

POLICY REGARDING THE COMPLAINTS PROCESS FOR BOARD MEMBER CONDUCT

WHEREAS section 37 of the *Police Services Act* provides that a police services board shall establish its own rules and procedures in performing its duties under the Act;

AND WHEREAS the *Police Services Act* provides that board members will comply with Ontario Regulation 421/97 under the Act, *Members of Police Services Boards—Code of Conduct*;

NOW THEREFORE the Kingston Police Services Board enacts as follows.

1. Definitions

1.1. In this policy the following definitions apply.

- (a) “Act” means the *Police Services Act*, RSO 1990, c.P.15, and amendments thereto.
- (b) “Board” means the Kingston Police Services Board, the governing authority for the police service of the city of Kingston, with a majority of the members of the Board constituting a quorum in accordance with section 35(2) of the Act.
- (c) “Board Policy Manual” means the manual of policies and procedures maintained by the Board for the effective management of the Kingston Police pursuant to section 31(1)(c) of the Act.
- (d) “Chief of Police” means the Chief of Police for the Kingston Police.
- (e) “Code of Conduct” means Ontario Regulation 421/97 under the Act, *Members of Police Services Boards—Code of Conduct*.

2. Board Policy

2.1. The Board commits itself and its members to ethical, professional, and lawful conduct, including proper use of authority and appropriate decorum when acting as Board members.

2.2. The Board recognizes and adheres to the principle that fair, open, prompt, thorough, and efficient response to Board member conduct complaints is a cornerstone to establishing and maintaining a positive community–police relationship; it is therefore the policy of the Board that such complaints be dealt with in a professional and thorough manner in accordance with the *Police Services Act*, Ontario Regulation 421/97, and as directed by this policy.

2.3. Board members will comply with the Code of Conduct and the *Municipal Conflict of Interest Act*, as amended, and any other law, policy, or by-law related to the role of a police services board member, including but not limited to policies and by-laws enacted by the Board, and ensure that their conduct adheres to the requirements contained therein.

2.4. Further direction is contained within section 1.8 of the Board Policy Manual and in the Board Rules of Procedure By-Law.

3. Complaints Process for Board Member Conduct

- 3.1. All complaints will be received in writing with the complainant's name and return address identified.
- 3.2. The Chief of Police shall inform the Board Chair (or the Vice-Chair in the Chair's absence or if the Chair is the subject of the complaint) upon becoming aware of a possible breach by any Board member of the Code of Conduct, the *Police Services Act*, or any Board by-law or policy.
- 3.3. If the complainant alleges a breach of the pecuniary conflict of interest under the *Municipal Conflict of Interest Act*, the complaint shall be returned to the complainant with an explanation that such complaints are outside the jurisdiction of the Board and must be dealt with under that legislation.
- 3.4. The Chair, or any member of the Board, will be required to bring forward all complaints about the conduct of the Chair or any other member of the Board to the entire Board, at a Board meeting for review.
- 3.5. In accordance with the *Police Services Act*, the Board shall treat the complaint as a personal matter about an identifiable individual and thus hold its review in camera and determine whether the affected Board member should be present during the review.
- 3.6. The Chair (or the Vice-Chair in the Chair's absence or if the Chair is the subject of the complaint) will make a recommendation as to how the Board should review the complaint.
- 3.7. The Board shall retain legal counsel at the request of the Board Chair (or the Vice-Chair in the Chair's absence or if the Chair is the subject of the complaint).
- 3.8. The Board member who is the subject of the complaint shall be provided with a copy of the complaint at the time it is brought to the Board under section 3.4 herein.
- 3.9. An affected Board member will be permitted to provide a written or oral response to the Board regarding the allegations contained in the complaint, if the member chooses to do so.
- 3.10. Upon Board review of the complaint, the Board will follow one of the following courses of action:
 - (a) receive the complaint and take no action; or
 - (b) as per section 15 of the Code of Conduct, if the Board determines that a Board member has breached the Code of Conduct, the Board shall record that determination in its minutes and may:
 - (1) require the member to appear before the Board and be reprimanded;
 - (2) request that the Ministry of the Solicitor General conduct an investigation into the member's conduct; or

- (3) request that the Ontario Civilian Police Commission conduct an investigation into the member’s conduct under section 25 of the *Police Services Act*.

3.11. The chosen course of action pursuant to section 3.10 shall be governed by whether the complaint is of a minor nature or of a serious nature.

3.12. The Board will be aware of its duty of public accountability and may consider providing public reporting of the review and any actions taken.

3.13. Upon completion of a review of a complaint, the Chair (or the Vice-Chair if the Chair is the subject of the complaint) or the Board Secretary will be authorized to communicate the Board’s decision to the complainant and affected Board member, with a copy to the Ontario Civilian Police Commission if required.

3.14. Board members shall direct communications with respect to Board member activities or issues through the Board Chair or Board Secretary.

4. Commencement

4.1. This policy comes into force and effect on the day that it is passed.

ADOPTED AND PASSED by the Kingston Police Services Board this 17th day of September, 2020, by Resolution No. 20-34.

Chair

Secretary