



OWEN SOUND POLICE SERVICE

BOARD POLICY

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Rescinds:

OSPS GP-014 Disclosure of
Misconduct and Reprisals

It is the policy of the Owen Sound Police Service Board (the Board) with respect to disclosure of misconducts and reprisals that the Chief of Police will:

1. Develop and maintain written procedures that address:
 - a) Sections 183 and 184 of the *Community Safety and Policing Act (CSPA)*, 2019 – that requires every Chief of Police establish and maintain written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by Members of its Police Service, other than by the Chief of Police or the Deputy Chief of Police;
 - b) Section 185 of the *CSPA* - instances where a Member of a Police Service may disclose misconduct to the Inspector General; and
 - c) Section 190 of the *CSPA* - protection from reprisals for those seeking advice about making a disclosure about misconduct; making a disclosure of misconduct; cooperating in an investigation or other process related to disclosure of misconduct; or seeking enforcement of related sections of the *CSPA* around disclosures of misconduct.
2. The following elements should be included in the Procedure:
 - a) **Procedures/Processes for Disclosing Misconduct:**

- I. Any Member or former Member of the Police Service may disclose a misconduct by following the Police Service's procedure on disclosing misconducts; and
- II. Disclosures can be made to a designated Officer(s), or another designated authority within the Police Service.

b) Confidentiality and Protection of Identities:

The Chief of Police shall take all reasonable steps to protect the identities of individuals involved in the disclosure process, including the person making the disclosure, witnesses, and individuals alleged to have engaged in misconduct. Confidentiality measures may include anonymized reporting systems, secure communication channels, and strict access controls to information related to the disclosure;

c) Exceptions for Fairness:

The Chief of Police shall ensure in cases where the interests of fairness and justice require, exceptions may be made to the confidentiality provisions, allowing for the disclosure of identities. Such exceptions shall be made under strict guidelines and only to the extent necessary to ensure a fair process for all involved;

d) Responsibilities:

- I. The Chief of Police shall ensure all Members of the Police Service are familiar with the misconduct disclosure procedures and the protections against reprisals for disclosing misconduct and shall provide regular training and updates on these procedures;
- II. The Chief of Police shall ensure all Members are encouraged to report misconduct in good faith, in accordance with the established procedures and to cooperate with any investigations or proceedings resulting from a disclosure of misconduct;
- III. The Chief of Police shall ensure all forms of reprisal or retaliatory action against individuals who disclose alleged misconduct are prohibited;
- IV. Chief of Police shall ensure reports of misconduct by Members are investigated and, when it is determined that such wrongdoing has occurred, take disciplinary or corrective action through established processes of the Police Service; and

- V. The Police Service shall establish and maintain records of all misconduct disclosures and their outcomes. These records shall be reviewed regularly to ensure compliance with the Board's policy and the Police Service's procedure and to identify any patterns or areas for improvement.
- e) **Review and Amendments:** The Police Services procedures shall be reviewed annually or as needed;
- f) **Dissemination and Training:** This policy, along with the Police Service's procedure, shall be made available to all Members of the Police Service. Regular training sessions shall be conducted to ensure understanding and compliance;
- g) **Disclosure to the Inspector General:** The Police Service's procedure will identify that a Member of the Police Service may disclose misconduct to the Inspector General if,
 - I. The Member has reason to believe that it would not be appropriate to disclose the misconduct in accordance with the procedures established;
 - II. The Member has already disclosed the misconduct in accordance with the Police Service's procedure and has concerns that the matter is not being dealt with appropriately; or
 - III. The applicable Board policy or Police procedure has not been established.
- h) **Reprisals:**
 - a) The Chief of Police's procedure shall address any form of reprisal against individuals who engage in protected activities under the Police Service's procedure is strictly prohibited. A reprisal will include any adverse measure taken against a Member of the Police Service that affects their employment or appointment. For the purposes of this policy and the Police Service's procedure, pursuant the to the *CSPA* reprisal includes:
 - I. Terminating or threatening to terminate the person's employment or appointment;
 - II. Disciplining or suspending or threatening to discipline or suspend the person;
 - III. Imposing or threatening to impose a penalty related to the employment or appointment of the person; or
 - IV. Intimidating or coercing the person in relation to their employment or appointment.

- b) Any Member or former Member of the Police Service may file a complaint detailing the reprisal, including relevant dates, parties involved, and any evidence supporting the claim;
 - c) Where an allegation of reprisal is received, the Chief of Police shall ensure an investigation shall be carried out in accordance with this policy and the Police Service's procedure and established processes, and:
 - d) Where an investigation determines that a Member, other than the Chief of Police or the Deputy Chief of Police, is responsible for reprisal, that Member shall be subject to discipline in accordance with the established Police Service procedures and processes;
3. In respect to disclosures of misconduct relating to the Chief of Police or the Deputy Chief of Police, the following persons shall be notified:
- I. A disclosure of misconduct in respect to the Chief of Police or the Deputy Chief of Police, shall be made to the Chair of the Board;
 - II. A disclosure of misconduct in respect of a Board Member who is not the Chair, or a Board employee, shall be made to the Chair of the Board; and
 - III. A disclosure of misconduct in respect of the Chair of the Board, shall be made to the Vice-Chair of the Board.
4. It is also the policy of this Board:
- I. Disclosures of misconduct received by the Board, the Board shall review the disclosure and, when it appears that a misconduct has occurred, request an investigation, or take disciplinary or corrective action through established processes;
 - II. Ensure that, where misconduct has been determined and corrective action has been taken, a further review is also conducted to ensure that steps are taken to address the underlying causes and to take the appropriate actions to mitigate the risk of future occurrences; and
 - III. Where an investigation conducted determines that the Chief of Police or the Deputy Chief of Police, a Board Member or a Board employee is responsible for reprisal, that Member shall be subject to discipline in accordance with established processes of the Police Service.

5. Any Member of the Police Service who knowingly makes a false allegation of wrongdoing in bad faith or who knowingly makes a false or misleading statement that is intended to mislead an investigation of an allegation of wrongdoing, the Chief of Police shall take the appropriate disciplinary or other applicable action.

John Thomson
Chair

December 18th, 2024
Date

K. Wardell
Board Secretary

December 18th, 2024
Date