

Inspector General Advisory Bulletin



Advisory Bulletin 1.3: Conflicts of Interest Regulation 401/23 – Notification of Inspector General (IG)

Date of issue: August 1, 2024

The [Conflicts of Interest Regulation](#) defines personal and institutional conflicts and sets out requirements for criminal investigations in conflict situations, including notification of the IG in certain circumstances. When applying the Regulation in real time, there are a number of decisions to be made about the nature of the conflict, which will result in certain required actions and IG notifications. To support consistent understanding of the requirements of the Regulation, and which notifications are needed, we have developed a **flow chart** as part of this Advisory Bulletin.

The Regulation identifies five Solicitor General-approved forms that are required to be completed in certain circumstances of potential or actual conflict. The forms will be used to document personal and institutional conflicts of interest, as well as facilitate the notification and reporting of conflicts to the IG as required.

Please note that our Ministry of the Solicitor General colleagues are actively working with the Ministry of Public and Business Service Delivery to develop accessible, fillable forms which will be available within the next few months. In the interim, we have been advised that the **following Solicitor General-approved temporary forms (enclosed)**, which are attached, can be used:

- Notification to supervisor of a personal or institutional conflict of interest
- Recording the steps taken for personal conflicts
- Notification of all institutional conflicts to the Inspector General of Policing
- Notification to the Inspector General of Policing that a potential institutional conflict will be retained
- Recording steps taken for institutional conflicts

Notifications to the IG under the Regulation, including required forms, should be submitted to IOPnotifications@Ontario.ca, copying your Police Services Advisor.

Should you have any questions about the forms specifically, please contact Rachel Ryerson, Manager, Strategic Policy Division at the Ministry of the Solicitor General, at (647) 267-6517 or Rachel.Ryerson@Ontario.ca.

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.

Appendices: COI Solicitor General-approved temporary forms (5)



