

**BY-LAW NO. 9
A BY-LAW RESPECTING THE
CONDUCT COMPLAINTS**

Effective	October 2020
Revised	

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1.0 Preamble

- 1.1 WHEREAS subsection 31(1) of the ***Police Services Act*** provides that a Board is responsible for the provision of Police Services and for Law Enforcement and Crime Prevention in the Municipality and shall:
- 1.1.1 Generally determine after consultation with the Chief of Police, objectives and priorities with respect to the Police Service in the Municipality;
 - 1.1.2 Establish priorities for the effective management of the Police Service.
 - 1.1.3 Direct the Chief of Police and monitor their performance.
- 1.2 AND whereas subsection 31(6) of the ***Police Services Act*** provides that the Board may, by By-Law, make rules for the effective management of the Police Service.
- 1.3 AND whereas ***O. Reg. 3/99*** prescribes standards for adequacy and effectiveness of Police Services.

2.0 Definitions

- 2.1 **Board** – shall mean the Barrie Police Services Board.
- 2.2 **BPS** – the acronym for the Barrie Police Service.
- 2.3 **Chair** – shall mean the Board Chair.
- 2.4 **Member** – shall mean a Board Member.
- 2.5 **Ministry** – shall mean the Ministry of the Solicitor General.

2.6 **OCPC** – the acronym for the Ontario Civilian Police Commission.

3.0 Policy

3.1 It is the policy of the Barrie Police Services Board that:

3.1.1 Members will familiarize themselves and comply with **O. Reg. 421/97 – *Members of Police Services Board Code of Conduct*** and the ***Municipal Conflict of Interest Act***.

3.1.2 Conduct complaints that are received regarding a member will be reviewed.

4.0 Receiving Complaints

4.1 The Chair or any other Member is required to bring forward all complaints about the conduct of the Chair or any other member to the entire Board at a Board meeting for review.

4.2 All complaints will be received in writing with the complainant's name and return address identified.

4.3 The Chair, or the Vice Chair in the Chair's absence or if the Chair is the subject of the complaint, will make a recommendation as to how the Board should review the complaint.

5.0 Reviewing the Complaint

5.1 In reviewing the complaint, the Board will consider the following options:

5.1.1 The complaint is of a minor nature and the affected Member should be asked to provide a written response to the complaint.

5.1.2 The complaint is of such a significant nature that external legal counsel should be retained.

5.1.3 The complaint is of a serious nature and the Board should request OCPC conduct an investigation in the Member's conduct.

5.2 The affected Member will be permitted to provide a written response to the Board regarding the allegations contained in the complaint.

5.3 The Board will determine whether to hold its review in camera in accordance with the *Act* and whether the affected member should be present during the review.

5.4 Upon Board review of the complaint, the Board will follow one of the following courses of action:

5.4.1 Receive the complaint and take no action.

5.4.2 Require the Member to appear before the Board and be reprimanded.

5.4.3 Request OCPC conduct an investigation into the Member's conduct.

6.0 Investigations by the Ontario Civilian Police Commission

- 6.1 A Member whose conduct or performance is being investigated or inquired into by the OCPC or is the subject of a hearing before the OCPC shall not exercise their duties as a Member of the Board for the duration of the investigation or inquiry and hearing.
- 6.2 If the application of [Section 6.1](#) results in the Board not having enough Members able to exercise their duties in order to constitute a quorum during an investigation, inquiry or hearing the chair of the OCPC may appoint that number of persons necessary to constitute a quorum, who shall act in the place of the Members who are unable to exercise their duties.
- 6.3 The chair of the OCPC shall:
 - 6.3.1 Specify in an appointment made under [Section 6.2](#) that the appointee may only exercise such duties as are necessary for the effective operation of the Board during the investigation, inquiry or hearing and, for such purpose, may specify the duties the appointee may or may not exercise.
 - 6.3.2 Cancel an appointment made under [Section 6.2](#) as soon as a Member of the Board who declined to exercise their duties under [Section 6.1](#) resumes exercising their duties or is permanently replaced.

7.0 Completion of Review/Investigation

- 7.1 Upon completion of a review of a complaint, the Chair, or Vice Chair if the Chair is the subject of the complaint, will be authorized to communicate the Board's decision to the complainant and affected Member.
- 7.2 The Board shall provide a copy of the correspondence that was sent to the complainant and the affected Member to the OCPC.
- 7.3 The Board will provide a report on the review and actions taken in the public portion of a board meeting.

Dated this _____ day of _____, 20____.

Board Chair

Board Administrator