to all Ontario communities.

The work to improve community safety in Ontario will not end with the CSPA coming into force. The ministry is committed to ongoing engagement with the police sector to ensure we are moving in a positive direction.

Please do not hesitate to reach out to your respective Police Service Advisor with questions pertaining to the CSPA.

Thank you for your continued support on efforts to advance the modernization and continuous improvement of police services in Ontario.

Sincerely,



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