



COBOURG POLICE SERVICE

BOARD REPORT

Report to:	Cobourg Police Services Board (CPSB)	
Submitted by:	Chief Paul VandeGraaf	Meeting Type: Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	May 16, 2023	
Report Type:	Information Only Report <input checked="" type="checkbox"/> Action Required Report <input checked="" type="checkbox"/>	
Previous Related Reports:		
Subject/Title:	Public Order Policing Services	

RECOMMENDED MOTION:

THAT the Board receive the following report for informational purposes.

THAT the Board revise its By-Law Respecting Public Order Units to update the Board's policy and amend the direction to the Chief of Police to reflect the partnership between the participating police agencies as it relates to the formation of the Eastern Ontario Public Order Policing Services Team.

BACKGROUND – Public Order Policing Services

Canada is an open liberal democracy, and as such, it is normal for members of the community to air their grievances through public protests. The causes of these protests are not easy to describe. People's motivations are complex, and groups' motivations are even more so. The ability to protest is a cherished right in liberal democracies and is constitutionally protected. It empowers individuals to shape the rules by which we choose to govern ourselves, thereby enriching social and political life. Demonstrations sometimes result in public disturbances. Indeed,

protests can be significant or effective forms of expression precisely because they are confrontational and disruptive. Governments cannot limit protests just because they are loud and angry or might provoke or enrage others. But, like all constitutional rights, freedom of expression can be restricted when its exercise would result in substantial harm to social or individual interests.

Fundamental freedoms and reasonable limits on those freedoms are both part of Canada's Constitution. The limits that exist with respect to public protests are enforced by a complex web of written and unwritten laws. Public order policing is the use of police authority and capacity to establish a legitimate equilibrium between an individual's rights and interests in a mass demonstration of grievance.

Public order has been at the forefront of public and governmental conceptions of police function from the beginning of modern police forces. More recently the Report of the Public Inquiry into the 2022 Public Order Emergency contextualizes the obligations enshrined in the Police Services Act and regulations to ensure that police services have a public order policing response when demonstrations and protests occur. Response to public protest and labour conflict has been a long-standing mandate of Canadian police.

Police are almost always involved in the management of public protests, and this management can take many forms. In some cases, protesters work collaboratively with the police to manage parade routes and protest sites. Police may even be involved in planning aspects of public events with protest organizers and at other times, the police respond reactively. During protests themselves, police can play a variety of roles, including traffic manager, negotiator, and public relations professional, as well as security guard for protesters, their targets, and members of the public alike. Police may also act to restrict protests, or even shut them down.

LEGAL MANDATE – Ontario's *Police Services Act*

Section 18(1) of the Adequacy Standards Regulation within the Policing Standards Manual requires a police service to have a public order unit.

Section 18(2) allows a police services board to enter into agreements/arrangements that would result in the services of a public order unit being available from another police service, or the services of a public order unit being delivered on a combined, regional or cooperative basis.

Section 18(3) requires every public order unit to consist of a unit supervisor, and, at least, four squads of seven officers, including the squad leader, and must be able to be deployed within a reasonable time.

Section 29 of the regulation requires a Police Services Board to have a policy on public order unit services. In addition, section 19 requires the Chief of Police to establish procedures on public order unit services, which:

- set out the circumstances in which a public order unit, or a squad within a unit, may be deployed;

- require that, if the police service maintains its own public order unit, the police service's procedures on public unit services are contained in a manual that is available to all members of the unit; and
- ensure that a person who is a member of a public order unit has the knowledge, skills and abilities to provide that service.

THE CONCEPT - Eastern Ontario Public Order Policing Services Team

The Cobourg Police Service has been invited to collaborate with the following Ontario police agencies to establish an Eastern Ontario Public Order Policing Services (EOPOPST) team:

- Belleville Police Service
- Brockville Police Service
- Cornwall Police Service
- Kawartha Lakes Police Service
- Kingston Police Service
- Peterborough Police Service
- Port Hope Police Service
- Smith Falls Police Service

The purpose of the proposed partnership between multiple small to medium sized police organizations is to create an operational cooperative that would ensure each organization has a deliberate and purposeful ability to manage an ever-increasing number of localized demonstrations or planned events that require a public order policing response. Currently each of the aforementioned police agencies almost exclusively rely on the Ontario Provincial Police or a larger municipal police agency to provide public order policing due to the resource limitations and capacity of a smaller entity.

Public Order Units (POU) are typically deployed for planned events, although they sometimes respond to emergencies. POU officers generally have other full-time responsibilities within their police service. Most large Ontario municipal police organizations have a POU. A public order unit generally consists of 50 to 100 deployable POU officers. A POU can only deploy when comprised of 4 POU squads which constitutes a POU section.

Each POU squad consists of 6 officers and a squad leader (supervisor). Each POU section is under the operational command of a POU commander. Each of the police agencies has agreed to contribute proportionally to the size of their organization. It is being proposed that all participating agencies would jointly assign approximately 50 to 60 members who would be POU trained and could be deployed to form a POU section. Ideally the EOPOPST would be able to constitute 2 POU sections and be able to deploy on a rotational basis throughout eastern Ontario.

Each local entity would be responsible for the training and equipment-related costs associated with their participation. Other legal and human resource-related agreements are currently being formalized. The Durham Regional Police Service (DRPS) is providing guidance and expertise to assist in the establishment of the Eastern Ontario Public Order Policing Services team. The DRPS have a great deal of experience managing and responding to large-scale protests and

demonstrations and have long established a Public Safety Unit that has a mandate to provide public order policing in addition to search and rescue type services. The DRPS has agreed (in principle) to provide certified POU Commanders until the EOPOPST is able to establish its own certified leadership framework.

