

# Inspector General Advisory Bulletin



## Advisory Bulletin 1.2: Right to Disclose Misconduct to the Inspector General (IG)

**Date of issue: August 1, 2024**

### ***What you need to know***

The CSPA creates a new ability for members of a police service and special constables to file reports of alleged misconduct relating to their own police service or employer.

CSPA section 183 sets out requirements for police service boards, chiefs of police including the Commissioner, special constable employers and the Minister to have **written procedures regarding the disclosure of misconduct**, as applicable.

Section 184 authorizes current and former members of a police service, and special constables, to **disclose misconduct** in accordance with the procedures established pursuant to s. 183.

However, s. 185 provides that the **member or special constable may disclose misconduct directly to the IG if any one of the following three circumstances apply**,

- a) They have reason to believe that it would not be appropriate to disclose the misconduct in accordance with the procedures established under s. 183;
- b) They have already disclosed the misconduct in accordance with the procedures established under s. 183 and have concerns that the matter is not being dealt with appropriately; or,
- c) The applicable procedure has not been established under s. 183.

### ***What you need to do***

As required by s. 183 (1) and (2), we urge chiefs of police, including the Commissioner, and police service boards, to **develop procedures regarding the disclosure of misconduct as soon as possible**. Please note that procedures must include the contents listed in s. 183 (5). We also suggest that, through the OACP or otherwise,

**information about the content of these procedures is shared amongst police services with a view to creating provincial consistency**, where appropriate. Of course, there may be local needs or operational realities that necessitate differences in these procedures.

### ***What we will do***

The IG must **refuse** to deal with disclosures of misconduct if any of the circumstances set out in CSPA s. 187(1) apply, including if the matter is being dealt with by another body or is an employment or labour relations matter, or the disclosure is frivolous, vexatious, made in bad faith or submitted after a substantial delay from the subject matter incident(s), or another valid reason exists for not dealing with the disclosure.

Where the IG does not refuse to deal with a disclosure of misconduct, reports of misconduct will typically follow **one of four paths** once disclosure is received by the IG:

1. Reports of misconduct that contain allegations of or disclose potential criminal conduct on their face, and fall within SIU mandate will be forwarded to the SIU;
2. Reports of misconduct that contain or disclose potential criminal conduct on their face, and fall outside of the SIU mandate will be forwarded to an unrelated police service for investigation;
3. Reports that do not disclose criminal conduct, but that may represent misconduct, will be forwarded to LECA for its review and to determine whether investigation is required; or,
4. All other reports of alleged misconduct may be addressed using the IG's inspection powers.

Importantly, s. 185 complainants are provided protection from reprisals pursuant to CSPA s. 190.

For awareness, **disclosures made under s. 185 can be sent to [IOPdisclosures@Ontario.ca](mailto:IOPdisclosures@Ontario.ca)**. Alternatively, if accommodation is required, you may contact the IOP directly at **1-888-333-5078 and select option #3**.

*Note: Advisory Bulletins are the IG's advice provided pursuant CSPA s. 102(4) and are intended as a resource for the sector by offering the IG's general interpretation of various provisions of the CSPA. Advisory Bulletins are not legally binding, and they do not purport to address all possible factual scenarios or circumstances. As such, you may wish to consult with legal counsel to determine how this general guidance should be applied in your own local context and to navigate specific situations.*

