



Hamilton Police Service Board

Canadian Charter of Rights and Freedoms Reporting

Policy

P-028

Effective date: June 26, 2025

Reviewed:

Amended: November 27, 2025

Applicable Legislation

The Community Safety and Policing Act, 2019 (CSPA) s. 215 (1) -

A chief of police shall report, in accordance with the regulations, to the Police Service Board or, in the case of the Commissioner, to the Minister regarding the aggregate disciplinary measures the chief has taken under this Part.

O.Reg. 407/23 Code of Conduct for Police Officers

Policy Statement

This policy has been established to clearly identify Hamilton Police Service Board and Hamilton Police Service responsibilities and reporting requirements related to the *Canadian Charter of Rights and Freedoms* in correlation to the *Community Safety and Policing Act, 2019* and its applicable regulations.

Policy Application

Board Responsibilities

1. Under CSPA s.10(1) and s.11(1), the Hamilton Police Service Board (Board) shall ensure adequate and effective policing is provided in Hamilton. Adequate and effective policing means functions provided in accordance with the standards set out in the regulations, including standards with respect to the requirements of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*.

2. Board members are responsible for ensuring they comply with training requirements as noted in the [Board Member Education and Event Participation Policy \(P-023\)](#).

Direction to the Chief of Police

3. The Chief of Police shall maintain, and revise as required, all internal policies relating to human rights issues and Charter Rights violations to achieve compliance with CSPA s.11.
4. The Chief of Police shall work with the Hamilton Crown Attorney's Office to establish a process to identify Canadian Charter of Rights and Freedoms violations that are believed to involve a police officer
5. The Chief of Police shall work with the Ontario Human Rights Commission on a plan to implement human rights-focused training and policies for its members.

Board and Chief of Police Joint Responsibilities

6. Should Canadian Charter of Rights and Freedoms violations relate to policy and/or procedural matters, the Board and the Chief of Police, as applicable, shall undertake a review of related policies and amend them accordingly.

Reporting

7. In each Year-End (Annual) Report from the Professional Standards Branch, the Chief of Police shall ensure information respecting the following matters, at a minimum, are included in the report, if applicable:
 - a. Substantiated and unsubstantiated Canadian Charter of Rights and Freedoms violation allegations that are believed to involve a police officer within that reporting period;
 - b. How these Canadian Charter of Rights and Freedoms violation allegations were brought to the Service's attention;
 - c. A summary of disciplinary actions that relate to s.6(1) of O.Reg 407/23 - Code of Conduct for Police Officers.

s.6(1) 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.

- d. A summary of each individual criminal case in which charges were dropped or evidence was excluded as a consequence of a Hamilton Police Service member failing to uphold Charter Rights;
- e. Any changes made to policies and/or procedural matters having to do with Canadian Charter of Rights and Freedoms violations.

8. As referenced in CSPA s.215 (Reports of a Chief of Police),, a Chief of Police shall report, in accordance with the regulations, to the Police Service Board regarding the aggregate disciplinary measures the Chief has undertaken in this Part. The Chief of Police shall include information respecting the following matters at a minimum, if applicable:

- a. All substantiated Canadian Charter of Rights and Freedoms violations investigated by the Service's Professional Standards Branch;
- b. Details respecting how these Canadian Charter of Rights and Freedoms violations were brought to the Service's attention;
- c. Any disciplinary measures imposed, which type of measure was imposed as well as the number of times each type of measure was imposed in relation to the provision of Ontario Regulation 407/23 – Code of Conduct for Police Officers.

9. As referenced in CSPA s.215(b), the Board shall forward Aggregate Disciplinary Measure reports to the Complaints Director.

10. The Board shall publish the reports noted in sections 7 and 8 of this policy (P-028) on its website no later than 30 days of receiving them.

11. The Chief of Police shall provide verbal updates on any new or ongoing public Canadian Charter of Rights and Freedoms matters to the Board at their regular monthly meetings.