



KINGSTON POLICE SERVICE BOARD

Disclosure of Misconduct (GP-014)

Adopted: January 29, 2026 (Res. 26-06)

Reviewed:

Revised:

Expires: Indefinite

Rescinds:

Legislation: Community Safety and Policing Act, 2019, s. 183, s. 184, s.185, s. 190.

1. Policy Statement

The Kingston Police Service Board (the Board) recognizes the essential need for handling complaints against senior leaders of the Kingston Police Service with fairness and consistency. The Board is committed to ensuring that a comprehensive, confidential, and respectful process is in place to address allegations of misconduct involving the Chief of Police or Deputy Chief of Police. This policy details the procedures for members or former members of the service who wish to report alleged misconduct by these senior officials. Reprisals of any form for making such disclosures, or seeking advice about the process, will not be tolerated and may result in disciplinary action.

2. Board Policy

It is the policy of the Kingston Police Service Board (the Board) with respect to disclosure of misconducts and reprisals that the Chief of Police will:

1. Develop and maintain procedures that address:
 - a) Sections 183 and 184 of the *Community Safety and Policing Act (CSPA)*, 2019 – that requires every Chief of police establish written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by members of its Police Service, other than by the Chief or Deputy Chief of Police;

- b) Section 185 of the CSPA instances where a member of a Police Service may disclose misconduct to the Inspector General;
- c) Section 190 of the CSPA - protection from reprisals for those seeking advice about making a disclosure about misconduct; making a disclosure of misconduct; co-operating in an investigation or other process related to disclosure of misconduct; or seeking enforcement of related sections of the CSPA around disclosures of misconduct;

2. The following elements should be included in the Procedure:

- a) **Procedures for Disclosing Misconduct:**
 - I. Any member or former member of the Police Service may disclose a misconduct by following the Police Service's procedure on disclosing misconducts; and
 - II. Disclosures can be made to a designated officer(s), or another designated authority within the Police Service.
 - III. Should the member or former member choose to make a complaint of misconduct to the Board, the complaint shall be in writing, addressed to the Board Chair, and submitted to the board office. The complaint should include as much detail as possible, including dates, witness names, and any relevant supporting documents.
 - IV. The Board Chair shall review the complaint and consider whether urgent Board action is required. Legal counsel shall be consulted to determine how to address the alleged misconduct, including whether the interests of fairness require the disclosure of the identity of those involved in the complaint.
 - V. The Board may refuse to address a disclosure of misconduct or a portion of it under section 183 of the Act if one or more of the following circumstances apply:
 - a. the subject matter of the disclosure is being handled by another person or body as a matter of law enforcement or in accordance with a procedure established under the Act;
 - b. the matter concerns employment or labour relations that could be dealt with through a dispute resolution mechanism, including a grievance procedure, established under the Act or any other Act, under a collective agreement or under an agreement of another kind;
 - c. the disclosure is frivolous, vexatious or made in bad faith;

- d. there has been a substantial delay between the disclosure and the incidents that are the subject matter of the disclosure.
- VI. If the Board declines to act on a disclosure or a portion of it, the Board shall inform the complainant, and may provide reasons for the refusal. If dissatisfied, the individual may contact the Inspector General under s. 185(b).

b) Confidentiality and Protection of Identities:

- I. The Chief of Police shall take all reasonable steps to protect the identities of individuals involved in the disclosure process, including the person making the disclosure, witnesses, and individuals alleged to have engaged in misconduct.
- II. Confidentiality measures may include anonymized reporting systems, secure communication channels, and strict access controls to information related to the disclosure.

c) Exceptions for Fairness:

- I. The Chief of Police shall ensure in cases where the interests of fairness and justice require, exceptions may be made to the confidentiality provisions, allowing for the disclosure of identities. Such exceptions shall be made under strict guidelines and only to the extent necessary to ensure a fair process for all involved. If the Board decides to disclose the identity of an individual, the Board will:
 - a. Advise the person whose identity will be disclosed in advance of the disclosure;
 - b. Advise the person who made the disclosure of alleged misconduct;
 - c. Require an undertaking of confidentiality from the person or persons to whom the disclosure is made requiring them not to make any further disclosure of the person's identity to any other person for that purpose; and
 - d. Inform the person to whom the identity is revealed that reprisals are not permitted under the Act, Service procedure, and Board policy and that, per the Act, Service procedure, and Board policy, reprisals will not be tolerated.

