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132-2022-3371
By email

December 22, 2022

William C. Steele
Chair
Niagara Regional Police Services Board
5700 Valley Way
Niagara Falls ON L2E 1X8
william.steele@portcolborne.ca

Dear William C. Steele:

Thank you and the members of the Niagara Regional Police Services Board for your correspondence sharing your comments with respect to the in-force timeline of the suspension without pay framework under the *Community Safety and Policing Act, 2019* (CSPA). As Solicitor General of Ontario, I am pleased to respond.

The Ministry of the Solicitor General's work to bring the CSPA into force is well underway and I would like to take the opportunity to express my gratitude to you and all stakeholders and partners for your input and support in advancing the work.

The ministry has been working on developing regulations required to bring the CSPA into force, including the regulation related to suspension without pay as an interim measure. This draft regulation was posted on the Ontario Regulatory Registry in April 2021 for public comment and feedback, which can be accessed [here](#).

At this time, I am pleased to share that the ministry is working to bring the CSPA into force between Fall 2023 and Winter 2024, subject to feedback received through regulatory registry postings and stakeholder engagement.

We remain committed to the modernization of policing and community safety in Ontario and continue to work together to establish a modern and robust legislative framework.

William C. Steele
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Thank you for your letter as well as your contributions and feedback.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Kerzner", with a long, sweeping horizontal line extending to the right.

Michael Kerzner
Solicitor General



REGIONAL MUNICIPALITY OF NIAGARA
POLICE SERVICES BOARD

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October 11, 2022

SENT BY EMAIL ONLY
michael.kerzner@ontario.ca

The Honourable Michael Kerzner
Solicitor General of Ontario
Ministry of the Solicitor General
18th Floor, 25 Grosvenor Street
Toronto, ON M7A 1Y6

Re: Suspension Without Pay, Proposed Regulations Under the *Community Safety and Policing Act, 2019*

Dear Minister Kerzner:

As Chair of the Regional Municipality of Niagara Police Services Board, I have been asked by the Board to send a letter to you to encourage the Government of Ontario to declare in force those sections of the *Community Safety and Policing Act, 2019 (CSPA)*, as soon as possible, that are necessary to provide Chiefs of Police or Police Services Boards, as applicable, with the discretion to suspend a member of the police service, without pay, who is charged with or convicted of a serious offence, in those circumstances set out in the statute.

Current legislation requires Chiefs of Police to maintain discipline, but it does not provide the authority to suspend an officer without pay, even in situations where officers are charged with serious Criminal Code offences not related to their duties. We recognize that the public is generally unaware that a Chief of Police cannot currently suspend an officer without pay. In our view, this misconception leads to the false impression that police leaders are protecting their own, when, in fact, our hands are tied by legislation.

There have been numerous resolutions passed by the Ontario Association of Chiefs of Police, the Ontario Association of Police Services Boards and Big 12 Police Services Boards across Ontario, including the Niagara Police Services Board, calling on the Government of Ontario to make the necessary changes to the *Police Services Act* to allow for suspension without pay of police officers in situations where: they are charged with serious Criminal Code of Canada and other federal offences not related to the performance of their duty; when held in custody or when subject to Judicial Interim Release Order with such conditions that prevent the officer from carrying out the duties of a police officer; or who are charged with serious *Police Services Act* violations where the Chief of Police will seek dismissal of the officer.

In March 2019, the Government passed the *Community Safety and Policing Act, 2019 (CSPA)*, as part of the *Comprehensive Ontario Police Services Act, 2019*. Amended provisions related to suspension without pay were incorporated into the CSPA. In 2021, the Ministry requested public and stakeholder input into the proposed regulation, but these have never been proclaimed in force.

Once the CSPA is enacted it will enable a Chief of Police to suspend an officer without pay as an interim measure prior to a discipline hearing when specific criteria prescribed in the Act are met. This includes the ability to suspend an officer without pay when they have been charged with a "serious offence", which the Ministry is proposing to define as any offence that may carry a prospective penalty of five years of imprisonment or more.

As Board Members, we hear from many people in our community that they expect their tax dollars not to be used to pay the salaries and benefits of police officers who cannot perform their duties because they are incarcerated or because they are out on bail awaiting the outcome of a serious charge or charges unrelated to their duties. We recognize that an allowance for suspension with pay helps protect police officers in the good faith performance of their duties; however, this allowance was never intended to shield police officers from the consequences of serious criminal conduct unrelated to the performance of their duties.

We believe changes to suspension without pay are needed to deal specifically with officers who are charged with serious criminal offences not related to an officer's duty. In our view, there is simply no credible argument for continuing to pay officers charged with such serious offences, particularly when doing so gravely damages public trust in their police.

The Board submits that all Chiefs of Police should be provided with sufficient ability to implement interim measures that are responsive to alleged offences that strike at the core of public confidence in policing, that is, those types of offences that cause a reasonable person to question whether the police officer who is alleged to have committed certain acts can continue to credibly represent the police service and be paid to do so during their disciplinary process.

Thank you for your consideration of our comments on this important matter. We look forward to further updates on the development process and implementation of the new regulatory framework for suspension without pay under the CSPA.

Yours very truly,

A handwritten signature in blue ink, appearing to be 'W. Steele'.

William C. Steele
Board Chair

- c. MPP Sam Oosterhoff, Niagara West
MPP Jennifer Stevens, St. Catharines
MPP Wayne Gates, Niagara Falls
MPP Jeff Burch, Niagara Centre
Regional Chair J. Bradley, Niagara Region
Vice-Chair and Members, Niagara Police Services Board
Chief of Police B. MacCulloch, Niagara Regional Police Service
Chair Patrick Weaver, Ontario Association of Police Services Boards