

Table CR:X – Policy Number CR:X – Conflict of Interest

CR:X CONFLICT OF INTEREST	
LEGISLATIVE REFERENCE / AUTHORITY	<i>Community Safety and Policing Act, 2019, section 38(1)(g); O. Reg. 401/23 section 12</i>
DATE APPROVED	XX
DATE REVIEWED	N/A
DATES AMENDED	N/A
DATE TO BE REVIEWED	2027
REPORTING REQUIREMENT	N/A

LEGISLATIVE REFERENCE / AUTHORITY

Section 38(1)(g) of the *Community Safety and Policing Act, 2019*, states that a police service board shall establish policies respecting any prescribe matter,

Section 12 of O. Reg. 401/23: Conflicts of Interest requires police boards to establish conflict policies and to include actions to be taken by the Chief of Police in the circumstances described in subsection 4 (1), clause 7 (3) (a) and subsections 7 (5) and 8 (2) of the regulation.

BOARD POLICY

Overview

Members of the Ottawa Police Service (the “Service”) occupy a critical position in ensuring that adequate and effective police services are provided to the community. It is vital that all members of the Service carry out their duties by a means which bolsters the public’s trust that policing will be provided in an impartial manner. As such, all members of the Service must be constantly vigilant regarding conflicts of interest (real or perceived) and take appropriate measures to address or mitigate them.

Conflicts of interest can arise in policing in various ways. Conflicts of interest might be actual or perceived. The goal is to attempt to avoid any perception of bias or unfairness in the delivery of policing by members of the Service. It is therefore essential that

policies designed to address conflicts of interest are scrupulously followed by all members.

This policy should be read in conjunction with Regulation 401/23.

Policy Application

1. Definitions

The following definitions apply in this policy:

- 1.1 “Actual Institutional Conflict” means a potential institutional conflict where a determination has been made by the Chief of Police that an informed and reasonable person would not believe that a member of the Service who must take action or make a decision in the situation could do so impartially;
- 1.2 “Personal Conflict” means a situation where a member of the 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;
- 1.3 “Personal Relationship” includes, but is not limited to, a relationship with any of the following persons:
 - 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;
- 1.4 “Potential Institutional Conflict” means a situation where a member of the 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 Service, including the Chief of Police or a Deputy Chief of Police.

- b. a member of the Board
- c. a member of the Ottawa municipal council.

2. Written Procedures

- 2.1 The Chief of Police shall establish written procedures respecting actual institutional conflicts and personal conflicts in the provision of policing functions by the Service. The procedures shall, at minimum:
- a. provide for steps that must be taken to avoid or address potential institutional conflicts, actual institutional conflicts and personal conflicts;
 - b. identify a Senior Officer to whom a member of the 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 Senior Officers of the Service who are authorized to determine whether a personal conflict has arisen or is likely to arise;
 - d. ensure the impartiality of investigations by members of the Service under this Regulation and the *CSPA* in general; and
 - e. address how members of the Service will conduct investigations referred to the Ottawa Police Service by the Chief of Police of another police service. If the Chief of Police is referred a conflict of interest 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) take steps to ensure that the matter is referred to a different police service to conduct the investigation.

3. Personal Conflicts

- 3.1 If it is determined that a personal conflict respecting a member of the 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 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, immediately refer the matter to the Chief of Police of a different Police Service.

- 3.2 The Chief of Police shall record the steps the Chief of Police takes under this section, in the form and content approved by the Minister.
- 3.3 If the Chief of Police or Deputy Chief of Police is the member of the 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. In all cases, the record shall be immediately submitted by the Chief of Police to the Inspector General and the Board.

4. Institutional Conflicts

- 4.1. If the Chief of Police determines that a potential institutional conflict respecting a member of the 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 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 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 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 Attorney with respect to the investigation.
 - c. Any other relevant factor, including the importance of the perception of fairness and impartiality in the course of all investigations to maintaining the community's trust.
- 4.2. 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, and is the subject of an investigation by a different police service.
- 4.3 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.
- 4.4 Where the investigation is referred to, or continued by, the Chief of Police of a different police service, the Chief of Police shall continue to take all steps necessary to ensure that an effective investigation is conducted, until the assumption of responsibility for the investigation by the Chief of Police of the other police service, if applicable.
- 4.5 If the Chief of Police determines that a potential institutional conflict is not an actual institutional conflict and does not meet the prescribed conditions under section 7(2) of Ontario Regulation 401/23, the Chief shall either:
 - a. cause the matter to be investigated in accordance with the Service's 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 forthwith in the prescribed form, including a summary of the steps taken under the applicable conflict procedure.

- 4.6 If the Chief of Police or a Deputy Chief of Police is the member of the police service in respect of whom the actual institutional conflict or potential institutional conflict has arisen or is likely to arise, the Chief of Police shall immediately notify the Inspector General, in the form approved by the Minister and the Board. The Chief of Police shall also record all the steps the Chief of Police takes in regards to actual institutional conflicts or potential institutional conflicts that qualify under this section.
- 4.7 The Chief of Police shall immediately inform the Board, in writing, 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.

5. Reporting

- 5.1 The Chief of Police shall report to the Board as required under sections 3.3, 4.6 and 4.7 of this policy.