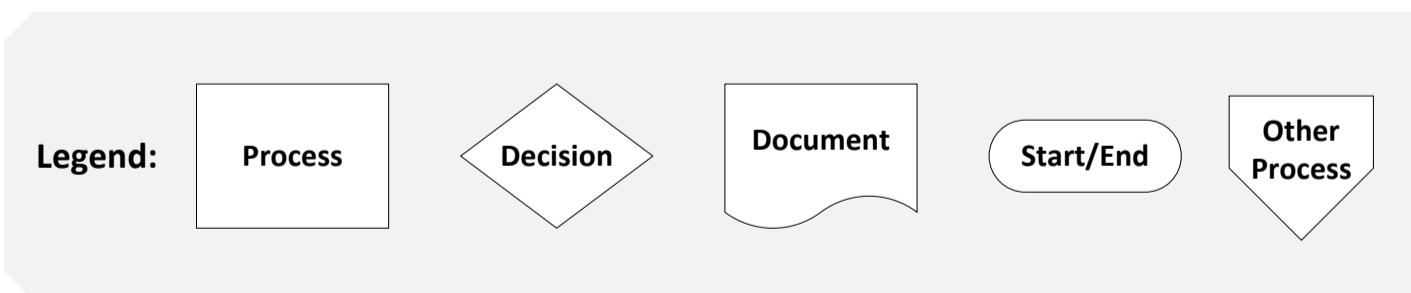
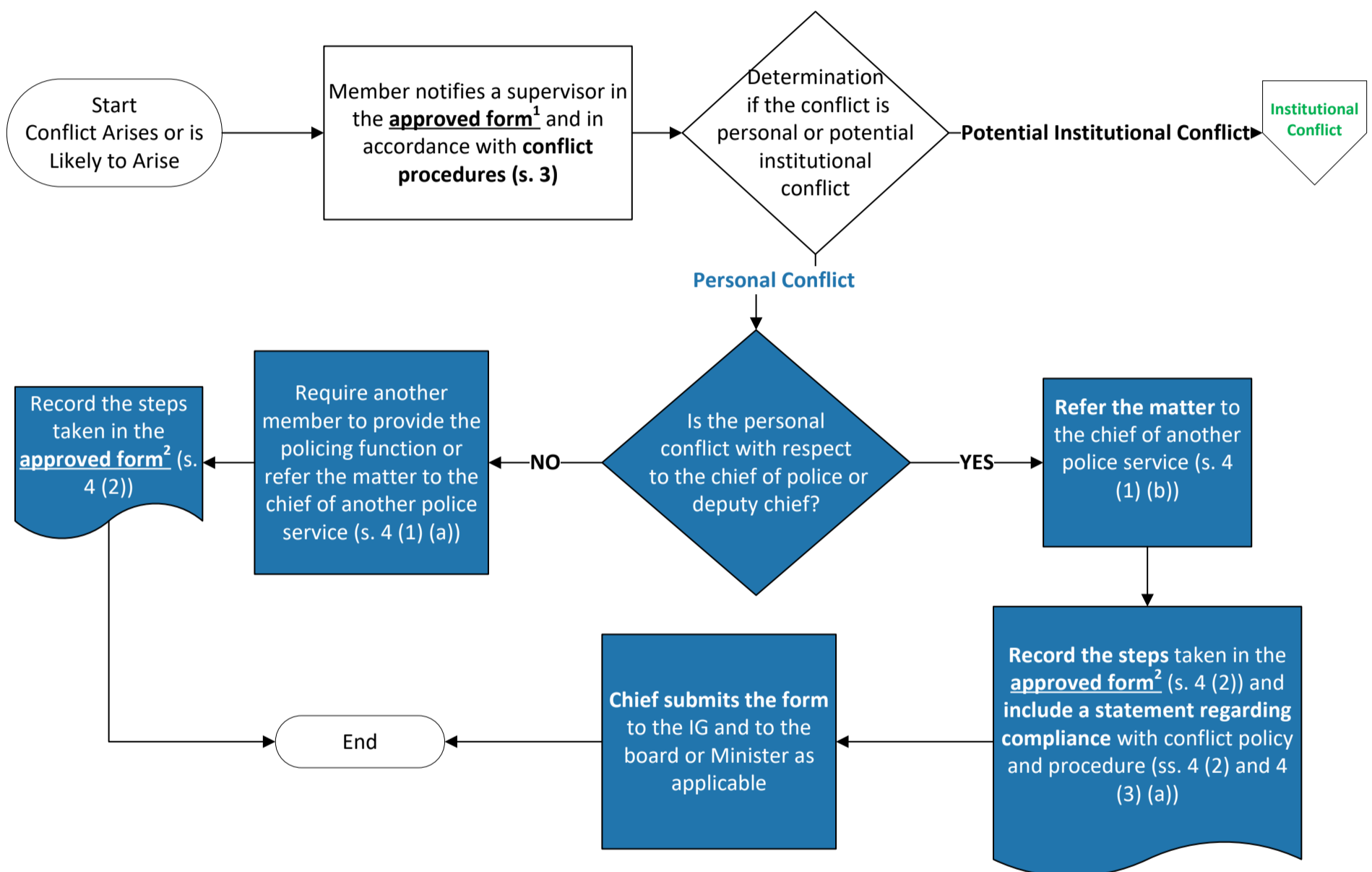
Conflict of Interest Regulation Flow Chart – Personal Conflict

“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; (“conflit personnel”)

“personal relationship” includes, but is not limited to, a relationship with any of the following persons:

1. A current or former spouse, common-law partner or other intimate partner of the member.
2. The member’s children, including biological and adoptive children and stepchildren.
3. A legal dependant of the member.
4. A child in the member’s care.
5. A grandparent, parent or sibling, including grandparent-in-law, parent-in-law or sibling-in-law, of the member;

(“rapports personnels”)



Reference for Approved Form:

