



## WINDSOR POLICE SERVICE BOARD

### POLICY

Policy Name: <b>WINDSOR POLICE SERVICE BOARD ADMINISTRATIVE FRAMEWORK</b>		Policy Number: <b>G-001</b>
Responsible Manager: <b>Administrative Director WPSB</b>	Review Schedule: <b>3 Years</b>	Effective Date: <b>September 1, 2024</b>
Repeals: <b>ADMIN-01, May 19, 2022</b>	Reporting:	Next Review Date: <b>September 2027</b>

#### 1. PREAMBLE

1.1 AS subsection 37 (1) of the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ("CSPA") 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;

1.2 AND AS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;

1.3 AND AS O. Reg. 392/23: Adequate and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;

1.4 AND AS O. Reg. 408/23 made under the CSPA Code of Conduct for Police Service Board Members (Appendix "A") sets out the code of conduct with which every member of a police service board must comply and the Municipal Conflict of Interest Act, R.S.O. 1990, as amended 2007 (Appendix "B");

1.5 AND AS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 38 of the CSPA that the Board have a policy on the administrative framework for the Windsor Police Service Board;

**THE WINDSOR POLICE SERVICE BOARD ADOPTS AS FOLLOWS:**

## **2. DEFINITIONS**

2.1 “Act” or “CSPA” means the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, and amendments;

2.2 “Board” means the Windsor Police Service Board;

2.3 “Chief” means the Chief of the Windsor Police Service;

2. “Service” means the Windsor Police Service.

## **3. POLICY**

It is the policy of the Board that Board Members:

- 3.1 Govern lawfully in accordance with the Procedural By-law, policies and related legislation.
- 3.2 The Board will serve the public interest and provide governance and oversight on the intended outcomes of policing in the jurisdiction for which they are responsible.
- 3.3 Board deliberations and decisions will be forward-looking, while having regard for the past and present.
- 3.4 Board deliberations and decisions will be strategic, informed by statistical results and trends, and consider stakeholder views where necessary.
- 3.5 Board decisions will be collective rather than individual decisions.
- 3.6 Members of the Board will familiarize themselves and comply with Ontario Regulation 408/23 – Code of Conduct for Police Service Board Members and the Municipal Conflict of Interest Act, R.W.O. 1990 as amended, 2007.
- 3.7 During their first year of appointment the new member is required to attend:
  - a) any training sessions provided or required by the Ministry of the Solicitor General or other Ministry;
  - b) any orientation sessions for new members provided by the Chief of Police, Board Administrative Director and/or Board Solicitor.
- 3.8 The Board shall be a member of the Ontario Association of Police Service Boards (OAPSB) and Board members are encouraged to participate in their educational opportunities and activities.
- 3.9 The Board shall be represented by at least one member at each of the following:
  - a) Meetings of OAPSB Zone 6 boards

b) Annual OAPSB conferences

c) Meetings of Ontario Large Boards (“Big 12”)

3.10 The Board will establish policies consistent with the provisions under the Community Safety and Policing Act and regulations to ensure Adequate and Effective Policing

3.11 The Chair of the Board is delegated to act as head of the institution for the purposes of the Municipal Freedom of Information and Protection of Privacy Act, 1989.

3.12 The procedural requirements of the Board are outlined in the Board’s procedural by-law and further this by-law shall be reviewed as per the schedule outlined in this Administrative Policy. The by-law shall be followed by the Board in all matters related to Board procedures.

3.13 The Board’s procedural by-law shall be reviewed every three (3) years.

#### 4. REPORTING REQUIREMENTS:

4.1 The Board shall ensure that the Windsor Police Service continues to provide exceptional results at appropriate costs, while avoiding or mitigating unacceptable actions, situations and consequences by receiving, discussing, and assessing Windsor Police Service reports, and by addressing any gaps by directing adjustments and/or revising strategic plan or policy expectations.

#### 4. DIRECTION TO THE CHIEF

4.1 The Chief of Police is responsible for administering the police service and overseeing its operation in accordance with the objectives, priorities and policies established by the Board.

4.2 The Chief shall ensure that the administration of the police service is in compliance with the CSPA, its regulations, provincially mandated reporting requirements, and applicable Board Policies.

4.3 The Chief of Police shall ensure that administrative reporting to the Board is timely, accurate and relevant.

4.4 A mandatory reporting document for the Board shall be maintained and reviewed.

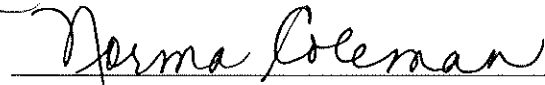
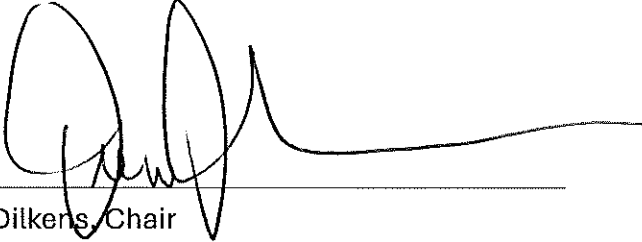
#### 7. IMPLEMENTATION

7.1 Board Policy ADMIN-01, May 19, 2022 and any policies, sections of policies of the Board inconsistent with the provisions of this Policy are hereby repealed effective August 29, 2024.

7.2 This Policy shall come into force on September 1, 2024.

ADOPTED AND PASSED this 29<sup>th</sup> day of August 2024

WINDSOR POLICE SERVICE BOARD



Drew Dilkins, Chair

Norma Coleman, Administrative Director

Date Sept 3/24

Date Sept. 3, 2024

Attachments (2)

ONTARIO REGULATION 408/23  
made under the  
COMMUNITY SAFETY AND POLICING ACT, 2019

CODE OF CONDUCT FOR POLICE SERVICE BOARD MEMBERS

APPLICATION AND INTERPRETATION

1. (1) This Regulation sets out the code of conduct with which every member of a police service board must comply.

(2) For greater certainty, the existence of a good faith exception in this code of conduct does not limit the grounds on which it may be determined that a member of a police service board has not contravened this code of conduct.

2. In this Regulation,

"conflict of interest" means a situation in which a member of a police service board's private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their duties as a member of the police service board;

"personal relationship" includes, but is not limited to, a relationship with any of the following persons:

1. A current or former spouse or common-law partner of the board member.
2. A current or former intimate partner of the board member.
3. The board member's children, including biological and adoptive children and stepchildren.
4. The legal dependants of the board member.
5. A child in the board member's care.
6. The board member's grandparents, parents or siblings, including grandparents-in-law, parents-in-law and siblings-in-law.

CONDUCT BECOMING OF A BOARD MEMBER

3. (1) A member of a police service board shall not conduct themselves in a manner that undermines or is likely to undermine the public's trust in the police service board or the police service maintained by the police service board.

(2) A member of a 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.

4. A member of a police service board shall comply with the Act and the regulations made under it.

5. A member of a 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.

6. A member of a police service board shall comply with any rules, procedures and by-laws of the police service board.

7. A member of a police service board shall not substantially interfere with the conduct of police service board meetings.

8. A member of a 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.

9. (1) A member of a 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*.

(2) A member of a 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.

10. (1) A member of a 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.

(2) A member of a 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.

#### **STATEMENTS AND ATTENDANCE**

11. A member of a police service board shall not knowingly make false statements pertaining to the duties of a member of a police service board.

12. A member of a police service board shall not purport to speak on behalf of the police service board unless authorized by the board to do so.

13. A member of a 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 police service maintained by the board or a member of the police service.

14. A member of a 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.

15. (1) A member of a 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 police service board or as required by law.

(2) Subsection (1) 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.

16. A member of a police service board shall attend all police service board meetings unless able to provide a reasonable explanation for the absence.

#### **MISCONDUCT AND CONFLICTS OF INTEREST**

17. A member of a police service board shall disclose any conduct of another member of the police service 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.

18. (1) A member of a 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.

(2) Subsection (1) only applies to charges or findings that were made after the member's appointment to the police service board.

(3) The disclosure required by subsection (1) must be made to the person or body that appointed the individual as a member of the police service board or, in the case of a member appointed by the Lieutenant Governor in Council, to the Minister.

