



Sarnia Police Service Board Policy

Issue Number: AI-026

Subject: Code of Conduct for Board Members	Effective Date:
Replaces:	Distribution:
Last Reviewed:	Expiration Date:
Approved By: Board Chair	Signature:

Legislative Authority

Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by **Section 10** of the **CSPA**.

O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services.

Ontario Regulation 408/23: Code of Conduct for Police Service Board Members under the **Community Safety and Policing Act, 2019** sets out the code of conduct with which every member of a police service board must comply.

Municipal Conflict of Interest Act

A Policy Statement

1. It is the policy of the Sarnia Police Service Board to set out the code of conduct for which every member of the Police Service Board shall comply. Further it is the policy of this Board to deal with complaints about the conduct of Board members in compliance with the **Community Safety and Policing Act**.

B Conduct Becoming a Board Member

1. A member of the Sarnia Police Service Board shall not conduct themselves in a manner

that undermines or is likely to undermine the public's trust in the Board or the Sarnia Police Service. Members of the Police Service Board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, their conduct was in the good faith performance of their duties as a board member.

2. Members of the Sarnia Police Service Board shall comply with the **Act** and the regulations made under it.
3. Members of the Sarnia Police Service Board shall not, by act or omission, conduct themselves in a manner that is likely to cause the Board to fail to comply with the **Act** or the regulations made under it.
4. Members of the Sarnia Police Service Board shall comply with any rules, procedures and by-laws of the Board.
5. Members of the Sarnia Police Service Board shall not substantially interfere with the conduct of Police Service Board meetings.
6. A member of the Sarnia Police Service Board contravenes this code of conduct if they are found guilty of an offence under the **Criminal Code** (Canada), the **Controlled Drugs and Substances Act** (Canada) or the **Cannabis Act** (Canada) that was committed after they were appointed as a member of the Police Service Board.
7. Members of the Sarnia Police Service Board shall not, in the course of their duties, treat any person in a manner that the member, at the time, knows or reasonably ought to know would contravene the **Human Rights Code**.

Note: Members of the Sarnia Police Service Board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, the member's conduct was in the good faith performance of their duties.

8. Members of the Sarnia Police Service Board shall conduct themselves in a professional and respectful manner in the course of their duties including, without limitation, not using abusive or insulting language in the course of their duties.

Note: Members of the Sarnia Police Service Board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, the member's conduct was in the good faith performance of their duties.

C Statements and Attendance

1. Members of the Sarnia Police Service Board shall not knowingly make false statements pertaining to the duties of a member of a Police Service Board.
2. Members of the Sarnia Police Service Board shall not purport to speak on behalf of the Police Service Board unless authorized by the Board to do so.

3. Members of the Sarnia Police Service Board shall clearly indicate when they are expressing a personal opinion when commenting on an action or omission of the Police Service Board, the Sarnia Police Service maintained by the Board or a member of the Sarnia Police Service.
4. Members of the Sarnia Police Service Board shall not access, collect, use, alter, retain, destroy or disclose to any person information that has been obtained by or made available to the member in the course of their duties if doing so would be contrary to law.
5. Members of the Sarnia Police Service Board shall not disclose to the public information obtained or made available in the course of the member's duties except as authorized by the Board or as required by law.

Note: 5 above 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 member's disclosure.

6. Members of the Sarnia Police Service Board shall attend all Police Service Board meetings unless able to provide a reasonable explanation for the absence.

D Misconduct and Conflicts of Interest

1. Members of the Sarnia Police Service Board shall disclose any conduct of another member of the Board that the member reasonably believes constitutes misconduct,
 - (a) To the Chair of the Board; or
 - (b) If the misconduct involves the Chair, to the Inspector General.
2. Members of the Sarnia Police Service Board shall disclose any charges laid against them under the ***Criminal Code*** (Canada), the ***Controlled Drugs and Substances Act*** (Canada) or the ***Cannabis Act*** (Canada) and any finding of guilt made in relation to those charges.

Note: 2 above only applies to charges or findings that were made after the member's appointment to the Board. The disclosure must be made to the person or body that appointed the individual as a member of the Police Service Board.

3. Members of the Sarnia Police Service Board shall not apply for employment with the Sarnia Police Service unless they resign from the Board before applying.
4. Members of the Sarnia Police Service Board shall promptly disclose any conflict of interest:
 - (a) To the Chair of the Board; or

- (b) If the conflict of interest involves the Chair, to the Inspector General.
- 5. After making the disclosure, the member shall disclose the conflict at the next meeting of the Police Service Board.
- 6. Members of the Sarnia Police Service Board shall not use their position as a Police Service Board member to:
 - (a) Benefit themselves;
 - (b) Benefit one or more persons with whom they have a personal relationship; or
 - (c) Interfere with the administration of justice.
- 7. Members of the Sarnia Police Service Board shall not participate in discussion of or voting with respect to matters at Police Service Board meetings if the member has a conflict of interest in the matter.

E Complaints Process for Board Member Conduct

- 1. It is the policy of the Board that:
 - (a) All complaints received from persons who are not members of the Board will be forwarded promptly to the Inspector General, and the person making the complaint shall be so notified;
 - (b) All complaints of conduct reasonably believed to be misconduct made to the Chair under **Section 17** of the **Code of Conduct** shall be promptly forwarded to the Inspector General as required by **Section 17** of the **Code of Conduct**;
 - (c) All complaints of conduct reasonably believed to be misconduct by a member of the Board shall be promptly forwarded to the Inspector General.
 - (d) All complaints referenced above shall be promptly disclosed to the full Board for information but not for discussion or debate, unless in the opinion of the Chair or Board member making the complaint, after receiving legal advice, such disclosure would compromise the investigation of the complaint by the Inspector General. In the event the complaint is not disclosed to the full Board pursuant to this section, the Board member reporting the matter to the Inspector General shall advise him/her accordingly, and notice to the Board member who is the subject of the complaint shall be made as and when the Inspector General deems such notice to be appropriate.
- 2. If the complaint alleges a breach of the pecuniary conflict of interest under the ***Municipal Conflict of Interest Act***, the complaint shall be returned to the complainant with an

explanation that such complaints are outside of the jurisdiction of the Board, and must be dealt with under that **Act**.

3. Board Members shall direct communications with respect to Board Member activities/issues through the Board Chair, and he/she shall not comment on any aspect of the complaint, including an acknowledgement that the complaint has been made, until the conclusion of the investigation.