



What's New in HR Law

***Comprehensive Ontario Police Services Act, 2019* Changes Ontario's Policing Landscape – Again**

April 16, 2019

Bottom Line

The Ontario Government's *Comprehensive Ontario Police Services Act, 2019* ("the Act") received Royal Assent on March 26, 2019. The Act introduces an overhauled version of the *Police Services Act, 2018* and repeals multiple pieces of legislation instituted by the previous Ontario government.

Purpose of the Act

The Ontario Government maintains that the *Comprehensive Ontario Police Services Act, 2019* will strengthen trust between the police and the public. The Act's declared goal is to treat police with greater respect and fairness by improving governance, training and transparency and introducing various mechanisms for enhanced oversight.

Key Components

Among other things, the *Comprehensive Ontario Police Services Act, 2019*:

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- Introduces the *Community Safety and Policing Act, 2019* to strengthen the emphasis on community-based policing;
- Transforms the Office of the Independent Police Review Director (OIPRD) into the Law Enforcement Complaints Agency (LECA) with the goal of reducing delays in the investigation process;
- Establishes the Special Investigations Unit (SIU) as a provincial agency accountable to the Attorney General with the aim to increase independence and focus the SIU's mandate;
- Strengthens the role of the Inspector General of Policing;
- Mandates various educational programs for new police officers, new special constables, and Police Services Board members regarding human rights, systemic racism, diversity and indigenous issues;
- Introduces changes to the *Coroners Act* designed to enhance public safety and improve service delivery.

Repealed Legislation

The Act has repealed (or will repeal at a future date) various pieces of legislation passed by the previous Ontario government. These include:

- The *Ontario Special Investigations Unit Act, 2018*
- The *Policing Oversight Act, 2018*
- The *Ontario Policing Discipline Tribunal Act, 2018*
- The *Police Services Act, 2018*
- The *Police Services Act, 1990*

A comprehensive list of the proposed amendments can be found in the Ontario Government's [news release](#).

Controversy over Police Oversight Process

The *Comprehensive Ontario Police Services Act, 2019* has sparked some controversy in the policing community over the SIU's police oversight powers.

Previously, the SIU was mandated to investigate any case of serious injury or death or allegations of sexual assault involving interactions with the police. Under the new Act, the SIU may investigate only when an incident "may have resulted from *criminal* conduct by an official". The controversy stems from the fact that the Chief of Police must first determine that criminal conduct has occurred before the SIU can launch an investigation.

Need more information?

Should you need more information, please contact [Derek Klatt](#) at 416-408-5506, [Donald Jarvis](#) at 416-408-5516, or your regular lawyer at the firm.



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