19. A member of a police service board shall not apply for employment with the police service maintained by the police service board unless they resign from the board before applying.

20. (1) A member of a 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.

(2) After making the disclosure required by subsection (1), the member shall disclose the conflict at the next meeting of the police service board.

21. A member of a 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.

22. A member of a 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.

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**MUNICIPAL CONFLICT OF INTEREST ACT  
R.S.O. 1990, CHAPTER M.50**

Last amendment: 2007, c. 8, s. 219.

Definitions

1. In this Act,

"child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family; ("enfant")

"controlling interest" means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding;

"council" means the council of a municipality;

"elector" means,

(a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and

(b) in respect of a school board, a person entitled to vote at the election of members of the school board;

"interest in common with electors generally" means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part;

"judge" means a judge of the Superior Court of Justice;

"local board" means a school board, board of directors of a children's aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a home for the aged, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board;

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of "local board" is amended by the Statutes of Ontario, 2007, chapter 8, section 219 by striking out "home for the aged" and substituting "long-term care home". See: 2007, c. 8, ss. 219, 232 (2).

"meeting" includes any regular, special, committee or other meeting of a council or local board, as the case may be;

"member" means a member of a council or of a local board;



"municipality" includes a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board;

"parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

"school board" means a board as defined in subsection 1 (1) of the Education Act, and, where the context requires, includes an old board within the meaning of subsection 1 (1) of the Education Act;

"senior officer" means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office;

"spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. ("conjoint") R.S.O. 1990, c. M.50, s. 1; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156 (1); 1999, c. 6, s. 41 (1); 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45 (1, 2); 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. D, s. 10.

#### **Indirect pecuniary interest**

2. For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

(a) the member or his or her nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a member of a body,

that has a pecuniary interest in the matter; or

(b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

#### **Interest of certain persons deemed that of member**

3. For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

#### **Exceptions**

Where s. 5 does not apply

4. Section 5 does not apply to a pecuniary interest in any matter that a member may have,

(a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;

(b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;

(c) by reason of the member purchasing or owning a debenture of the municipality or local board;

(d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;

(e) by reason of having an interest in any property affected by a work under the Drainage Act or by a work under a regulation made under Part XII of the Municipal Act, 2001 or Part IX of the City of Toronto Act, 2006, as the case may be, relating to local improvements;

(f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the Assessment Act;

(g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;

(h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;

(i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;

(j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or

(k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (1).

#### **Duty of Member**

When present at meeting at which matter considered

5. (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

#### **Record of Disclosure**

Disclosure to be recorded in minutes

6. (1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be. R.S.O. 1990, c. M.50, s. 6 (1).

Idem

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public. R.S.O. 1990, c. M.50, s. 6 (2).

#### **Remedy for Lack of Quorum**

Quorum deemed constituted

7. (1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).

Application to judge

(2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises. R.S.O. 1990, c. M.50, s. 7 (2).

Power of judge to declare s. 5 not to apply

(3) The judge may, on an application brought under subsection (2), by order, declare that section 5 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order. R.S.O. 1990, c. M.50, s. 7 (3).

#### **Action where Contravention Alleged**

Who may try alleged contravention of s. 5 (1-3)

8. The question of whether or not a member has contravened subsection 5 (1), (2) or (3) may be tried and determined by a judge. R.S.O. 1990, c. M.50, s. 8.

Who may apply to judge

9. (1) Subject to subsection (3), an elector may, within six weeks after the fact comes to his or her knowledge that a member may have contravened subsection 5 (1), (2) or (3), apply to the judge for a determination of the question of whether the member has contravened subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (1).

Contents of notice of application

(2) The elector in his or her notice of application shall state the grounds for finding a contravention by the member of subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (2).

Time for bringing application limited

(3) No application shall be brought under subsection (1) after the expiration of six years from the time at which the contravention is alleged to have occurred. R.S.O. 1990, c. M.50, s. 9 (3).

Power of judge to declare seat vacant, disqualify member and require restitution

10. (1) Subject to subsection (2), where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), the judge,

(a) shall, in the case of a member, declare the seat of the member vacant; and

(b) may disqualify the member or former member from being a member during a period thereafter of not more than seven years; and

(c) may, where the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, where such party is not readily ascertainable, to the municipality or local board of which he or she is a member or former member. R.S.O. 1990, c. M.50, s. 10 (1).

Saving by reason of inadvertence or error

(2) Where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), if the judge finds that the contravention was committed through inadvertence or by reason of an error in judgment, the member is not subject to having his or her seat declared vacant and the member or former member is not subject to being disqualified as a member, as provided by subsection (1). R.S.O. 1990, c. M.50, s. 10 (2).

Member not to be suspended

(3) The authority to disqualify a member in subsection (1) does not include the right to suspend a member. R.S.O. 1990, c. M.50, s. 10 (3).

Transition: disqualification

(4) A disqualification of a member of a school board under this section that would have continued after December 31, 1997 but for the dissolution of the school board continues for its duration with respect to membership on any board whose members are elected by members of the electoral group who elected the member. 1997, c. 31, s. 156 (2).

Definition

(5) In subsection (4),

"electoral group" has the same meaning as in Part VIII of the Education Act as the Part read on January 1, 1997. 1997, c. 31, s. 156 (2).

#### **Appeal to Divisional Court**

11. (1) An appeal lies from any order made under section 10 to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. M.50, s. 11 (1).

Judgment or new trial

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the case shall be proceeded with as if there had been no appeal. R.S.O. 1990, c. M.50, s. 11 (2).

Appeal from order or new trial

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section. R.S.O. 1990, c. M.50, s. 11 (3).

#### **Proceedings not invalidated but voidable**

12. The failure of any person to comply with subsection 5 (1), (2) or (3) does not of itself invalidate any proceedings in respect of any such matter but the proceedings in respect of such matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing such matter unless to make void the proceedings would adversely affect the rights of any person acquired under or by virtue of the proceedings who acted in good faith and without actual notice of the failure to comply with subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 12.

#### **Other procedures prohibited**

13. Proceedings to declare a seat vacant or to disqualify a member or former member for conflict of interest, or to require a member or former member to make restitution where a contravention has resulted in personal financial gain, shall be had and taken only under this Act. R.S.O. 1990, c. M.50, s. 13.

## General

### Insurance

14. (1) Despite section 279 of the Municipal Act, 2001 or section 218 of the City of Toronto Act, 2006, as the case may be, the council of every municipality may at any time pass by-laws,

(a) for contracting for insurance;

(b) despite the Insurance Act, to enable the municipality to act as an insurer; and

(c) for exchanging with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the Insurance Act,

to protect a member of the council or of any local board thereof who has been found not to have contravened section 5, against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses. R.S.O. 1990, c. M.50, s. 14 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (2).

### Insurance Act does not apply

(2) The Insurance Act does not apply to a municipality acting as an insurer for the purposes of subsection (1). R.S.O. 1990, c. M.50, s. 14 (2).

### Surplus funds

(3) Despite section 387 of the Insurance Act, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in such securities as a municipality may invest in under the Municipal Act, 2001 or the City of Toronto Act, 2006, as the case may be. R.S.O. 1990, c. M.50, s. 14 (3); 1996, c. 32, s. 76 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (3); 2007, c. 7, Sched. 27, s. 1.

### Reserve funds

(4) The money raised for a reserve fund of a municipal reciprocal exchange may be expended or pledged for, or applied to, a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the Insurance Act is complied with. R.S.O. 1990, c. M.50, s. 14 (4).

### Local boards

(5) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members. R.S.O. 1990, c. M.50, s. 14 (5).

### Former members

(6) A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member. R.S.O. 1990, c. M.50, s. 14 (6).

