

## **PART VII - CODE OF CONDUCT**

30. (1) **Any conduct described in the code of conduct, set out in the Schedule, constitutes misconduct** for the purpose of section 80 of the Act. O. Reg. 268/10, s. 30 (1).

(2) **The code of conduct applies to all police officers**, except that subclauses 2 (1) (c) (iii), (ix) and (x) of the code do not apply to a police officer appointed under the Interprovincial Policing Act, 2009. O. Reg. 268/10, s. 30 (2).

## **PART VIII - INVESTIGATION OF CERTAIN INCIDENTS BY CHIEF OF POLICE**

### **Investigation**

32. (1) A chief of police shall promptly cause an investigation to be conducted into any incident involving a police officer in the chief's police force that becomes the subject of an investigation by the SIU Director under section 15 of the Special Investigations Unit Act, 2019. O. Reg 603/20, s. 1.

## **SCHEDULE - CODE OF CONDUCT**

1. In this code of conduct,

**"record" means any record of information**, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy of the record. ("document")

2. (1) **Any chief of police or other police officer commits misconduct if he or she engages in,**  
**(a) Discreditable Conduct, in that he or she,**

(i) **fails to treat or protect persons equally without discrimination with respect to police services** because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability,

(iii) **is guilty of oppressive or tyrannical conduct towards an inferior in rank,**

(iv) uses profane, abusive or insulting language to any other member of a police force,

(v) **uses profane, abusive or insulting language or is otherwise uncivil to a member of the public,**

(vi) wilfully or negligently makes any false complaint or statement against any member of a police force,

(viii) **withholds or suppresses a complaint or report against a member of a police force or about the policies of or services provided by the police force of which the officer is a member,**

(ix) **is guilty of a criminal offence that is an indictable offence or an offence punishable upon summary conviction,**

(x) **contravenes any provision of the Act or the regulations, or**

(xi) **acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force of which the officer is a member;**

(b) **Insubordination**, in that he or she,

(i) is insubordinate by word, act or demeanour, or

(ii) **without lawful excuse, disobeys, omits or neglects to carry out any lawful order;**

(c) **Neglect of Duty**, in that he or she,

- (i) **without lawful excuse, neglects or omits promptly & diligently to perform a duty as,**
  - (A) a member of the police force of which the officer is a member, if the officer is a member of an Ontario police force as defined in the Interprovincial Policing Act, 2009,
- (iii) **fails to work in accordance with orders,** or leaves an area, detachment, detail or other place of duty, without due permission or sufficient cause,
- (v) **fails, when knowing where an offender is to be found, to report him or her or to make due exertions for bringing the offender to justice,**
- (vi) **fails to report a matter that it is his or her duty to report,**
- (vii) **fails to report anything that he or she knows concerning a criminal or other charge,** or fails to disclose any evidence that he or she, or any person within his or her knowledge, can give for or against any prisoner or defendant,
- (viii) **omits to make any necessary entry in a record,**
- (x) **is absent without leave from or late for any duty,** without reasonable excuse, or
- (d) **Deceit,** in that he or she,
  - (i) **knowingly makes or signs a false statement in a record,**
  - (ii) **wilfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties,** or
  - (iii) without lawful excuse, destroys or mutilates a record or alters or erases an entry in a record;
- (f) **Corrupt Practice,** in that he or she,
  - (i) **offers or takes a bribe,**
  - (iii) directly or indirectly solicits or receives a gratuity or present without the consent of,
    - (A) the chief of police, if the officer is a member of an Ontario police force as defined in the Interprovincial Policing Act, 2009, or
    - (B) the person who appointed the police officer under Part II or III of the Interprovincial Policing Act, 2009,
  - (v) **improperly uses his or her character and position as a member of a police force for private advantage;**
- (g) **Unlawful or Unnecessary Exercise of Authority,** in that he or she,
  - (i) without good and sufficient cause makes an unlawful or unnecessary arrest,
  - (i.1) without good and sufficient cause makes an unlawful or unnecessary physical or psychological detention,
  - (ii) uses any unnecessary force against a prisoner or other person contacted in the execution of duty, or
  - (iii) **collects or attempts to collect identifying information about an individual from the individual** in the circumstances to which Ontario Regulation 58/16 (Collection of Identifying Information in Certain Circumstances – Prohibition and Duties) made under the Act applies, other than as permitted by that regulation;

3. **Any chief of police or other police officer also commits misconduct if he or she conspires in, abets or is knowingly an accessory to any misconduct** described in section 2.