

# Inspector General Advisory Bulletin



## Advisory Bulletin 1.4: Police Service Board Member Code of Conduct – Disclosures to the Inspector General (IG) Regarding Misconduct and Conflict of Interest

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

The CSPA requires every member of a police service board to comply with the prescribed Code of Conduct (s. 35(6)).

[Ontario Regulation 408/23](#) (and [O. Reg. 409/23](#) for OPP detachment boards) sets out the Code of Conduct with which every police service board member must comply, and includes certain **new requirements** with respect to how misconduct and conflicts of interest of board members must be handled.

### Misconduct Disclosures

#### *What you need to know*

Code of Conduct s. 17 now **requires** that a board member **disclose** any conduct of another member of the board that the member **reasonably believes** constitutes misconduct,

- (a) to the chair of the board, who then notifies the Inspector General (IG) pursuant to CSPA s. 108 as outlined below; or
- (b) to the IG, if the misconduct involves the chair.

Please note that a disclosure of misconduct from a board member to a board chair under s. 17 of the Regulation amounts to a complaint under s.106 of the CSPA. Therefore, a **board chair who receives a disclosure of misconduct under s. 17 of the Regulation must forward that information to the IG** in compliance with s. 108 of the CSPA.

Section 108(1) of the CSPA requires that listed entities and persons, including boards, board members and chiefs of police, forward to the IG any complaints made to them in relation to subsections 106(1) or 107(1) of the CSPA.

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***What you need to do***

**If you are a board chair who has become aware of potential misconduct of a board member:**

- Please follow the procedure for forwarding complaints to the IG as per CSPA s. 108(1) detailed separately in Advisory Bulletin 1.5. In summary, section 108(1) includes two process requirements with which board chairs **must** comply when disclosing misconduct:
  1. **Forward Complaint:** upon receipt of a board misconduct complaint that falls under the jurisdiction of the IG, promptly forward it to the IG at [IOPComplaints@Ontario.ca](mailto:IOPComplaints@Ontario.ca), and,
  2. **Inform the person who notified the Board Chair:** send a letter to the board member who notified the Board Chair of the misconduct, confirming that the information has been received and forwarded to the IG in accordance with legislative requirements, and provide them with information on the role of the IG.
- Please refer to Advisory Bulletin 1.5 for detailed information on s. 108(1) process, including what information must be submitted to the IG in relation to the steps outlined above and template messaging that can be used in the notification letter.

**If you are a board member who has become aware of potential misconduct of the board chair:**

- Disclose the information to the IG as required by s. 17 of the Code of Conduct as follows:
  1. **Write out a narrative of the information regarding the misconduct**, and forward that written narrative to the IG via email at [IOPComplaints@Ontario.ca](mailto:IOPComplaints@Ontario.ca). When completing this narrative, please attempt to include information that responds to the following questions:

**What was the misconduct?**

**Who was involved?**

**Where did it occur?**

**When did it occur?**

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2. **If you have in your possession any supporting materials** or documents related to the misconduct, please compile a list of these items and send the list to the IG along with the written narrative. After an initial screening, a determination will be made regarding the necessity of collecting these materials, and an Inspectorate representative will contact you if these materials are sought.

***What we will do***

The information about potential misconduct disclosed to the IG will support the IG's duties to monitor police service board members to ensure that they do not commit misconduct, and to investigate allegations of misconduct where the IG determines it is appropriate to do so.

Allegations of misconduct received by the IG will be dealt with under s. 106 of the CSPA. All information provided, including the circumstances surrounding the allegation, will be considered by the IG when deciding whether to investigate the complaint under s.106(2).

This information also supports the IG's mandate to more broadly provide advice to boards with respect to the implementation of legislated requirements, including compliance with the Code of Conduct.

## **Conflict of Interest Disclosures**

***What you need to know***

The Code of Conduct Regulation defines "conflict of interest" as a situation in which a board member's private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their duties as a member of the board.

Section 20 of the Regulation further states that a board member shall promptly disclose any conflict of interest,

- (a) to the chair of the board; or,
- (b) if the conflict of interest involves the chair, to the Inspector General.

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***What you need to do***

Where the “conflict of interest” definition is satisfied, board members **must make the required disclosures in accordance with s. 20 of the Regulation and are also required to disclose the conflict on the record at the next board meeting.**

Additionally, board members should consider any steps that may have been set out in the board’s own rules of procedure regarding conflicts of interest, including consideration of the *Municipal Conflict of Interest Act* in relation to matters of pecuniary interest.

Disclosures of conflict of interest that are required to be sent to the IG should be emailed to [IOPnotifications@Ontario.ca](mailto:IOPnotifications@Ontario.ca), copying your Police Services Advisor.

*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.*