**Conflict with other Acts**

15. In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. R.S.O. 1990, c. M.50, s. 15.

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## WINDSOR POLICE SERVICE BOARD

### POLICY

Policy Name: <b>ADMINISTRATION OF POLICE SERVICE</b>		Policy Number: <b>G-002</b>
Responsible Manager: <b>Administrative Director WPSB</b>	Review Schedule: <b>As required under the CSPA and Regulations</b>	Effective Date: <b>September 1, 2024</b>
Repeals: <b>New</b>	Reporting:	Next Review Date:

#### 1. PREAMBLE

1.1 AS subsection 37 (1) of the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ("CSPA") 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;

1.2 AND AS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;

1.3 AND AS O. Reg. 392/23: Adequate and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;

1.4 AND AS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 38 of the CSPA that the Board have a policy on the administration of the police service;

**THE WINDSOR POLICE SERVICE BOARD ADOPTS AS FOLLOWS:**



## **2. DEFINITIONS**

2.1 “Act” or “CSPA” means the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, and amendments;

2.2 “Board” means the Windsor Police Service Board;

2.3 “Chief” means the Chief of the Windsor Police Service;

2.4 “Member” means a member of the Windsor Police Service;

2.5 “Service” means the Windsor Police Service.

## **3. POLICY**

3.1 Under the CSPA, police service boards are entrusted with the governance and oversight of policing within their municipalities.

3.2 The Board is committed to developing evidence-based, community-centred, and equitable policies to govern the Windsor Police Service to foster increased trust between the Windsor Police Service and the community.

3.3 Sections 37-39 of the CSPA define the role and duties of the Board. The primary role of the Board is to ensure that adequate and effective policing is provided within the City of Windsor. Legislated responsibilities as set out in Section 37 of the Act include:

- 1) ensure the provision of adequate and effective policing;
- 2) ensure that any police facilities used by the Board comply with any prescribed standards;
- 3) prepare and adopt a diversity plan to ensure that the members of the police service reflect the diversity of the area subsection 37 (1);
- 4) employ members of the police service;
- 5) appoint members of the police service as police officers;
- 6) recruit and appoint the Chief of Police and any Deputy Chief of Police and determine their remuneration and working conditions, taking their submissions into account;
- 7) monitor the Chief of Police’s performance;
- 8) conduct a review of the Chief of Police’s performance at least annually in accordance with the regulations made by the Minister, if any;
- 9) monitor the Chief of Police’s handling of discipline within the police service;
- 10) monitor the Chief of Police’s decisions regarding the restrictions on secondary activities set out in Section 89 and review the reports from the Chief of Police on those decisions;
- 11) perform such other duties as are assigned to it by or under this or any other Act, including any prescribed duties.

The Board negotiates collective agreements and approves the capital and operating budgets.

3.4 The Board commits to fulfilling this responsibility by ensuring that policing actions and consequences are consistent with community needs, values, and expectations. The Board is committed to ensuring that the principles of integrity and accountability govern the oversight and management practices of the Board and the Windsor Police Service.

**4. DIRECTION TO THE CHIEF**

4.1 The Chief of Police is responsible for administering the police service and overseeing its operation in accordance with the objectives, priorities and policies established by the Board.

4.2 The Chief is to ensure the administration of the police service is in compliance with the CSPA, its regulations, and applicable Board Policies.

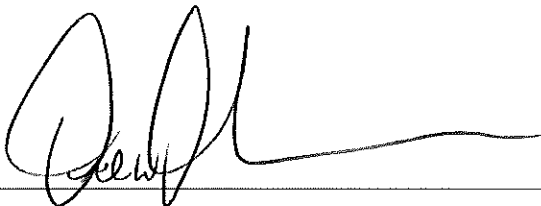
**7. IMPLEMENTATION**

7.1 All policies, sections of policies of the Board inconsistent with the provisions of this Policy are hereby repealed effective August 29, 2024.

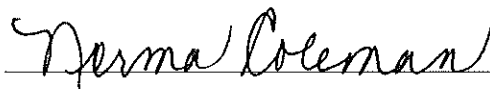
7.2 This Policy shall come into force on September 1, 2024.

ADOPTED AND PASSED this 29<sup>th</sup> day of August 2024

WINDSOR POLICE SERVICE BOARD



Drew Dilkens, Chair



Norma Coleman, Administrative Director

Date Sept 3/24

Date Sept. 3, 2024



## WINDSOR POLICE SERVICE BOARD

### POLICY

<b>Policy Name:</b> <b>BOARD MEMBERS CODE OF CONDUCT, COMPLAINTS AND OTHER GOVERNANCE RESPONSIBILITIES OF BOARD MEMBERS</b>		<b>Policy Number:</b> <b>G-003</b>
<b>Responsible Manager:</b> <b>Administrative Director, WPSB</b>	<b>Review Schedule</b> <b>As required under the Act</b>	<b>Effective Date:</b> <b>September 2, 2024</b>
<b>Repeals:</b> <b>NEW</b>	<b>Reporting:</b>	<b>Next Review Date:</b>

#### 1. PREAMBLE

1.1 AS subsection 37 (1) of the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched.1, (“CSPA”) provides that a Board shall provide adequate and effective policing in the in the area for which it has policing responsibility as required by Section 10 of the CSPA;

1.2 AND AS Section 106 of the said CSPA provides for complaints against a board member to be reviewed and investigated by the Inspector General or an Inspector appointed by the Inspector General;

1.3 AND AS the CSPA provides that Board members will comply with the O. Reg. 408/23: Code of Conduct for Police Service Board Members (Appendix “A”) and the Municipal Conflict of Interest Act, R.S.O. 1990, as amended 2007 (Appendix “B”);

1.4 AND AS Section 17 of the said Code of Conduct – O. Reg. 408/23 provides that a member of a police service board shall disclose any conduct of another member of the police service board that the member reasonably believes constitutes misconduct to the Chair of the Board, or, if the misconduct involves the Chair, to the Inspector General;

1.5 AND AS the Board deems it expedient to enact this Policy to ensure that the response to complaints by the Board adheres to the principles set out in the said Act, the Code of Conduct, and to the provisions Municipal Conflict of Interest Act, R.S.O. 1990, ch. M50 and amendments thereto, to avoid conflict of interest with respect to their governance responsibilities;

***THE WINDSOR POLICE SERVICE BOARD ADOPTS AS FOLLOWS:***

**2. DEFINITIONS**

2.1 "Act" or "CSPA" means the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, and amendments;

2.2 "Board" means the Windsor Police Service Board;

2.3 "Board Member" means a member of the Windsor Police Service Board;

2.4 "Code of Conduct" means O. Reg. 408/23: Code of Conduct for Police Service Board Members;

2.5 "Administrative Director" means the Administrative Director of the Board;

2.6 "Inspector General" means the person appointed to that position by the Lieutenant Governor in Council;

2.7 "Ministry" means the Ministry of the Solicitor General.

**3. POLICY**

3.1 The Board commits itself and its members to ethical, professional and lawful conduct, including proper use of authority and appropriate decorum when acting as Board members.

3.2 The Board recognizes and adheres to the principle that fair, open, prompt, thorough and efficient response to Board Member Conduct Complaints is a cornerstone to establishing and maintaining a positive community-police relationship, and it is therefore the policy of the Board that such complaints be dealt with in a professional and thorough manner in accordance with the Act, the Code of Conduct, and as directed in this Policy.

3.3 Board Members will comply with the Code of Conduct, and the Municipal Conflict of Interest Act, as attached hereto and ensure their conduct adheres to the requirements contained therein.

#### **4. COMPLAINTS PROCESS FOR BOARD MEMBER CONDUCT**

4.1 It is the policy of the Board that:

4.2 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 notified.

4.3 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.

4.4 All complaints of conduct reasonably believed to be misconduct by a member of the board shall be promptly forwarded to the Inspector General.

4.5 All complaints referenced in 4.3 and 4.4 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.

4.6 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.

4.6 Board Members shall direct communications with respect to Board Member activities/issues through the Board Chair or Administrative Director, and neither shall comment on any aspect of the complaint covered by this policy, including an acknowledgement that the complaint has been made, until the conclusion of the investigation.

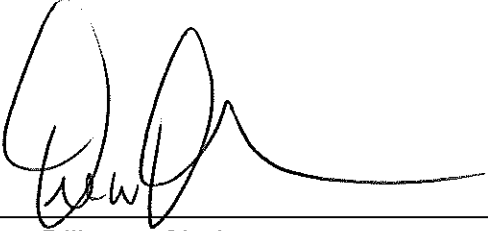
#### **5. IMPLEMENTATION**

5.1 Any policies, sections of policies of the Board inconsistent with the provisions of this policy are hereby repealed effective August 29, 2024.

