



MISCONDUCT AND DISCIPLINE

PRP-LG-007

Adopted: 2024/04/1

Policy Statement

The Peel Police Service Board (the “Board”) acknowledges the pivotal role of community trust in effective policing. To cultivate and safeguard this trust, it's imperative that the public perceives the Peel Regional Police Service (the “Service”) as being fully committed to accountability, with unwavering expectations for the highest standards of conduct from all its members.

With a firm dedication to integrity, the Board is steadfast in its commitment to maintaining a comprehensive, impartial, and transparent process for investigating misconduct, and where applicable, issuing discipline. This process ensures that any misconduct allegations against members are addressed with due diligence, guaranteeing fairness and respect for both Service members and the community they serve.

Policy Application

1. Definitions

For the purpose of this policy (the “Policy”), the following definitions apply:

- a. **Misconduct** has the same meaning as defined in section 195 of the Community Safety and Policing Act (the “Act”)
- b. **Serious Offence** means any indictable offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada) or any hybrid offence under those statutes for which the Crown elects to proceed by indictment.

2. Misconduct by Chief and/or Deputy Chief(s)

- 2.1 Any member or former member of the Service has the right to report misconduct that is alleged to have been engaged in by the Chief and/or Deputy Chief(s).
- 2.2 In the event a member of former member of the Service believes that the Chief and/or Deputy Chief(s) have engaged in misconduct, they may make the disclosure pursuant to the Board's policy PRP-LG-008 - Disclosure of Misconduct (Internal Complaints Against Chief of Deputy Chief).

- 2.3 The Board may conduct an investigation in order to determine if the Chief or a Deputy Chief has engaged in conduct that constitutes misconduct or unsatisfactory work performance. Any such investigation will be performed in accordance with sections 198 and 199 of the Act.
- 2.4 If the Board becomes aware that the Chief or a Deputy Chief may have engaged in conduct that constitutes misconduct, whether during the course of an investigation or otherwise, the Board shall, provide notice of the misconduct to the Complaints Director where it is reasonably suspected that the conduct was directed at or otherwise directly affected a member of the public who would be authorized to make a complaint about the conduct to the Complaints Director
- 2.5 If, after an investigation under section 198 or Part X of the Act, the Board has reasonable grounds to believe that the Chief or a Deputy Chief has engaged in conduct that constitutes misconduct or unsatisfactory work performance, the Board may impose any combination of the following discipline (subject to subsections 200(2) - (5) of the Act):
- a. Suspend the Chief or Deputy Chief without pay for a period not exceeding 30 days or 240 hours, as the case may be.
 - b. Direct that the Chief or Deputy Chief forfeit not more than three days or 24 hours pay, as the case may be.
 - c. Direct that the Chief or Deputy Chief forfeit not more than 20 days or 160 hours off, as the case may be.
 - d. Reprimand the Chief or Deputy Chief
 - e. Direct that the Chief or Deputy Chief undergo specified counselling, treatment or training.
 - f. Direct that the police officer participate in a specified program or activity.
- 2.6 Before imposing a disciplinary measure pursuant to section 1.5 of this Policy and section 200 of the Act, the Board shall:
- a. Provide relevant information concerning the matter, including the written report prepared under subsection 198(6) of the Act, and written notice stating the reasons for imposing the disciplinary measure or measures to the Chief or Deputy Chief, as the case may be;
 - b. Give the Chief or Deputy Chief, as the case may be, an opportunity to respond to the notice provided under clause (a), orally or in writing, as the Board may determine; and

c. Comply with any other prescribed requirements under the Act.

2.7 Upon consideration of the Chief or Deputy Chief's response as provided in section 1.6(b) of this Policy and subsection 201(1)(b) of the Act, the Board may implement the proposed disciplinary measure or measures, impose a lesser disciplinary measure or combination of disciplinary measures or rescind their intention to implement the disciplinary measure or measures.

2.8 Pursuant to subsection 201(6) of the Act, the Chief or Deputy Chief, as the case may be, may apply to the Commission Chair to appoint an adjudicator to hold a hearing regarding the disciplinary measure or measures.

2.9 If an investigation under section 198 or Part X of *the Act* gives the Board reasonable grounds to believe that the Chief or Deputy Chief, as the case may be, has engaged in conduct that constitutes misconduct or unsatisfactory work performance and that the appropriate disciplinary measure is demotion or termination of employment, the Board may apply to the Commission Chair to appoint an adjudicator to hold a hearing on the matter, and the Board shall provide notice to:

a. The Chief or Deputy Chief, as the case may be;

b. If the application arose as a result of an investigation under Part X of the Act, the complainant in that investigation, if any; and

c. If the Complaints Director directed the Board to initiate the hearing, the Complaints Director.

