



Hamilton Police Service Board Disclosure of Misconduct (related to the Chief of Police or Deputy Chief of Police) Policy P-016

Effective date: April 1, 2024
Reviewed:
Amended:

Applicable Legislation

Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1 (the Act), sections 38(1)(a), 183(2) and (5)

Policy Application

1. A member or former member of the Police Service may make a disclosure of alleged misconduct by the Chief of Police or a Deputy Chief of Police. The identity of persons involved in the disclosure will be protected unless to do so would be contrary to the interests of fairness or applicable law. The member or former member will be protected from any form of reprisal in accordance with *the Act*.
2. The member or former member shall have two options for making allegations of misconduct against the Chief of Police or a Deputy Chief of Police:
 - a. To the board; or
 - b. To the Inspector General.
3. 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.
4. The board chair shall review the complaint and consider whether the board must address the matter urgently. The chair shall ensure legal counsel is consulted in

determining how to address the alleged misconduct, including whether the interests of fairness require the disclosure of the identity of those involved in the complaint.

Initial Assessment by the Board

The board may refuse to deal with a disclosure of misconduct or a portion of it under s. 183 if one or more of the following circumstances apply:

- a. The subject matter of the disclosure is being dealt with by another person or body as a matter of law enforcement or in accordance with a procedure established under this or any other Act.
- b. The subject matter of the disclosure is an employment or labour relations matter that could be dealt with through a dispute resolution mechanism, including a grievance procedure, established under this 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.

If the board refuses to deal with a disclosure of misconduct or a portion of it, the board shall so inform the person who made the disclosure and may provide reasons for the refusal. If the person who made the disclosure is unsatisfied with the board action, they may contact the Inspector General under s. 185(b).

5. The board chair, board members and board employees shall take all necessary steps to protect the identity of persons involved in the complaint process. If it is necessary to disclose the identity of any individual involved in the process to ensure fairness, the disclosure will only be made:
 - a. with the written permission of the person who is making the allegation of misconduct;
 - b. to a person whose interests of fairness would be compromised if the identity of the person alleging misconduct was not disclosed.
6. Any correspondence, including electronic correspondence, concerning the alleged misconduct shall be clearly labelled “confidential”.

7. The person making the allegations shall be informed of the protections in *the Act* against reprisals.

Reporting

The board shall inform the public of any material information related to the application of this policy, while maintaining the confidentiality necessary to protect the integrity of complaint processes and the identity of those who may be involved in the processes.