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Inspector General of Policing Memorandum and Advisory Bulletin

TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Service Boards

FROM: Ryan Teschner, Inspector General of Policing of Ontario

DATE: **March 20, 2025**

SUBJECT: Inspector General Memo and Advisory Bulletin #3:
Municipal Police Service Board Policy on Critical Points

I am writing to share information and advice with you regarding the Toronto Police Service Board's (TPSB) recently approved policy on "critical points," which was first recommended by The Honourable John W. Morden in his 2012 report of the *Independent Civilian Review into Matters Relating to the G20 Summit* (the Morden Report).

A. The need for a "critical points" policy to support a police service board's statutory governance role

The Critical Points Policy, developed in collaboration between the TPSB and Chief Demkiw, responds to Judge Morden's recommendation that there be greater definition and clarity regarding the role of police service boards in providing civilian oversight of the police service during significant events. The need for a policy on critical points has been consistently supported in other reviews and reports examining the role of civilian police governance in the context of significant policing events, including The Honourable Murray Sinclair's report on the *Thunder Bay Police Services Board Investigation* and The Honourable Gloria J. Epstein's report on the *Independent Civilian Review into Missing Person Investigations* (*Missing and Missed*).

The Morden Report discusses the fundamental role of civilian oversight in policing, and describes two essential components of a police board's oversight role, both of which are

supported by a policy that requires information sharing, discussion and reporting over the life cycle of a critical point:

The Governance Component: this represents the authority and responsibility for the development of policies that become the framework within which decisions will be made and actions will be taken by the police service. This is intended to ensure that the police service fulfills its legislated function with due respect to community norms.

The Accountability Component: the process by which actions and activities already carried out by the police service are evaluated to ensure they are consistent with existing policies. This is intended to ensure that decisions which have been taken can be evaluated and addressed in a transparent manner and that lessons learned can be applied to future decisions.¹

B. Inspector General's advice for municipal police service boards to develop a "critical points" policy

I am sharing the TPSB's Critical Points Policy as part of my advisory role under section 102(4) of the *Community Safety and Policing Act, 2019* (CSPA), as a response to these consistent and longstanding recommendations, and in recognition of various recent policing events across this province that may reach the critical points threshold. Embedding and then operationalizing a critical points policy is an important step in modernizing the approach municipal police services and boards across Ontario take to their respective roles, and will serve to strengthen Ontario's policing system in a manner that is consistent with the overall modernization the CSPA was intended to achieve. Therefore, **I advise all Ontario municipal police service boards to review the Policy and, in consultation with chiefs of police and other local stakeholders as may be required, to develop and implement your own policy on critical points soon.**

Please note that this advice is intended for municipal police service boards only and is **not** applicable to OPP detachment boards.

A policy will create a **clear definition** for which significant events reach the 'critical point' threshold. A policy will also formally establish a **reciprocal 'information exchange'** for chiefs and boards to provide information to one another that is relevant to their respective roles. As Judge Morden explained: "With this exchange, the Board will be provided with operational information that will inform its policy-making function and the Chief of Police will have an opportunity to provide his or her views on policy options the Board is considering. With this exchange, both policies and operations may be adjusted to address changing circumstances."² With this 'information exchange' in place, boards can assess the need to set objectives and priorities for how such events are managed and

¹ The Honourable J. W. Morden, *Independent Civilian Review into Matters Relating to the G20 Summit* (Toronto, 2012), page 83 (Morden Report).

² Morden Report, page 7.

turn their attention to other governance responsibilities that may arise in the context of a critical point. This would include, for example, determining the adequacy of board policies, resources and arrangements with other agencies and orders of government.

I further advise boards to ensure that the implementation of a policy on critical points includes thoughtful review of the TPSB Policy as a starting point, but **expect that factors affecting local policing needs will be considered to develop a policy that is reasonable and relevant for the jurisdiction**. I encourage you to engage your Inspectorate of Policing (IoP) Police Services Advisor for further advisory support as you undertake this work.

When developing your board's own policy on critical points, I have the following additional advice when considering the TPSB Policy:

Reporting on Critical Points, TPSB Policy, section 2, item iv:

A recent revision to CSPA section 19 has transferred authority for requests for temporary policing assistance from boards to chiefs of police. To ensure alignment with the CSPA, in place of item iv in the list of information to be reported by the chief to the chair in the TPSB's current Policy, I recommend the following wording:

"Any plans to involve other organizations, including requests to chiefs of police for temporary assistance pursuant to section 19 of the *Community Safety and Policing Act*."

Chief's Autonomy, TPSB Policy, section 8:

The TPSB Policy reiterates a board's authority to set objectives and priorities and a chief's statutory authority to make and execute the operational plans to achieve them. If the board's objectives are not being met, the chief should be expected to provide information to the board on why and advise on appropriate measures. I urge you to consider the following amendments to the TPSB's Policy, in **bold**:

"If, during the duration of a Critical Point, the Board concludes that, in its view, the **Board's** objectives are not being achieved, the Board will inform the Chief of Police of its conclusion. **The Chief will respond by informing the Board on corrective measures or the operational necessity of deviating from the Board's objectives.** However, the Chief of Police will remain autonomous in determining the appropriate execution of the plans in order to achieve the mission, objectives and priorities."

C. Engagement of the Ontario Association of Chiefs of Police (OACP) and the Ontario Association of Police Service Boards (OAPSB)

As part of our ongoing collaboration with the OAPSB and the OACP, the IoP engaged both organizations to understand any additional considerations on developing or

implementing a policy on critical points. Given the significance of this policy in helping embed components of a modern approach to police service boards' governance responsibilities and the operational responsibilities of chiefs of police, we greatly appreciate the support of the OAPSB and OACP on this issue, and their ongoing commitment to advancing initiatives that support Ontario police and police governance leaders in raising the performance bar in police governance and operations.

D. The IoP will continue to support boards and services in compliance and implementing leading practices

As the IoP gains further operational experience and insights, and through continued engagement with Ontario's policing sector, I will continue to share information and advice on compliance with the CSPA and leading practices that will enhance civilian police governance and improve the delivery of police services. In addition, the IoP will work to create additional resources and opportunities to support the implementation of my advice across the Ontario policing sector.

I trust this information will be helpful to you. Again, I encourage you to reach out to your IoP Police Services Advisor to discuss this matter further.

All IG Memos and Advisory Bulletins are posted on our website: www.iopontario.ca.

Sincerely,



Ryan Teschner
Inspector General of Policing of Ontario

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

Note: Advisory Bulletins are the IG's advice provided pursuant CSPA s. 102(4) and are intended as a resource for the sector by offering the IG's general interpretation of various provisions of the CPSA. Advisory Bulletins are not legally binding, and they do not purport to address all possible factual scenarios or circumstances. As such, you may wish to consult with legal counsel to determine how this general guidance should be applied in your own local context and to navigate specific situations.