

# RISK-BASED COMPLIANCE AND ENFORCEMENT FRAMEWORK



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# 1. Introduction

A strong police oversight framework, built on transparency and accountability, recognizes that public trust is essential for police to do their jobs effectively.

The Community Safety and Policing Act, 2019 (CSPA) created the role of the Inspector General of Policing (IG) as part of the broader transformation of Ontario's policing legislative framework. The role of the IG – the first of its kind in Canada – is an important ingredient to enhancing police oversight and performance in Ontario.

The Inspectorate of Policing (IOP) is an arm's-length oversight body established to meet the legislated mandate of the IG under the CSPA. On behalf of the IG, the IOP delivers a spectrum of oversight functions for the policing and police governance sector in Ontario, including compliance inspections of police services, police board member conduct inspections, monitoring and advisory services, and, where necessary, enforcement that is driven by research and data analysis.

The IOP drives improvements in policing to make everyone in Ontario safer by ensuring that the public safety sector is responsive to the diverse communities it serves. To do this, the IG's oversight mandate includes working with the following entities:

- Municipal police services and the Ontario Provincial Police (OPP);
- Chiefs of police and police service boards;
- OPP Detachment Boards;
- Special Constable Employers; and,
- First Nations (FN) police services and boards that opt-into the CSPA framework.

## 2. Ongoing Assessment of Risk

The application of the IOP's Compliance Model, including the range of activities and enforcement measures provided to the IG under the CSPA, will be based on a continual assessment of risk to the delivery of good policing. The IOP will determine the level of risk by assessing indicators of adequate and effective policing, including potential or existing non-compliance or board member misconduct, along with the presence of mitigating or aggravating risk factors.

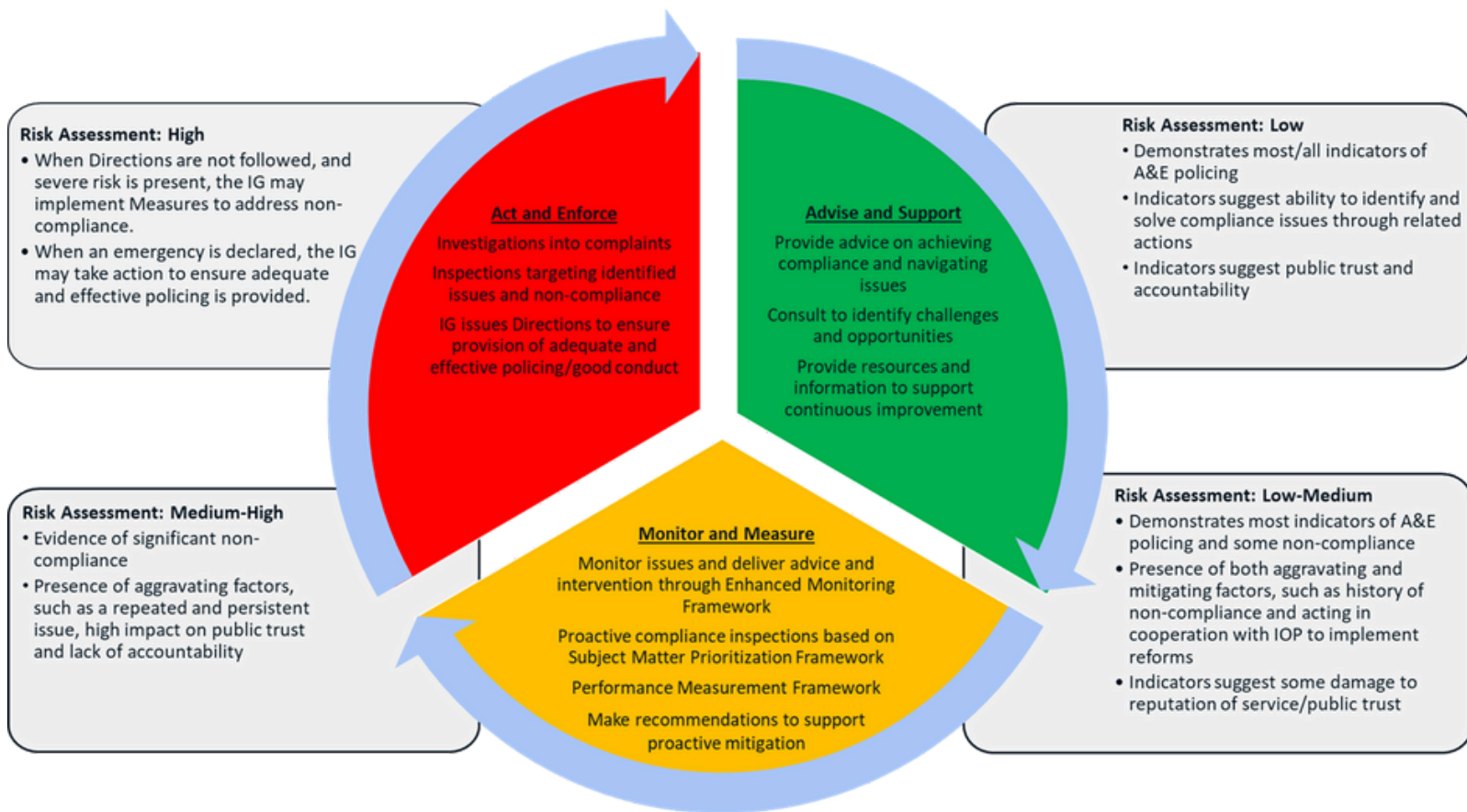
Indicators of Adequate and Effective Policing*	Mitigating or Aggravating Risk Factors**
<ul style="list-style-type: none"> <li>• Achievement of compliance as set out in the CSPA and its regulations</li> <li>• Strength of local relationships and communication, including between the Chief of Police and Police Services Board, and the Board, the Police Service and the community, among others</li> <li>• Allocation of resources to support adequate and effective police service delivery</li> <li>• Local police governance reflects understanding of the Ontario's policing framework, the role and responsibilities of the Police Services Board and compliance with the Board Member Code of Conduct</li> <li>• Ability to address emerging or persistent local issues impacting policing and community safety</li> <li>• Consideration of evolving events and issues that have broader impact on the policing sector as a whole</li> </ul>	<ul style="list-style-type: none"> <li>• Role of the responsible party in the misconduct or non-compliance (minor or major)</li> <li>• Seriousness of misconduct or non-compliance</li> <li>• Public interest</li> <li>• Impact on complainant(s) and community</li> <li>• Impact to public and officer safety</li> <li>• Previous compliance or conduct issues</li> <li>• Duration and frequency of issue</li> <li>• Damage to reputation of board and service</li> <li>• Intentional or unintentional</li> <li>• Steps already taken to address the issue(s)</li> <li>• Willingness to take accountability and implement reform</li> </ul>