d) Responsibilities:

- I. The Chief of Police shall ensure all members of the Police Service are familiar with the misconduct disclosure procedure and the protections against reprisals for disclosing misconduct and shall provide regular training and updates on these procedures;
- II. The Chief of Police shall ensure all members are encouraged to report misconduct in good faith, in accordance with the established procedures

and to cooperate with any investigations or proceedings resulting from a disclosure of misconduct;

- III. The Chief of Police shall ensure all forms of reprisal or retaliatory action against individuals who disclose alleged misconduct are prohibited;
- IV. Chief of Police shall ensure reports of misconduct by members are investigated and, when it is determined that such wrongdoing has occurred, take disciplinary or corrective action through established processes of the Police Service; and
- V. The Police Service shall establish and maintain records of all misconduct disclosures and their outcomes. These records shall be reviewed regularly to ensure compliance with the Boards policy and the Police Services procedure and to identify any patterns or areas for improvement.

e) **Review and Amendments:** The Police Services procedures shall be reviewed annually or as needed;

f) **Dissemination and Training:** This policy, along with the Police Service's procedure, shall be made available to all members of the Police Service. Regular training sessions shall be conducted to ensure understanding and compliance;

g) **Disclosure to the Inspector General:** The Police Service's Procedure will identify that a member of the police service may disclose misconduct to the Inspector General if,

- I. The member has reason to believe that it would not be appropriate to disclose the misconduct in accordance with the procedures established;
- II. The member has already disclosed the misconduct in accordance with the Police Service's procedure and has concerns that the matter is not being dealt with appropriately; or
- III. The applicable Board policy or Police procedure has not been established.

h) **Reprisals:**

- a) The Chief of Police's procedure shall address any form of reprisal against individuals who engage in protected activities under the Police Service's procedure is strictly prohibited. A reprisal will include any adverse measure taken against a member of the Police Service that affects their employment or appointment. For the purposes of this policy and the Police Service's procedure, pursuant to the CSPA reprisal includes:

- I. Terminating or threatening to terminate the person's employment or appointment;
 - II. Disciplining or suspending or threatening to discipline or suspend the person;
 - III. Imposing or threatening to impose a penalty related to the employment or appointment of the person; or
 - IV. Intimidating or coercing the person in relation to his or her employment or appointment.
- b) Any member or former member of the police service may file a complaint detailing the reprisal, including relevant dates, parties involved, and any evidence supporting the claim;
- c) Where an allegation of reprisal is received, the Chief of Police shall ensure an investigation shall be carried out in accordance with this policy and the Police Service's procedure and established processes, and:
- d) Where an investigation determines that a Member, other than the Chief or Deputy Chief of Police, is responsible for reprisal, that Member shall be subject to discipline in accordance with the established Police Service procedures and processes;

3. In respect to disclosures of misconduct relating to the Chief or Deputy Chief of Police, the following persons shall be notified:
 - I. A disclosure of misconduct in respect to the Chief or Deputy Chief of Police, shall be made to the Chair of the Board;
 - II. A disclosure of misconduct in respect of a Board member who is not the Chair, or a Board employee, shall be made to the Chair of the Board;
 - III. A disclosure of misconduct in respect of the Chair of the Board, shall be made to the Vice-chair of the Board.
4. It is also the policy of this Board:
 - I. Disclosures of misconduct received by the Board, the Board shall review the disclosure and, when it appears that a misconduct has occurred, request an investigation, or take disciplinary or corrective action through established processes;

- II. Ensure that, where misconduct has been determined and corrective action has been taken, a further review is also conducted to ensure that steps are taken to address the underlying causes and to take the appropriate actions to mitigate the risk of future occurrences; and
- III. Where an investigation conducted determines that the Chief or Deputy Chief of Police, a Board member or a Board employee is responsible for reprisal, that Member shall be subject to discipline in accordance with established processes of the Police Service.

5. Any Member of the Police Service who knowingly makes a false allegation of wrongdoing in bad faith or who knowingly makes a false or misleading statement that is intended to mislead an investigation of an allegation of wrongdoing, the Chief of Police shall take the appropriate disciplinary or other applicable action.

“Original signed by Chair”
Chair

“Original signed by Administrator”
Administrator