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

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Information to Support Police Operations – Novel
Coronavirus (COVID-19)**

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This memorandum is meant to be a useful starting point for all police leaders (e.g., police services boards and chiefs of police) to help mitigate the risk related to COVID-19 in relation to police operations.

As a precaution, we would like to provide the policing sector with information as it relates to:

- Interactions with members of the public, including at police facilities;
- Transportation of individuals in custody;
- Extending First Appearance dates;
- Encouraging releases with conditions; and
- Crowns being available to provide advice on release powers.

Police services boards are encouraged to provide chiefs of police with the timely and necessary resources required to support the management and mitigation of the spread of COVID-19.

Precautions in the Course of Policing Duties

Travel

To limit the spread of COVID-19, the Government of Canada and Ontario's Chief Medical Officer of Health advises that you avoid all non-essential travel outside of Canada. The Government of Canada and Ontario's Chief Medical Officer Health is advising that you avoid all travel on cruise ships due to the ongoing COVID-19 outbreak until further notice.

Public Events and Gatherings

Based on the advice of Ontario's Chief Medical Officer of Health, police services boards and chiefs of police should immediately suspend all large events and public gatherings of over 250 people. If you are organizing a small gathering, please seek the advice of your local public health unit. Ontario's Chief Medical Officer of Health has identified risks associated with hosting and attending public gatherings and is recommending social distancing as much as possible until further notice in order to manage the spread of illness. Virtual options are strongly encouraged.

Passive Screening and Signage

Out of an abundance of caution, I encourage all chiefs of police to post signage throughout police facilities, including at points of entry and at reception areas, to allow members of the public and policing personnel (e.g., police officers, special constables, civilians, etc.) to self-identify if they have relevant symptoms and travel history/exposure, including:

- Fever, and/or
- New or existing cough and difficulty breathing; and
- Travel outside of Canada in the last 14 days since onset of illness OR have had contact with a person who has the above travel history and is ill.

For your reference, please find attached sample signage, which you may wish to use or adapt. Police services may want to consider adding their division/station phone numbers to the signage for individuals to call in that need to come into police stations and cannot delay their visits (irrespective of symptoms). Signage should be visible and must remind members of the public and policing personnel to perform hand hygiene, sneeze/cough into their elbow, wear personal protective equipment, if needed, put used tissues in a waste receptacle, and to wash hands immediately after using tissues.

For a list of areas affected by COVID-19 (*for the purpose of travel history assessment*), please refer to the daily situation reports issued by the World Health Organization <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/situation-reports>.

Unless there is an overriding emergency situation, chiefs of police are encouraged to instruct all members of the public to self-screen at home prior to visiting policing facilities.

In addition, in accordance with procedures set out by the chiefs of police, policing personnel with symptoms of COVID-19 must not come to work and must report their symptoms to the local public health unit. Chiefs of police shall endeavour to ensure that all policing personnel under their command are aware of early signs and symptoms of COVID-19.

Active Screening

Chiefs of police should encourage members of the public to call the police service in advance of attending policing facilities so that policing personnel can conduct the active screening assessment via telephone.

Within police facilities, chiefs of police should create and implement an active screening plan that includes:

- Location and staffing of the screening area;
- Appropriate script for the screening staff that includes process for non-compliant individuals;
- Signage to support the active screening process;
- Making alcohol-based hand sanitizer available at the screening table;
- Clear rules that identify entry requirements; and
- Clear communication to visitors around the changes, including pamphlets that provide the information.

Based on the plan, chiefs of police should ensure that active screening is conducted by policing personnel:

- For individuals seeking to enter policing facilities such as visitors (e.g., police divisions, detachments, satellite offices, joint operations centres, etc.); and
- In the field by policing personnel on individuals being arrested or detained (e.g., during patrol, at road-side, or within other police facilities, including vehicles and detention facilities).

Active Screening Checklist

Screening Questions

Please provide individuals with an initial rationale why screening is being conducted. Please ensure you note that COVID-19 continues to evolve quickly; given this, policing personnel are conducting active screening, in the course of their duties, for potential risks of COVID-19 with everyone entering policing facilities to ensure the safety and well-being of all other individuals.

Please ask the following questions as part of the screening process:

1. Do you have any of the following symptoms: fever, new or existing cough and difficulty breathing?

☐ Yes
☐ No
2. Have you travelled internationally within the last 14 days (outside of Canada)?

☐ Yes
☐ No
3. Have you had close contact with a confirmed or probable COVID-19 case?

☐ Yes
☐ No
4. Have you had close contact with a person with acute respiratory illness who has been outside Canada in the last 14 days?

☐ Yes
☐ No

If an individual screens positive (*i.e., answers "yes" to Q1 and Q2 or Q3 or Q4*), the chief of police should encourage policing personnel to advise the person to wear a surgical or procedure mask (if tolerated) and place them in isolation in order to wait for further assessment.

At all times, chiefs of police should ensure the continued safety and security of all individuals, whether or not they exhibit signs of COVID-19.