1. S. 3 Notify Supervisor of a Conflict
2. S. 4 Record Steps Taken for Personal Conflict

Other investigations where impartiality cannot be ensured

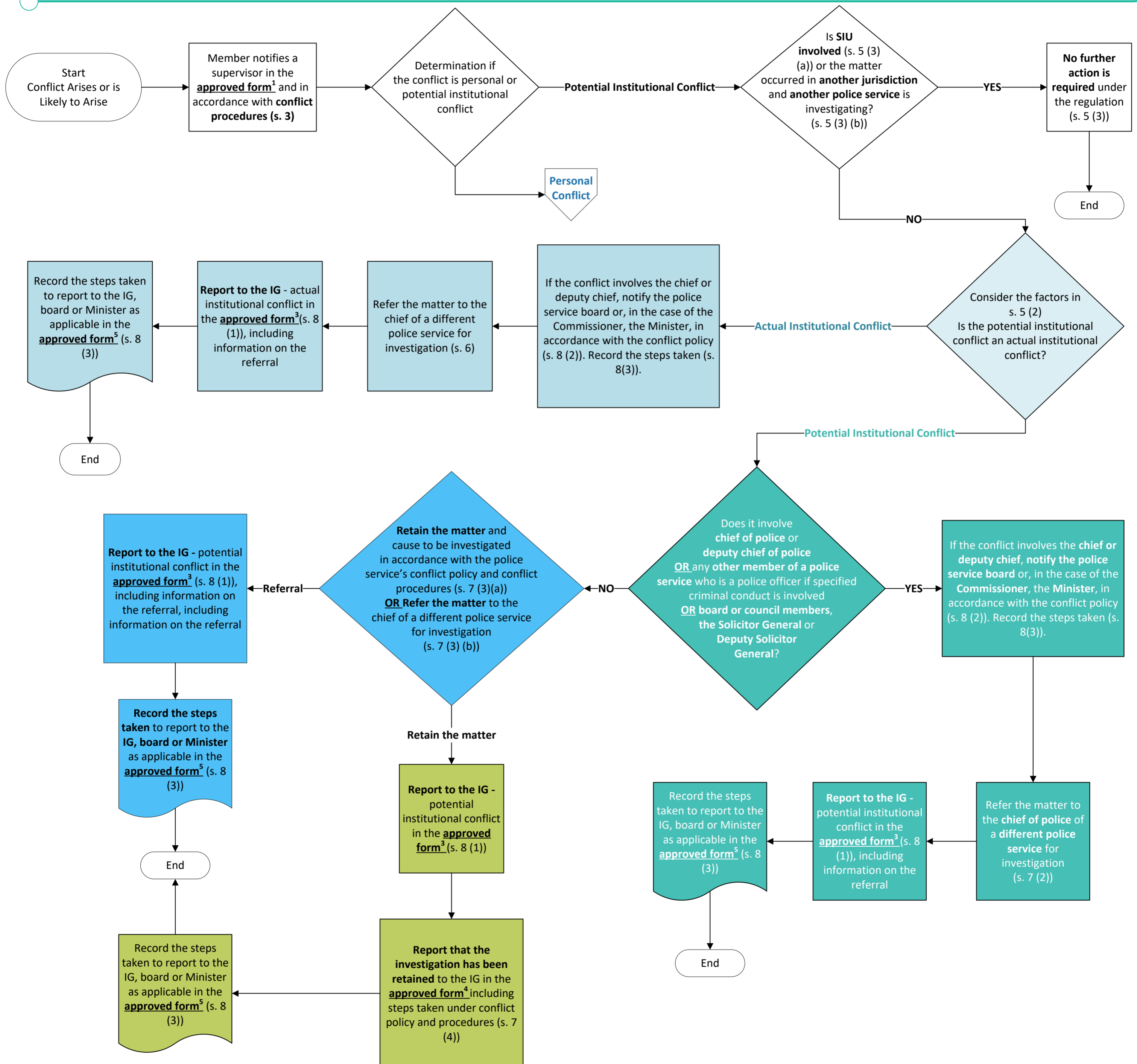
If criminal conduct is under investigation and there is no actual or potential institutional conflict as defined, but the chief reasonably believes the impartiality of the investigation cannot be ensured, **refer the matter to the chief of police of a different police service (s. 9 (2))**

Conflict of Interest Regulation Flow Chart – Institutional Conflict

“Actual Institutional Conflict” means a potential institutional conflict for which a determination has been made under subsection 5 (1) 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.

“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:

1. Any other member of the police service, including the chief of police or a deputy chief of police.
2. In the case of a member of a police service maintained by a police service board,
 - i. a member of the police service board, or
 - ii. a member of a municipal council or of a band council of a First Nation, as applicable, in the area for which the police service board has policing responsibility.
3. In the case of a member of the Ontario Provincial Police,
 - i. a member of an O.P.P. detachment board or a First Nation O.P.P. board, or
 - ii. the Minister or a deputy minister of the Ministry. (“conflict institutionnel potentiel”)



Reference for Approved Form:

1. S. 3 Notify Supervisor of a Conflict
3. S. 8 Report Institutional Conflicts to IG
4. S. 7 Notify the IG on Retaining Institutional Conflict
5. S. 8 Record Steps Taken for Institutional Conflict

Other investigations where impartiality cannot be ensured

If criminal conduct is under investigation and there is no actual or potential institutional conflict as defined, but the chief reasonably believes the impartiality of the investigation cannot be ensured, **refer the matter to the chief of police of a different police service (s. 9 (2))**