\*List is not exhaustive. Assessments will be case-by-case and consider all factors relevant to the situation.

\*\*For greater clarity, all references to conduct or misconduct are in relation to police services board members.

### 3. Compliance and Enforcement Model

The IOP's Compliance Model contains a mix of integrated, risk-based approaches and incentives to achieve compliance and improve the performance of policing entities. The Compliance Model is applied with discretion and good judgment – applying the “right touch” to deploy the most effective options, having regard to the relevant circumstances, and based on the level of risk. The IOP will apply the Model and associated activities with consideration for all available information to drive the assessment of risk.



## 4. Risk-based Compliance and Enforcement Activities

The Compliance and Enforcement Model will be used to guide the application of the IG's compliance and enforcement activities according to the level of risk associated with police service and police governance delivery. When engaging in any of its oversight and regulatory activities, the IOP will always seek to improve the overall performance of the policing sector in Ontario.

### 4.1 Advise and Support: Low Risk

The IOP will use its statutory consulting function to continually assess local police service delivery and governance, and potential risks. When a low risk to compliance and/or performance has been identified, the IOP will support compliance and continuous improvement by providing **advice and information** designed to assist the public safety entities the IG oversees. The IOP is well-positioned to see across Ontario's policing and police governance sector, identify areas that call out for attention and identify leading practices that will assist the sector in improving compliance with the CSPA and overall performance.

The IOP engages with policing entities to identify issues, challenges and opportunities to improve compliance with the CSPA, and overall police performance. We communicate directly with police leaders **on emerging or persisting issues** to identify areas for IOP support and promote collaboration on solutions – including solutions that may be relevant across Ontario's policing sector.

The IOP conducts **research and analysis to provide insight on issues, challenges and opportunities** to improve compliance and overall police and police governance performance. The **IOP will serve as a 'Centre of Excellence'** to proactively support learning and continuous improvement in the sector, distilling and sharing insights and advice gleaned through our monitoring, inspection findings, research and analysis. We will support understanding of our work, key issues in policing, policing performance and leading practices by publishing information and resources

### 4.2 Monitor and Measure: Low-Medium Risk

Routine monitoring of public safety entities ensures identification of issues that may require closer examination by the IOP, such as evolving local demands on policing, potential non-compliance, or leadership and governance issues. **Monitoring** may include maintaining awareness of local efforts to address known issues, or tracking wider issues that require more oversight and engagement from the IOP or other partners. This may include identifying matters for an inspection, with priority given to compliance issues and actionable outcomes that will have the greatest impact on improving public safety and policing performance.



