

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



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: **Declaration of a Provincial Emergency AND
Enforcement of Emergency Orders**

DATE OF ISSUE:	March 18, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0017
PRIORITY:	High

Further to All Chiefs Memo 20-0016, distributed March 16, 2020, we would like to provide the policing sector with new information as it relates to the steps that the Province took today to reduce the spread of the COVID-19 virus and better protect Ontarians.

Distribution of All Chiefs Memos

Chiefs of police should ensure that all policing personnel receive All Chiefs Memos 20-0016 and 20-0017. It is imperative that frontline personnel be provided as much information as necessary to support their work during this period of a declared provincial emergency.

Emergency Declaration

On March 17, 2020, the government declared a provincial emergency through the authority granted under the *Emergency Management and Civil Protection Act* (EMPCA) and has enacted two (2) Orders that will protect the public and reduce the harmful spread of COVID-19. The provincial announcement can be found here, <https://news.ontario.ca/opo/en/2020/03/ontario-enacts-declaration-of-emergency-to-protect-the-public.html>, and the Orders are attached for your reference.

Emergency Orders

ORDER 1

Based on expert advice received from the Chief Medical Officer of Health, the government will require the following establishments to be closed as of March 17th, 2020 until March 31st, 2020 unless the emergency is terminated earlier:

- All facilities providing indoor recreational programs,
- All public libraries,
- All private schools as defined in the *Education Act*,
- All licensed child care centres,
- All bars and restaurants, except to the extent that such facilities provide takeout food and delivery,
- All theatres including those offering live performances of music, dance, and other art forms, as well as cinemas that show movies, and
- All concert venues.

ORDER 2

Based on advice received from Ontario's Chief Medical Officer of Health, all organized public events of over fifty (50) people are hereby prohibited including parades and events and communal services within places of worship.

Police Enforcement of Orders

The Ontario government is requesting the assistance of chiefs of police to enforce emergency orders in their area of policing responsibility in order to reduce the spread of the COVID-19 virus and better protect Ontarians.

Chiefs of police should ensure that policing personnel are aware of the tools available to them to enforce orders, which include the following offences:

Under section 7.0.11(1) of the EMPCA, every person who fails to comply with an order or who interferes with or obstructs any person in the exercise of a power or the performance of a duty conferred by an order under that subsection is guilty of an offence and that these offences apply to individuals, directors or officers of a corporation or corporations.

Note that in any of these circumstances, under section 7.0.11(2), a person is guilty of a separate offence on each day that an offence under section 7.0.11(1) occurs or continues.

Please note that we are seeking authorization to establish set fines, as required, under Part 1 of the *Provincial Offences Act* for these offences. The amounts of such fines must be determined at the discretion of the Chief Justice of the Ontario Court of Justice.

We anticipate that we will be able to provide an update on these set fine amounts shortly.

Further, in the circumstances of enforcing these Orders, it should be noted that Criminal Code charges under section 129 (willfully obstructing or resisting a peace officer in the execution of duties) may be appropriate. In addition, Section 25 of the Criminal Code affords protection for officers engaged in administering and enforcing the law including where they may be required to use as much force as necessary, in circumstances where they are acting on reasonable grounds and are justified in doing what they are required or authorized to do. For greater clarity, reference should be made to the specific provisions of these Criminal Code sections.

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