



## TORONTO POLICE SERVICE BOARD

### DISCLOSURE OF MISCONDUCT – CHIEF OF POLICE AND DEPUTY CHIEFS

<b>DATE APPROVED</b>	April 30, 2024	Minute No: P2024-0430-3.0.
<b>DATE(S) AMENDED</b>		
<b>REPORTING REQUIREMENT</b>	The Board will inform the public of any material information related to the application of this Policy, while maintaining the confidentiality necessary to protect the integrity of complaint processes and the identity of those who may be involved in the processes.	
<b>LEGISLATION</b>	<i>Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ss. 38(1)(a), 183(2) and (5), 184(1), 185, 190 and 195.</i> <i>Code of Conduct for Police Officers, O. Reg. 407/23, s. 22.</i>	

#### ***Policy of the Board***

It is the policy of the Toronto Police Service Board (Board) that:

1. Where a police officer reasonably believes, or reasonably ought to believe, that a Chief of Police or a Deputy Chief of Police's conduct constitutes misconduct, the police officer is required by the *Code of Conduct for Police Officers, O. Reg. 407/23*, to report the misconduct and may do so pursuant to this Policy.
2. A Member or former Member of the Toronto Police Service (Service) may disclose alleged misconduct by the Chief of Police or a Deputy Chief of Police to the Board.
3. A Service Member or former Service Member, including police officers, should make any disclosure of alleged misconduct by the Chief of Police or a Deputy Chief of Police to the Board pursuant to this Policy.
4. A Service Member, including current police officers, may disclose misconduct by the Chief of Police or a Deputy Chief of Police to the Inspector General of Policing if:

- a. The Member has reason to believe that it would not be appropriate to disclose the misconduct in accordance with this Policy; or
  - b. The Member has already disclosed the misconduct to the Board and has concerns that the matter is not being dealt with appropriately.
5. Disclosure of alleged misconduct by the Chief of Police or a Deputy Chief of Police will be made in writing, addressed to the Chair of the Board (Chair), and submitted to the Board Office by letter or email. The disclosure should include at a minimum: a description of the conduct alleged to constitute misconduct, a summary of the relevant facts, all relevant dates, the names of relevant witness, and any relevant supporting documents. Information on how to contact the Board is available at: <https://tpsb.ca/about/contact-us>.
6. The Board will confirm receipt of any disclosure made under this Policy and will inform a Service Member making a disclosure of the protections against reprisals found in the *Act*, Regulations and any applicable Service procedures and Board policies.
7. The Chair will review the disclosure of the alleged misconduct to determine one of the following two options:
  - a. Refer for review to the next regular meeting of the Board.
  - b. Call a special meeting of the Board.
8. The Board will review the disclosure of alleged misconduct and decide whether to conduct an investigation to determine if the Chief of Police or Deputy Chief of Police engaged in conduct that constitutes misconduct or unsatisfactory work performance.
9. In deciding whether to investigate the conduct raised in a disclosure of alleged misconduct or any portion of a disclosure, the Board may consider whether:
  - a. The disclosed conduct, on its face, constitutes misconduct or unsatisfactory work performance within the meaning of the *Act* and regulations;
  - b. The subject matter of the disclosure is an employment or labour relations matter that can be dealt with through a dispute resolution mechanism, including a grievance procedure, under a collective agreement or under an agreement of another kind;
  - c. The disclosure is frivolous, vexatious or made in bad faith;
  - d. There has been substantial delay between the disclosure and the incidents that are the subject matter of the disclosure of sufficient duration to preclude an effective investigation of the alleged misconduct; and/or
  - e. There is another reason for not dealing with the disclosure.

10. In addition to the considerations set out in section 9 of this Policy and without limiting the Board considerations, the Board may delay or decide not to investigate the conduct raised in a disclosure of alleged misconduct or any portion of a disclosure where a different body or authority is investigating, addressing or otherwise dealing with the subject matter of the disclosure in accordance with the *Act* or any other *Act*, as a matter of law enforcement or in exercise of other applicable powers, authority or jurisdiction.
11. If the Board decides to investigate conduct raised in a disclosure of alleged misconduct, it will follow the provisions of the *Act*, its regulations and any Board Policy applicable to the investigation of alleged misconduct by the Chief of Police or Deputy Chief of Police.
12. If the Board decides not to investigate conduct raised in a disclosure of alleged misconduct, the Board will:
  - a. Inform the Service Member or former Service Member who made the disclosure in writing that the Board will not investigate the alleged misconduct; and
  - b. Provide the Service Member or former Service Member with the reason for the refusal.
13. The Board and Board staff will keep the identity of persons involved in the disclosure process confidential, including those who make disclosures of misconduct against the Chief of Police or a Deputy Chief, witnesses, persons alleged to be responsible for misconduct.
14. The identity of persons involved in the disclosure process will be protected unless to do so would be contrary to the interests of fairness. The Board may determine that it is necessary to disclose the identity of an individual involved in the disclosure process to one or more persons where the interests of fairness require that the person's identity be disclosed. If the Board decides to disclose the identity of an individual, the Board will:
  - a. Advise the person whose identity will be disclosed in advance of the disclosure;
  - b. Advise the person who made the disclosure of alleged misconduct;
  - c. Require an undertaking of confidentiality from the person or persons to whom the disclosure is made requiring them not to make any further disclosure of the person's identity to any other person for any purpose; and
  - d. Inform the persons to whom the identity is revealed that reprisals are not permitted under the *Act*, Service procedure and Board policy and that, per the *Act*, Service procedure and Board policy, reprisals will not be tolerated.
15. The disclosure process and the Board's review of any disclosure of misconduct by the Chief of Police or a Deputy Chief of Police shall be confidential. Any Board

correspondence, including electronic correspondence, related to the disclosure of alleged misconduct by a Chief of Police or Deputy Chief of Police will be clearly labelled "confidential".

16. The Chief of Police and all Deputy Chiefs will familiarize themselves with this Policy.
17. The Chief of Police will include this Policy in the training of Service Members and include reference to this Policy in relevant procedures addressing Service Member conduct, conduct complaints and the disclosure or reporting of misconduct.