The IOP may assess compliance and performance at a specific point in time, or, on a regular basis through **inspections and data analysis**. Inspections are a critical tool not only to verify that legal requirements are being met, but also to highlight local promising and/or innovative practices that maybe be adopted on a larger scale to support continuous service improvements across the province. Inspections may include document review and research, data collection and analysis, or interactive, onsite assessments, or a combination of these methods.

Our **Policing Performance Measurement Framework\*** (PPMF) will power our intelligence-led approach to identifying current and emerging trends and generate real insights – for the public and the policing sector – as to what drives and hinders effective police performance and governance, and highlights leading practices to promote continuous improvement. The PPMF will enable the IOP to identify poor performance or specific activity categories that warrant improvement or further inspection. Through this proactive approach, the IOP will be able to see where support or intervention may help to address issues early, and before they escalate into matters of non-compliance.

When IOP monitoring and measurement activities identify performance issues or potential non-compliance or misconduct, additional compliance activities may be undertaken.

## 4.3 Act and Enforce: Medium-High Risk and High Risk

### a) Medium-High Risk

The IOP ensures compliance and the delivery of adequate and effective policing by taking **enforcement actions** to address policing complaints and issues identified by the IOP. In this part of the Model, the focus of the IOP's compliance activities is on **direct intervention to address the identified issues and the application of a range of enforcement options** to compel compliance, improve performance and enhance public confidence.

When the IOP receives a policing complaint that falls within its mandate, there is a legal duty to deal with the complaint, and to keep the complainant informed of the status and the outcome. Depending on the nature and seriousness of the complaint, the IOP may:

- Refer a matter back to the applicable Board or Chief of Police, if the complaint is about local policies or procedures, and require reporting to the IG on steps taken in response to the complaint;
- Conduct an inspection in response to concerns about service delivery or failure of an entity to comply with the CSPA and its regulations, other than officer misconduct; or,
- Conduct an investigation, including in response to allegations about board member misconduct.

\* As of the publication date, development of the Policing Performance Measurement Framework is ongoing.

If non-compliance with the requirements set out in the CSPA, or significant risk to the delivery of adequate and effective policing in accordance with the standards set out in the regulations is found to exist, **the IG may consider the application of additional compliance efforts, or issue written and legally-binding Directions** to prevent or remedy the issue. Directions issued will be tailored to the circumstances and proportionate to risk, and further previous IOP efforts to resolve issues.

For example, if a complaint were received concerning a police service's response to a 911 call, and the resulting inspection found non-compliance with regulatory requirements for police communications and dispatch, the IG could issue directions to the police service to ensure corrective action and monitor to ensure implementation.

### **b) High Risk**

In very serious situations, where the IG believes that adequate and effective policing is not being provided in an area, or that an emergency exists, **the IG request a police service board or require the Commissioner of the Ontario Provincial Police to provide policing in that area.**

Additionally, if Directions made by the IG to address identified non-compliance following an inspection or investigation are not complied with, **the IG may impose legally-binding Measures, including:**

- Suspending or removing a chief of police, one or more members of a police services board, or the whole board;
- Appointing an administrator to a police service; or,
- Dissolving a police services board or disbanding a police service.

The imposition of Measures by the IG is discretionary, and will be determined on a case-by-case basis, having regard to the following **objectives**:

- The public interest in receiving adequate and effective policing;
- Remedying or preventing further non-compliance or misconduct by removing the responsible individual(s) from their position(s);
- Measures are similar to those imposed on similar entities or individuals for similar infractions committed in similar circumstances; and,
- All available Measures that are reasonable in the circumstances should be considered.

Any decision to use the legally-binding authorities in the CSPA will be grounded in the principles of **procedural fairness**, and be based on:

- Ensuring that policing laws and standards are complied with;
- Policing entities and professionals are performing according to the standards set out in the CSPA; and,

- The public interest in addressing a matter so as to enhance public confidence in Ontario's policing system.

In support of **transparency, accountability and public confidence** in the work of the IOP, the IG is required to **publicly report** on investigation and inspection findings, as well as Directions and Measures.

## 5. Conclusion

Police service delivery and governance throughout Ontario will be monitored and assessed by the IOP using a multi-faceted, risk-driven approach, ensuring that the duties and authorities of the IG are applied at the right time and for the right amount of time, in the right place(s), and in the right way.

The IOP's focus will remain on supporting the best possible policing in Ontario communities by ensuring policing providers operate in compliance with legislated requirements and continuously and sustainably improve their performance. The IOP will do its work in a balanced and transparent manner, to enhance the confidence of the public and the policing sector in what we do, and how we do it.