

**IMPACTS OF
POLICE ADEQUACY and EFFECTIVENESS
STANDARDS REGULATION
O.Reg.3/99**

**Prepared by: Rudy Gheysen
31/08/99**

Adequacy Standards Regulation

Background

The Adequacy Standards regulation is part of the provincial government's overall strategy to provide police services boards and police services the structure and tools they need to ensure delivery of adequate and effective policing services. The province has constitutional responsibility for policing and municipalities are responsible for delivering adequate and effective police service under the *Police Service Act (PSA)*. This regulation must also be reviewed in the context of major municipal restructuring which ensures, in part, that every community now pays for its policing services.

In 1996 the *Who Does What Report* recommended greater municipal control over policing and standards on adequate and effective police services. In 1997 amendments passed to the PSA (Police Services Amendment Act, 1997) were consistent with the *Who Does What Report* recommendations. Cabinet also decided that prescribed standards for adequate and effective police services should be developed. The Adequacy standards are based on analysis of the provincial interest in policing and the general dissatisfaction of stakeholders with the current framework for standards. Matters of critical provincial interest include public safety; police officer safety; the administration of justice; and police accountability to the public.

The Adequacy Standards present an opportunity for restructuring, a whole new way of doing business in the province, at a time when many major corporations are going through similar organizational changes. Adequacy standards speak to customer satisfaction, accountability and local control, allowing for innovative delivery mechanisms and restructuring opportunities.

Adequacy Standards Regulation

The Adequacy Standards address six core-policing areas necessary to ensure the delivery of adequate and effective police services in accordance with local needs. The six areas are:

- crime prevention
- law enforcement
- victim assistance
- public order maintenance
- emergency response
- administration and infrastructure.

The regulation requires that all police services be in compliance by January 1, 2001. Additionally, the regulation requires Police Services Boards to develop a plan setting out the steps needed to be taken by the Board and the Police services in order to meet the requirements of the regulation by January 1, 2001.

Regulation Overview

The regulation is outcome oriented, and provides flexibility in implementation, including service delivery options. The regulation takes into account diversity of size and location of the municipality being served. As stated, it addresses areas of provincial interest, and improves the overall management of criminal investigation. Fundamental to the regulation is its attempt to ensure that everyone in Ontario receives adequate core police services. The regulation requires ministry accredited training and competency requirements in nine areas. The primary focus of the adequacy standards regulation is on what police services do, (outcome orientated) rather than how they should do it (process based). The regulation is supported by guidelines, which will be used along with other instruments to assess adequate and effective police services.

Adequacy Standards Regulation

How Police agencies may be impacted

Adequacy standards will impact differently on different services. Some services will only be slightly affected and will generally continue business as usual. At the other extreme there will be a small number of services that will cease to do business, since they will be unable to meet the regulatory requirements. The vast majority however will be somewhere in the middle and will require varying degrees of adjustment and effort to be in compliance.

As a result of the regulations, services that are not in compliance will find themselves at increased risk of being sued for "Regulatory Negligence". Put in other terms, if someone is injured or killed as a result of not being in compliance with the regulations, the service and board will be held liable. Aside from the civil liability there are also provisions for the application of sanctions by the Ontario Civilian Commission on Police Services.

The regulation is very clear in its distinction between what must be done by the service and the board. The regulation states that every Board must evaluate the adequacy and effectiveness of the services provided by its police service. This is a new requirement and emphasizes the importance of the Board's oversight role. In this respect the regulation (section 37-2) requires boards to have policies in a number of functions /services and procedures that its police service must provide. The regulation also requires that every police service prepare a plan at least every three years setting out steps needed to be taken by the board and the police service in order to continue to meet the requirements. Beyond the preparation, the plan must be implemented.

Adequacy Standards Regulation

The regulation also requires Police services to deliver adequate and effective policing in accordance with local needs in 5 core areas. A significant section of the regulation speaks to the issue of accredited training and competency requirements for a prescribed number of functions. As a result, services will need to address both their financial and human resource abilities to meet the criteria. Services unable to provide competent or trained staff will be required to enter into formal agreements with other service providers to set out service delivery options. This differs greatly from today's practices of informal 'verbal' agreements to assist each other. To ensure the plan is being followed and results are being achieved there is a requirement for the establishment of a quality assurance system.

The board must, as part of its overall plan, consult with its stakeholders in the community including school boards, community organizations and groups, businesses and members of the public. For the first time Boards must enter in to a protocol with their municipal councils. The protocol will address the sharing of information with municipal council, including the type of information to be shared and the frequency for sharing such information; the dates by which the business plan and annual report shall be provided to municipal council; the responsibility for making the business plan and annual report public, and the dates by which they shall be made public; and if the municipal council chooses, jointly determining and participating in the consultation process for the development of the business plan. This is note worthy because it is a clear signal from the province that municipalities are really in control of the delivery of police services.

Adequacy Standards Regulation

The resulting impact on services will of course vary. For most services the impact will be more of an exercise in confirming, in writing, what many are doing. The regulation requires written processes in areas where often there were none. It requires formal agreements to replace verbal arrangements and it requires that only qualified, competent individuals be tasked with certain functions. When none can be located it allows for the contracting out of those functions. Finally, it requires that everything be reviewed and reported on to ensure that adequate and effective policing is being delivered specifically in the 5 core areas.