

**New Board Policies Created Based on CSPA Requirements**

**INDEX**

Active Attacker Incidents  
Adequate and Effective Policing  
Code of Conduct for PSB Members  
Collection of Identifying Information  
Complaints of Misconduct  
Conflicts of Interest  
Disclosure of Misconduct  
Disclosure of Personal InformationHPSB  
Extreme Incident Response Plan  
Investigations  
Quality Assurance  
Secondary Activities  
Use of Force and Weapons  
Vehicle Pursuits



## Hamilton Police Service Board Active Attacker Incidents Policy P-XXX

Effective date: April 1, 2024  
Reviewed:  
Amended:

### Applicable Legislation

O. Reg. 393/23 Active Attacker Incidents, under the *Community Safety and Policing Act, 2019, S.O. 2019, c.1, Sched.1 (the Act)*.

### Policy Application

In this policy, “active attacker” means an individual who appears to be engaged in, attempting to engage in or about to engage in an attack where there is reason to suspect that:

- a. The attack will be sustained;
  - b. The attacker will cause serious bodily harm or death to other individuals; and
  - c. The attacker will continue to attack more individuals if the attacker is not stopped.
1. The Chief of Police shall comply with Ontario Regulation 393/23 – Active Attacker Incidents.
  2. The Chief of Police shall utilize best practices respecting responses to incidents in other jurisdictions involving an active attacker. The Chief of Police shall take reasonable steps to develop partnerships with external service providers to facilitate the provision of assistance to victims following an incident involving an active attacker, including concluding arrangements to facilitate the provision of appropriate referrals to health care professionals, victim support agencies, social service agencies and other appropriate governmental, non-

governmental or community organizations. Whenever possible, assistance shall be provided from a centralized location or common virtual platform.

3. The Chief of Police shall publicize how victims of an incident involving an active attacker can access the services that are being provided under an arrangement concluded under paragraph 2.
4. The Chief of Police shall take reasonable steps to conclude arrangements to ensure a coordinated response with emergency medical services and fire departments to incidents involving an active attacker.
5. The Chief of Police shall take reasonable steps to ensure that, at least every two years, members of the police service, including communications personnel, participate in scenario-based active attacker response training and exercises together with emergency medical services and fire departments. The development of training and exercises shall be informed by applicable best practices, and by recommendations for improvements contained in reports prepared following any active attacker incidents.
6. The Chief of Police shall ensure that the Police Service has the ability to issue public alerts in order to provide information to the public about incidents involving an active attacker, including the nature of the incident and any steps that the public should take, using,
  - a. An emergency alert system that delivers alerts through television, radio and wireless devices; and
  - b. Social media notifications.
7. The Chief of Police shall ensure that the police service has means of communicating non-urgent information respecting an incident involving an active attacker to the public on request, and shall ensure that the public is made aware of those means.
8. The Chief of Police shall establish procedures for responding to incidents involving an active attacker, which must address the following:
  - a. Communications in relation to incidents involving an active attacker;
  - b. Responses by the police officers who initially respond to the incident;

- c. Responses by off-duty police officers who wish to assist in responding to the active attacker;
  - d. Responsibilities for exercising command in response to the incident;
  - e. Responses by police officers who are acting as a team to make contact with the active attacker;
  - f. Rescue efforts;
  - g. Responding to incidents involving an active attacker at schools and any other locations the Chief of Police believes are at an elevated risk of such an incident occurring, or where the physical location may result in the potential for mass casualties.
9. The Chief shall ensure that the wellbeing of members is prioritized following an active attacker incident and that the necessary supports for members are in place.

## **Reporting**

1. If the members of the Police Service respond to an incident involving an active attacker within the area of policing responsibility of the Police Service, the Chief of Police shall prepare a report reviewing and evaluating the Service's response to the incident, which must include the following:
  - a. General information regarding the incident, including the nature of the incident, the date, time, duration and location of the incident, including whether the incident began in one location and ended in another, and the nature or characteristics of the location in which the incident occurred.
  - b. Specific information regarding the active attacker, including information regarding any weapons, ammunition or explosives owned or used by the attacker, any criminal history or history of violence, whether the attacker shared information about the incident or plans for the incident, and the tactics used by the attacker during the incident.
  - c. The type of police service and other first responder personnel involved in responding to the incident, and their role in the response.

- d. Details on the response to the incident, including the use of communication, intelligence, tactics, and equipment.
  - e. An analysis of the outcome of the incident, including elements of the response that were effective and elements that were not effective, and recommendations for improvements, including matters to be addressed through changes to procedures and training.
  - f. The impact of the incident and the police service's response to the incident as it related to, as applicable, victims, the community, the police service and its members, another police service and any other first responders.
2. If members of the Police Service respond to an incident involving an active attacker outside the area of policing responsibility of the Police Service, the Chief of Police shall support the preparation of the report by the Chief of Police in which the incident occurred. A joint report may be prepared in the event the incident occurred in multiple jurisdictions.
  3. The Chief of Police shall prepare the report within 120 days after,
    - a. The day of the incident, if there is no Special Investigations Unit investigation into the incident; or
    - b. If there is a Special Investigations Unit investigation into the incident, the day on which public notice in respect of the incident is given under section 33 of the *Special Investigations Unit Act, 2019* or a report is published in respect of the incident under section 34 of that *Act*.
  4. If the Chief of Police is unable to complete the report within the timeframe above, the Chief of Police shall notify the board of the status of the report every 30 days, until the report is complete.
  5. The Chief of Police shall provide the board the report within 30 days after the Chief of Police approves the report. The board shall publish the report on the internet, subject to the following:
    - a. The board shall consult with the Chief of Police respecting any proposed redaction.

- b. When consulted, the Chief of Police shall advise the board respecting the proposed redaction. If the Chief of Police was required to consult with the chiefs of police of other police services in preparing the report, the Chief of Police shall consult with them respecting the proposed redaction before advising the board.
- c. The board shall not redact any information in the report that would be required to be disclosed in response to a request for access under the *Municipal Freedom of Information and Protection of Privacy Act* or the *Freedom of Information and Protection of Privacy Act*, as the case may be.



## Hamilton Police Service Board Provision of Adequate and Effective Policing P-XXX

Effective date: April 1, 2024

Reviewed:

Amended:

### Applicable Legislation

Section 38(1)(b) of the *Community Safety and Policing Act, 2019, S.O. 2019, c.1, Sched.1 (the Act)*: A police service board shall establish policies respecting the provision of adequate and effective policing in accordance with the needs of the population of the area for which it has policing responsibility.

O. Reg. 392/23 Adequate and Effective Policing (General) under *the Act*.

### Policy Application

1. The Chief of Police shall ensure the Hamilton Police Service complies with all provisions of Ontario Regulation 392/23 - Adequate and Effective Policing (General), and will establish, communicate and operate with procedures in the areas prescribed below. These procedures shall be reviewed and updated consistently and regularly to ensure they are effective and efficient, and reflect best practices and incorporate improvements where it is determined changes are required.
  - a. Communication of critical incidents:
    - i. the Chief of Police shall strive to provide the board with an operational briefing of critical incidents that outlines the broad contours of the operation/event/issue, highlights existing board policies that may apply, and generally ensures the board is informed of what is going to take place;
    - ii. a critical incident is considered to be an incident that has a major impact across the police service and involves a large number of service

personnel. A critical incident may also be described as a policing operation, event or organizationally-significant issue for which advance planning and/or approval at the senior command level is required.

b. Crime prevention, including:

- i. community-based crime prevention initiatives that seek to address the root causes of crime and involve stakeholders, consistent with the Strategic Plan and the policing needs of the community.

c. Law enforcement, including:

- i. community patrol that address when and where directed patrol is considered necessary or appropriate, based on the policing needs of the community;
- ii. traffic direction and enforcement, including traffic patrol;
- iii. situations when more than one police officer must respond to an occurrence or call for service;
- iv. internal task forces;
- v. joint forces operations;
- vi. undercover operations;
- vii. criminal intelligence, addressing the collection, use, disclosure, retention, disposal, correction and dissemination of, and access to, criminal intelligence information, as well as related audit procedures;
- viii. crime, call for service and public disorder analyses;
- ix. informants and agents;
- x. witness protection and security;
- xi. police response to persons who are in crisis, regardless of whether those persons appear to have a mental illness or a neurodevelopmental disability;
- xii. search of the person;
- xiii. search of premises;
- xiv. arrest;
- xv. bail and violent crime;
- xvi. detainee care and control;
- xvii. detainee transportation;



- xviii. property and evidence control; and
  - xix. the provision of law enforcement in respect of all navigable bodies and courses of water within the Police Service's area of responsibility.
- d. Maintaining the public peace, including:
- i. functions, responsibilities and reporting relationships of a public order unit and its members, including in relation to the role of a public order commander and, if any, to a police liaison team;
  - ii. the deployment of a public order unit for planned and unplanned public order incidents, and debriefing following deployment, including the preparation of a summary and analysis of the outcome and recommendations for improvement;
  - iii. police action in respect of labour disputes;
  - iv. police action in respect of protests, demonstrations and occupations.
- e. Emergency response, including:
- i. identifying whether or not there are any required board actions and advising them as such through the Chair of the board;
  - ii. the functions and deployment of any tactical unit, hostage rescue team, incident commander, crisis negotiator, explosives disposal, and containment team;
  - iii. preliminary perimeter control and containment;
  - iv. extreme incidents that are consistent with the Extreme Incident Response Plan;
  - v. the functions and provisions of any mobile mental health and addictions crisis team;
  - vi. explosive forced entry and explosive disposal;
  - vii. responses to a chemical, biological, radiological, nuclear or explosive incident;
  - viii. emergency ground search, rescue and recovery;
  - ix. emergency waterways search, rescue and recovery, including underwater search and recovery;
  - x. canine units.

- f. Providing assistance to victims of Crime, the Chief's procedures must reflect the principles of the *Victims Bill of Rights 1995 and Canadian Victims Bill of Rights*, including:
  - i. referrals to, as appropriate in the circumstances, emergency services, health care professionals, victim support agencies, social service agencies and other appropriate governmental, non-governmental or community organizations;
  - ii. responsibilities of members of the Police Service in providing assistance to victims.
- g. Additional policing functions, including:
  - i. communications and dispatch services; and
  - ii. supervision.
- 2. The Chief of Police shall prepare an emergency plan for the Police Service setting out the roles and responsibilities of the Police Service during an emergency and the procedures to be followed during an emergency. In developing the emergency plan, the Chief of Police shall consult with the City of Hamilton and any other applicable emergency service providers.
- 3. The Chief of Police shall ensure members of the Police Service, or people performing a policing function under the direction of a member, are capable of performing the functions assigned to them.
- 4. The Chief of Police shall ensure the equipment and other resources provided to members of the Police Service for the purpose of providing a policing function shall include at least the equipment and resources set out in Schedule 1 of the Adequate and Effective Policing (General) Regulation.
- 5. The Chief of Police shall develop an operational plan for the following incidents:
  - a. An incident that requires multiple members of a chief of police's Police Service to provide emergency response or maintain the public peace policing functions outside of the Police Service's area of policing responsibility; and
  - b. The provision of policing functions by the Police Service in relation to the incident is anticipated to continuously last, or has already continuously lasted, longer than the duration of a normal shift for the involved members of the Police Service.

6. The operational plan shall regard the collective agreements with members, and address, without limitation, breaks and meals for members of the Police Service who are deployed in relation to the incident.
7. The Chief of Police shall comply with the requirements in the operational plan.
8. The Chief of Police and board shall ensure a quality assurance process relating to the provision of adequate and effective policing and compliance with *the Act* and Regulations.
9. The Chief of Police shall ensure members have the necessary training, knowledge, skills and abilities to perform the duties required by *the Act* and its Regulations.
10. In accordance with the *Missing Persons Act, 2018*, the Chief of Police shall ensure an annual report on missing persons is provided to the board before April 1 each year that includes:
  - a. The total number of urgent demands made in the previous calendar year and the number of missing persons investigations to which they related; and
  - b. A description of the types of records specified in the urgent demands for records made in that year.



## Hamilton Police Service Board Code of Conduct for Police Service Board Members P-XXX

Effective date: April 1, 2024  
Reviewed:  
Amended:

### Applicable Legislation

O.Reg. 408/23 Code of Conduct for Police Service Board Members.

*Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched.1 (the Act) s.37 – Police Service Board Duties.*

### Policy Application

1. All board members shall be familiar with, and comply with, the provisions of this Policy and Ontario Regulation 408/23 – Code of Conduct of Police Service Board Members (attached as Appendix A).
2. Board members may not attempt to exercise individual authority over the organization. Board members' interactions with the Chief of Police, or with staff, must recognize the lack of authority vested in individuals except when explicitly board directed.
3. Board members will ensure the confidentiality appropriate to issues of a sensitive nature and all matters discussed by the board during closed sessions.
4. Board members will be properly prepared for board deliberation.
5. Board members will not infer, in any circumstance, with or without any form of police identification, that they possess any policing responsibility or authority other than that as a police service board member.
6. Upon commencement of their term on the board, or when this Regulation comes into effect, board members shall confirm they have read, understand and will

comply with this policy and Ontario Regulation 408/23 – Code of Conduct of Police Service Board Members via email or in writing to the Administrative Director.

## **Appendix 'A' to Code of Conduct for Members of the Board**

### **CSPA Code of Conduct for Members of the Board**

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 dependents 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. (“rapports 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.



## Hamilton Police Service Board Collection of Identifying Information Policy P-XXX

Effective date: April 1, 2024

Reviewed:

Amended:

### Applicable Legislation

O. Reg. 400/23 Collection of Identifying Information in Certain Circumstances – Prohibition and Duties under the *Community Safety and Policing Act, 2019, S.O. 2019, c.1, Sched.1 (the Act)*.

### Policy Statement

The Hamilton Police Service Board is committed to enhancing trust and confidence in police services and to ensuring they are delivered without bias or discrimination. The practices and procedures of the Hamilton Police Service in respect of the collection of identifying information shall not be arbitrary based upon any racial/biased profiling, and shall reflect a commitment to professionalism, accountability and transparency.

### Policy Application

#### General

1. The Chief of Police shall ensure the collection of identifying information is undertaken in a manner that is consistent with Regulation 400/23 of *the Act*, "Collection of Identifying Information in Certain Circumstances - Prohibition and Duties" (the Regulation), the *Ontario Human Rights Code*, and shall not be based on racial/biased profiling or done in an arbitrary way.
2. The Chief of Police shall enact a procedure that complies with the duties and obligations imposed by the Regulation and this policy to ensure there is

direction and assistance provided to officers in the collection of identifying information.

3. A chief of police shall ensure that every police officer in the police service who attempts to collect identifying information about an individual from the individual, and any member of the police service to whom the chief delegates any powers or duties of the chief under section 10 of O.Reg. 400/23 has successfully completed the training prescribed by the Minister for the purposes of this section within the previous 36 months.
4. The Chief of Police shall ensure requirements under section 10.1 of O.Reg. 400/23 Inclusion of Collected Information in Police Database are complied with.
5. At least once a year, the Chief of Police shall conduct detailed reviews of an appropriately sized random sample of the entries of identifying information included in a database under subsection (4) of section 10.1 to estimate, within a margin of error of plus or minus 5 per cent, at a 95 per cent confidence level, whether it appears that sections 6 (limitations on collection of certain information), 7 (duties to inform before attempting to collect information) and 8 (document for individual) were complied with.

### **Annual Report**

6. The following information respecting attempted collections of identifying information shall be included in the annual report provided by a chief of police to a police service board under section 12 of Ontario Regulation 399/23 (General Matters Under the Authority of the Lieutenant Governor in Council) made under *the Act* or by the Commissioner under subsection 58 (1) of *the Act*:
  - a. The number of attempted collections and the number of attempted collections in which identifying information was collected.
  - b. The number of individuals from whom identifying information was collected.
  - c. The number of times each of the following provisions was relied on to not do something that would otherwise be required under subsection 7 (1):
    - i. subsection 7 (2);
    - ii. clause 7 (3) (a);
    - iii. clause 7 (3) (b);

- iv. clause 7 (3) (c).
- d. The number of times an individual was not given a document under clause 8 (1) (b) because the individual did not indicate that they wanted it.
- e. The number of times each of the following clauses was relied on to not do something that would otherwise be required under subsection 8 (1):
  - i. clause 8 (2) (a);
  - ii. clause 8 (2) (b).
- f. For each of the following categories of gender identity, the number of attempted collections from individuals who are perceived, by a police officer, to be within that category:
  - i. male;
  - ii. female;
  - iii. transgender, non-binary or other gender identity.

For each age group established by the chief of police for the purpose of this paragraph, the number of attempted collections from individuals who are perceived, by a police officer, to be within that age group.

- g. For each racialized group, the number of attempted collections from individuals who are perceived, by a police officer, to be within that racialized group.
- h. A statement, based on an analysis of the information provided under this subsection, as to whether the collections were attempted disproportionately from individuals within a group based on gender identity, a particular age or racialized group, or a combination of groups and if so, any additional information that the chief of police considers relevant to explain the disproportionate attempted collections.
- i. The neighbourhoods or areas where collections were attempted and the number of attempted collections in each neighbourhood or area.
- j. The number of determinations, referred to in subsection 10 (5), that section 6 or clause 10 (4) (a) was not complied with.
- k. The number of determinations, referred to in subsections 10 (6) and (7), that section 6, 7 or 8 was not complied with.

- I. The number of times members of the police service were permitted under subsection 10 (10) to access identifying information to which access must be restricted.
7. The Chief of Police shall ensure that the annual report contains the mandated information required by the Regulation and that the document and any amendments thereto are provided to the board for its information and input (if any) before use.
8. Following an analysis of the annual report referred to in section 6 of this policy, if it reveals that identifying information was attempted to be collected disproportionately from individuals perceived to be within a group or combination of groups, the chief of police shall review the practices of the police service and shall prepare a report setting out the results of the review and the chief's proposals, if any, to address the disproportionate attempted collection of information.
9. On receipt of a report under section 8 of this policy, the police service board
  - a. shall publish the report on the Internet in a manner that makes it available to the public free of charge and may make the report available to the public free of charge in any other manner that the police service board considers appropriate; and
  - b. shall consider the report and the proposals, if any, set out in the report and consider whether to give directions under section 40 of *the Act*.
10. The Chief of Police shall ensure that identifying information collected before April 1, 2024 be retained, accessed, and disclosed in accordance with O. Reg. 400/23.
11. The Chief of Police shall ensure that identifying information collected on or after April 1, 2024 be retained, accessed, and disclosed in accordance with O. Reg. 400/23.



# Hamilton Police Service Board Complaints of Misconduct Policy P-XXX

Effective date: April 1, 2024  
Reviewed:  
Amended:

## Applicable Legislation

O.Reg. 406/23 Discipline under the *Community Safety and Policing Act, 2019, S.O. 2019, c.1, Sched.1 (the Act)*.

O.Reg. 411/23 Complaints about Special Constables under *the Act*.

## Policy Application

### Section 1 - General

- 1.1 The Chief of Police shall ensure that procedures are in place to maintain an effective and efficient complaint system and to adhere to all requirements under *the Act* and associated Regulations. The procedures shall provide that:
- a. A Professional Standards Unit be maintained, adequately staffed and trained, to liaise with the Complaints Director, and to receive and investigate public complaints in accordance with *the Act*;
  - b. Well-defined and rigorous processes exist for the purpose of investigating alleged misconduct by sworn members and Special Constables;
  - c. Adequate training is provided to all members of the service in respect of the complaints procedures of the Service and relevant parts of *the Act*;
  - d. The Professional Standards Unit's Inspector or designate co-operate and follow the direction of the Complaints Director in respect of all public complaints;
  - e. A mechanism is developed and implemented to provide assistance for public complainants who may not be literate, or who may not be fluent in English.

- 1.2 Any complaints received by a board member against a police officer or a Special Constable shall be forwarded to the board's Administrative Director. The Administrative Director shall forward a complaint against a police officer to the Complaints Director, and shall forward a complaint against a Special Constable to the Chief of Police, in accordance with *the Act* and associated Regulations.
- 1.3 If the board receives a report from a person or body responsible for reviewing complaints about police officers in another province or territory about a complaint made against an Ontario police officer appointed to act as a police officer in that province or territory, the board shall forward the report to the Complaints Director.
- 1.4 If a person makes a complaint to the board, a board member, or the Chief of Police, or any member of the police service about the conduct of a board member, that person or entity shall forward the complaint to the Inspector General, inform the person who made the complaint that the complaint has been forwarded, and provide the person with information about the role of the Inspector General.

## **Section 2 - Policy and Procedure Complaints**

- 2.1 If a person makes a complaint to the board, a board member, the Chief of Police, or any member of the Police Service about:
  - a. The adequacy and effectiveness of policing provided;
  - b. A failure of the board, Chief of Police, Special Constable employer, police service, prescribed policing provider or the regulations, other than misconduct, including a systemic failure;
  - c. The policies of the board or the procedures of the Chief of Police;
  - d. The complaint shall be forwarded to the Inspector General, and the person who made the complaint shall be informed that the complaint has been forwarded, and the person shall be provided with information about the role of the Inspector General.
- 2.2 If the Inspector General refers a complaint to the board about the board's policies or the procedures of the Chief of Police, the board shall:
  - a. Review the complaint as it relates to the policies or procedures referred to;

- b. Report back to the Inspector General within the time specified by the Inspector General, if any, about any steps taken in response to the complaint; and
- c. Report to the Minister about any steps taken in response to the complaint.

### **Section 3 - Complaints about Sworn Members**

- 3.1 The Chief of Police shall investigate all complaints referred to the Chief of Police by the Complaints Director, in the manner directed by the Complaints Director and in accordance with the requirements of *the Act* and associated Regulations.
- 3.2 In conducting an investigation, the Chief of Police shall endeavour to ensure that the investigation is concluded within 120 days of its commencement, not including any period during which an investigation is postponed or suspended in accordance with *the Act*.
- 3.3 If the timing requirements above are not met in respect of an investigation, the Chief of Police shall give notice of the status of the investigation to the complainant, the person who is the subject of the investigation, the applicable designated authority and the Complaints Director every 30 days until the investigation is concluded unless, in the opinion of the Chief of Police, doing so might prejudice the investigation.
- 3.4 On concluding an investigation, the Chief of Police shall cause the investigation to be reported on in a written report. The Chief of Police shall promptly give a copy of the report to the Complaints Director. A copy of the report shall be provided to the complainant, the person who was the subject of the investigation, and any applicable designated authority, after the Complaints Director determines that providing a copy of the report will not interfere with a criminal investigation or proceeding.
- 3.5 The Chief of Police may conduct an investigation of a police officer employed by the Service, other than a Deputy Chief of Police, and shall cause the investigation to be reported on in a written report.



- 3.6 The Chief of Police shall promptly give notice of the substance of the reason for the investigation to the police officer, unless in the opinion of the Chief of Police, to do so might prejudice an investigation into the matter.
- 3.7 In finally resolving the complaint, the Chief of Police shall take no action, resolve the matter informally, or order a hearing, as appropriate, in accordance with the requirements *the Act*.

#### **Section 4 - Complaints about Special Constables**

- 4.1 If the Chief of Police receives a complaint about a Special Constable, the Chief of Police shall provide the complainant with written acknowledgment that the complaint has been received.
- 4.2 The Chief of Police shall ensure that the complaint is investigated to determine whether the Special Constable's conduct constitutes misconduct, contravened the terms and conditions of the Special Constable's certificate of appointment or contravened any provision of *the Act* or the regulations.
- 4.3 The Chief of Police shall ensure that any allegations in the complaint of conduct that may constitute criminal conduct are investigated by a member of the police service or of another police service.
- 4.4 The Chief of Police shall, in writing, advise the complainant of the outcome of the investigation of the complaint and report on the outcome of the investigation to the board.
- 4.5 The Chief of Police shall endeavour to complete any investigation of a Special Constable under this section within 120 days after receiving the complaint, not including any period during which the investigation is postponed or suspended.
- 4.6 If the timing requirements above are not met in respect of an investigation, the chief of police shall give notice of the status of the investigation to the complainant and to the person being investigated every 30 days until the investigation is concluded unless, in the opinion of the chief of police, doing so might prejudice the investigation.

- 4.7 If the Special Constable is found to have engaged in conduct that constitutes misconduct, contravened the terms and conditions of their certificate of appointment or contravened any provision of *the Act* or the Regulations, the chief of police shall take appropriate action to remedy the contravention.
- 4.8 Notice to the public about how to make a complaint against a Special Constable shall be published on the board's website.

## **Section 5 – Complaints Against the Chief of Police or A Deputy Chief of Police**

- 5.1 If the board becomes aware that the Chief of Police or a Deputy Chief of Police may have engaged in conduct that constitutes misconduct, whether during the conduct of an investigation or otherwise, the board shall provide notice of the alleged misconduct to the Complaints Director in accordance with *the Act* and associated Regulations.
- 5.2 The board may conduct an investigation in order to determine if the Chief of Police or Deputy Chief of Police has engaged in conduct that constitutes misconduct or unsatisfactory work performance.
- 5.3 The board shall adhere to all requirements of *the Act* and associated Regulations in executing its responsibilities under this section, and shall seek legal counsel as required.

## **Section 6 - Disclosure of Misconduct**

- 6.1 The Chief of Police shall establish and operate according to written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by members. The procedures shall:
  - a. Address how a member or former member of the Police Service may make disclosures of misconduct, including giving directions as to the persons 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.
- 6.2 The Chief of Police shall ensure members are familiar with the procedures and the protections from reprisals for disclosing misconduct.
- 6.3 The board shall establish and operate according to written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by the Chief of Police or a Deputy Chief of Police.

## **Reporting**

The Chief of Police shall submit yearly reports to the board as outlined below:

1. The reports shall include the following information, except for complaints against the Chief of Police or a Deputy Chief of Police:
  - a. The number of public complaints made against sworn members and Special Constables;
  - b. The nature of the allegations against sworn members and Special Constables;
  - c. The resolution of the complaints;
  - d. The number of complaints resulting in discipline;
  - e. The number of complaints against Hamilton Police members referred to another agency; and
  - f. The number of disclosures made under section 5 of this policy.
2. The report shall include an analysis of the frequency, nature and substance of policy, service and conduct complaints (excluding complaints against the Chief of Police and a Deputy Chief of Police), and the opinion of the Chief of Police as to whether the frequency, nature and substance of such complaints require some form of remediation or other training.



## Hamilton Police Service Board Conflicts of Interest Policy P-XXX

Effective date: April 1, 2024

Reviewed:

Amended:

### Applicable Legislation

O. Reg. 401/23 Conflicts of Interest under the *Community Safety and Policing Act, 2019, S.O. 2019, c.1. Sched.1 (the Act)*.

### Policy Application

The following definitions apply in this policy:

“Actual institutional conflict” means a potential institutional conflict for which a determination has been made by the Chief of Police that an informed and reasonable person would not believe that a member of the Police Service who must take action or make a decision in the situation could do so impartially;

“Personal conflict” means a situation in which a member of a Police Service’s private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their professional duties with respect to the provision of policing functions;

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

- a. A current or former spouse, common-law partner or other intimate partner of the member;
- b. The member’s children, including biological and adoptive children and stepchildren;
- c. A legal dependent of the member;
- d. A child in the member’s care;

- e. A grandparent, parent or sibling, including grandparent-in-law, parent-in-law or sibling- in-law, of the member.

“Potential institutional conflict” means a situation in which a member of a Police Service must take action or make a decision in relation to criminal conduct that is alleged or reasonably suspected to have been committed by or against any of the following persons, but does not include criminal conduct that is alleged or reasonably suspected to have been committed against a peace officer acting in the course of their duties:

- a. Any other member of the Police Service, including the Chief of Police or a Deputy Chief of Police;
- b. A member of the board;
- c. A member of a municipal council or of a band council of a First Nation, as applicable, in the area for which the police service board has policing responsibility.

## **Section 1 - Written Procedures**

- 1.1 The Chief of Police shall establish written procedures respecting actual institutional conflicts and personal conflicts in the provision of policing functions by the Police Service. The procedures shall:
  - a. Provide for steps that must be taken to avoid or address potential institutional conflicts, actual institutional conflicts and personal conflicts;
  - b. Identify a supervisor to whom a member of a Police Service is required to report potential institutional conflicts, actual institutional conflicts and personal conflicts and, if the matter to be reported relates to the member’s own supervisor, an alternative supervisor;
  - c. Identify the members of the Police Service who are authorized to determine whether a personal conflict has arisen or is likely to arise;
  - d. Ensure the impartiality of investigations by the Police Service under this Regulation; and
  - e. Address how the Police Service will conduct investigations referred to it by the Chief of Police of another Police Service. If the Chief of Police is referred an investigation for investigation by another police service, the

Chief shall either (1) cause the matter to be investigated in accordance with the applicable conflict procedure; or (2) ensure that the matter if assumed by a different police service to conduct the investigation.

## **Section 2 - Personal Conflicts**

- 2.1 If it is determined, in accordance with the conflict procedures, that a personal conflict respecting a member of the Police Service has arisen or is likely to arise with respect to a policing function that the member is providing, the Chief of Police shall:
- a. Require a different member of the Police Service to provide the policing function or refer the matter to the Chief of Police of a different Police Service; or
  - b. If the Chief of Police or Deputy Chief of Police is the member of the Police Service in respect of whom a personal conflict has arisen or is likely to arise, refer the matter to the Chief of Police of a different Police Service.
- 2.2 The Chief of Police shall record the steps the Chief of Police takes under this section, in the form approved by the Minister.
- 2.3 If the Chief of Police or Deputy Chief of Police is the member of the Police Service in respect of whom a personal conflict has arisen or is likely to arise, the record shall include either a statement that the Chief of Police complied with the conflict procedures and this policy, or a statement that the Chief of Police did not comply and an explanation for the non-compliance. The record shall be submitted by the Chief of Police to the Inspector General and the board.

## **Section 3 - Institutional Conflicts**

- 3.1 If the Chief of Police determines that a potential institutional conflict respecting a member of the Police Service has arisen or is likely to arise, the Chief of Police shall determine whether an informed and reasonable person would believe that a member of the Police Service who must take action or make a decision in the situation could do so impartially. In making this determination, the Chief of Police shall consider all relevant factors, including:

- a. Whether any of the members of the Police Service who are required to act or make a decision are likely to be in a reporting relationship to or know a person who is or would be under investigation in respect of the criminal conduct;
  - b. Whether the Police Service has procedures for consulting with the Crown Attorney regarding the conduct of the investigation of the criminal conduct, and has undertaken to consult with the Crown on the investigation;
  - c. The importance of the perception of fairness and impartiality in the course of all investigations to maintaining the community's trust.
- 3.2 The Chief of Police is not required to make the determination above with respect to the following:
  - a. An incident reported to the SIU Director under section 16 of the *Special Investigations Unit Act, 2019* or the SIU Director causes the incident to be investigated under section 15 of that Act; or
  - b. The potential institutional conflict has arisen or is likely to arise in an area for which the board does not have policing responsibility.
- 3.3 If the Chief of Police determines that an actual institutional conflict of interest exists, the Chief of Police shall refer the investigation to the Chief of Police of a different Police Service.
- 3.4 If the Chief of Police determines that a potential institutional conflict is not an actual institutional conflict and does not meet the prescribed conditions to be referred for investigation to a Chief of another Police Service, the Chief shall either:
  - a. Cause the matter to be investigated in accordance with the Durham Regional Police Service conflict procedures; or,
  - b. Refer the matter to the Chief of Police of a different police service for investigation.

In exercising his or her discretion to retain or refer an investigation, the Chief of Police shall have regard to the costs of an external investigation and whether such costs are merited in all of the circumstances. Should the Chief of Police retain the matter for

investigation, notification shall be provided to the Inspector General in the prescribed form including a summary of the steps taken under the applicable conflict procedure.

