



Kingston Police Service Board

Public Agenda Recommendation Report

To: The Chair and Members of the Kingston Police Service Board

From: Policy and By-Law Committee

Subject: Conflict of Interest Policy

Date: November 17, 2025

Strategic Priority Alignment:

Administrative/Procedural

Recommendation:

That the Kingston Police Service Board (the “Board”) adopt the Conflict of Interest Policy as set out in Report Number 25-80; and

That the Board acknowledge the attached referenced materials, including Inspectorate of Policing Advisory Bulletin 1.3, conflict flowcharts, and all Solicitor General approved forms under Ontario Regulation 401/23; and

That the Board direct the Chief of Police to implement internal procedures consistent with the Regulation and the Board’s policy, and to ensure required reporting and record-keeping practices are maintained.

Background/Analysis:

Ontario Regulation 401/23 sets out mandatory requirements for identifying, declaring and managing personal and institutional conflicts of interest for police services and police service boards.

The draft policy attached to this report aligns fully with these requirements and incorporates the provincial guidance issued by the Inspector General of Policing, including Advisory Bulletin 1.3 – Conflicts of Interest dated August 1, 2024.

The policy:

Report Number 25-80

- Defines key types of conflicts of interest
- Outlines duties for Board Members to identify and declare conflicts
- Requires the Chief of Police to establish internal procedures for notification, reporting and documentation
- Establishes oversight and record-keeping expectations for both the Board and the Service.

Attachments included and form part of the Policy:

- Advisory Bulletin 1.3 (Inspector General, August 1, 2024)
- Flowchart – Personal Conflict process
- Flowchart – Institutional Conflict process
- All Solicitor General – approved forms required under Sections 3, 4, 7 and 8 of Ontario Regulation 401/23.

These materials support consistent application of the regulation and the Board's governance responsibilities.

Financial Considerations:

There are no financial implications associated with adopting this policy.

Contacts:

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Exhibits Attached:

Exhibit "A" – Draft Conflict of Interest Policy



KINGSTON POLICE SERVICE BOARD

Conflict of Interest Policy (GP-00X)

Adopted:

Reviewed:

Revised:

Expires: Indefinite

Rescinds:

Legislation: Ontario Regulation 401/23

1. PURPOSE

To ensure the integrity of the Kingston Police Service Board (Board) and maintain public confidence by establishing clear guidelines for identifying, declaring and managing conflicts of interest as per Ontario Regulation 401/23 Conflicts of Interest under the Community Safety and Policing Act, 2019.

2. DEFINITIONS APPLICATION

The following definitions apply in this policy:

- a. “actual institutional conflict” means a potential institutional conflict for which a determination has been made by the Chief of Police 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;
- b. “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;
- c. “personal relationship” includes, but is not limited to a relationship with any of the following persons:
 - (i) A current or former spouse, common-law partner or other intimate partner of the member.
 - (ii) The member’s children, including biological and adoptive children and stepchildren.

- (iii) A legal dependant of the member.
 - (iv) A child in the member's care.
 - (v) A grandparent, parent or sibling, including grandparent-in-law, parent-in-law or sibling- in-law, of the member;
- d. "potential institutional conflict" means 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:
- (i) Any other member of the Police service, including the Chief of Police or a Deputy Chief of Police.
 - (ii) a member of the Police service Board
 - (iii) 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. PROCEDURES TO BE ESTABLISHED BY THE CHIEF OF POLICE

3.1 The Chief of Police shall establish written procedures respecting actual institutional conflicts and personal conflicts in the provision of policing functions by the Police service. The procedures shall:

- a. provide for steps that must be taken to avoid or address potential institutional conflicts, actual institutional conflicts and personal conflicts;
- b. identify a supervisor to whom a member of a Police 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 Police service who are authorized to determine whether a personal conflict has arisen or is likely to arise;
- d. ensure the impartiality of investigations by the Police service under this Regulation; and
- e. address how the Police service will conduct investigations referred to it by the Chief of Police of another Police service. If the Chief of Police is referred an investigation for investigation by another police service, the Chief shall either (1) cause the matter to be investigated in accordance with the applicable conflict procedure; or (2) ensure that the matter if assumed by a different police service to conduct the investigation.

4. PERSONAL CONFLICTS

4.1 If it is determined, in accordance with the conflict procedures, that a

personal conflict respecting a member of the Police service has arisen or is likely to arise with respect to a policing function that the member is providing, the Chief of Police shall,

- a. require a different member of the Police service to provide the policing function or refer the matter to the Chief of Police of a different Police service; or
- b. if the Chief of Police or Deputy Chief of Police is the member of the Police service in respect of whom a personal conflict has arisen or is likely to arise, refer the matter to the Chief of Police of a different Police service.

