

Ministry of the Attorney General
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MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Susan Kyle
Assistant Deputy Attorney General
Criminal Law Division

Michel Hélie
Assistant Deputy Attorney General
Civil Law Division

DATE: April 17, 2020

SUBJECT: **Update on the Prosecution of *Provincial Offences Act*
Charges Laid Alleging Violations of the *Emergency
Management and Civil Protection Act***

We are writing to advise you of updates on the approach to prosecution of *Provincial Offences Act* (POA) charges laid alleging violations of emergency orders made under the *Emergency Management and Civil Protection Act* (EMCPA).

Previous communication identified that the prosecution of all charges laid under the POA alleging violations of emergency orders made under the EMCPA would fall to the Criminal Law Division of the Ministry of the Attorney General (MAG).

Moving forward, to be consistent with current POA prosecution responsibilities, prosecution responsibility is clarified as follows:

Type of Provincial Offences Officers (POOs)	Charges Laid under Part I of the POA Prosecution Falls To	Charges Laid under Part III of the POA Prosecution Falls To
Police officers and First Nations Constables	Municipalities pursuant to the transfer agreement with MAG	Ministry of the Attorney General, Criminal Law Division
Police service employed special constables	Municipalities pursuant to the transfer agreement with MAG	Ministry of the Attorney General, Criminal Law Division
Non-police service employed (special constables) who are employed by the Government of Ontario or its agencies	Individual organizations have their own in-house prosecution or other arrangement. Niagara Parks Commission - Municipalities pursuant to the transfer agreement with MAG	Individual organizations have their own in-house prosecution or other arrangement. Niagara Parks Commission - Ministry of the Attorney General, Criminal Law Division
Non-police service employed special constables who are <u>not</u> employed by the Government of Ontario or its agencies	Municipalities	Municipalities
Municipal law enforcement officers	Municipalities	Municipalities
By-law enforcement officers	Municipalities	Municipalities
Officers, employees or agents of any municipality/local board	Municipalities	Municipalities
Other POOs employed by ministries of the Government of Ontario	Ministry of the Attorney General, Civil Law Division	Ministry of the Attorney General, Civil Law Division

Attached is an updated set of Frequently Asked Questions (FAQs) that can be shared with employers of POOs designated to enforce emergency orders for distribution to their enforcement personnel, current as dated. Please note, these are intended to replace previous versions of the FAQs shared.

Thank you for your support and efforts to contain the spread of COVID-19.

Sincerely,



Susan Kyle
Assistant Deputy Attorney General
Criminal Law Division



Michel Hélie
Assistant Deputy Attorney General
Civil Law Division