

Ministry of the Solicitor General

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

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Enforcement of Emergency Orders under the
*Emergency Management and Civil Protection Act***

DATE OF ISSUE:	March 27, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0028
PRIORITY:	High

Further to All Chiefs Memos 20-0017 and 20-0018, I am informing you of additional steps taken by the government to support the effort to contain the spread of COVID-19.

Designation of Provincial Offences Officers

The Solicitor General has, pursuant to the *Provincial Offences Act* (POA), designated (see *attached*) the following personnel as provincial offences officers for the purpose of enforcing orders under the *Emergency Management and Civil Protection Act* (EMCPA):

- All persons or classes of persons designated in writing by a minister of the Crown as provincial offences officers, notwithstanding the offence or class of offences of that designation;
- All municipal law enforcement officers referred to in subsection 101 (4) of the *Municipal Act, 2001* or in subsection 79 (1) of the *City of Toronto Act, 2006*;
- All by-law enforcement officers of any municipality or of any local board of any municipality; and
- All officers, employees or agents of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act.

For your information, subsection 1(1) of the *Provincial Offences Act* defines a provincial offences officer. It includes a police officer and a constable appointed pursuant to any Act (e.g., special constables that are appointed under the *Police Services Act*).

All these persons are empowered to assist policing personnel in enforcing emergency orders for the protection of the health and well-being of Ontarians. The decision to enforce is discretionary.

Policing personnel will have important tools available to them such as issuing a ticket under Part I or a summons under Part III of the POA. Set fines for offences under the EMCPA have been established and they include a maximum fine of up to \$1,000 for the obstruction of any person performing a duty in accordance with an order made during a declared emergency.

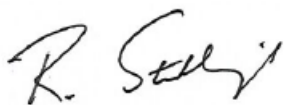
The ministry encourages chiefs of police to advise policing personnel to use their discretion and undertake a graduated approach to enforcement of the emergency orders; the approach should consider the severity of the specific situation and the government's public health intent to contain the spread of COVID-19. The graduated approach to enforcement may include educational messaging to individual members of the public and businesses around the emergency orders, specific warnings to individuals and businesses, the issuance of a ticket under Part I of the POA, or a summons under Part III of that Act.

For additional information, please see attached FAQs that can be shared with policing personnel.

The ministry is working to establish a dedicated 1-800 line which will be intended to provide support to chiefs of police, police officers and other enforcement personnel regarding the enforcement of emergency orders (e.g., information on what is deemed to be an essential workplace). This telephone number will be available to police and enforcement personnel and will not be for the general public. Further details regarding this 1-800 line will be forthcoming in a future All Chiefs Memorandum.

I trust that this information will be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings', with a stylized flourish at the end.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division