

Caution:

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

COMMUNITY SAFETY AND POLICING ACT, 2019

CODE OF CONDUCT FOR POLICE OFFICERS

APPLICATION AND INTERPRETATION

1. (1) This Regulation sets out the code of conduct with which every police officer must comply.

(2) For greater certainty, the police officers referred to in subsection (1) include police officers who are chiefs of police, deputy chiefs of police or other senior officers as defined in section 217 of the Act.

COMPLIANCE WITH LAWS

2. A police officer shall comply with the Act and the regulations made under it.

3. A police officer shall comply with the *Special Investigations Unit Act, 2019* and the regulations made under it.

4. A police officer contravenes this code of conduct if they are found guilty of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada).

HUMAN RIGHTS AND THE CHARTER

5. A police officer shall not, in the course of their duties, treat any person in a manner that would contravene the *Human Rights Code*.

6. A police officer shall not, by act or omission, do anything that the officer, at the time, knows or reasonably ought to know would infringe or deny a person's rights or freedoms under the *Canadian Charter of Rights and Freedoms*.

INTERACTIONS WITH THE PUBLIC

7. A police officer shall not make an arrest if, at the time of the arrest, the officer knows or reasonably ought to know that the arrest is unlawful.

8. A police officer shall not authorize or make a physical or psychological detention if, at the time of the detention, the officer knows or reasonably ought to know that the detention is unlawful.

9. A police officer shall not neglect the health or safety of any individual who is in their custody as a result of the police officer's duties.

10. A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing.

11. A police officer shall not use force unless,

- (a) the force is used for the purpose of carrying out a duty;
- (b) the officer is entitled by statute or common law to use force for the purpose of carrying out that duty;
- (c) the officer is acting on reasonable grounds; and

(d) the force used is no more than is necessary given the circumstances.

12. A police officer shall not, in the course of their duties, use insulting language with any person or otherwise treat any person in a manner that is abusive or unprofessional.

13. (1) A police officer shall not deliberately conceal their name, badge number or the name of their police service.

(2) While acting in the course of their duties, a police officer shall, upon request, provide their name, badge number and the name of their police service to any member of the public in a manner reasonable in the circumstances that allows the member of the public to identify the officer.

INTEGRITY

14. A police officer shall not solicit, offer or take a bribe.

15. (1) A police officer shall not use their position as a police officer to do any of the following:

1. Benefit themselves.
2. Benefit one or more persons with whom they have a personal relationship.
3. Interfere with the administration of justice.

(2) In subsection (1),

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

1. A current or former spouse or common-law partner of the police officer.

2. A current or former intimate partner of the police officer.
3. The police officer's children, including biological, adoptive and stepchildren.
4. The legal dependants of the police officer.
5. A child in the police officer's care.
6. The police officer's grandparents, parents or siblings, including grandparents-in-law, parents-in-law and siblings-in-law.

16. (1) A police officer shall not disclose to the public information obtained or made available in the course of their duties as a police officer except as authorized in accordance with the procedures established by their chief of police or as required by law.

(2) Subsection (1) does not apply to information that was already made available to the public by a person who was authorized to do so prior to the officer's disclosure.

17. A police officer shall not access, collect, use, alter, retain or destroy information obtained or made available in the course of their duties as a police officer if doing so would be contrary to law.

18. (1) A police officer shall not accept a gratuity or present of more than nominal value from any person or entity if the gratuity or present could influence or could be perceived to influence the performance of the officer's duties.

(2) Subsection (1) does not apply if the officer's chief of police authorizes them to accept the gratuity or present.

PERFORMANCE OF DUTIES

19. A police officer shall not, by act or omission, fail to perform their duties without lawful excuse if, at the time, they know or reasonably ought to know that their act or omission would amount to a failure to perform their duties.

20. A police officer shall take notes in accordance with the duties of a constable and the procedures established by their chief of police.

21. A police officer shall not negligently perform any duty.

22. A police officer shall not perform or attempt to perform duties as a police officer while their ability to perform duties is impaired by alcohol or drugs.

23. (1) A police officer shall report conduct of another member of the police service in accordance with the procedures described in subsection 183 (1), (2) or (3) of the Act, as applicable, or to the Inspector General in accordance with section 185 of the Act if the officer reasonably believes, or reasonably ought to believe, that the conduct constitutes misconduct.

(2) Despite subsection (1), a police officer who is acting as a representative of a police association is not required to report conduct that was made known to the officer for the purpose of obtaining the officer's assistance in their capacity as an association representative, unless failing to report the conduct would pose a serious risk of harm to any person.

(3) Despite subsection (1), a police officer who is participating in an organized peer support group is not required to report conduct of a member of the police service that was made known to the officer in the course of participating in the peer support group, unless failing to report the conduct would pose a serious risk of harm to any person.

24. A police officer shall not leave an area, detachment, detail or other place of duty except as authorized in connection with performing duties as a police officer or as required by law.

25. A police officer shall not purport to speak on behalf of their police service to the media about a matter connected with their police service, except as authorized by their chief of police.

26. A police officer shall not be absent without authorization from or late for any duty without reasonable excuse.

27. A police officer shall comply with every lawful order from a superior and shall not otherwise be insubordinate toward a superior.

28. A police officer shall comply with the procedures established by their chief of police.

29. A police officer shall not lose or cause damage to clothing, equipment or other property issued to them, or obtained or made available to them, in the course of their duties.

30. A police officer shall report any loss or damage to clothing, equipment or other property described in section 29 to the officer's supervisor as soon as practicable.

31. A police officer shall not engage in workplace violence or workplace harassment, including workplace sexual harassment, as those terms are defined in the *Occupational Health and Safety Act*.

32. A police officer shall not deceive or mislead any person in relation to the officer's duties, the officer's employment or the administration of justice through any act or omission, except to the extent required or authorized for the purpose of carrying out the officer's duties.

Commencement

33. [Commencement]