4.2 The Chief of Police shall record the steps the Chief of Police takes under this section, in the form approved by the Minister.

4.3 If the Chief of Police or Deputy Chief of Police is the member of the Police service in respect of whom a personal conflict has arisen or is likely to arise, the record shall

- a. include either a statement that the Chief of Police complied with the conflict procedures and this policy, or a statement that the Chief of Police did not comply and an explanation for the non-compliance, and
- b. be submitted by the Chief of Police to the Inspector General and the Board.

5. INSTITUTIONAL CONFLICTS

5.1 If the Chief of Police determines that a potential institutional conflict respecting a member of the Police service has arisen or is likely to arise, the Chief of Police shall determine whether an informed and reasonable person would believe that a member of the Police service who must take action or make a decision in the situation could do so impartially. In making this determination, the Chief of Police shall consider:

- a. whether any of the members of the Police service who are required to act or make a decision are likely to be in a reporting relationship to or know a person who is or would be under investigation in respect of the criminal conduct;
- b. whether the Police service has procedures for consulting with the Crown Attorney regarding the conduct of the investigation of the criminal conduct and has undertaken to consult with the Crown on the investigation.

- c. The importance of the perception of fairness and impartiality in the course of all investigations to maintaining the community's trust.

5.2 The Chief of Police 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 potential institutional conflict has arisen or is likely to arise in an area for which the Board does not have policing responsibility and is the subject of an investigation by a different police service.

5.3 If the Chief of Police determines that an actual institutional conflict of interest exists, the Chief of Police shall refer the investigation to the Chief of Police of a different Police service.

5.4 Where the investigation is referred to or continued by the Chief of Police of a different police service, the Chief of Police shall continue to take all steps necessary to ensure that an effective investigation is conducted, until the assumption of responsibility for the investigation by the Chief of Police of the other police service, if applicable.

5.5 If the Chief of Police determines that a potential institutional conflict is not an actual institutional conflict and does not meet the prescribed conditions to be referred for investigation to a Chief of another Police service, the Chief shall either:

- a. cause the matter to be investigated in accordance with the Kingston Police conflict procedures and the Board's conflict of interest policy; or,
- b. refer the matter to the Chief of Police of a different police service for investigation.

In exercising their discretion to retain or refer an investigation, the Chief of Police shall have regard to the costs of an external investigation and whether such costs are merited in all of the circumstances. Should the Chief of Police retain the matter for investigation, notification shall be provided to the Inspector General in the prescribed form including a summary of the steps taken under the applicable conflict procedure.

5.5 The Chief of Police shall inform the Board of every actual institutional conflict and of every potential institutional conflict that is determined to not be an actual institutional conflict. If the Chief of Police retains an investigation that is determined to not be an institutional conflict, the Chief of Police shall explain the rationale for retaining the investigation to the Board and the Inspector General.

6. REPORTING

6.1 The Chief of Police shall report to the Board as required under sections 4.3 and 5.5 of this policy.

6.2 The Chief of Police shall provide an annual report to the Board in January of each year, such report to include the following information:

- a. the number of conflicts of interest investigations undertaken by the Service during the preceding year;
- b. the number of conflicts of interest investigations referred to other police services during the preceding year;
- c. the number of investigations resulting in findings of conflicts of interest during the preceding year, and a brief explanation of the nature of the conflicts so determined; and
- d. the action taken in response to findings of conflicts of interest.

Exhibits:

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

Exhibit "B" Solicitor General Approved Form: Requirement to Notify a Supervisor of a Conflict under Section 3 of the Ontario Regulation 401/23 Conflicts of Interest

Exhibit "C" Solicitor General Approved Form: Requirement to Record Steps Taken Related to Personal Conflicts under Section 4 of the Ontario Regulation 401/23 Conflicts of Interest

Exhibit "D" Solicitor General Approved Form: Requirement to Notify the Inspector General of Policing of Retaining an Institutional Conflict under Section 7 of the Ontario Regulation 401/23 Conflicts of Interest

Exhibit "E" Solicitor General Approved Form: Requirement to Record Steps

Taken in Section 8 for Institutional Conflicts under Ontario Regulation 401/23
Conflicts of Interest

Exhibit “F” Solicitor General Approved Form: Requirement to Report
Institutional Conflicts to Inspector General of Policing under Section 8 of the
Ontario Regulation 401/23 Conflicts of Interest