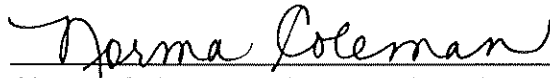
5.2 This Policy shall come into force on September 1, 2024.

ADOPTED AND PASSED this 29<sup>th</sup> day of August 2024.

THE WINDSOR POLICE SERVICE BOARD



Drew Dilkens, Chair



Norma Coleman, Administrative Director

Sept 3/24

Date

Sept. 3, 2024

Date

Attachments (2)

ONTARIO REGULATION 408/23  
made under the  
COMMUNITY SAFETY AND POLICING ACT, 2019

CODE OF CONDUCT FOR POLICE SERVICE BOARD MEMBERS

APPLICATION AND INTERPRETATION

1. (1) This Regulation sets out the code of conduct with which every member of a police service board must comply.

(2) For greater certainty, the existence of a good faith exception in this code of conduct does not limit the grounds on which it may be determined that a member of a police service board has not contravened this code of conduct.

2. In this Regulation,

"conflict of interest" means a situation in which a member of a police service board's private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their duties as a member of the police service board;

"personal relationship" includes, but is not limited to, a relationship with any of the following persons:

1. A current or former spouse or common-law partner of the board member.
2. A current or former intimate partner of the board member.
3. The board member's children, including biological and adoptive children and stepchildren.
4. The legal dependants of the board member.
5. A child in the board member's care.
6. The board member's grandparents, parents or siblings, including grandparents-in-law, parents-in-law and siblings-in-law.

CONDUCT BECOMING OF A BOARD MEMBER

3. (1) A member of a police service board shall not conduct themselves in a manner that undermines or is likely to undermine the public's trust in the police service board or the police service maintained by the police service board.

(2) A member of a 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.

4. A member of a police service board shall comply with the Act and the regulations made under it.

5. A member of a 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.

6. A member of a police service board shall comply with any rules, procedures and by-laws of the police service board.

7. A member of a police service board shall not substantially interfere with the conduct of police service board meetings.

8. A member of a 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.

9. (1) A member of a 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*.

(2) A member of a 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.

10. (1) A member of a 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.

(2) A member of a 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.

#### **STATEMENTS AND ATTENDANCE**

11. A member of a police service board shall not knowingly make false statements pertaining to the duties of a member of a police service board.

12. A member of a police service board shall not purport to speak on behalf of the police service board unless authorized by the board to do so.

13. A member of a 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 police service maintained by the board or a member of the police service.

14. A member of a 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.

15. (1) A member of a 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 police service board or as required by law.

(2) Subsection (1) 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.

16. A member of a police service board shall attend all police service board meetings unless able to provide a reasonable explanation for the absence.

#### **MISCONDUCT AND CONFLICTS OF INTEREST**

17. A member of a police service board shall disclose any conduct of another member of the police service 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.



18. (1) A member of a 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.

(2) Subsection (1) only applies to charges or findings that were made after the member's appointment to the police service board.

(3) The disclosure required by subsection (1) must be made to the person or body that appointed the individual as a member of the police service board or, in the case of a member appointed by the Lieutenant Governor in Council, to the Minister.

19. A member of a police service board shall not apply for employment with the police service maintained by the police service board unless they resign from the board before applying.

20. (1) A member of a 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.

(2) After making the disclosure required by subsection (1), the member shall disclose the conflict at the next meeting of the police service board.

21. A member of a 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.

22. A member of a 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.

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**MUNICIPAL CONFLICT OF INTEREST ACT  
R.S.O. 1990, CHAPTER M.50**

Last amendment: 2007, c. 8, s. 219.

Definitions

1. In this Act,

"child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family; ("enfant")

"controlling interest" means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding;

"council" means the council of a municipality;

"elector" means,

(a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and

(b) in respect of a school board, a person entitled to vote at the election of members of the school board;

"interest in common with electors generally" means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part;

"judge" means a judge of the Superior Court of Justice;

"local board" means a school board, board of directors of a children's aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a home for the aged, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board;

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of "local board" is amended by the Statutes of Ontario, 2007, chapter 8, section 219 by striking out "home for the aged" and substituting "long-term care home". See: 2007, c. 8, ss. 219, 232 (2).

"meeting" includes any regular, special, committee or other meeting of a council or local board, as the case may be;

"member" means a member of a council or of a local board;

"municipality" includes a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board;

"parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

"school board" means a board as defined in subsection 1 (1) of the Education Act, and, where the context requires, includes an old board within the meaning of subsection 1 (1) of the Education Act;

"senior officer" means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office;

"spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. ("conjoint") R.S.O. 1990, c. M.50, s. 1; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156 (1); 1999, c. 6, s. 41 (1); 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45 (1, 2); 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. D, s. 10.

#### **Indirect pecuniary interest**

2. For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

(a) the member or his or her nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a member of a body,

that has a pecuniary interest in the matter; or

(b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

#### **Interest of certain persons deemed that of member**

3. For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

#### **Exceptions**

Where s. 5 does not apply

4. Section 5 does not apply to a pecuniary interest in any matter that a member may have,

(a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;

(b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;

(c) by reason of the member purchasing or owning a debenture of the municipality or local board;

(d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;

(e) by reason of having an interest in any property affected by a work under the Drainage Act or by a work under a regulation made under Part XII of the Municipal Act, 2001 or Part IX of the City of Toronto Act, 2006, as the case may be, relating to local improvements;

(f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the Assessment Act;

(g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;

(h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;

(i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;

(j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or

(k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (1).

#### **Duty of Member**

When present at meeting at which matter considered

5. (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

#### **Record of Disclosure**

Disclosure to be recorded in minutes

6. (1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be. R.S.O. 1990, c. M.50, s. 6 (1).

Idem

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public. R.S.O. 1990, c. M.50, s. 6 (2).

#### **Remedy for Lack of Quorum**

Quorum deemed constituted

7. (1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).

Application to judge

(2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises. R.S.O. 1990, c. M.50, s. 7 (2).

Power of judge to declare s. 5 not to apply

(3) The judge may, on an application brought under subsection (2), by order, declare that section 5 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order. R.S.O. 1990, c. M.50, s. 7 (3).

#### **Action where Contravention Alleged**

Who may try alleged contravention of s. 5 (1-3)

8. The question of whether or not a member has contravened subsection 5 (1), (2) or (3) may be tried and determined by a judge. R.S.O. 1990, c. M.50, s. 8.

Who may apply to judge

9. (1) Subject to subsection (3), an elector may, within six weeks after the fact comes to his or her knowledge that a member may have contravened subsection 5 (1), (2) or (3), apply to the judge for a determination of the question of whether the member has contravened subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (1).

Contents of notice of application

(2) The elector in his or her notice of application shall state the grounds for finding a contravention by the member of subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (2).

Time for bringing application limited

(3) No application shall be brought under subsection (1) after the expiration of six years from the time at which the contravention is alleged to have occurred. R.S.O. 1990, c. M.50, s. 9 (3).

Power of judge to declare seat vacant, disqualify member and require restitution

10. (1) Subject to subsection (2), where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), the judge,

(a) shall, in the case of a member, declare the seat of the member vacant; and

(b) may disqualify the member or former member from being a member during a period thereafter of not more than seven years; and

(c) may, where the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, where such party is not readily ascertainable, to the municipality or local board of which he or she is a member or former member. R.S.O. 1990, c. M.50, s. 10 (1).

Saving by reason of inadvertence or error

(2) Where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), if the judge finds that the contravention was committed through inadvertence or by reason of an error in judgment, the member is not subject to having his or her seat declared vacant and the member or former member is not subject to being disqualified as a member, as provided by subsection (1). R.S.O. 1990, c. M.50, s. 10 (2).

Member not to be suspended

(3) The authority to disqualify a member in subsection (1) does not include the right to suspend a member. R.S.O. 1990, c. M.50, s. 10 (3).

Transition: disqualification

(4) A disqualification of a member of a school board under this section that would have continued after December 31, 1997 but for the dissolution of the school board continues for its duration with respect to membership on any board whose members are elected by members of the electoral group who elected the member. 1997, c. 31, s. 156 (2).

Definition

(5) In subsection (4),

"electoral group" has the same meaning as in Part VIII of the Education Act as the Part read on January 1, 1997. 1997, c. 31, s. 156 (2).