Chiefs of police should consult with the local public health unit if there has been exposure to, or transmission of, a confirmed case of COVID-19 in order to determine any additional public health actions that may need to be taken, including whether to implement additional screening of policing personnel or those in custody.

Policing personnel should not be performing clinical assessments of any possible cases. If concerned that someone you are managing may be at risk of COVID-19, please contact your local public health unit.

Transportation of Persons in Custody

The ministry advises chiefs of police to take extra precautionary measures during the transportation of persons in custody to, and from, police facilities, correctional institutions and courts. Chiefs of police should ensure active screening is conducted by all policing personnel for any individual they take into custody and to follow any appropriate measures for those that screen positive.

Chiefs of police should also endeavour to minimize the number of individuals in custody that are travelling together in any police vehicle taking into account, to the extent practical, best public health practices, which include:

- Social distancing;
- Avoiding contact with people who are sick; and
- Washing hands often with soap and water or alcohol-based hand sanitizer.

Over the course of the next several weeks, police services may be requested to provide additional transportation of persons in custody to courts. Police services boards and chiefs of police should prepare for any increased requests and allocate the appropriate resources needed to facilitate the administration of justice in a timely manner, including staffing court facilities with additional policing personnel.

Extending First Appearance Dates

If a police release is deemed appropriate in the circumstances, the first appearance date should be scheduled for **9 weeks from the date of the arrest until further notice**. If the arrest takes place on the weekend or a statutory holiday, the first appearance date should be on the next juridical date 9 weeks later. In all cases, the electronic brief must be pushed through for disclosure as soon as possible. Do not wait for the first appearance date or for the information to be sworn.

Encouraging Releases with Conditions

As a reminder, the intent of the recent release-related amendments in Bill C-75 was to **facilitate the earliest and least onerous release of an accused that is appropriate in the circumstances**. The principle of restraint is codified in a new section 493.1 and requires that peace officers, judges and justices give *primary consideration* to the release of an accused at the earliest reasonable opportunity and on the least onerous conditions appropriate in the circumstances with which the accused can reasonably practicably comply. Peace officers have also been given greater flexibility in terms of the forms and conditions of release available, and the previous “officer in charge” distinction has been removed.

When considering available release options, the new section 493.2 requires peace officers, judges and justices to give *particular attention* to the circumstances of both accused and accused who belong to a vulnerable population that is overrepresented in the criminal justice system *and* that is disadvantaged in obtaining release under Part XVI of the *Criminal Code* (emphasis added).

When considering whether or not to release an accused person, peace officers should be mindful of the principle of restraint and the requirement to consider the circumstances of Indigenous accused and those in a vulnerable population captured by section 493.2 *Criminal Code*. **Peace officers are being encouraged to consider release from the station, with or without conditions, bearing in mind these principles and all other relevant considerations.**

For a quick overview of the police powers of release, please refer to Appendix A, attached.

Further details regarding the amendments to the police release provisions can be found in the updated police training material on police powers of release. The Ministry of the Attorney General, Criminal Law Division has shared an updated deck, which is attached (version 03.14.20 (post Bill C-75)); however, we again stress that this training is not for stand-alone use but as a reference for those who have received the training by a Prosecutor. The changes made to this deck include the following:

Slide 18: Added a general outline of the police responsibilities in the case of a police referral to a Judicial Referral Hearing.

Slide 34: Included “Section 503(1.1) to specifically identify the section which permits the officers to re-evaluate their decision to detain.”

Slide 54: Removed the bullet that stated: “Accused persons younger than 16 must be released to a parent or guardian” so that officers are not under the mistaken impression that they MUST release all accused.

The Criminal Law Division also made updates to the police training material on options of release when a warrant has been endorsed in Form 29. The changes made to this updated deck, also attached, include the following:

Slide 7: Addition of this bullet “These warrants make specific reference to bringing the accused before a justice”.

Slide 11: Addition of this bullet “*note: in this situation, any conditions imposed on the original undertaking would be cancelled”.

Slide 14: Changed heading to include reference to section 512 and entire slide revised.

Crowns being Available to Provide Advice on Release Powers

Each Crown office will assign a Crown (or more than one Crown in some jurisdictions) who will be available to provide police with advice regarding release options for accused persons. The local Crown Attorney will provide the chief of police with the names and contact information of those Crowns designated for this purpose. The names will be updated as needed.

On the advice of Ontario's Chief Medical Officer of Health, the local Crown Attorney will provide advice to policing personnel via telephone only.

Other

Police services boards and chiefs of police should endeavour to stay up to date on the Ontario government's public health responses to COVID-19 at <https://www.ontario.ca/page/2019-novel-coronavirus>.

Please ensure that you are also connected with your local justice partners, including the Courts and Crown Attorneys in order to coordinate a seamless response of the justice system locally.

The Ontario Court of Justice has posted a message regarding COVID-19 on its website, which is available here: <https://www.ontariocourts.ca/ocj/>.

I trust this information will assist you.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Bedard". The signature is fluid and cursive, with the first name "Marc" and last name "Bedard" clearly distinguishable.

Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments