

APPENDIX 'A' TO REPORT PSB 24-015

Checklist for Boards Related to the CSPA from the Inspectorate of Policing

Board Progress as of June 27, 2024

	SUBJECT	LEGISLATION	DETAILS	RESPONSIBLE	NOTES	STATUS
1	Code of Conduct & Conflict of Interest	O.Reg. 408/23	Review Board member code of conduct and implement requirements around dealing with misconduct and Conflict of Interest.	Board Members & Administrative Director	The Board does have a policy on Code of Conduct for Police Service Board Members P-020 as well as policies on Declarations of Conflicts of Interest Policy P-001.	Reading and understanding the Board Member Code of Conduct is the responsibility of Board members. Board policies already exist from members of the Board respecting code of conduct & declarations of conflicts of interest.
2	Forwarding of complaints	s.108	Review CSPA s.108 and understand the requirement to submit complaints to the IG (Inspector General)	Board Members & Administrative Director	see 'Forwarding Complaints'	responsibility of each Board member
3	Board Meeting Requirements		Review and implement requirements for conducting board meetings including public access and posting of certain board documents.	Administrative Director	All meeting requirements and posting of required documents on the Board's website is an ongoing responsibilities of the Administrative Director.	complete
4	Establishing Board Policies	s.183-185	Review CSPA s.183-185 and establish Board procedures as required	Administrative Director	Sections 183, 184 and 185 are found under Part 6 of the CSPA – Right to Report Misconduct	complete
4.1		s.183(2)	Every police service board shall establish written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by the chief of police or deputy chief of police of the police service. 2019, c. 1, Sched. 1, s. 183 (2).	Administrative Director	This matter is dealt with under Board Policy P-018 Complaints of Misconduct under Section 5 – Complaints Against the Chief of Police or a Deputy Chief of Police.	complete
4.2		s.183(5)	Contents of procedures - without limiting the generality of subsections (1), (2), (3) and (4), the procedures under those subsections shall address a) how a member or former member of the police service, or an employee or former employee of the special constable employer, 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. 2019, c. 1, Sched. 1, s. 183 (5); 2024, c. 2, Sched. 4, s. 3.	Administrative Director	This matter is dealt with under Board Policy P-016 – Disclosure of Misconduct (Related to the Chief of Police or Deputy Chief of Police of a Member or Former Member, or an Employee or Former Employee of a Special Constable Employer).	complete
4.3		s.184(1)	Reporting of misconduct - If a member or former member of a police service has reason to believe that another member of the police service has engaged in conduct that constitutes misconduct, he or she may disclose the misconduct in accordance with the applicable procedure established under subsection 183 (1), (2) or (3). 2019, c. 1, Sched. 1, s. 184 (1).	Administrative Director	This matter is dealt with under Board Policy P-016 Disclosure of Misconduct Section 6 – Disclosure of Misconduct.	complete
4.4		s.185	This section of the CSPA pertains to a member of a police service or a special constable employed by a special constable employer and does not pertain to the Board.	not applicable	This section of the CSPA pertain to a member of a police service or a special constable employed by a special constable employer and does not pertain to the Board.	not applicable
5	Chief/Deputy Misconduct	s.197(2)	Review CSPA s.197(2) and understand Board requirement to notify LECA (Law Enforcement Complaints Agency) of Chief/Deputy Chief misconduct and consider establishing Board processes.	Board Members & Administrative Director	Board policies P-018 Complaints of Misconduct Policy and P-016 Disclosure of Misconduct relate to this matter.	complete
6	Generally Applicable Standard(GAS)		Begin dialogue with Chief of Police on the Generally Applicable Standard and incorporate consideration of information of GAS factors when developing and implementing Board responsibilities.	Board Members	A GAS presentation given by the IOP is available on the Members Only portion of our website under Community Safety and Policing Act / CSPA Presentations from the OAPSB Spring Conference June 2024 / The Inspector General and the Inspectorate of Policing: What Boards Need to Know	incomplete

Board Member Code of Conduct

<https://www.ontario.ca/laws/regulation/230408>

CSPA Forwarding of Complaints s.108(1) & (3)

108 (1) If a person who may make a complaint under section 106 or 107 to the Inspector General instead makes the complaint to any of the following persons or entities, 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:

1. The Minister.
2. The Complaints Director, a deputy Complaints Director or an investigator appointed under section 136.
3. The SIU Director or an employee or investigator in the Special Investigations Unit.
4. A chief of police.
5. A police service board or a member of a police service board.
6. An O.P.P. detachment board or a member of an O.P.P. detachment board.
7. A First Nation O.P.P. board or a member of a First Nation O.P.P. board.
8. Repealed: 2023, c. 12, Sched. 1, s. 47.
9. A special constable employer.
10. A prescribed entity.
11. A prescribed policing provider.
12. Any other person or entity prescribed by the Minister. 2019, c. 1, Sched. 1, s. 108 (1); 2023, c. 12, Sched. 1, s. 47; 2024, c. 2, Sched. 4, s. 3.

Deemed to have been made to Inspector General

s.108(3) The complaint of a person that is forwarded to the Inspector General under this section is deemed for the purposes of this Act to have been made by the person directly to the Inspector General. 2019, c. 1, Sched. 1, s. 108 (3).

Mandatory Notice of Misconduct s.197(2)

Duty, police service board

(2) If a police service board becomes aware that a chief of police or deputy chief of police of a police service maintained by the board may have engaged in conduct that constitutes misconduct, whether during the conduct of an investigation or otherwise, the board shall, in prescribed circumstances, provide notice of the misconduct to the Complaints Director.