Chair

Administrator/Secretary

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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)

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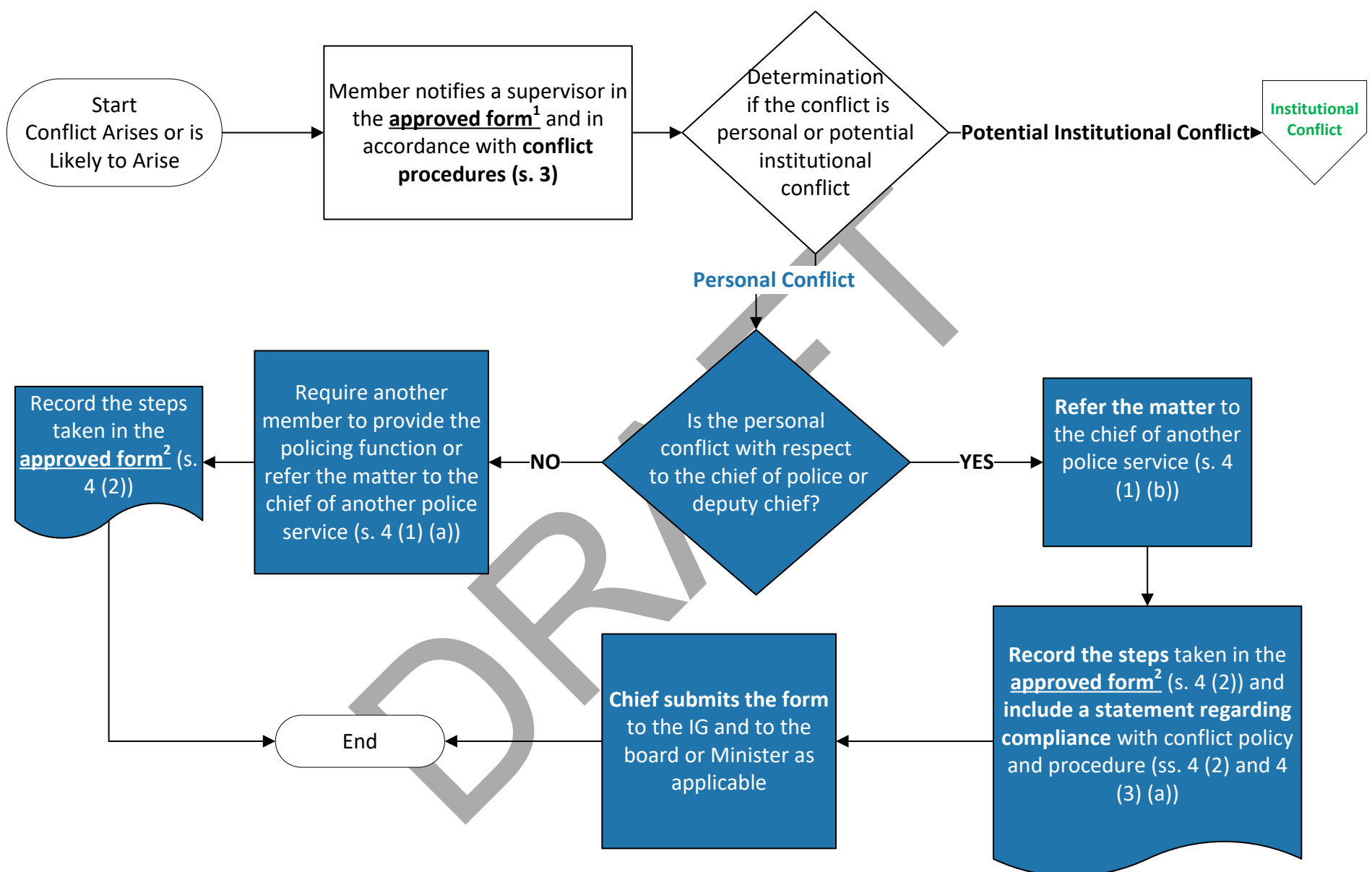
Conflict of Interest Regulation Flow Chart – Personal Conflict

“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;

(“rappports personnels”)



Legend:

