The Globe and Mail Ontario proposes strengthening oversight of police

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Changes to policing laws include creation of local police boards for the OPP.

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Ontario is overhauling its policing laws with changes to police duties and strengthened oversight rules meant to address concerns from minority groups of unjust treatment and inadequate investigations into police misconduct.

The 417-page bill, called the Safer Ontario Act, would define what duties officers should concentrate on and which should be handed over to civilian employees, allow police chiefs to suspend an officer without pay who has committed a serious crime outside of duty and put increased scrutiny on the actions of officers and police forces.

"We have all heard the growing concerns that some communities, in particular black and Indigenous communities, feel unjustly harmed at the hands of police," AttorneyGeneral Yasir Naqvi said on Thursday as he unveiled the first significant update to Ontario's Police Services Act in 25 years.

Some of the changes are also intended to respond to a number of high-profile incidents in which police officers have shot and killed people who are mentally ill. "Our hope is that these changes will make people, no matter the colour of their skin, what neighbourhood they call home, or their mental-health status, feel protected and safe in their communities," Mr. Naqvi said.

Many of the proposed changes come from a report on police oversight by Appeal Court Justice Michael Tulloch that was released earlier in the year. Community Safety and Correctional Services Minister Marie-France Lalonde said the changes reflect a world where policing issues are "far more complex than when the act was developed."

Critics have pointed out that the bill would do little to contain ballooning police budgets because restricting officers to their core functions could require many new employees to perform the other law enforcement duties.

Mr. Naqvi said it was important to strike a balance between protecting the needs of the province's police officers and chiefs and the public's expectations of officers' behaviour.

The act would create an office of inspector general to oversee police forces and police service boards, with the power to investigate and audit them. Its leader must have intimate knowledge of mental-health and policing issues, Ms. Lalonde said.

Ontario's ombudsman would be empowered to investigate complaints against police oversight bodies, a move the ombudsman, Paul Dubé, welcomed on Thursday.

The mandates of the three existing oversight bodies would be revamped and expanded. The Special Investigations Unit (renamed the Ontario Special Investigations Unit), which investigates incidents involving police and civilians that result in serious injury, death or allegations of sexual assault, would be able to investigate not just current officers, but former officers and those who were off-duty, as well as volunteer members, special constables and First Nations police members. Its reports would have to be made public.

Police officers who do not co-operate with investigations could be fined up to \$50,000 or jailed. The SIU's director said the new mandate would allow the unit "to conduct more rigorous and independent investigations." The Office of the Independent Police Review Director will be renamed the Ontario Policing Complaints Agency and would investigate all complaints against officers. The new name should make it easier for people to know where to take their concerns, Mr. Naqvi said.

The Ontario Civilian Police Commission would be renamed the Ontario Policing Discipline Tribunal, and would take over the job of adjudicating disciplinary matters from police forces.

The legislation would also let police chiefs suspend officers without pay when they are charged with committing a serious crime outside of duty. Ontario is currently the only province where a suspended police officer must be paid until sentenced to serve time. In past years, several police officers have collected more than \$100,000 a year in pay despite being suspended over criminal charges.

The changes are long overdue, said Julian Falconer, a lawyer who has represented families of people killed by police.

"This has been an open sore," Mr. Falconer said.

Police chiefs across Ontario have complained that the public often could not understand why the law stopped them from suspending an officer without pay. The outrage was compounded when a few suspended officers retired after years of collecting pay. Mr. Falconer said the changes will stop officers "who play the system."

Michael McCormack, the president of the Toronto Police Association, the union that represents police officers in Toronto, said the province needs a clear definition of a serious crime outside of duty. "It doesn't give the chiefs a sweeping power to suspend without pay at all," he said. Mr. McCormack added that he is concerned that the government plans to pass the legislation in the five weeks before the Christmas break.

Toronto Mayor John Tory said the proposed changes would help build trust between the police and the public. "New measures that increase police accountability and transparency are welcomed," he said. "They ensure that the public and police officers are comfortable when interacting with each other. The greatest tool that the Toronto Police Service has is the trust of the community."

While the exact language to clearly define the responsibilities that only a sworn officer will perform has yet to be released, Ms. Lalonde said that, as an example, officers might not be the best people to monitor construction sites.

She dismissed the police association's warning that the change would open the door to privatization and put the public at risk. "When you call 911 and you need a police officer, a police officer will respond," she said.

The act will also create local police boards for the Ontario Provincial Police and allow First Nations police forces to create their own police services boards. The Coroners Act would be revamped to require a coroner's inquest when a police officer kills a person through the use of force. A new Missing Persons Act would allow police to track cellphones or search homes, which they can do now only when a crime is suspected. Forensic labs would also need to get accreditation under a new standalone piece of legislation.