**Appeal to Divisional Court**

11. (1) An appeal lies from any order made under section 10 to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. M.50, s. 11 (1).

Judgment or new trial

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the case shall be proceeded with as if there had been no appeal. R.S.O. 1990, c. M.50, s. 11 (2).

Appeal from order or new trial

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section. R.S.O. 1990, c. M.50, s. 11 (3).

**Proceedings not invalidated but voidable**

12. The failure of any person to comply with subsection 5 (1), (2) or (3) does not of itself invalidate any proceedings in respect of any such matter but the proceedings in respect of such matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing such matter unless to make void the proceedings would adversely affect the rights of any person acquired under or by virtue of the proceedings who acted in good faith and without actual notice of the failure to comply with subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 12.

**Other procedures prohibited**

13. Proceedings to declare a seat vacant or to disqualify a member or former member for conflict of interest, or to require a member or former member to make restitution where a contravention has resulted in personal financial gain, shall be had and taken only under this Act. R.S.O. 1990, c. M.50, s. 13.

## General

### Insurance

14. (1) Despite section 279 of the Municipal Act, 2001 or section 218 of the City of Toronto Act, 2006, as the case may be, the council of every municipality may at any time pass by-laws,

(a) for contracting for insurance;

(b) despite the Insurance Act, to enable the municipality to act as an insurer; and

(c) for exchanging with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the Insurance Act,

to protect a member of the council or of any local board thereof who has been found not to have contravened section 5, against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses. R.S.O. 1990, c. M.50, s. 14 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (2).

### Insurance Act does not apply

(2) The Insurance Act does not apply to a municipality acting as an insurer for the purposes of subsection (1). R.S.O. 1990, c. M.50, s. 14 (2).

### Surplus funds

(3) Despite section 387 of the Insurance Act, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in such securities as a municipality may invest in under the Municipal Act, 2001 or the City of Toronto Act, 2006, as the case may be. R.S.O. 1990, c. M.50, s. 14 (3); 1996, c. 32, s. 76 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (3); 2007, c. 7, Sched. 27, s. 1.

### Reserve funds

(4) The money raised for a reserve fund of a municipal reciprocal exchange may be expended or pledged for, or applied to, a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the Insurance Act is complied with. R.S.O. 1990, c. M.50, s. 14 (4).

### Local boards

(5) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members. R.S.O. 1990, c. M.50, s. 14 (5).

### Former members

(6) A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member. R.S.O. 1990, c. M.50, s. 14 (6).



**Conflict with other Acts**

15. In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. R.S.O. 1990, c. M.50, s. 15.

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# WINDSOR POLICE SERVICE BOARD

## POLICY

Policy Name: <b>MANAGEMENT OF POLICE RECORDS</b>		Policy Number: <b>G - 004</b>
Responsible Manager: <b>Administrative Director WPSB</b>	Review Schedule: <b>5 Years</b>	Effective Date: <b>September 1, 2024</b>
Repeals: <b>AR-AI007, October 26, 2006</b>	Reporting: <b>Chief annual report to the Board as per Section 5</b>	Next Review Date: <b>September 2029</b>

### 1. PREAMBLE

1.1 AS subsection 37 (1) of the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, (“CSPA”) 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;

1.2 AND AS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;

1.3 AND AS subsection 1 (1) of the Municipal Act, R.S.O. 2001 c.25 (“the Municipal Act”) defines “Local Board” as a Police Service Board;

1.4 AND AS Section 254 of the Municipal Act states that a Local Board that has ownership and control of its records has an obligation to retain and preserve the records in a secure and accessible manner;

1.5 AND AS Section 255 of the Municipal Act regulates the circumstances under which a Local Board may destroy records;

1.6 AND AS Section 18 of O. Reg. 395/23: Investigations prescribes reporting requirements for reportable investigations as defined in the Regulation;

1.7 AND AS Section 20 of the said O. Reg. 395/23 requires a Chief of Police to establish procedures for the management of information relating to investigations;

1.8 AND AS Part AI-007 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix "A", contains guidelines directing the Board, the Chief and members relative to the management of police records.

**THE WINDSOR POLICE SERVICE BOARD ADOPTS AS FOLLOWS:**

**2. DEFINITIONS**

2.1 "Act" or "CSPA" means the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, and amendments;

2.2 "Board" means the Windsor Police Service Board;

2.3 "Chief" means the Chief of the Windsor Police Service;

2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General

2.5 "Member" means a member of the Windsor Police Service;

2.6 "Ministry" means the Ministry of the Solicitor General;

2.7 "Personal Information" means recorded information about an identifiable individual, as prescribed by the Municipal Freedom of Information and Protection of Privacy Act;

2.8 "Record" means a document, made or received in the normal course of business and kept for operational or administrative purposes and includes:

(a) correspondence – a memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof; and

(b) subject to the regulations of the Municipal Freedom of Information and Protection of Privacy Act, any records that is capable of being produced from a machine-readable record under the control of the police service by the means of computer hardware and software or any other information storage equipment and technical expertise normally used by the police service.

2.9 "Service" means the Windsor Police Service;

2.10 "ViCLAS" means the Violent Crime Linkage Analysis System.

**3. POLICY**

3.1 The Board recognizes that appropriate management of police records are crucial to policing, and it is therefore the policy of the Board that such management of police records be dealt with in a professional and thorough manner and in accordance with procedures established by the Chief as directed in this Policy.

## **4. DIRECTION TO THE CHIEF**

### **4.1 PROCEDURES**

4.1.1 The Chief shall establish written procedures and processes for the collection, security, retention, use, disclosure, and destruction of police records in accordance with Appendix A.

4.1.2 The Chief shall ensure that said procedure above complies with the Municipal Freedom of Information and Protection of Privacy Act.

4.1.3 The Chief shall ensure that all records are protected from unauthorized access, alteration, or removal and inadvertent destruction or damage by Members of the Police Service and the public.

4.1.4 The Chief shall ensure that the procedures referred to in Section 4.1.1 comply with the Ministry's designated Ontario Major Case Management Manual for police records management.

4.1.5 The Chief shall ensure that the procedures referred to in Section 4.1.1 includes procedures that are consistent with the provisions in the CPIC Policy Manual and the CPIC User Manual and the Ministry's policy relating to CPIC records.

4.1.6 The Chief shall ensure that the procedures referred to in Section 4.1.1 includes procedures that are consistent with the provisions in Section 18 of O.Reg.395/23, the CPIC Policy Manual and the CPIC User Manual and the Ministry's policy relating to collecting, retention and destruction of ViCLAS records.

### **4.2 DESTRUCTION OF POLICE RECORDS**

4.2.1 The Chief shall ensure that no Member destroys any record except in accordance with the procedure developed in accordance with Section 4.1.1.

4.2.2 The Chief shall ensure that, when records are destroyed in compliance with the said procedure, a listing is maintained indicating the classification and dates of the records being destroyed, the date of destruction, and the signature of the Member destroying the record.

4.2.3 The Chief shall designate a Member(s) as persons responsible for overseeing destruction of records in accordance with the procedure outlined in Section 4.1.1.

4.2.4 The Chief shall ensure that records are destroyed in a manner, which ensures that the records are no longer legible or usable.

#### 4.3 TRAINING

4.3.1 The Chief shall ensure that Members involved in the collection, security, retention, use, disclosure, and destruction of police records, have the requisite knowledge, skills, and abilities to perform these functions.

#### 5. REPORT TO THE BOARD

5.1 The Chief shall make an annual written report to the Board on or before August 30th of each year in respect of management of police records. The report shall include:

- (a) a summary of the written procedures concerning management of police records;
- (b) confirmation of Service compliance with said procedures;
- (c) a listing of records retained beyond the retention period pursuant to Section 4.1.1, together with the reason therefore; and
- (d) confirmation that the appropriate records have been destroyed in accordance with the Policy.

#### 6. IMPLEMENTATION

6.1 Windsor Police Service Board Policy – Adequacy O.Reg. 3/99, and any other policies, sections of policies of the Board inconsistent with the provisions of this Policy are hereby repealed.

6.2 This Policy shall come into force on September 1, 2024.

ADOPTED AND PASSED this 29<sup>th</sup> day of August 2024.