3.5 The Chief of Police shall inform the board of every actual institutional conflict and of every potential institutional conflict that is determined to not be an actual institutional conflict. If the Chief of Police retains an investigation that is determined to not be an institutional conflict, the Chief of Police shall explain the rationale for retaining the investigation to the board and the Inspector General.

### **Reporting**

The Chief of Police shall report to the board as required under sections 2.3 and 3.5 of this policy.





# Hamilton Police Service Board Disclosure of Misconduct (related to the Chief of Police or Deputy Chief of Police) Policy P-XXX

Effective date: April 1, 2024  
Reviewed:  
Amended:

## Applicable Legislation

*Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1 (the Act), sections 38(1)(a), 183(2) and (5)*

## Policy Application

1. A member or former member of the Police Service may make a disclosure of alleged misconduct by the Chief of Police or a Deputy Chief of Police. The identity of persons involved in the disclosure will be protected unless to do so would be contrary to the interests of fairness or applicable law. The member or former member will be protected from any form of reprisal in accordance with *the Act*.
2. The member or former member shall have two options for making allegations of misconduct against the Chief of Police or a Deputy Chief of Police:
  - a. To the board; or
  - b. To the Inspector General.
3. Should the member or former member choose to make a complaint of misconduct to the board, the complaint shall be in writing, addressed to the board chair, and submitted to the board office. The complaint should include as much detail as possible, including dates, witness names, and any relevant supporting documents.
4. The board chair shall review the complaint and consider whether the board must address the matter urgently. The chair shall ensure legal counsel is consulted in

determining how to address the alleged misconduct, including whether the interests of fairness require the disclosure of the identity of those involved in the complaint.

### **Initial Assessment by the Board**

The board may refuse to deal with a disclosure of misconduct or a portion of it under s. 183 if one or more of the following circumstances apply:

- a. The subject matter of the disclosure is being dealt with by another person or body as a matter of law enforcement or in accordance with a procedure established under this or any other Act.
- b. The subject matter of the disclosure is an employment or labour relations matter that could be dealt with through a dispute resolution mechanism, including a grievance procedure, established under this or any other Act, 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 a substantial delay between the disclosure and the incidents that are the subject matter of the disclosure.

If the board refuses to deal with a disclosure of misconduct or a portion of it, the board shall so inform the person who made the disclosure and may provide reasons for the refusal. If the person who made the disclosure is unsatisfied with the board action, they may contact the Inspector General under s. 185(b).

5. The board chair, board members and board employees shall take all necessary steps to protect the identity of persons involved in the complaint process. If it is necessary to disclose the identity of any individual involved in the process to ensure fairness, the disclosure will only be made:
  - a. with the written permission of the person who is making the allegation of misconduct;
  - b. to a person whose interests of fairness would be compromised if the identity of the person alleging misconduct was not disclosed.
6. Any correspondence, including electronic correspondence, concerning the alleged misconduct shall be clearly labelled “confidential”.

7. The person making the allegations shall be informed of the protections in *the Act* against reprisals.

## **Reporting**

The board shall 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.



## Hamilton Police Service Board Extreme Incident Response Plan P-XXX

Effective date: April 1, 2024  
Reviewed:  
Amended:

### Applicable Legislation

O.Reg. 392/23 Adequate and Effective Policing (General) under the *Community Safety and Policing Act, 2019, S.O. 2019, c.1, Sched.1 (the Act)*.

### Policy Application

1. In this policy, “extreme incident” means a situation in which there is reason to suspect either:
  - a. A terrorism offence within the meaning of section 2 of the Criminal Code (Canada) that will cause or has caused casualties or negative impacts to critical infrastructure in the police service’s area of policing responsibility will be or has been committed;
  - b. A criminal offence that will cause or has caused mass casualties will be or has been committed, and the effects of that offence could potentially exceed the capacity of the police service;
  - c. A criminal offence that will cause or has caused negative impacts to critical infrastructure, requiring a response by the police service that could potentially exceed its capacity, will be or has been committed;
  - d. Multiple active attacker incidents, at least one of which is in the police service’s area of policing responsibility, will occur or are occurring, simultaneously, and there is reason to suspect the incidents are related;
  - e. A protest, demonstration or occupation that will pose a serious threat to human life or critical infrastructure will occur or is occurring.

2. The Chief of Police, or designate, shall:
  - a. Ensure that the Notification Protocol in the Provincial Plan is disseminated to appropriate front-line members through to senior command of the police service;
  - b. Ensure the protocol is kept current with regard to contacts and positions, titles and roles;
  - c. Undertake risk assessments at a minimum annually or more frequently as required to identify potential targets (for example, persons, places, objects or systems) that are anticipated to be the subject of an extreme incident including, but not limited to:
    - i. creating and maintaining an up-to-date inventory of potential targets that are anticipated to be the subject of an extreme incident within the police service's area of responsibility;
    - ii. assessing the risk of an extreme incident (high/medium/low) associated with these targets.
  - d. Ensure open lines of communication are created and maintained to share information, including intelligence relevant to an extreme incident with other police services and relevant entities including but not limited to OPP Provincial Operations Centre (POC);
  - e. Ensure that a process is in place to identify and access necessary resources, including but not limited to:
    - i. personal protective equipment;
    - ii. specialized services (for example, tactical units);
    - iii. vehicles;
    - iv. training;
    - v. temporary accommodation;
    - vi. decontamination equipment;
    - vii. telecommunications equipment (which are also interoperable).
  - f. Review, train on and exercise their respective procedures at a minimum every two years, and following legislative and operational changes affecting extreme incident response as applicable. This process will consist of:

- i. reviewing their respective procedures for compliance with legislative and operational changes, including linkages with the municipal or First Nation emergency plan(s) within their jurisdiction;
  - ii. conducting a simulated drill or sequence of events that places participants in a situation requiring them to function in the capacity that would be expected of them in the event of a real extreme incident. The simulated drill or sequence of events shall be performed concurrently with other police services and should also involve other relevant entities (for example, emergency service providers). This simulated drill or sequence of events shall at a minimum, test the interoperability of communication systems between the Police Service and other participating police services and any participating other relevant entities;
  - iii. considering how recent extreme incidents were responded to and lessons learned.
3. Based on information received regarding an extreme incident, the Chief of Police shall ensure that the following responsibilities are fulfilled as the circumstances require in addition to satisfying any other operational priorities that may exist:
  - a. Implementing initial response and determining priorities, roles, and responsibilities of responding police officers on the scene(s);
  - b. Undertaking the applicable steps from the Notification Protocol;
  - c. Establishing an incident command or an integrated unified incident command (as applicable);
  - d. Coordinating actions of responding police officers and specialized responders as applicable, including liaising with other emergency service providers, such as fire and emergency medical services;
  - e. Activating any applicable agreements, as required, including agreements for the transfer of command to other police services or the RCMP, where applicable;
  - f. Following the inter-agency cooperation and information and intelligence sharing protocols;
  - g. Providing timely and relevant information to the media, including issuing public alerts, as required;