Process

Decision

Document

Start/End

Other
Process

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

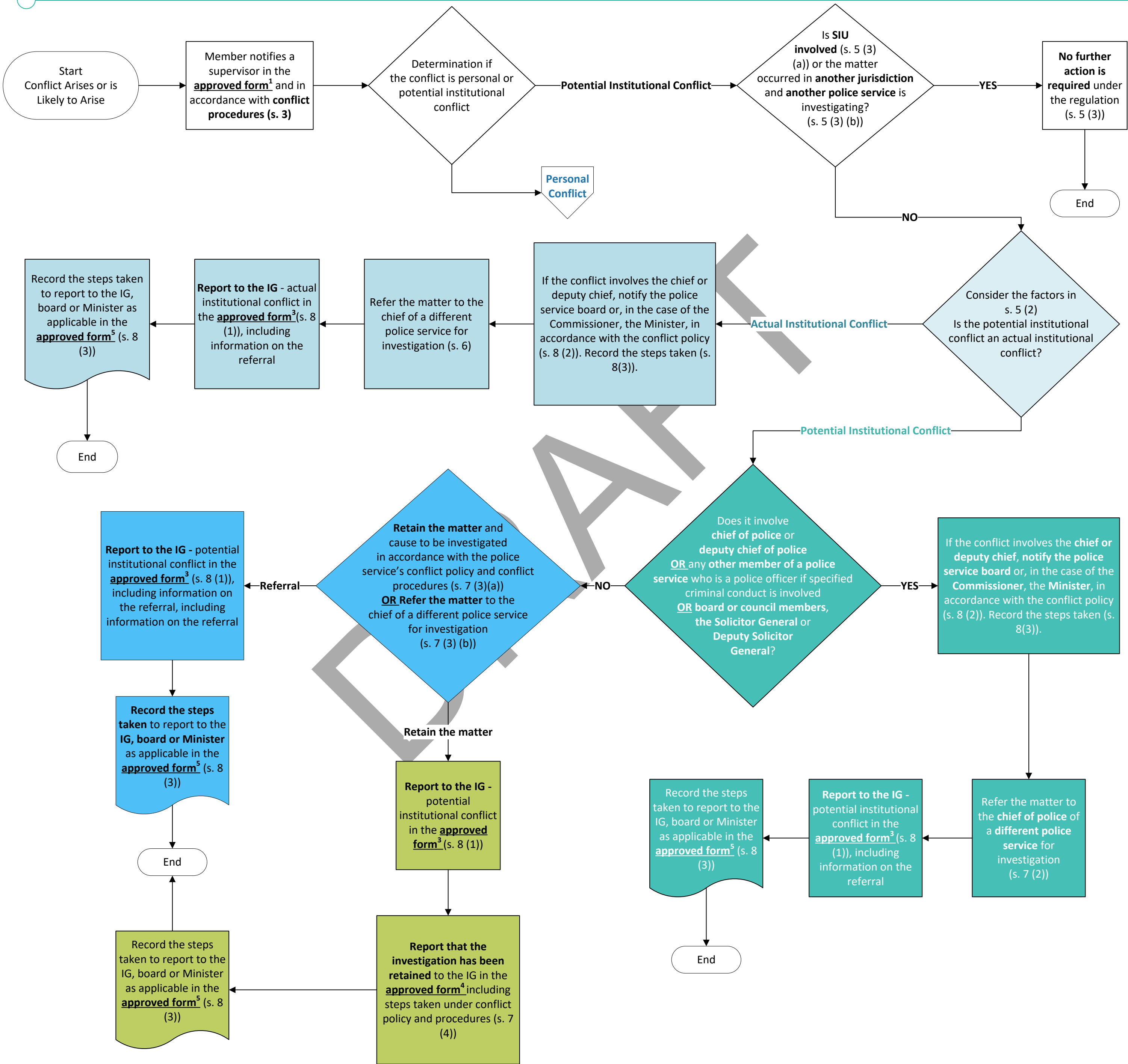
If criminal conduct is under investigation and there is no actual or potential institutional conflict as defined, but the chief reasonably believes the impartiality of the investigation cannot be ensured, **refer the matter to the chief of police of a different police service (s. 9 (2))**

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:

- Any other member of the police service, including the chief of police or a deputy chief of police.
- In the case of a member of a police service maintained by a police service board,
 - a member of the police service board, or
 - 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.
- In the case of a member of the Ontario Provincial Police,
 - a member of an O.P.P. detachment board or a First Nation O.P.P. board, or
 - the Minister or a deputy minister of the Ministry. (“conflit institutionnel potentiel”)



Legend:

Process

Decision

Document

Start/End

Other
Process

Reference for Approved Form:

- S. 3 Notify Supervisor of a Conflict
- S. 8 Report Institutional Conflicts to IG
- S. 7 Notify the IG on Retaining Institutional Conflict
- 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))**



Solicitor General Approved Form: Requirement to Notify a Supervisor of a Conflict Under Section 3 of the Ontario Regulation 401/23 Conflicts of Interest

This form is designed to meet requirements under Ontario Regulation 401/23, Conflicts of Interest, which is made under the *Community Safety and Policing Act, 2019*. This regulation sets out an approach to situations where the impartiality of the police service or its members may come into question, as a result of a conflict of interest.

This form is to be used by any member of a police service (officer and civilian) when reporting a conflict of interest to a supervisor, as required under the regulation, and in accordance with the conflict of interest procedures established by the chief of police.

Requirements to notify a supervisor of a conflict of interest as set out in regulation:

Under section 3 of the regulation, a member shall notify a supervisor as soon as possible if a potential institutional conflict, actual institutional conflict or personal conflict respecting the member arises, or the member believes is likely to arise, with respect to a policing function that the member is required to provide.

Additional definitions are provided in the Appendix.

Reporting Member Information

Police Service: _____

Name (First Name, Last Name): _____

Position Title: _____

Badge number (if applicable): _____

Rank (if applicable): _____

Work Telephone Number: (____) _____

Work Email Address: _____



Solicitor General Approved Form: Requirement to Notify a Supervisor of a Conflict Under Section 3 of the Ontario Regulation 401/23 Conflicts of Interest

Supervisor Notified

Police Service: _____

Name (First name, last name): _____

Position Title: _____

Badge number (if applicable): _____

Rank (if applicable): _____

Work Telephone Number: (____) _____

Work Email Address: _____

Conflict of Interest Information

Please use this section of the form to provide more information about the potential or actual conflict of interest that is the reason for this notification. Please mark all the following that apply:

☐ Personal Conflict

☐ Personal Relationship: Please specify the personal relationships by marking all that apply (note: personal relationship includes, but is not limited to, a relationship with any of the following persons):

- ☐ A current or former spouse, common-law partner or other intimate partner of the member.
- ☐ The member's children, including biological and adoptive children and stepchildren.
- ☐ A legal dependant of the member.
- ☐ A child in the member's care.
- ☐ A grandparent, parent or sibling, including grandparent-in-law, parent-in-law or sibling-in-law, of the member;
- ☐ Other (please describe: _____)

**Solicitor General Approved Form:
Requirement to Notify a Supervisor of a
Conflict Under Section 3 of the Ontario
Regulation 401/23 Conflicts of Interest**

☐ Private interest

In the box below, please describe the situation that places, or may reasonably be perceived to place, you in a conflict. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please describe the professional duty affected by this conflict.

☐ Institutional Conflict

☐ Potential

☐ Actual

In the box below, please describe the actual or potential conflict identified. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please also explain if there is a professional duty affected by this conflict.



Solicitor General Approved Form: Requirement to Notify a Supervisor of a Conflict Under Section 3 of the Ontario Regulation 401/23 Conflicts of Interest

Declaration and Signature

Reporting Member Name (Please Print): _____

Date: _____

Signature: _____

Supervisor Notified Name (Please Print): _____

Date: _____

Signature: _____

Chief of Police/Delegate Name* (Please Print): _____

Rank: _____

Badge Number : _____

Date: _____

Signature: _____

*The person notified to take action - either chief of police or other member delegated pursuant to *Community Safety and Policing Act, 2019* s.79(5), which states that a chief of police may delegate in writing any of his or her powers and duties under this Act or the regulations to a member of the chief of police's police service, subject to any limitations, conditions or requirements set out in the delegation.

Solicitor General Approved Form: Requirement to Notify a Supervisor of a Conflict Under Section 3 of the Ontario Regulation 401/23 Conflicts of Interest

Appendix: Definitions under O. Reg. 401/23

Personal conflict: 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")

Actual institutional conflict: 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; ("conflit institutionnel réel")

Potential institutional conflict: 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.

**Solicitor General Approved Form:
Requirement to Notify a Supervisor of a
Conflict Under Section 3 of the Ontario
Regulation 401/23 Conflicts of Interest**

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. (“conflit institutionnel potentiel”)

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Solicitor General Approved Form: Requirement to Record Steps Taken Related to Personal Conflicts Under Section 4 of the Ontario Regulation 401/23 Conflicts of Interest

This form is designed to meet requirements under Ontario Regulation 401/23, Conflicts of Interest, which is made under the *Community Safety and Policing Act, 2019*. This regulation sets out an approach to situations where the impartiality of the police service or its members may come into question, as a result of a conflict of interest.

This form is to be used by a chief of police to record steps taken under the following provisions related to personal conflicts:

4. (1) If it is determined, in accordance with the conflict procedures, that a personal conflict respecting a member of a police service has arisen or is likely to arise with respect to a policing function that the member is providing, the chief of police shall, subject to the conflict procedures and the conflict policy,

(a) require a different member of the police service to provide the policing function or refer the matter to the chief of police of a different police service; or

(b) if the chief of police or deputy chief of police is the member of the police service in respect of whom a personal conflict has arisen or is likely to arise, refer the matter to the chief of police of a different police service.

(2) The chief of police shall record the steps the chief takes under this section, in the form approved by the Minister.

Please note: If the member of police in respect of whom the personal conflict has arisen or is likely to arise is **not** the chief or deputy chief of police, this form is to be kept for record keeping purposes. If, pursuant to subsection 3, the chief of police or deputy chief of police is the member of the police service in respect of whom a personal conflict has arisen or is likely to arise, this form:

(a) shall include either a statement that the chief of police complied with the conflict procedures and the conflict policy or a statement that the chief of police did not comply and an explanation for the non-compliance, as the case may be; and

(b) shall be submitted by the chief of police to,

(i) the Inspector General, and

**Solicitor General Approved Form:
Requirement to Record Steps Taken
Related to Personal Conflicts Under
Section 4 of the Ontario Regulation
401/23 Conflicts of Interest**

(ii) the police service board or, in the case of the Commissioner,
the Minister.

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Police Service:

Name: _____

Badge Number:

Work Telephone Number: ()

Work Email Address:

Pursuant to section 4, please mark the box below to indicate whom the personal conflict involves:

- ☐ Member of the police service that is not the Chief or Deputy Chief (section 4(1)(a))
- ☐ Chief or Deputy Chief of police (section 4(1)(b))

If the chief of police or deputy chief of police is the member of the police service in respect of whom a personal conflict has arisen or is likely to arise, the record required shall include either a statement that the chief of police complied with the conflict procedures and the conflict policy or a statement that the chief of police did not comply and an explanation for the non-compliance, as the case may be. Please use the box below to provide the relevant statement details.

Solicitor General Approved Form: Requirement to Record Steps Taken Related to Personal Conflicts Under Section 4 of the Ontario Regulation 401/23 Conflicts of Interest

Please use this section of the form to provide more information about the potential or actual conflict of interest that is the reason for this record. Please mark all the following that apply:

☐ Personal Conflict

☐ Personal Relationship: Please specify the personal relationships by marking all that apply (note: personal relationship includes, but is not limited to, a relationship with any of the following persons):

☐ A current or former spouse, common-law partner or other intimate partner of the member.

☐ The children, including biological and adoptive children and stepchildren of the member.

☐ A legal dependant of the member.

☐ A child in the member's care.

☐ A grandparent, parent or sibling, including grandparent-in-law, parent-in-law or sibling-in-law, of the member;

☐ Other (please describe): _____

☐ Private interest

In the box below, please describe the personal conflict identified. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please also explain if there is a policing duty affected by this



Solicitor General Approved Form: Requirement to Record Steps Taken Related to Personal Conflicts Under Section 4 of the Ontario Regulation 401/23 Conflicts of Interest

conflict. In addition, please describe the steps taken to under subsections 4(1) and 4(3), if applicable, as set out above.

Please note, if the chief of police or deputy chief of police is the member of the police service in respect of whom a personal conflict has arisen or is likely to arise, you must submit this record to the Inspector General of Policing and either the Police Service Board, or, in the case of the Commissioner, the Minister of the Solicitor General.

Please check all that apply:

- ☐ Inspector General of Policing (via email at ipnnotifications@ontario.ca)
- ☐ Police Service Board
- ☐ Minister of the Solicitor General

Declaration and Signature

Chief of Police Name (Please Print): _____

Signature: _____

Date: _____

Solicitor General Approved Form: Requirement to Record Steps Taken Related to Personal Conflicts Under Section 4 of the Ontario Regulation 401/23 Conflicts of Interest

Appendix: Definitions under O. Reg. 401/23

Personal conflict: 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")



Solicitor General Approved Form: Requirement to Notify the Inspector General of Policing of Retaining an Institutional Conflict Under Section 7 of the Ontario Regulation 401/23 Conflicts of Interest

This form is designed to meet requirements under Ontario Regulation 401/23, Conflicts of Interest, which is made under the *Community Safety and Policing Act, 2019*. This regulation sets out an approach to situations where the impartiality of the police service or its members may come into question, as a result of a conflict of interest.

