OWEN SOUND POLICE SERVICE

BOARD POLICY

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Expires: Indefinite

Rescinds:

OSPSB GP-013 Relationships in the Workplace – Conflict of Interest

1. **Policy Statement:**

In order to remain impartial and inspire public trust, members of the Owen Sound Police Service must be aware of conflicts of interest that may arise in the course of their duties and take appropriate steps to avoid and address them. Various forms of conflict of interest may arise in the policing context, and strict adherence to established procedures will assist in preventing any perception of bias or unfairness in the enforcement of the law and enhance public confidence in the Owen Sound Police Service. This policy is pursuant to *Ontario Regulation 401/23 – Conflicts of Interest.* This policy also sets out the Board's requirements respecting relationships in workplace relationships, including the employment of persons who are related to, or in a personal relationship with, a Member, so that every employment decision is made on merit and is free from any actual or perceived conflict of interest.

2. **Definitions:**

a) **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;

b) **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;

c) **Intimate Partner** - has the same meaning as in section 2 of the *Criminal Code*;

d) **Personal Relationship** - includes, but is not limited to, a relationship with any of the following persons:

   I. A current or former spouse, common-law partner, or other intimate partner of the Member;

   II. The Member's children, including biological and adoptive children and stepchildren;

   III. A legal dependant of the Member;

   IV. A child in the Member's care; and

   V. A grandparent, parent, or sibling, including grandparent-in-law, parent-in-law, or sibling-in-law, of the Member.

e) **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:

   I. Any other Member of the Police Service, including the Chief of Police or a Deputy Chief of Police;

   II. A Member of the Board;

   III. A member of a Municipal Council or of a Band Council of a First Nation, as applicable; and

   IV. In the area for which the Board has policing responsibility.

f) **Applicant** - means a person who has applied, or has indicated an intention to apply, for employment or engagement with the Police Service in any capacity, including as a police officer, special constable, civilian member, auxiliary member, student, volunteer or contractor;

g) **Employment Decision** - means any decision or step respecting the recruitment, selection, hiring, appointment, probation, compensation, assignment, transfer, secondment, promotion, acting appointment, training or career development

opportunity, performance evaluation, discipline or termination of employment of a person, including the engagement of a person under a contract for services; and

h) **Family Member** - means, in relation to a Member, any person with whom the Member has a Personal Relationship, and also includes the Member's child-in-law (including the spouse, common-law partner or other intimate partner of the Member's child), grandchild, niece, nephew, aunt and uncle, whether the relationship arises by birth, adoption, marriage or common-law relationship.

3. **Board Policy:**

a) **Written Procedures** – it is the policy of the Board that 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:

I. Provide steps that must be taken to avoid or address potential institutional conflicts, actual institutional conflicts, and personal conflicts;

II. Identify Supervisors to whom a Member of this 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;

III. Identify the Members of this Police Service who are authorized to determine whether a personal conflict has arisen or is likely to arise;

IV. Ensure the impartiality of investigations by the Police Service under *Regulation 401/23 – Conflicts of Interest;* and

V. Address how this 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:

- cause the matter to be investigated in accordance with the applicable conflict procedure; or

- ensure that the matter is assumed by a different Police Service to conduct the investigation.

VI. Address relationships in the workplace, including the disclosure and management of conflicts of interest arising from the employment of Family Members, in accordance with section 3(d) of this policy.

b) **Personal Conflicts:**

I. 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:

- require a different Member of this Police Service to provide the policing function or refer the matter to the Chief of Police of a different Police Service; or

- if the Chief of Police or Deputy Chief of Police is the Member of this 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.

II. The Chief of Police shall record the steps the Chief of Police takes under this section, in the form approved by the Minister; and

III. 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.

c) **Institutional Conflicts:**

I. 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:

- 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;

- 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; and

- the importance of the perception of fairness and impartiality in the course of all investigations to maintaining the community's trust.

II. The Chief of Police is not required to make the determination above with respect to the following:

- 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

- the potential institutional conflict has arisen or is likely to arise in an area for which the Board does not have policing responsibility.