- h. Providing assistance to victims and witnesses, including the provision of referrals that are appropriate in the circumstances to emergency services, health care professionals, victim support agencies, social service agencies and other appropriate governmental, nongovernmental or community organizations.
4. The Chief of Police shall ensure that notification is given to municipal, First Nation, provincial, and federal government emergency service providers, as applicable, when it is safe for them to start addressing the consequence(s) of an extreme incident. To ensure a coordinated effort with respect to consequence management response, including rescue and recovery efforts, the Chief of Police or designate shall liaise with other emergency services providers, such as fire, emergency medical services, hospitals and public health officials, as applicable.
5. The Chief of Police shall exercise primary responsibilities in resulting investigations subject to the Security Offences Act or other legislation assigning primary responsibility to a specific police service or to an agreement pursuant to s. 14 of the Community Safety and Policing Act, 2019 with another police service to undertake the relevant investigation.
6. 6. The Chief of Police may request that the Commissioner of the OPP or the Chief of Police of another Police Service provide assistance, if the Chief of Police is of the opinion that the extreme incident is an emergency. The board may also request the OPP's or another police service's assistance by resolution.
7. The Chief of police or designate shall provide updates to the OPP Provincial Operations Centre (POC) as per the Notification Protocol in the Provincial Plan. The Chief of Police shall share information, including intelligence relevant to an extreme incident with other Chiefs of Police and relevant entities as necessary to support an effective response, maintain situational awareness and public safety, and facilitate coordination of resources in accordance with local plans and standard operating procedures, or on an ad hoc basis, to the extent such disclosure is legally permitted.

8. The Chief of Police or designate shall inform the board of the extreme incident and continue providing appropriate updates through the Chair of the board or their designate.
9. The Chief of Police shall decide whether to make public any information relating to the extreme incident. The chief of police shall, where appropriate:
  - a. Disseminate directions to personnel with regards to media scene access restrictions;
  - b. Provide access to the perimeters of the scene;
  - c. Release appropriate information to the media and members of public; and
  - d. Maintain ongoing liaison with the media.
10. The Chief of Police or designate shall ensure public alerts are made as required using:
  - a. Social media notification; and
  - b. An emergency alert system that delivers alerts through television, radio, and wireless devices.

## **Reporting**

1. The Chief of Police or designate shall, following an extreme incident, prepare a report reviewing and evaluating the police service's response to the incident. The report must include:
  - a. General information regarding the incident, including the nature of the incident, the date, time and location of the incident, the environment in which the incident occurred and the details on the response to the incident;
  - b. The type of personnel from the police service and other agencies involved in responding to the incident and their role in the response;
  - c. An analysis of the outcome of the incident, including what worked well and recommendations for improvements, including matters to be addressed through changes to procedures and/or training;
  - d. As applicable, the impact of the extreme incident and the Police Service's response to the extreme incident as it related to:



- i. victims;
- ii. the community;
- iii. the Police Service and other first responder agencies; and
- iv. individual members of the Police Service.

If the extreme incidents involves the members of another police service, the Chief of Police shall prepare the above report in consultation with the chiefs of police of the other involved police services.

2. The Chief of Police shall ensure the report is prepared within 120 days after:
  - a. The day of the incident, if there is no Special Investigations Unit investigation into the incident;
  - b. If there is a Special Investigations Unit investigation into the incident, the day on which public notice in respect of the incident is given under section 33 of the Special Investigations Unit Act, 2019, or a report is published in respect of the incident under section 34 of that Act.
3. If the Chief of Police is unable to complete the report within the timeframe above, the Chief of Police shall notify the board of the status of the report every 30 days, until the report is complete.
4. The Chief of Police shall provide the board the report within 30 days after the Chief of Police approves the report. The board shall publish the report on the internet, subject to the following:
  - a. The board shall not make any information from the report available to the public without consulting with the chief of police regarding (1) whether any information from the report should not be disclosed and (2) whether the information could be redacted if access to the report were requested under the Freedom of Information and Protection of Privacy Act (FIPPA) and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);
  - b. The board shall not redact any information in the report that would be required to be disclosed in response to a request for access under the FIPPA or MFIPPA.



## Hamilton Police Service Board Investigations Policy P-XXX

Effective date: April 1, 2024  
Reviewed:  
Amended:

### Applicable Legislation

O.Reg. 395/23 of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1 (the Act)* Section 37(1)(j)

### Policy Application

The Chief of Police shall comply with Ontario Regulation 395/23 – Investigations, and ensure that:

1. The Police Service has at least one of each of the following individuals available 24 hours a day:
  - a. A senior investigator.
  - b. A supervisor.
  - c. A major case manager.
2. The following procedures are in place, and updated on a regular basis:
  - a. Procedures regarding notifying supervisors of matters for the purposes of section 6.
  - b. Procedures for undertaking investigations.
  - c. Procedures for the management of information relating to investigations.
  - d. Procedures for managing informers and agents and ensuring their security.
3. Consultation occurs with the Crown Attorney regarding any concerns raised by the Crown Attorney or judiciary regarding the investigation procedures or the practices of members of the police service related to any aspect of an

investigation, and appropriate follow up and review is conducted when concerns are identified.

4. Members of the Hamilton Police Service are deployed as required to undertake or supervise investigations.
5. The following factors are considered when determining the number of members of the Police Service that are required to undertake and supervise an investigation:
  - a. Data on the workload of members conducting investigations from the previous five years;
  - b. The crime severity index for areas being policed;
  - c. The clearance rates for the areas being policed;
  - d. The strategic plan for the police service; and
  - e. The geographical characteristics of the community.

### **Reporting**

The Chief of Police shall submit an annual report to the board demonstrating compliance with this policy.