This form is to be used by a chief of police to notify the Inspector General of Policing pursuant to s. 7 (4) that the chief will retain a matter for investigation where there is a potential institutional conflict. Note that s. 7 applies if the chief of police makes a determination under s. 5 (1) that a potential institutional conflict is not an actual institutional conflict (see appendix A for factors that must be considered when making a determination under s. 5(1) and appendix B for definitions of actual and potential institutional conflict):

Retaining a matter for investigation:

7. (4) If the chief of police decides to retain a matter, the chief of police shall report that fact to the Inspector General, in the form approved by the Minister, as well as the steps taken under the conflict procedures and the conflict policy.

Please note, pursuant to 7(2): The chief of police **shall** refer the potential institutional conflict to the chief of police of a different police service for investigation if the potential institutional conflict involves,

- (a) the chief of police or deputy chief of police;
- (b) any other member of a police service who is a police officer, if the criminal conduct is alleged or reasonably suspected to,
 - (i) be motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity or expression or any other similar factor,
 - (ii) involve abuse against the member's current or former spouse, common-law partner or other intimate partner of the member,
 - (iii) involve abuse of a vulnerable person, such as a person with a mental or physical disability, a person under 18 years of age or an elderly person,

**Solicitor General Approved Form:
Requirement to Notify the Inspector
General of Policing of Retaining an
Institutional Conflict Under Section 7 of
the Ontario Regulation 401/23 Conflicts of
Interest**

(iv) involve abuse of a position of trust or authority in relation to the victim of the conduct, or

(v) be for the benefit of, at the direction of or in association with a criminal organization, as defined in subsection 467.1 (1) of the Criminal Code (Canada); or

(c) a person referred to in subparagraph 2 i or ii or 3 i or ii of the definition of “potential institutional conflict” in section 1.

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Solicitor General Approved Form: Requirement to Notify the Inspector General of Policing of Retaining an Institutional Conflict Under Section 7 of the Ontario Regulation 401/23 Conflicts of Interest

Chief of Police Information:

Police Service: _____

Name: _____

Badge Number: _____

Work Telephone Number: (____) _____

Work Email Address: _____

Notification to Retain a Potential Institutional Conflict

In the box below, please describe the potential conflict identified. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please also explain if there is a policing duty affected by this conflict.

- ☐ A determination has been made to retain a matter for investigation under s.7.3(a) where there is a potential conflict of interest, after making a determination under s. 5(1) (see below) that an informed and reasonable person would believe that a member of the police service who must take action or make a decision in the situation could do so impartially.



Solicitor General Approved Form: Requirement to Notify the Inspector General of Policing of Retaining an Institutional Conflict Under Section 7 of the Ontario Regulation 401/23 Conflicts of Interest

Please provide a description of the steps taken under the conflict procedures and conflict policy pursuant to section 7(4).

Declaration and Signature

Chief of Police Name (Please Print): _____

Signature: _____

Date: _____

This form is to be submitted to the attention of the Inspector General of Policing immediately at: iopnotifications@ontario.ca.

Solicitor General Approved Form: Requirement to Notify the Inspector General of Policing of Retaining an Institutional Conflict Under Section 7 of the Ontario Regulation 401/23 Conflicts of Interest

Appendix A: Considerations under O. Reg. 401/23 s. 5(1):

5. (1) If a chief of police determines that a potential institutional conflict respecting a member of a police service has arisen or is likely to arise, the chief of police shall determine whether an informed and reasonable person would believe that a member of the police service who must take action or make a decision in the situation could do so impartially.

(2) In making a determination under subsection (1), the chief of police shall consider,

(a) whether any of the members of the police service who are required to act or make a decision are likely to be in a reporting relationship to or know a person who is or would be under investigation in respect of the criminal conduct;

(b) whether the police service has procedures for consulting with the Crown Attorney regarding the conduct of the investigation of the criminal conduct, and has undertaken to consult with the Crown on the investigation; and

(c) any other relevant factor.

(3) Subsection (1) does not apply if,

(a) an incident to which the potential institutional conflict relates is 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 potential institutional conflict has arisen or is likely to arise in an area for which the police service board or the Commissioner, as the case may be, does not have policing responsibility, and is the subject of an investigation by a different police service.