2.10 The Board shall expunge an entry made in the Chief or Deputy Chief's employment record respecting a disciplinary measure in accordance with section 207 of the Act.

2.11 Subject to subsection 209(4) of the Act, the Board shall not (i) investigate a matter pursuant to section 198 of the Act, (ii) impose disciplinary measures with respect to the matter under section 200 of the Act, or (iii) make an application with respect to the matter under section 202 of the Act, if any of those actions fall between the following time periods:

a. The time beginning the day the SIU Director causes the matter to be investigated and ending the day the SIU Director determines that charges will or will not be laid with respect to the matter; or

- b. The time beginning the day the Board provides notice of the misconduct to the Complaints Director under section 197 of the Act or receives notice from the Complaints Director indicating that he or she will investigate the matter, and ending on the day the Board receives notice that either (i) the Complaints Director will not cause an investigation of the matter, (ii) that the investigation will be discontinued, or (iii) that the Complaints Director does not have reasonable grounds to believe that the conduct of the Chief or Deputy Chief, as the case may be, constitutes misconduct.

2.12 Notwithstanding sections 1.5 and 1.6 of this Policy and sections 200 and 201 of the Act, the Board may suspend the Chief or a Deputy Chief without pay in the following circumstances:

- a. The Chief or Deputy Chief, as the case may be, is convicted of an offence and sentenced to a term of imprisonment, even if the conviction or sentence is under appeal;
- b. The Chief or Deputy Chief, as the case may be, is in custody or is subject to conditions of judicial interim release, or conditions imposed under section 499 of the *Criminal Code (Canada)*, that substantially interfere with the Chief or Deputy Chief's ability to perform the duties of a police officer;
- c. The Chief or Deputy Chief, as the case may be, is charged with a serious offence, as defined in the regulations, under a law of Canada, and:
 - (i) the alleged offence was not committed in relation to the performance of the Chief or Deputy Chief's duties;
 - (ii) the Board:
 - a. has commenced proceedings to seek termination of the Chief or Deputy Chief's employment in relation to the events that led to the charges, or
 - b. has given notice to the Chief or Deputy Chief, as the case may be, that the Board intends to commence such proceedings but is prevented from doing so by section 208 of the Act,
 - (iii) the likely outcome of the proceedings would be, if the events leading to the charges were proven, that the Chief or Deputy Chief's employment would be terminated or the Chief or

Deputy Chief would resign in accordance with an order under paragraph 2 of subsection 202(9) of the Act, and

(iv) a failure to suspend the Chief or Deputy Chief, as the case may be, without pay would bring discredit to the reputation of the Service.

d. Sections 210(1) – (12) and 210(14)-(17) of the Act apply with necessary modifications with respect to a suspension without pay issued pursuant to this section.

3. Misconduct by Police Officers other than the Chief and Deputy Chief(s)

3.1 The Chief of Police shall establish written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by members of the Service, other than the Chief and Deputy Chief(s).

3.2 The procedures described in section 2.1 of this part shall, at minimum:

- a. Address how a member or former member of the Service may make disclosures of misconduct, including giving directions as to the person to whom disclosures may be made;
- b. Establish procedures to protect the identities of persons involved in the disclosure process, including persons who make disclosures, witnesses and persons alleged to be responsible for misconduct; and
- c. Provide for exceptions to be made to procedures described in clause (b) where the interests of fairness require that a person's identity be disclosed to one or more persons.

3.3 The procedure described in section 2.1 of this part shall also include reference to Board Policy PRP-LG-008 - Disclosure of Misconduct (Internal Complaints Against Chief or Deputy Chief), for disclosures of misconduct concerning the Chief and/or Deputy Chief(s).

3.4 The procedure described in section 2.1 of this part shall comply with Part XI of *the Act*.

3.5 The Chief of Police will ensure that members of the Service are familiar with the with the procedures referred to in section 2.1 of this part and section 183(1) of *the Act*, as well as the protections from reprisals for disclosing misconduct as described at sections 190-191 of the Act.

3.6 The Chief of Police will establish written procedures for:

- a. The assessment of the work performance of members of the Service;
and
- b. The imposition of disciplinary measures on members of the Service.

3.7 The procedures described in section 2.6 of this part shall be reviewed by the Board and made available to members of the Service and any Police Associations representing those members.

3.8 The procedures described in section 2.6 of this part shall comply with Part XII of the Act.

4. Reporting

4.1 The Chief of Police shall submit a report, in accordance with the regulations, if any, to the Board regarding the aggregate disciplinary measures the Chief has taken under Part XII of *the Act*.

The Board shall:

- a. publish the reports on the Internet in accordance with the regulations made by the Minister, if any; and
- b. forward the reports to the Complaints Director.

Authority/Legislative Reference

s. 38(1)(e), *Community Safety & Policing Act, 2019*