THE WINDSOR POLICE SERVICE BOARD

  
\_\_\_\_\_  
Drew Dilkins, Chair

Date: Sept 3/24

  
\_\_\_\_\_  
Norma Coleman, Administrative Director

Date: Sept. 3, 2024

Attachments (1)

## Legislative/Regulatory Requirements

Section 31(1)(c) of the *Police Services Act (PSA)* requires a police services board, in providing adequate and effective police services, to establish policies for the effective management of the police service.

In addition, section 41(1)(a) requires the Chief of Police to administer the police service and oversee its operations in accordance with the objectives, priorities and policies established by the board.

Furthermore, section 2 of the Regulation on *Violent Crime Linkage Analysis Systems Reports* requires the submission and updating of ViCLAS crime analysis reports.

## Sample Board Policy

Board Policy # \_\_\_\_\_

It is the policy of the \_\_\_\_\_ Police Services Board with respect to the management of police records that the Chief of Police will:

- a) establish procedures on records management, including the collection, security, retention, use, disclosure and destruction of records in accordance with the requirements of appropriate legislation;
- b) comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*; and
- c) establish procedures on CPIC that are consistent with the *CPIC Reference Manual* and the Ministry's policy relating to CPIC Records.

## Police Service Guidelines

- Procedures**
1. Every police service's procedures on records management should:
    - a) ensure that the records management system meets or exceeds the administrative requirements of the municipality;
    - b) ensure that the records management system meets the requirements of appropriate legislation;
    - c) designate a staff position(s) with overall responsibility for the police service's records management system;
    - d) address the classification and security of all records;
    - e) address the collection, storage, retrieval, use, disclosure and destruction of records, including fingerprints and criminal identification photographs;
    - f) require that a records retention schedule be established, including the requirement that records of *ViCLAS* reportable offences be retained for at least 25 years;

- g) ensure that the disposition of records is in accordance with the records retention schedule;
- h) require that when records are destroyed the class and dates of the destroyed records, the date of destruction and signature of the employee approving are documented;
- i) ensure that an occurrence reporting system is maintained, including the incidents for which an occurrence report has to be completed;
- j) require that a master index or method of searching for records is maintained, which enables records to be quickly located; and
- k) require compliance with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.

- CPIC**
2. Every police service should establish procedures on CPIC that are consistent with the *CPIC Reference Manual* and the Ministry's policy relating to CPIC Records, including that:
    - a) the *CPIC Reference Manual* is current, up-to-date and available to appropriate staff, and copies of bulletins regarding CPIC from the Ministry are available to appropriate staff;
    - b) the minimal requirements of CPIC use, security and dissemination of information are understood and observed by appropriate staff;
    - c) communications and dispatch personnel are informed of the requirements relating to CPIC use;
    - d) training is provided on CPIC to satisfy local needs;
    - e) a file support system exists for the CPIC function, as required;
    - f) written job descriptions are available for all CPIC positions;
    - g) a check of the terminal report and agency activity report indicates adequate use of CPIC facilities; and
    - h) a copy of the latest CPIC audit report by the Ministry is available to appropriate staff upon receipt.
  3. Every Chief of Police should ensure that the recommendations of the latest CPIC audit report by the Ministry have been addressed.



## WINDSOR POLICE SERVICE BOARD

### POLICY

Policy Name: <b>MANAGEMENT OF WINDSOR POLICE SERVICE BOARD RECORDS</b>		Policy Number: <b>G – 005</b>
Responsible Manager: <b>Administrative Director WPSB</b>	Review Schedule: <b>5 Years</b>	Effective Date: <b>September 1, 2024</b>
Repeals: <b>ADMIN – 02, May 19, 2022</b>	Reporting:	Next Review Date: <b>September 2029</b>

#### 1. PREAMBLE

1.1 AS subsection 37 (1) of the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, (“CSPA”) 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;

1.2 AND AS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;

1.3 AND AS subsection 1 (1) of the Municipal Act, R.S.O. 2001 c.25 (“the Municipal Act”) defines “Local Board” as a Police Service Board;

1.4 AND AS Section 254 of the Municipal Act states that a Local Board that has ownership and control of its records has an obligation to retain and preserve the records in a secure and accessible manner;

1.5 AND AS Section 255 of the Municipal Act regulates the circumstances under which a Local Board may destroy records;

1.6 AND AS Part AI-007 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix “A”, contains guidelines directing the Board, the Chief and members relative to the management of police records.

**THE WINDSOR POLICE SERVICE BOARD ADOPTS AS FOLLOWS:**



## **2. DEFINITIONS**

- 2.1 “Act” or “CSPA” means the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, and amendments;
- 2.2 “Board” means the Windsor Police Service Board;
- 2.3 “Chief” means the Chief of the Windsor Police Service;
- 2.4 “Manual” means the Policing Standards Manual published by the Ministry of the Solicitor General
- 2.5 “Member” means a member of the Windsor Police Service;
- 2.6 “Ministry” means the Ministry of the Solicitor General;
- 2.7 “Personal Information” means recorded information about an identifiable individual, as prescribed by the Municipal Freedom of Information and Protection of Privacy Act;
- 2.8 “Record” means a document, made or received in the normal course of business and kept for operational or administrative purposes and includes:
- (a) correspondence – a memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof; and
  - (b) subject to the regulations of the Municipal Freedom of Information and Protection of Privacy Act, any records that is capable of being produced from a machine-readable record under the control of the police service by the means of computer hardware and software or any other information storage equipment and technical expertise normally used by the police service.
- 2.9 “Service” means the Windsor Police Service;

## **3. POLICY**

- 3.1 It is the policy of the Board to manage, preserve, and dispose of its records in accordance with the requirements of applicable legislation governing the collection, security, retention, use, disclosure and destruction of records and administrative procedures.
- 3.2 Records management procedures shall comply with all applicable legislation which includes the Municipal Act, 2001 and the Municipal Freedom of Information and Protection of Privacy Act.
- 3.3 Records management procedures shall comply with administrative requirements of the Windsor Police Service and the Police Service Guidelines outlined by the Ontario Ministry of the Solicitor General in the Policing Standards Manual (2000), as they may be updated from time to time.

3.4 Records management procedures shall address the classification and security of Board records.

#### **4. RESPONSIBILITY FOR RECORDS**

4.1 The Administrative Director is the custodian of current records and shall assume overall responsibility for the records management system.

4.2 Every person in possession of private records shall be responsible for their proper use, storage, and destruction.

#### **5. STORAGE OF BOARD RECORDS**

5.1 Current active records shall be retained in the Board office at 150 Goyeau Street, unless otherwise determined by the Board, and under the custody and control of the Administrative Director or designate of the Board.

5.2 Historical records shall be archived through the Office of the Clerk and retained in a secure area within the City of Windsor offices and at its off-site storage site.

#### **6. DOCUMENT MANAGEMENT**

6.1 Board agendas, minutes and other documents are created and managed electronically.

6.2 The Administrative Director shall ensure the efficient management of electronic records by maintaining an accurate and up-to-date document repository to facilitate quick document retrieval.

#### **7. DISCLOSURE OF BOARD RECORDS**

7.1 Board should disclose records in accordance with the Freedom of Information and Protection of Privacy Act.

#### **8. RECORDS RETENTION SCHEDULE**

8.1 The records retention schedule specifies the type of record and its retention period. This schedule will be adopted in consultation with the Windsor Police Service and the City of Windsor.

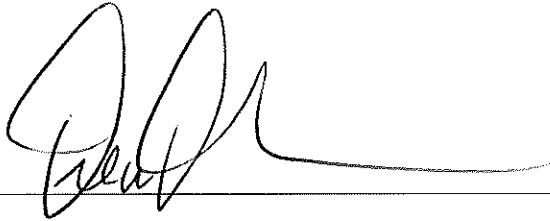
#### **9. IMPLEMENTATION**

9.1 ADMIN – 02, May 19, 2022, and any other policies, sections of policies of the Board inconsistent with the provisions of this Policy are hereby repealed.

6.2 This Policy shall come into force on September 1, 2024.

ADOPTED AND PASSED this 29<sup>th</sup> day of August 2024.