## Hamilton Police Service Board Quality Assurance Policy P-XXX

Effective date: April 1, 2024  
Reviewed:  
Amended:

### Applicable Legislation

O. Reg. 392/23 *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1 (the Act)* s.23 Quality Assurance

### Policy Application

1. The Chief of Police shall:
  - a. Ensure that all practices related to quality assurance and audit functions are in accordance with statutory requirements and generally accepted principles and standards for the professional practice of internal auditing;
  - b. Establish an internal audit capability for the Police Service and ensure that appropriate resources are provided to the members performing the function;
  - c. Ensure that police members involved in audit processes have the knowledge, skills and abilities required to perform the duties required, and that adequate training and education are provided to members to enable them to fulfill their responsibilities;
  - d. Develop an internal audit work plan, on an annual basis, based on risk assessment and operational priorities, that identifies potential audit projects to be performed during the calendar year and provide a copy of the plan to the board.  
  
Inform the board, as required, of any audit results that may require the immediate attention of the board.

## **Reporting**

Present to the board a consolidated report summarizing the results of the previous year's audits, including any audits conducted externally.



# Hamilton Police Service Board Reporting of Secondary Activities Policy P-XXX

Effective date: April 1, 2024  
Amended:  
Reviewed:

## Applicable Legislation

Section 38(1)(d) of the *Community Safety and Policing Act, 2019, S.O. 2019, c.1, Sched.1 (the Act)*: A police service board shall establish policies respecting disclosure of secondary activities under Section 89 and decisions under that Section.

## Policy Application

- 1.1 Members of the Police Service shall not engage in any activity:
  - a. That interferes with or influences adversely the performance of his or her duties as a member of the Police Service, or is likely to do so;
  - b. That places him or her in a position of conflict of interest, or is likely to do so;
  - c. That would otherwise constitute full-time employment for another person; or
  - d. In which he or she has an advantage derived from being a member of the Police Service.
- 1.2 Paragraph 1.1 does not prohibit a member from performing, in a private capacity, services that have been arranged through the Police Service.
2. A member of the Police Service who proposes to undertake an activity that may contravene a section described in paragraph 1.1, or who becomes aware that an activity that the member has already undertaken may do so, shall disclose full particulars of the situation to the Chief of Police. In the case of the Chief of Police, the full particulars of the situation shall be disclosed to the board.

3. The Chief of Police or the board, as the case may be, shall decide whether the member is permitted to engage in the activity, subject to any conditions or restrictions that may be set out in the decision. The member shall be notified of the decision in writing, with reasons, and a report shall be provided to the board.
4. If a member who was previously granted permission to undertake a secondary activity, and the conditions for that activity are substantially altered, the member shall disclose the details of the changes to the Chief of Police, or the board in the case of a secondary activity undertaken by the Chief of Police. The Chief of Police or the board may rescind the permission to engage in the secondary activity, or place restrictions on the secondary activity, as a result of the changes disclosed. If the permission is rescinded or conditions are added, the Chief of Police shall provide a report to the board.
5. The Chief of Police may at any time rescind the approval if it is determined by the Chief of Police that the granted privilege has become a contravention of *the Act*, the performance of duties is adversely affected, or a member refuses to comply with a restriction imposed on the activity. The board may take the same action with respect to any secondary activity undertaken by the Chief of Police.

## **Reporting**

The Chief of Police shall submit a written report to the board in accordance with Paragraphs 3 and 4. The report shall provide detail on the nature or type of the secondary activity disclosed and the reasons for allowing or denying the member to participate in the activity, and any restrictions imposed. The board shall prepare and publish reports outlined in Paragraphs 3 and 4 as they relate to any secondary activities of the Chief of Police.



# Hamilton Police Service Board

## Use of Force and Weapons

### Policy

### P-XXX

Effective date: April 1, 2024  
Reviewed:  
Amended:

### Applicable Legislation

O.Reg. 391/23 Use of Force and Weapons under the *Community Safety and Policing Act, 2019, S.O. 2019, c.1. Sched.1 (the Act)*.

### Policy Application

The Chief of Police shall ensure that:

1. Every member of the Police Service who may be required to use force on another person is in compliance with prescribed training requirements on the use of force.
2. Before a firearm is issued to a member of the Police Service, the member is in compliance with the applicable training requirements prescribed by the Minister and is competent in the use of the firearm.
3. Every member of the Police Service who is authorized to carry or use a firearm is in compliance with the prescribed training requirements on the use of firearms;
4. Every member of the Police Service who is authorized to carry or use a weapon that is not a firearm is in compliance with the prescribed training requirements on the use of the weapon.
5. Records are maintained of the training taken by members of the Police Service on the use of force, the use of firearms and the use of weapons that are not firearms and of when each training was taken.
6. All weapons authorized and distributed for use within the Service to the technical specifications in Ontario Regulation 391/23 – Use of Force and Weapons.



7. If a member unintentionally or intentionally, except on a target range or in the course of ordinary weapon maintenance, discharges their firearm, immediately cause an investigation to be made into the circumstances and file a report with the board.
8. Immediately cause an investigation and file a report to the board where a member, by the discharge of a firearm in the performance of his or her duty, kills or injures another person.
9. The board is promptly informed when the Chief of Police discharges a firearm in the performance of the Chief's duties. The board shall cause an investigation to be made into the circumstances should such an incident occur.
10. Ongoing review and evaluation of local use of force procedures, training and reporting occurs.

## **Reporting**

The Chief of Police shall provide a copy of the Service's annual Use of Force report to the board, which shall include:

1. The number of use of force incidents and reports;
2. A description of the type of force used;
3. Time of day of the use of force;
4. The number of armed and unarmed subjects;
5. The unit the member worked in at the time the use of force occurred;
6. The number of years of service the member had at the time the use of force occurred;
7. Member injuries and subject injuries related to use of force incidents;
8. The perceived race of the subject of the use of force;
9. Details of de-escalation training provided and the number of members who received such training.

Data shall be provided for the five previous years where applicable, to enable comparisons.

The Chief of Police shall further provide any other relevant information that may assist the board in understanding the application of the use of force and possible trends. The board shall make the report available to the public.



## Hamilton Police Service Board Vehicle Pursuit Policy P-XXX

Effective date: April 1, 2024  
Reviewed:  
Amended:

### Applicable Legislation

O. Reg. 397/23 Vehicle Pursuits under the *Community Safety and Policing Act, 2019*,  
*S.O. 2019, c. 1, Sched. 1 (the Act)*

### Policy Application

1. Every Chief of Police shall establish procedures that set out the following tactics that may be used in the relevant police service's area of policing responsibility:
  - a. Tactics that may be used as an alternative to a vehicle pursuit;
  - b. Tactics for pursuing or stopping a fleeing motor vehicle.
2. Every Chief of Police shall establish procedures on the management and control of vehicle pursuits.