Solicitor General Approved Form: Requirement to Notify the Inspector General of Policing of Retaining an Institutional Conflict Under Section 7 of the Ontario Regulation 401/23 Conflicts of Interest

Appendix B: Definitions under O. Reg. 401/23:

Actual institutional conflict: 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; (“conflit institutionnel réel”)

Potential institutional conflict: 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. (“conflit institutionnel potentiel”)



Solicitor General Approved Form: Requirement to Record Steps Taken in Section 8 for Institutional Conflicts Under Ontario Regulation 401/23 Conflicts of Interest

This form is designed to meet requirements under Ontario Regulation 401/23, Conflicts of Interest, which is made under the *Community Safety and Policing Act, 2019*. This regulation sets out an approach to situations where the impartiality of the police service or its members may come into question, as a result of a conflict of interest.

This form is to be used by the chief of police to record the steps taken under the following provisions:

8. (1) The chief of police shall notify the Inspector General, in the form approved by the Minister, of every actual institutional conflict and of every potential institutional conflict that is determined under subsection 5 (1) to not be an actual institutional conflict.

(2) If the chief of police or deputy chief of police is the member of the police service in respect of whom the actual institutional conflict or potential institutional conflict has arisen or is likely to arise, the chief of police shall also notify the police service board or, in the case of the Commissioner, the Minister, in accordance with the conflict policy.

(3) The chief of police shall record the steps the chief takes under this section, in the form approved by the Minister.

This form is for record-keeping purposes, and is retained by the police service. It is to be completed promptly following notification of every conflict pursuant to 8(1) and (2).



Solicitor General Approved Form: Requirement to Record Steps Taken in Section 8 for Institutional Conflicts Under Ontario Regulation 401/23 Conflicts of Interest

Chief of Police Information

Police Service: _____

Name: _____

Badge Number: _____

Work Telephone Number: (____) _____

Work Email Address: _____

Institutional Conflict of Interest Information (please mark all that apply)

☐ Potential

☐ Actual

In the box below, please describe the actual or potential conflict identified. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please also explain if there is a policing duty affected by this conflict or potential conflict.



Solicitor General Approved Form: Requirement to Record Steps Taken in Section 8 for Institutional Conflicts Under Ontario Regulation 401/23 Conflicts of Interest

Record of Steps Taken Pursuant to Section 8:

Please check all that apply:

☐ I have notified the Inspector General of Policing of every actual and every potential institutional conflict (via email at iopnotifications@ontario.ca)

☐ In the case of conflicts involving the chief or deputy chief of police, have notified the Police Service Board

☐ In the case of conflicts involving the Commissioner, I have notified the Solicitor General

Date of Notification: _____

Please use the box below to describe any additional details pursuant to steps taken under section 8(1) and 8(2).

Signature

Chief of Police Name (Please Print): _____

Signature: _____

Date: _____



Solicitor General Approved Form: Requirement to Report Institutional Conflicts to Inspector General of Policing Under Section 8 of the Ontario Regulation 401/23 Conflicts of Interest

This form is designed to meet requirements under Ontario Regulation 401/23, Conflicts of Interest, which is made under the *Community Safety and Policing Act, 2019*. This regulation sets out an approach to situations where the impartiality of the police service or its members may come into question, as a result of a conflict of interest.

Under this regulation, the chief of police is required to report institutional conflicts to the Inspector General of Policing, as set out in the following provision:

8. (1) The chief of police shall notify the Inspector General, in the form approved by the Minister, of every actual institutional conflict and of every potential institutional conflict (definitions in appendix below) that is determined under subsection 5 (1) to not be an actual institutional conflict.

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Solicitor General Approved Form: Requirement to Report Institutional Conflicts to Inspector General of Policing Under Section 8 of the Ontario Regulation 401/23 Conflicts of Interest

Chief of Police Information:

Police Service: _____

Name (First and Last): _____

Badge Number: _____

Work Telephone Number: (____) _____

Work Email Address: _____

Institutional Conflict of Interest Information (please mark all that apply)

☐ Potential

☐ Actual

In the box below, please describe the actual or potential conflict identified. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please also explain if there is a policing duty affected by this conflict.

Declaration and Signature

Chief of Police Name (Please Print): _____

Chief of Police Signature: _____

Date: _____

This form is to be submitted to the attention of the Inspector General of Policing immediately at: iopnotifications@ontario.ca.



Solicitor General Approved Form: Requirement to Report Institutional Conflicts to Inspector General of Policing Under Section 8 of the Ontario Regulation 401/23 Conflicts of Interest

Appendix: Definitions under O. Reg. 401/23:

Actual institutional conflict: 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; (“conflit institutionnel réel”)

Potential institutional conflict: 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:

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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. (“conflit institutionnel potentiel”)