

Attachment 9 - Status of Legislative Requests to Province of Ontario

Council Request No. (from CC22.2)	Status	Update/Next Steps
<p>8. City Council request the City Manager to seek an amendment to the City of Toronto Act to expand the City of Toronto's Auditor General's jurisdiction to include auditing the Toronto Police Service.</p>	<ul style="list-style-type: none"> • Aug 7, 2020: City Manager issued letter on behalf of City Council. • Oct 13, 2020: Response from Deputy Minister, MMAH. 	<ul style="list-style-type: none"> • City staff will continue to actively engage with their Provincial counterparts.
<p>19. City Council request the Province to immediately review and overhaul the Equipment and Use of Force Regulation R.R.O. 1990, Reg. 926, so as to emphasize de-escalation; and incorporate further modifications based on alternative models and best practices in peer jurisdictions.</p>	<ul style="list-style-type: none"> • July 23, 2020: Mayor Tory issued letter on behalf of City Council. • Oct. 2 and Oct. 16, 2020: Response from the Province's Solicitor General. 	<ul style="list-style-type: none"> • City staff will continue to actively engage with Provincial counterparts. • City staff have been invited by the Ministry of Solicitor General to provide input into the development of regulations under the CSPA, including use of force and police equipment regulations.
<p>20. City Council request the Province of Ontario to amend the Police Services Act and the Community Safety and Policing Act, to significantly expand the instances in which suspension without pay and revocation of a police officer's appointment as a police officer is available where serious misconduct is alleged or ultimately established.</p>	<ul style="list-style-type: none"> • July 23, 2020: Mayor Tory issued letter on behalf of City Council. • Oct. 16, 2020: Response from the Province's Solicitor General, citing approved changes under the Community Safety and Policing Act, 2019. 	<ul style="list-style-type: none"> • Once proclaimed, the Community Safety and Policing Act, 2019 will expand suspension without pay provisions. The chief of police may suspend a police officer without pay for a period not exceeding 30 days or 240 hours if an investigation gives the chief reasonable grounds to believe that the officer has engaged in conduct that constitutes misconduct or unsatisfactory work performance, and can also suspend a police officer without pay in certain other circumstances such as where a police officer is in custody or is charged with a serious offence as will be defined in regulations. • City staff will continue to actively engage with Provincial counterparts.

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<p>21. City Council request the Province of Ontario to amend the Police Services Act and the Community Safety and Policing Act, 2019 to require that complaints made about a police officer's public conduct that alleges serious misconduct be investigated by the Province's independent police complaints agency and not any police service's professional standards unit.</p>	<ul style="list-style-type: none"> • July 23, 2020: Mayor Tory issued letter on behalf of City Council. • Oct 16, 2020 response from the Province's Solicitor General, citing approved changes under the Community Safety and Policing Act, 2019. 	<ul style="list-style-type: none"> • Once proclaimed, the Community Safety and Policing Act, 2019 will allow the Law Enforcement Complaints Agency (LECA, formerly OIPRD) to assign investigations to police services, which may be completed by their professional standards units. However, the Complaints Director can also retain complaints for investigation if it is in the public interest to do so. A complainant can seek a review by the Complaints Director if the police service investigating determines there was no misconduct, and the Complaints Director is empowered to direct that a new investigation be conducted. LECA can also initiate an investigation in the absence of a public complaint if it is in the public interest to do so. LECA may also undertake reviews of issues of a systemic nature that have been the subject of public complaints or investigations, or that may contribute or otherwise be related to misconduct. • Additionally, the Special Investigations Unit Act, 2019 came into force on December 1, 2020, which makes changes to the SIU process. • City staff will continue to actively engage with Provincial counterparts further strengthen the CSPA, 2019 and SIUA, 2019 to better address Justice Tulloch's recommendations
<p>22. City Council request the Government of Ontario to eliminate any and all appeal powers for the Toronto Police Services Board as set out in the Police Services Act, 1990 for the Ontario Civilian Police Commission to overturn Toronto City Council decisions pertaining to Police Budget matters including requests for reduction, abolition, creation or amalgamation of police services.</p>	<ul style="list-style-type: none"> • July 23, 2020: Mayor Tory issued letter on behalf of City Council. • No formal response to date. 	<ul style="list-style-type: none"> • Once proclaimed, the Community Safety and Policing Act, 2019 will specify that: <ul style="list-style-type: none"> • If the board is not satisfied that the budget established for it by the municipal council is sufficient, the Board and City may jointly apply to the Chair of the Ontario Police Arbitration and Adjudication Commission to appoint a conciliation officer in an attempt to resolve a budget dispute prior to arbitration. The Board and City can also request the matter go to arbitration. • If the municipal council demonstrates the board could have "reasonably" entered into agreements to have policing functions provided by other entities in compliance with the CSPA at a lower cost, the arbitrator will not find the budget insufficient to the extent of the amount that could have been saved by entering into agreements with those entities.

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		<ul style="list-style-type: none"> • City staff will continue to actively engage with Provincial counterparts.
<p>23. City Council request the Province of Ontario to amend the Police Services Act to allow the City of Toronto to have direct oversight over the Toronto Police Services Budget and exempt Toronto City Council from the provisions of subsection 39(4) of the Act by removing the word “not” from the provisions of the subsection.</p>	<ul style="list-style-type: none"> • July 23, 2020: Mayor Tory issued letter on behalf of City Council • No formal response to date. 	<ul style="list-style-type: none"> • The Community Safety and Policing Act, 2019, does not address Council's request. • City staff will continue to actively engage with Provincial counterparts.
<p>26. City Council request, in the strongest possible terms, that the Province immediately reinstate the Police Services Act reforms recommended by Justice Tulloch.</p>	<ul style="list-style-type: none"> • July 23, 2020: Mayor Tory issued letter on behalf of City Council. • Oct. 2 and Oct. 16, 2020 responses from the Province's Solicitor General, citing commitment to address systemic racism and implement Justice Tulloch recommendations. 	<ul style="list-style-type: none"> • Once proclaimed, the Community Safety and Policing Act, 2019 will: <ul style="list-style-type: none"> • Require mandatory training for all police service board members, the Inspector General, inspectors, police officers and special constables on human rights, systemic racism as well as training that promotes the diverse, multiracial and multicultural character of Ontario society and the rights and cultures of First Nation, Inuit and Métis Peoples; and • Require municipalities to prepare a diversity plan to ensure members of the board are representative of the population. • The Special Investigations Unit Act, 2019, specifies: <ul style="list-style-type: none"> • The names of officials and witnesses in SIU investigations are withheld; and • The SIU is required to publicly provide investigative reports including information supporting SIU decisions. • City staff will continue to actively engage with Provincial counterparts to further strengthen the CSPA, 2019 and SIUA, 2019 to better address Justice Tulloch's recommendations.