III. 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;

IV. 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 of Police shall either:

- cause the matter to be investigated in accordance with the Police Service's conflict procedures; or

- refer the matter to the Chief of Police of a different Police Service for investigation.

In exercising their 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; and

V. 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 not to be an institutional conflict, the Chief of Police shall explain the rationale for retaining the investigation to the Board and the Inspector General.

d) **Employment of Family Members:**

IV. The Board recognizes that persons who are related to, or in a Personal Relationship with, a Member may be well qualified for employment with the Police Service, and this policy does not prohibit their employment. It is the policy of the Board that every Employment Decision shall be made on merit, through a fair and transparent process, and in a manner that an informed and reasonable person would regard as free from favouritism or improper influence. This section applies to every position with the Police Service, whether full-time, part-time, temporary, contract, auxiliary or volunteer.

V. Every application for employment or engagement with the Police Service shall require the Applicant to disclose whether they are a Family Member of any Member and, if so, the identity of that Member.

VI. A Member who knows or reasonably believes that a Family Member is an Applicant shall disclose that fact in writing as soon as the Member becomes aware of it and, in any event, before any step is taken in the selection process. The Chief of Police or a Deputy Chief of Police shall make the disclosure to the Chair of the Board. Any other Member shall make the disclosure in accordance with the Police Service's procedures.

VII. A Member shall not participate in, influence or attempt to influence, or seek or receive confidential information about, any Employment Decision respecting a Family Member. This includes the preparation of the job posting or qualifications, screening, testing, interviews, background investigation, reference checks, the ranking of candidates, the decision to make an offer of employment and the terms of that offer. A Member shall not discuss a Family Member's candidacy with any person involved in the selection process, other than to make the disclosure required by this section.

VIII. Where an Applicant is a Family Member of the Chief of Police or a Deputy Chief of Police:

- the Board, on receiving the disclosure, shall determine the process to be followed for that Applicant, and may direct that the selection process, or any part of it including the background investigation, be

conducted or overseen by one or more persons who are independent of the Chief of Police or Deputy Chief of Police, as the case may be, which may include persons external to the Police Service;

- the Chief of Police or Deputy Chief of Police, as the case may be, shall take no part in the selection process and shall not be informed of the Applicant's progress except as the Board directs;

- before any offer of employment is made to the Applicant, the person responsible for the selection decision shall provide the Board with a written report confirming the process followed, the candidates considered, the Applicant's qualifications and the reasons for the recommended decision; and

- no offer of employment shall be made to the Applicant until the Board has confirmed in writing that the requirements of this policy have been met.

IX. No Member shall directly or indirectly supervise, or make or participate in any Employment Decision respecting, a Member who is their Family Member. Where a Member is a Family Member of the Chief of Police or a Deputy Chief of Police, every Employment Decision respecting that Member shall, to the extent permitted by law, be made by a person designated for that purpose with the approval of the Board, and any matter respecting the conduct of that Member shall be dealt with in a manner that ensures the impartiality of the process, including, where appropriate, referral to another police service.

X. The Chief of Police shall maintain a confidential record of every disclosure made under this section and the steps taken in response, and shall report to the Board:

- immediately, respecting any disclosure involving a Family Member of the Chief of Police or a Deputy Chief of Police; and

- annually, respecting all other disclosures, in a form that does not identify the individuals involved unless the Board requests it.

XI. This section shall be applied in a manner consistent with the Human Rights Code and the applicable collective agreements, and no Applicant shall be refused employment solely by reason of their relationship to a Member.

XII. The Chief of Police shall, within sixty (60) days of the Board's approval of this section, amend the Police Service's procedures to give effect to it and provide the amended procedures to the Board.

e) **Reporting:**

The Chief of Police shall report to the Board as required under Sections 3 (b) (III), 3 (c) (V) and 3 (d) (VII) of this policy

John Thomson
Chair

November 18th, 2026
Date

K.Wardell
Board Secretary

November 18th, 2026
Date