

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

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: **Offence for Failure to Provide Identifying Information for
Enforcement of Violations of Emergency Orders**

DATE OF ISSUE:	April 2, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0035
PRIORITY:	High

As part of the continued effort to contain the spread of COVID-19 and provide law enforcement personnel with the tools to do their jobs, the government has made an emergency order under the *Emergency Management and Civil Protection Act* (EMCPA) requiring individuals to provide identifying information to provincial offences officers for the purpose of issuing a ticket or summons for breaching an emergency order.

Under the emergency order, a police officer or any other provincial offences officer within the meaning of subsection 1 (1) of the *Provincial Offences Act* (POA) who has reasonable and probable grounds to believe that an individual has committed an offence under section 7.0.11 of the EMCPA may require the individual to provide the officer with the individual's correct name, date of birth and address. The individual is required to promptly comply with such a demand.

A provincial offences officer can only require an individual to identify themselves under the emergency order if the officer has reasonable and probable grounds to believe the individual is violating an emergency order under the EMCPA and the demand to identify is made for the purpose of issuing a ticket or summons under the POA.

Failing to correctly identify oneself carries a fine of \$750 for failure to comply with an order made under the EMCPA or \$1,000 for interfering with or obstructing a provincial offences officer issuing a ticket or summons. In addition, failure to comply with an emergency order could carry punishments of up to one-year imprisonment or a fine of up to \$100,000 for an individual, \$500,000 for a director of a corporation, or \$10,000,000 for a corporation itself if a provincial offences officer charges the individual or corporation by issuing a summons.

Power of Arrest

Please note that the emergency order does not create a power of arrest. However, a provincial offences officer who is a peace officer (e.g., police officer, special constable, First Nations Constable) and who could arrest under the *Criminal Code* (Canada) for the offence of obstructing a peace officer, would be able to arrest a person for obstruction if they failed to identify themselves.

Identifying Information for Other Purposes

Please note that an individual may provide the required information orally and the emergency order does not empower provincial offences officers to require the person to produce documentation. Please note also that the emergency order does not create a power to compel an individual to provide any information other than name, date of birth and address for the purpose of charging the individual with breach of another emergency order under the EMCPA. For example, the emergency order does not create a power to compel an individual to provide information about their business or employment.

Furthermore, the emergency order does not create a power to compel an individual to provide their name, date of birth or address for the purpose of enforcing a different statute, or for the purpose of making general inquiries in order to formulate reasonable and probable grounds in relation to an EMCPA offence. The provincial offences officer must already have reasonable and probable grounds that the individual has breached an emergency order under the EMCPA before the officer can compel the individual to provide this information.

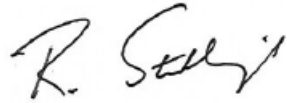
The Ministry of the Solicitor General is requesting chiefs of police to advise policing personnel to use their discretion, in a graduated manner, and enforce emergency orders using the tools provided under the EMCPA.

For information on orders please visit the regulations section under e-laws:
<https://www.ontario.ca/laws>.

Visit Ontario's [website](#) to learn more about how the province continues to protect Ontarians from COVID-19.

I hope this is of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, slightly slanted style.

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