

## **ONTARIO REGULATION 408/23**

made under the

### **COMMUNITY SAFETY AND POLICING ACT, 2019**

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### **CODE OF CONDUCT FOR POLICE SERVICE BOARD MEMBERS**

#### **APPLICATION AND INTERPRETATION**

1. (1) This Regulation sets out the code of conduct with which every member of a police service board must comply.

(2) For greater certainty, the existence of a good faith exception in this code of conduct does not limit the grounds on which it may be determined that a member of a police service board has not contravened this code of conduct.

2. In this Regulation,

“Conflict of interest” means a situation in which a member of a police service board’s private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their duties as a member of the police service board; (“conflit d’intérêts”)

“Personal relationship” includes, but is not limited to, a relationship with any of the following persons:

1. A current or former spouse or common-law partner of the board member.
2. A current or former intimate partner of the board member.
3. The board member’s children, including biological and adoptive children and stepchildren.
4. The legal dependants of the board member.
5. A child in the board member’s care.
6. The board member’s grandparents, parents or siblings, including grandparents-in-law, parents-in-law and siblings-in-law. (“rappports personnels”)

#### **CONDUCT BECOMING OF A BOARD MEMBER**

3. (1) A member of a police service board shall not conduct themselves in a manner that undermines or is likely to undermine the public’s trust in the police service board or the police service maintained by the police service board.

- (2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, their conduct was in the good faith performance of their duties as a board member.
4. A member of a police service board shall comply with the Act and the regulations made under it.
  5. A member of a police service board shall not, by act or omission, conduct themselves in a manner that is likely to cause the board to fail to comply with the Act or the regulations made under it.
  6. A member of a police service board shall comply with any rules, procedures and by-laws of the police service board.
  7. A member of a police service board shall not substantially interfere with the conduct of police service board meetings.
  8. A member of a police service board contravenes this code of conduct if they are found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada) that was committed after they were appointed as a member of the police service board.
  9. (1) A member of a police service board shall not, in the course of their duties, treat any person in a manner that the member, at the time, knows or reasonably ought to know would contravene the *Human Rights Code*.  
(2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, the member's conduct was in the good faith performance of their duties.
  10. (1) A member of a police service board shall conduct themselves in a professional and respectful manner in the course of their duties including, without limitation, not using abusive or insulting language in the course of their duties.  
(2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, the member's conduct was in the good faith performance of their duties.

#### **STATEMENTS AND ATTENDANCE**

11. A member of a police service board shall not knowingly make false statements pertaining to the duties of a member of a police service board.
12. A member of a police service board shall not purport to speak on behalf of the police service board unless authorized by the board to do so.
13. A member of a police service board shall clearly indicate when they are expressing a personal opinion when commenting on an action or omission of the police service board, the police service maintained by the board or a member of the police service.
14. A member of a police service board shall not access, collect, use, alter, retain, destroy or disclose to any person information that has been obtained by or made available to the member in the course of their duties if doing so would be contrary to law.

- 15.** (1) A member of a police service board shall not disclose to the public information obtained or made available in the course of the member's duties except as authorized by the police service board or as required by law.
- (2) Subsection (1) does not apply to information that was already made available to the public by a person who was authorized to do so prior to the member's disclosure.
- 16.** A member of a police service board shall attend all police service board meetings unless able to provide a reasonable explanation for the absence.

### **MISCONDUCT AND CONFLICTS OF INTEREST**

- 17.** A member of a police service board shall disclose any conduct of another member of the police service board that the member reasonably believes constitutes misconduct,
- (a) to the chair of the board; or
- (b) if the misconduct involves the chair, to the Inspector General.
- 18.** (1) A member of a police service board shall disclose any charges laid against them under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada) and any finding of guilt made in relation to those charges.
- (2) Subsection (1) only applies to charges or findings that were made after the member's appointment to the police service board.
- (3) The disclosure required by subsection (1) must be made to the person or body that appointed the individual as a member of the police service board or, in the case of a member appointed by the Lieutenant Governor in Council, to the Minister.
- 19.** A member of a police service board shall not apply for employment with the police service maintained by the police service board unless they resign from the board before applying.
- 20.** (1) A member of a police service board shall promptly disclose any conflict of interest,
- (a) to the chair of the board; or
- (b) if the conflict of interest involves the chair, to the Inspector General.
- (2) After making the disclosure required by subsection (1), the member shall disclose the conflict at the next meeting of the police service board.
- 21.** A member of a police service board shall not use their position as a police service board member to,
- (a) benefit themselves;
- (b) benefit one or more persons with whom they have a personal relationship; or
- (c) interfere with the administration of justice.
- 22.** A member of a police service board shall not participate in discussion of or voting with respect to matters at police service board meetings if the member has a conflict of interest in the matter.

## COMMENCEMENT

### Commencement

**23. This Regulation comes into force on the later of the day subsection 35 (6) of Schedule 1 (*Community Safety and Policing Act, 2019*) to the *Comprehensive Ontario Police Services Act, 2019* comes into force and the day this Regulation is filed.**