

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: **Social Gatherings and Organized Public Events**

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Based on the advice of Ontario's Chief Medical Officer of Health, the government has enacted an Emergency Order under the *Emergency Management and Civil Protection Act* (EMCPA) to prohibit any one from attending:

- an organized public event-of more than five (5) people, including a parade;
- a social gathering of more than five (5) people; or
- a gathering of more than five (5) people for the purposes of conducting religious services, rites or ceremonies.

These prohibitions apply to an event or gathering even if it is held at a private dwelling.

These prohibitions do not apply to gatherings of members of a single household or to a gathering for the purposes of a funeral service that is attended by not more than 10 people.

Note that these prohibitions do not apply to operating emergency child care centres supporting policing personnel, frontline health care workers, and other first responders, provided the number of persons present at each centre does not exceed 50 people.

Organized public events include parades and events including weddings, social gatherings and communal services within places of worship. This Emergency Order replaces a previous emergency order which prohibited organized public events of over 50 people.

Nothing prohibits more than five (5) people inside of an essential business establishment. For more information on the emergency order, please visit <https://www.ontario.ca/laws/regulation/200052>.

Cautious and Lawful Approach to Enforcement of Emergency Orders

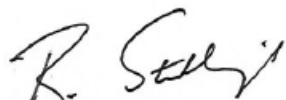
The ministry encourages chiefs of police to advise policing personnel to understand the scope of authority the EMCPA and the *Provincial Offences Act* (POA) provides to them, including any limitation in those Acts. For example, the EMCPA does not provide the legislative basis for policing personnel to detain members of the public, while in transit, and demand documentation on their employment or other evidence related to the reasons for their travel. In addition, open businesses are not required to provide evidence that they are essential pursuant to Schedule 2 of O. Reg. 82/20.

Nothing precludes policing personnel from asking for information on a voluntary basis from a member of the public. Policing personnel should rely on their foundational investigative training to ensure they are performing their duties in a lawful manner.

The ministry also encourages 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.

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.

Sincerely,



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