



WOODSTOCK POLICE SERVICE BOARD POLICY

Subject:	Conflicts of Interest
Policy Number:	AI-024
Effective Date:	October 8, 2024
Reviewed:	
Amended:	

Authority/Legislative References

Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1

Ontario Regulation 401/23 Conflicts of Interest

Policy Statement

To maintain impartiality and build public trust, members of the Woodstock Police Service (The "Service") must be vigilant about potential conflicts of interest and take appropriate actions to address and avoid them. Conflicts of interest can arise in various forms within policing, and strict adherence to established procedures is essential to prevent any perception of bias or unfairness in law enforcement. This policy is designed to align with the requirements set forth in the *Community Safety and Policing Act*, and *Ontario Regulation 401/23 Conflicts of Interest (O. Reg. 401/23)*, ensuring transparency and adherence to ethical standards within the Service.

Policy Application

1. Definitions

In this policy:

- 1.1. "actual institutional conflict" means a potential institutional conflict for which a determination has been made by the Chief of Police (the "Chief") 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;
- 1.2. "intimate partner" includes a current or former spouse, common-law partner and dating partner as defined in s. 2 of the *Criminal Code* (Canada);
- 1.3. "personal conflict" means a situation in which a member of the 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;
- 1.4. "personal relationship" includes, but is not limited to, a relationship with any of the following people:
 - a. a current or former spouse, common-law partner or other intimate partner of the member
 - b. the member's children, including biological and adoptive children and stepchildren
 - c. a legal dependent of the member
 - d. a child in the member's care
 - e. a grandparent, parent or sibling, including grandparent-in-law, parent-in-law or sibling-in-law, of the member;
- 1.5. "potential institutional conflict" means a situation in which a member of the 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:

- a. any other member of the Service, including the Chief of Police (the "Chief") or a Deputy Chief of Police (the "Deputy Chief")
- b. a member of the Board
- c. a member of a municipal council or of a band council of a First Nation, as applicable, in the area for which the Board has policing responsibility.

2. Written Procedures

- 2.1. The Chief shall establish written procedures to address actual institutional conflicts and potential institutional conflicts, as well as personal conflicts, in the provisions of policing functions by the Service. The procedures shall:
 - a. Outline steps to avoid or resolve potential institutional conflicts;
 - b. designate a supervisor to whom a member of the Service is required to report potential institutional conflicts, actual institutional conflicts and personal conflicts and, if the matter to be reported relates to the member's own supervisor, an alternative supervisor;
 - c. identify the members of the Service who are authorized to determine if a personal conflict has arisen or is likely to arise;
 - d. ensure the impartiality of investigations by the Service; and
 - e. specify how investigations referred by another police service will be conducted. If a conflict of interest investigation is referred, the Chief shall:
 - i. investigate the matter according to conflict procedures; or
 - ii. Refer the investigation to another police service.

3. Personal Conflicts

- 3.1. If it is determined, in accordance with the conflict procedures, that a personal conflict respecting a member of the Service has arisen or is likely to arise with respect to a policing function that the member is providing, the Chief shall:
 - a. assign another member to handle the matter or refer it to another police service's Chief of Police; or
 - b. if the conflict involves the Chief or Deputy Chief, refer the matter to another police service's Chief of Police.
- 3.2. The Chief of Police shall document the steps taken, using a format approved by the Minister.
- 3.3. If the Chief or Deputy Chief is involved, the report shall include a statement confirming compliance with the conflict procedures. If non-compliance occurred, an explanation of the circumstances shall be provided. This report shall be submitted by the Chief to the Inspector General and the Board.

4. Institutional Conflicts

- 4.1. When a potential institutional conflict arises, the Chief shall determine whether a reasonable person would believe the member can act impartially. Relevant factors include:
 - a. whether the member involved is in a reporting relationship or personally connected to someone under investigation;
 - b. whether the Service has procedures for consulting with the Crown Attorney and has done so;
 - c. any other relevant factor, including the importance of maintaining public trust in the impartiality of investigations.

- 4.2. The Chief is not required to make the determination above with respect to the following:
 - a. an incident reported to the SIU Director under section 16 of the *Special Investigations Unit Act, 2019* or the SIU Director causes the incident to be investigated under section 15 of that *Act*; or
 - b. the conflict arises outside the Board's jurisdiction and is investigated by another police service.
- 4.3. If the Chief determines that an actual institutional conflict of interest exists, the Chief shall refer the investigation to the Chief of Police of a different police service.
- 4.4. The Chief remains responsible for ensuring an effective investigation until the other police service assumes responsibility.
- 4.5. If the Chief determines that a potential institutional conflict does not meet the conditions of an actual conflict under section 7(2) of *O. Reg. 401/23*, the Chief shall either:
 - a. investigate the matter according to the Service's procedures; or
 - b. refer the investigation to another police service.

In exercising their discretion to retain or refer an investigation, the Chief shall consider the costs of an external investigation and the circumstances that justify the costs. If the investigation is retained, the Chief shall notify the Inspector General in the prescribed form including a summary of the steps taken under the applicable conflict procedure.

- 4.6. The Chief shall inform the Board of all actual institutional conflict and of every potential institutional conflict that is determined to not be an actual institutional conflict. If the Chief retains an investigation that is determined to not be an institutional conflict, the Chief shall explain the rationale for

retaining the investigation to the Board and the Inspector General.

5. Reporting

- 5.1. The Chief shall report to the Board as mandated under sections 3.3., and 4.6. of this policy.