

Table CR:XX – Policy Number CR:XX – Disclosure of Misconduct and Reprisals

CR:XX DISCLOSURE OF MISCONDUCT AND REPRISALS	
LEGISLATIVE REFERENCE / AUTHORITY	<i>Community Safety and Policing Act, 2019, sections 183-185, 190</i>
DATE APPROVED	XX
DATE REVIEWED	N/A
DATES AMENDED	N/A
DATE TO BE REVIEWED	2027
REPORTING REQUIREMENT	N/A

LEGISLATIVE REFERENCE / AUTHORITY

Sections 183 and 184 of the *Community Safety and Policing Act, 2019*, require that every chief of police establish 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 deputy chief of police. Written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by the chief of police or deputy chiefs of police shall be established by the Board.

Section 185 outlines instances where a member of a police service or a special constable employed by a special constable employer may disclose misconduct to the Inspector General.

Section 190 offers protection from reprisals for those seeking advice about making a disclosure about misconduct; making a disclosure of misconduct; co-operating in an investigation or other process related to disclosure of misconduct; or seeking enforcement of related sections of the CSPA around disclosures of misconduct.

BOARD POLICY

The Ottawa Police Service Board will ensure that the Service has a policy which establishes clear and effective procedures for the disclosure of misconduct allegedly

engaged in by members of the police service, excluding the Chief of Police and Deputy Chiefs of Police.

The goal of the Service policy should be to ensure that allegations of misconduct are disclosed in a timely way. The timely disclosure of misconduct will help to maintain the integrity of the police service, ensure accountability, and uphold public trust.

The disclosure policy should apply to all current and former members of the police service.

The following elements should be included in the policy:

1. Procedures for Disclosing Misconduct.

- (a) Any member or former member of the police service may report misconduct by following the established disclosure procedures.
- (b) Disclosures can be made to a designated officer(s), which may include a designated ethics officer, or another designated authority within the police service.

2. Confidentiality and Protection of Identities. The police service 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.

3. Exceptions for Fairness. 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.

4. Responsibilities.

- (a) 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.
- (b) 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.

- (c) All forms of reprisal or retaliatory action against individuals who disclose alleged misconduct are prohibited.
 - (d) The Police Service shall maintain records of all misconduct disclosures and their outcomes. These records shall be reviewed regularly by an oversight body or committee to ensure compliance with this policy and to identify any patterns or areas for improvement.
- 5. **Review and Amendments.** The policy shall be reviewed annually or as needed.
- 6. **Dissemination and Training.** The policy, along with its procedures, shall be made available to all members of the police service. Regular training sessions shall be conducted to ensure understanding and compliance.
- 7. **Disclosure to the Inspector General.** The policy will identify that a member of the police service may disclose misconduct to the Inspector General if,
 - (a) the member has reason to believe that it would not be appropriate to disclose the misconduct in accordance with the procedures established above;
 - (b) the member has already disclosed the misconduct in accordance with the procedures above and has concerns that the matter is not being dealt with appropriately; or
 - (c) the applicable policy or procedure has not been established.
- 8. **No reprisals.** Any form of reprisal against individuals who engage in protected activities under the policy is strictly prohibited. A reprisal includes any adverse measure taken against a member of the police service that affects their employment or appointment. This encompasses actions such as:
 - (i) Termination or the threat of termination of employment or appointment.
 - (ii) Discipline, suspension, or the threat of such actions.
 - (iii) Imposing or threatening to impose any penalty affecting employment or appointment.
 - (iv) Intimidation or coercion in any form related to employment or appointment.
 - (b) Any member or former member of the police service may file a complaint detailing the alleged reprisal, including relevant dates, parties involved, and any evidence supporting the claim.

- (c) Resolution Options:
 - (i) The complainant may choose
 - (A) to have the matter resolved through final and binding arbitration under a collective agreement, if applicable; or
 - (B) request that the Arbitration and Adjudication Commission appoint an arbitrator.
 - (ii) The parties involved in the arbitration process will include the complainant and the individual or entity accused of reprisal.