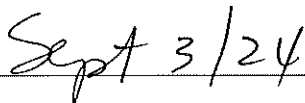
THE WINDSOR POLICE SERVICE BOARD



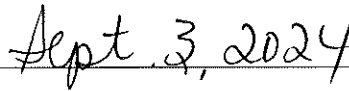
Drew Dilkens, Chair



Norma Coleman, Administrative Director



Date



Date

**Attachments (1)**



# WINDSOR POLICE SERVICE BOARD

## POLICY

Policy Name: <b>USE OF BOARD ISSUED EQUIPMENT AND TECHNOLOGY</b>		Policy Number: <b>GOV - 006</b>
Responsible Manager: <b>Administrative Director WPSB</b>	Review Schedule: <b>5 Years</b>	Effective Date: <b>September 1, 2024</b>
Repeals: <b>ADMIN – 03, May 19, 2022</b>	Reporting:	Next Review Date: <b>September 2029</b>

### 1. PREAMBLE

1.1 AS subsection 37 (1) of the Community Safety and Policing Act 2019, c. 1, Sched. 1, (“CSPA”) 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;

1.2 AND AS Section 46 of the CSPA provides that a Police Service Board shall establish its own rules and procedures in performing its duties under this Act and the regulations;

1.3 AND AS the CSPA provides that Board members will comply with O. Reg. 408/23: Code of Conduct for Police Service Board Members;

1.4 AND AS the Board deems it expedient to adopt this policy and guidelines for the use of Board issued equipment and technology.

### **THE WINDSOR POLICE SERVICE BOARD ENACTS AS FOLLOWS:**

### 2. DEFINITIONS

2.1 “Act” or “CSPA” means the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, and amendments;

2.2 “Board” means the Windsor Police Service Board;

2.3 “Board Member” means a member of the Windsor Police Service Board;

2.4 “Devices” means portable Board issued technology provided for the use of the Board members and includes all data processing and communications hardware and software including computers, tablet devices, peripherals, keyboards, cases, covers, styluses or any other equipment necessary for optimal use of electronic devices or tools;

2.5 “Administrative Director” means the Administrative Director of the Board;

2.6 “Identification Cards” means Board issued identification cards that indicate affiliation as a member of the Windsor Police Service Board;

2.7 “Malware” means a category of malicious code that includes viruses, worms and Trojan horses;

2.8 “Mobile Applications” or “Apps” means a computer program designed to run on smartphones, tablet computers, and other mobile devices;

2.9 “Phishing” means the activity of defrauding an online account holder of financial or personal account information by posing as a legitimate company;

2.10 “Security Access Cards” means Service issued security cards that permit Board members access to Service facilities equipped with electronic door control mechanisms and perimeter control gates;

2.11 “Service” means the Windsor Police Service;

2.12 “Technology” means a tool that supports and promotes efficient and effective services through electronic data (text, graphics, images, voice and video) capture, manipulation, retrieval and transmission; and

2.13 “Virus” means a piece of code capable of copying itself and typically has detrimental effects, such as corrupting a system or destroying data.

### **3. BOARD POLICY GUIDELINES**

3.1 The Board supports using technology and related devices to increase the productivity of Board Members and the Board office while conducting Board business.

3.2 Board issued equipment is the property of the Board and this is a policy relating to the acceptable use of Board devices.

3.3 Devices shall be primarily used for conducting Board business and shall follow the appropriate internet usage guidelines as outlined in this Policy.

3.4 Board and Service issued property and devices shall be returned to the Administrative Director at the end of a Member’s term. This includes all technology, back-ups, cases/keyboards, chargers, keyboard chargers, identification and security access cards.

3.5 Devices shall be assessed on return for upgrade, replacement or disposal. If deemed to be in fair condition, they will be redistributed to new Board members or disposed of appropriately.

#### **4. INTERNET USAGE**

4.1 Use of a device constitutes acceptance of this policy and confirms the understanding that the device is to be primarily used for business purposes.

4.2 Information contributed to or retrieved from these devices must be protected against disclosure to unauthorized agencies or persons.

4.3 Before releasing information, ensure that the requestor is an authorized person, if uncertain verify with Board staff.

4.4 Board equipment and technology will not be used for any activity from which the user will benefit financially, for any purpose that might be considered offensive, or violate Board policy.

#### **5. USAGE AND SECURITY OF DEVICES**

5.1 Board Members are responsible for the security of the device and its software. Board Members are required to keep their devices updated through software updates to ensure all security patches are current.

5.2 Board Members are responsible for the security of devices by being cognizant of phishing, malware, viruses, and/or avoiding websites which might compromise the software on their devices, being mindful of the following:

(i) Do not click on pop-up screens, spam, advertisements or suspicious links that come from unrecognized senders. These may try to cause you to act quickly through threats of security breaches, unauthorized account usage, etc.

(ii) Do not download files or open attachments from unknown senders on the device.

(iii) Do not communicate personal information, such as usernames, ID's, passwords, or credit card information through a link in an email even if it appears to be authentic.

(iv) Do not share your usernames, ID's, and/or passwords as this can be used to compromise your account.

5.3 Board Members shall report any suspicion of viruses or phishing to the Administrative Director as soon as possible.

5.4 Board Members are asked to report damaged or lost devices to the Administrative Director as soon as possible.

5.5 Nothing should be accepted or sent through Bluetooth or other wireless sharing devices unless the third party is known and is the intended sender/recipient.

5.6 Lock the device when not in use. This can be done by closing the case, which locks automatically or by pressing the lock button or lock command on the device.

**6. COSTING AND DOWNLOADING APPLICATIONS**

6.1 Costs associated with downloading of applications are the responsibility of the Board member unless it is related to Board business.

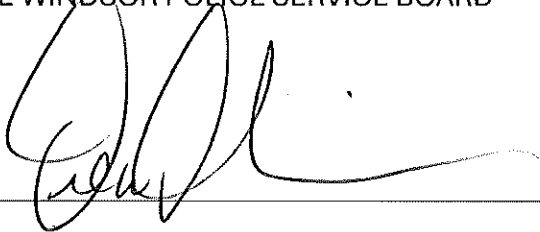
**7. IMPLEMENTATION**

7.1 ADMIN – 03, May 19, 2022, and all other policies, sections of policies of the Board inconsistent with the provisions of this Policy are hereby repealed effective August 29, 2024.

7.2 This Policy shall come into force on September 1, 2024.

ADOPTED AND PASSED this 29th day of August, 2024.

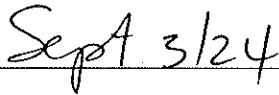
THE WINDSOR POLICE SERVICE BOARD



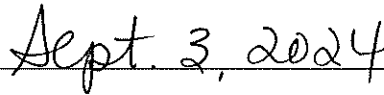
Drew Dilkens, Chair



Norma Coleman, Administrative Director



Date



Date



## WINDSOR POLICE SERVICE BOARD

### POLICY

Policy Name: <b>Institutional and Police Service Member Conflicts of Interest</b>		Policy Number: <b>G - 007</b>
Responsible Manager: <b>Administrative Director WPSB</b>	Review Schedule: <b>Every 3 years</b>	Effective Date: <b>September 1, 2024</b>
Repeals: <b>NEW</b>	Reporting: <b>Chief to report as per Section 5</b>	Next Review Date: <b>September 2027</b>

#### 1. PREAMBLE:

1.1 AS subsection 37 (1) of the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ("CSPA") 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;

1.2 AND AS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;

1.3 AND AS subsection 89 (1) of the CSPA requires that a Member shall not engage in any secondary activity which places them in a conflict of interest;

1.4 AND AS Section 220 of the CSPA requires that certain Members be removed from Police Association membership if their continued membership would result in a conflict of interest in collective bargaining matters;

1.5 AND AS subsection 11 (1) of O. Reg. 401/23: Conflicts of Interest requires a Chief of Police to establish written procedures respecting actual conflicts of interest and personal conflicts in the provision of policing functions;



1.6 AND AS subsection 12 (1) of the said O. Reg 401/23: Conflicts of Interest and clause 38 (1) (g) of the CSPA require that the Board establish a policy respecting the avoidance of actual institutional conflicts and personal conflicts in the provision of policing functions;

1.7 AND AS the said O. Reg 401/23: Conflicts of Interest prescribes definitions of conflicts of interest, investigations, including referral of investigations to other police services, impartiality of investigations, reporting and actions to be taken;

1.8 AND AS the Board moves to adopt this Policy to ensure the avoidance of actual institutional conflicts and personal conflicts in the provision of policing functions.