Police Services in Ontario utilize the Incident Command System (ICS) which is a model used by law enforcement in response to incidents, including protests and demonstrations. The Eastern Ontario Public Order Policing Team proposes to utilize the ICS system and this system outlines the structure for establishing the three levels of operational command: strategic, operational and tactical. Those levels are responsible for establishing an objective, determining how to achieve the objective, and carrying out the tasks to accomplish the objective, respectively.

Operational command of the Eastern Ontario Public Order Policing Team is still being formalized. As a member agency of the EOPOPT the Chief of Police of jurisdiction would usually play a limited role within the ICS and delegate most of their authority to other officers at the strategic and operational command levels. The Chief of jurisdiction will be responsible for administering their police organization and overseeing its operations under Ontario's Police Service Act. In most instances the Chief of Police will exercise this responsibility by delegating strategic command authority over planning and operations to the incident commanders.

All participating officers will receive training from the Ontario Police College on the Canadian Association of Chiefs of Police National Framework for Police Preparedness for Demonstrations and Assemblies (National Framework). This framework features engagement with protest organizers and participants before, during, and after a demonstration. It is built on the measured approach principle, which "emphasizes deliberate employment of proactive engagement, communication, mitigation, and facilitation measures" and attempts to minimize impacts of the demonstration on the community (Canadian Association of Chiefs of Police, National Framework for Police Preparedness for Demonstrations and Assemblies, COM00000666, pp. 3 and 8). Under the National Framework trust is built with demonstrators through engagement, identifies win-win scenarios, and tests compliance by identifying who can lead other demonstrators to work with police.

All EOPOPT deployments will be guided by an Intelligence Assessment that outlines and shapes the preparation for a particular protest event or demonstration. The Intelligence Assessment will identify the potential scale of the protest and its capacity to disturb or impact a particular community or localized area. The assessment will clearly address the risks of the protestors and the anticipated duration of the demonstration. The assessment will be incorporated into the operational plan and substantiate the need for public order policing team to respond.

The Cobourg Police Service is being asked to join the Eastern Ontario Public Order Policing Team by contributing the equivalent number officers to create a POU squad which would consist of 6 officers and a squad leader (supervisor). The equipment cost per officer is approximately \$4,000.00. The total initial upfitting cost to the Cobourg Police Service would be approximately \$28,000.00 and this expense will be partially funded by the 2023 Operating budget and the majority of the associated costs will be included in the 2024 operating budget.

COBOURG POLICE SERVICE BOARD

The Cobourg Police Services Board has a governance responsibility pursuant to the *Police Services Act* as it relates to public order policing. Section 18 of O. Reg. 3/99 requires the police service to have a public order unit and further permits a Police Services Board to enter into an arrangement that would result in the services of a public order unit being made available from another police service. Appended to this report is a revised draft By-Law that would update the Board's policy and amend the direction to the Chief of Police to reflect the partnership between the participating police agencies as it relates to the formation of the Eastern Ontario Public Order Policing Services Team.

BY-LAW NO. XXX -2023
A BY-LAW RESPECTING PUBLIC ORDER UNITS
(PO-001)

PREAMBLE

1. WHEREAS subsection 31(1) of the *Police Services Act* provides that a Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
 - i. generally determine after consultation with the Chief of Police, objectives and priorities with respect to police service in the municipality;
 - ii. establish priorities for the effective management of the police service, and
 - iii. direct the Chief of Police and monitor his or her performance;
2. AND whereas subsection 31(6) of the *Police Services Act* provides that the Board may, by by-law, make rules for the effective management of the police service;
3. AND whereas O. Reg. 3/99 prescribes standards for adequacy and effectiveness of police services;
4. AND whereas section 18 of O. Reg. 3/99 requires the police service to have a public order unit and further permits a police services board to enter into an arrangement that would result in the services of a public order unit being made available from another police service;
5. AND whereas section 29 of O. Reg. 3/99 requires a police services board to have a policy on public order unit services;
6. AND whereas Part PO-001 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to public order units.

NOW THEREFORE THE COBOURG POLICE SERVICES BOARD ENACTS AS FOLLOWS:

DEFINITIONS

7. "Act" means Police Services Act, R.S.O. 1990, c.P.15, as amended;
8. "Board" means the Cobourg Police Services Board;
9. "Chief" means the Chief of the Cobourg Police Service;

10. "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;

11. "Ministry" means the Ministry of the Solicitor General;

12. "Service" means the Cobourg Police Service.

BOARD POLICY

13. The Board recognizes the importance of ensuring public and officer safety in instances of civil disturbance, and it is therefore the policy of this Board that response to civil disturbance be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this by-law, and in accordance with a protocol between the Service and a cooperative of outside police services.

DIRECTION TO THE CHIEF

14. The Chief shall, in consultation with the cooperative of outside police services provide the service of a public order unit, establish procedures that:

- i. set out the circumstances in which a public order unit may be deployed; and
- ii. address the circumstances and processes for liaising with appropriate officials for the purposes of section 63 to 68 of the Criminal Code regarding unlawful assemblies and riot situations.

PROTOCOL

15. The Chief shall ensure that the protocol referred to in section 3.1 complies with O. Reg. 3/99.

REPORT TO THE BOARD

16. The Chief shall make a written report to the Board on or before August 30th of each year in respect of the public order unit. The report shall include:

- i. summary of the procedures referred to in section 14;
- ii. confirmation that the existing protocol complies with legislative requirements; and
- iii. a summary of the circumstances in which the public order unit has been utilized.

IMPLEMENTATION

17. This By-law shall come into force upon the date of its passage.

18. The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 16th day of May 2023.

THE COBOURG POLICE SERVICES BOARD

(Signed Original on File)
Chairperson

(Signed Original on File)
Vice Chairperson