

Policing in Ontario takes 'a large step forward' with sweeping new law

The provincial government passed legislation Thursday that rewrites the decades-old Police Act, enacting significant changes to police services, their boards and civilian police agencies.



Police unions in the province warn the new law will open the door to the "privatization" of policing. (ANDREW LAHODYNSKYJ / TORONTO STAR FILE PHOTO)

By [WENDY GILLIS](#) Crime Reporter
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Police watchdogs will be stronger and more transparent, police chiefs will have greater powers to suspend officers without pay, and the public complaints system will become more independent after the Liberal government's omnibus police bill was passed at Queen's Park Thursday.

The [hefty legislation rewrites](#) the province's decades-old Police Act, enacting significant changes to police services, their boards and civilian police agencies, including the Special Investigations Unit (SIU) — reforms considered long overdue by police critics, academics, and police services alike.

Hailed as “a framework of modern policing in the 21st century” by Attorney General Yasir Naqvi, the bill's passage came after fevered debate inside Queen's Park, with Progressive Conservative members voting against the bill after echoing the concerns from police associations that the changes opened the door to the “privatization” of policing services.

But the legislation was dubbed as “a large step forward” by civilian oversight experts, predominantly those changes that acted on [recommendations brought forward](#) by Ontario Court of Appeal Justice Michael Tulloch following a detailed review of the SIU and other civilian watchdogs.

Tulloch's recommendations included far greater public reporting requirements, what Naqvi called an “open by default” approach to investigations into police behaviour to provide key information allowing citizens to understand civilian watchdog decisions.

Tulloch also recommended the SIU be granted greater powers to probe police — including the ability to lay any criminal charge uncovered during an investigation and to penalize police officers who fail to co-operate with its probes, including up to a year in jail.

“This is an auspicious day — it's going to be good for all communities, people of colour especially,” said Valarie Steele, a member of the Black Action Defense Committee who came to Queen's Park to watch the

vote Thursday. “You have to have proper oversight, oversight with teeth, that people will not ignore.”

Ian Scott, the former director of the SIU, said the bill is “a large step forward,” particularly when it comes to non-criminal public complaints. The new legislation demands that, within the next five years, the province’s police complaint watchdog, the Office of the Independent Police Review Director (OIRPD), be fully independent, no longer referring any complaints back to the police service where the complaint originated.

However, Scott highlighted “regrettable” recent amendments regarding the police duty to co-operate with SIU investigations. In a recent wording change, the legislation now required police to “comply with a direction or request received from the SIU Director or an investigator ... unless it is unlawful or impracticable to do so.”

This change, Scott said, “will make it virtually impossible to enforce the duty to comply provision.”

“Will the police simply not comply because they are of the opinion the duty under the new Act is either unlawful or impracticable? This amendment flies in the face of the spirit of the Tulloch Report which recommended strengthening, not weakening, the duty to co-operate provision,” Scott said.

The Ontario Association of Police Services Boards lauded that the legislation gives police chiefs the power to suspend without pay officers accused of “the most serious crimes, something chiefs can do in every other province.”

The association’s executive director Fred Kaustinen also supports the move to define the core function of police officers — namely, codifying what work must be done by a highly paid, sworn police officer. The change would allow police services boards to contract out certain police-related tasks that can be done by a security guard or civilian. While the details would be hammered out in still-to-come regulations, some examples of these tasks include crime-scene analysis, forensic

identification, physical surveillance, video and photographic surveillance and more.

Noting that Ontario taxpayers pay the highest per-capita costs in Canada, the new legislation means communities “will now be able to more efficiently and effectively co-operate with partners to take advantage of cost savings that will benefit budgets while letting police officers get back to doing what they do best,” Kaustinen said in a statement.

The clause has prompted powerful pushback from police associations, who warn the “privatization” of policing will result in public safety risks. In a joint statement Wednesday, Toronto’s police union, alongside the Police Association of Ontario and the Ontario Provincial Police Association also accused the Liberal government of “hastily” pushing through a massive bill that will “hurt policing efforts in the province.”

The claims were echoed by Ontario’s New Democrats and the Progressive Conservatives.

“The NDP MPPs are disgusted by the Liberals’ move to sneak the privatization of policing and public safety into an otherwise important and necessary bill,” a party spokesperson said in a statement.

Debating on the bill earlier this week, PC MPP Laurie Scott criticized the Liberal government for failing to adequately define core police functions.

“We’ve consistently said that was not sufficient, that you had to put down what the core definition of police functions were. You could allay a lot of fears, not only of the police associations but also of Ontarians in general, about who is going to respond to their needs in times of crisis,” Scott said.

Community Safety and Correctional Services Minister Marie-France Lalonde has denied that the bill results in the “privatization” of policing, saying that when an Ontarian calls 911 and needs a police officer, “a police officer will respond to you.”

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