***The WINDSOR POLICE SERVICE BOARD ENACTS AS FOLLOWS:***

**2. DEFINITIONS:**

2.1 "Act" or "CSPA" means the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, and amendments thereto; 510-2024 2024.05.23

2.2 "Actual Institutional Conflict" has the same meaning as set out in Section 1 of O. Reg. 401/23: Conflicts of Interest;

2.3 "Board" means the Windsor Police Service Board;

2.4 "Chief" means the Chief of the Windsor Police Service;

2.5 "Member" means a member of the Windsor Police Service;

2.6 "O. Reg. 401/23" means Ontario Regulation 401/23: Conflicts of Interest;

2.7 "Personal Conflict" has the same meaning as set out in section 1 of O. Reg. 410/23;

2.8 "Service" means the Windsor Police Service.

**3. BOARD POLICY:**

3.1 The Board recognizes and adheres to the principle that fair, open, impartial, and thorough delivery of policing services is a cornerstone to establishing and promoting trust in the Service and the Board, and that it is imperative that in the delivery of those policing services, Members cannot be constrained in any way by conflicts of interest. It is therefore the policy of this Board that there must be strict adherence to the provisions of O. Reg. 401/23.

**4. DIRECTIONS TO CHIEF:**

**4.1 PROCEDURES**

4.1.1 The Chief of Police shall establish written procedures respecting actual institutional conflicts and personal conflicts in the provision of policing functions by the Service.

The procedures shall:

- (a) provide for steps that must be taken to avoid or address potential institutional conflicts, actual institutional conflicts and personal conflicts;
- (b) identify a supervisor to whom a Member of the Service is required to report potential institutional conflicts, actual institutional conflicts and personal conflicts and, if the matter to be reported relates to the Member's own supervisor, an alternative supervisor;
- (c) identify the Members of the Service who are authorized to determine whether a personal conflict has arisen or is likely to arise;
- (d) ensure the impartiality of investigations by the Service under this Regulation; and
- (e) address how the Service will conduct investigations referred to it by the Chief of Police of another police service.

If the Chief of Police is referred a conflict of interest investigation by another police service, the Chief shall either:

- (1) cause the matter to be investigated in accordance with the applicable conflict procedure; or
- (2) take steps to ensure that the matter is referred to a different police service to conduct the investigation.

## 4.2 PERSONAL CONFLICTS

4.2.1 If it is determined, in accordance with the conflict procedures, that a personal conflict respecting a Member of the Service has arisen or is likely to arise with respect to a policing function that the Member is providing, the Chief of Police shall,

- (a) require a different Member of the Police Service to provide the policing function or refer the matter to the Chief of Police of a different Police Service; or
- (b) if the Chief of Police or Deputy Chief of Police is the Member of the Police Service in respect of whom a personal conflict has arisen or is likely to arise, refer the matter to the Chief of Police of a different Police Service.

4.2.2 The Chief of Police shall record the steps the Chief of Police takes under this section, in the form approved by the Minister.

4.2.3 If the Chief of Police or Deputy Chief of Police is the Member of the Police Service in respect of whom a personal conflict has arisen or is likely to arise, the

record shall include either a statement that the Chief of Police complied with the conflict procedures and this policy, or a statement that the Chief of Police did not comply and an explanation for the non-compliance. The record shall be submitted by the Chief of Police to the Inspector General and the Board.

#### 4.3 INSTITUTIONAL CONFLICTS

4.3.1 If the Chief of Police determines that a potential institutional conflict respecting a Member of the Service has arisen or is likely to arise, the Chief of Police shall determine whether an informed and reasonable person would believe that a Member of the Service who must act or make a decision in the situation could do so impartially. In making this determination, the Chief of Police shall consider all relevant factors, including:

- (a) whether any of the Members of the Service who are required to act or make a decision are likely to be in a reporting relationship to or know a person who is or would be under investigation in respect of the criminal conduct;
- (b) whether the Service has procedures for consulting with the Crown Attorney regarding the conduct of the investigation of the criminal conduct, and has undertaken to consult with the Crown on the investigation; and
- (c) any other relevant factor, including the importance of the perception of fairness and impartiality during all investigations to maintaining the community's trust.

4.3.2 The Chief of Police is not required to make the determination above with respect to the following:

- (a) an incident reported to the SIU Director under Section 16 of the Special Investigations Unit Act, 2019 or the SIU Director causes the incident to be investigated under Section 15 of that Act; or
- (b) the potential institutional conflict has arisen or is likely to arise in an area for which the Board does not have policing responsibility and is the subject of an investigation by a different police service.

4.3.3 If the Chief of Police determines that an actual institutional conflict of interest exists, the Chief of Police shall refer the investigation to the Chief of Police of a different police service.

4.3.4 Where the investigation is referred to or continued by the Chief of Police of a different police service, the Chief of Police shall continue to take all steps necessary to ensure that an effective investigation is conducted, until the assumption of responsibility for the investigation by the Chief of Police of the other police service, if applicable.

4.3.5 If the Chief of Police determines that a potential institutional conflict is not an actual institutional conflict and does not meet the prescribed conditions under Section 7 (2) of Ontario Regulation 401/23: Conflicts of Interest, the Chief shall either:

- (a) cause the matter to be investigated in accordance with the Service's conflict procedures; or,
- (b) refer the matter to the Chief of Police of a different police service for investigation.

In exercising their discretion to retain or refer to an investigation, the Chief of Police shall have regard to the costs of an external investigation and whether such costs are merited in all of the circumstances. Should the Chief of Police retain the matter for investigation, notification shall be provided to the Inspector General in the prescribed form including a summary of the steps taken under the applicable conflict procedure.

4.3.6 If the Chief of Police or a Deputy Chief of Police is the Member of the Police Service in respect of whom the actual institutional conflict or potential institutional conflict has arisen or is likely to arise, the Chief of Police shall notify the Inspector General, in the form approved by the Minister, and shall notify the Board, in writing. The Chief of Police shall also record all the steps the Chief of Police takes regarding actual institutional conflicts or potential institutional conflicts that qualify under this section.

4.3.7 The Chief of Police shall inform the Board of every actual institutional conflict and of every potential institutional conflict that is determined to not be an actual institutional conflict. If the Chief of Police retains an investigation that is determined to not be an institutional conflict, the Chief of Police shall explain the rationale for retaining the investigation to the Board and the Inspector General.

## **5. REPORTS**

5.1 The Chief shall report to the Board as required under Sections 4.2.3, 4.3.6 and 4.3.7 of this Policy.

5.2 The Chief shall provide an annual report to the Board, such report to include the following information:

5.2.1 the number of conflict of interest investigations undertaken by the Service during the preceding year;

5.2.2 the number of conflict of interest investigations referred to other police services during the preceding year;

5.2.3 the number of investigations resulting in findings of conflicts of interest during the preceding year, and a brief explanation of the nature of the conflicts so determined; and

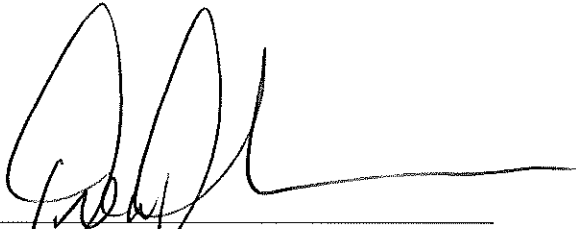
5.2.4 the action taken in response to findings of conflicts of interest.

## 6. IMPLEMENTATION

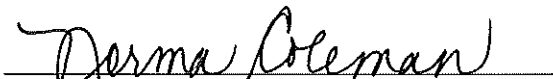
6.1 This Policy shall come into force on the date September 1, 2024.

ADOPTED AND PASSED this 29<sup>th</sup> day of August 2024.

THE WINDSOR POLICE SERVICE BOARD

  
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Drew Dilkens, Chair

  
\_\_\_\_\_

Norma Coleman, Administrative Director

Sept 3/24  
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Date

Sept. 3, 2024  
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Date