1990

c 10 Police Services Act, 1990

Ontario
CHAPTER 10

An Act to revise the Police Act and amend the law relating to Police Services

Assented to June 28th, 1990

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Police services shall be provided throughout Ontario in accordance with the following principles:

1. The need to ensure the safety and security of all persons and property in Ontario.

2. The importance of safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Human Rights Code, 1981.

3. The need for co-operation between the providers of police services and the communities they serve.
4. The importance of respect for victims of crime and understanding of their needs.

5. The need for sensitivity to the pluralistic, multi-racial and multicultural character of Ontario society.

6. The need to ensure that police forces are representative of the communities they serve.

Definitions

2. In this Act,

"association" means an association whose members belong to one police force and whose objects include the improvement of their working conditions and remuneration;

"board" means, except in Part VI, a municipal police services board;

"chief of police" means a municipal chief of police or the Commissioner of the Ontario Provincial Police and includes an acting chief of police;

"Commission" means the Ontario Civilian Commission on Police Services;

"Commissioner" means, except in Part VI, the Commissioner of the Ontario Provincial Police;

"member of a police force" means a police officer, and in the case of a municipal police force includes an employee who is not a police officer;

"municipality" includes district, metropolitan and regional municipalities and the County of Oxford;

"police force" means the Ontario Provincial Police or a municipal police force;

"police officer" means a chief of police or any other police officer, but does not include a special constable, a First Nations Constable, a by-law enforcement officer or an auxiliary member of a police force;

"prescribed" means prescribed by the regulations;

"regulations" means the regulations made under this Act.
PART I

RESPONSIBILITY FOR POLICE SERVICES

SOLICITOR GENERAL

3.—(1) This Act, except Part VI, shall be administered by the Solicitor General.

(2) The Solicitor General shall,

(a) monitor police forces to ensure that adequate and effective police services are provided at the municipal and provincial levels;

(b) monitor boards and police forces to ensure that they comply with prescribed standards of service;

(c) monitor the establishment and implementation of employment equity plans;

(d) develop and promote programs to enhance professional police practices, standards and training;

(e) conduct a system of inspection and review of police forces across Ontario;

(f) assist in the co-ordination of police services;

(g) consult with and advise boards, municipal chiefs of police, employers of special constables and associations on matters relating to police and police services;

(h) develop, maintain and manage programs and statistical records and conduct research studies in respect of police services and related matters;

(i) provide to boards and municipal chiefs of police information and advice respecting the management and operation of police forces, techniques in handling special problems and other information calculated to assist;

(j) issue directives and guidelines respecting policy matters;

(k) develop and promote programs for community-oriented police services;
(1) operate the Ontario Police College.

(3) The police college known as the Ontario Police College for the training of members of police forces is continued.

MUNICIPALITIES

4.—(1) Every municipality to which this subsection applies shall provide adequate and effective police services in accordance with its needs.

(2) Subsection (1) applies to,

(a) cities, towns, villages and townships (other than area municipalities within regional or metropolitan municipalities); and

(b) regional and metropolitan municipalities.

(3) Subsection (1) does not apply to The District Municipality of Muskoka or to its area municipalities.

(4) Subsection (1) does not apply to The Regional Municipality of Ottawa-Carleton but does apply to its area municipalities.

(5) Subsection (1) does not apply to the County of Oxford but does apply to its area municipalities.

(6) The Lieutenant Governor in Council may, on the Solicitor General’s recommendation, exempt any town having a population of less than 5,000 according to the last enumeration taken under section 14 of the Assessment Act from the application of subsection (1), and the exemption continues in effect until it is revoked.

(7) Subsection (1) applies to a village or township only if it has been so designated by the Lieutenant Governor in Council on the Solicitor General’s recommendation; the designation may relate to all or part of the village or township.

5. A municipality’s responsibility for providing police services shall be discharged in one of the following ways:

1. The board may appoint the members of a police force under clause 31 (1) (a), in which case the municipal council shall pay the cost of the police force.
2. The board may enter into an agreement under section 7 (sharing police services).

3. The council may enter into an agreement under section 10 (agreements for provision of police services by O.P.P.).

4. With the Commission’s approval, the municipality may adopt a different method of providing police services.

6.—(1) Despite any other Act, two or more municipalities that have police forces may enter into an agreement to amalgamate them.

(2) The agreement shall deal with,

(a) the establishment and composition of a board for the amalgamated police force;

(b) the amalgamation of the police forces and the appointment or transfer of their members;

(c) the amalgamated board’s use of the assets and its responsibility for the liabilities associated with the police forces;

(d) the budgeting of the cost for the operation of the amalgamated police force;

(e) any other matter that is necessary or advisable to effect the amalgamation.

(3) The agreement does not take effect until the Commission has approved the organization of the amalgamated police force.

(4) Appointments to a board for an amalgamated police force may be made before the agreement takes effect.

7. Two boards may agree that one board will provide police services to the other, on the conditions set out in the agreement.

8.—(1) A municipality to which subsection 4 (1) (obligation to provide police services) does not apply may, with the Commission’s approval, establish and maintain a police force.

(2) An approval given or deemed to have been given under section 19 of the Police Act in respect of a police force that
was being maintained on the day before this Act comes into force shall be deemed to have been given under this section.

(3) The Commission may revoke an approval given or deemed to have been given under this section.

(2) If the Commission finds that a municipal police force is not providing adequate and effective police services or is not complying with this Act or the regulations, it may communicate that finding to the board of the municipality and direct the board to take the measures that the Commission considers necessary.

(3) If the board does not comply with the direction, the Commission may request that the Commissioner have the Ontario Provincial Police give assistance.

(4) In any area for which a municipality is required to provide police services, the Crown Attorney may request that the Commissioner have the Ontario Provincial Police give assistance.

(5) A board may, by resolution, request that the Commissioner have the Ontario Provincial Police give assistance.

(6) A municipal chief of police who is of the opinion that an emergency exists in the municipality may request that the Commissioner have the Ontario Provincial Police give assistance.

(7) A chief of police who makes a request under subsection (6) shall advise the chair of the board of the fact as soon as possible.

(8) When a request is made under this section, the Commissioner shall have the Ontario Provincial Police give such assistance as he or she considers necessary.

(9) The Commissioner shall certify the cost of the services provided under this section by the Ontario Provincial Police and, unless the Solicitor General directs otherwise, the municipality shall pay that amount to the Treasurer of Ontario.

(10) The amount may be deducted from any grant payable to the municipality out of provincial funds or may be
recovered by a court action, with costs, as a debt due to Her Majesty.

10.—(1) The Solicitor General may enter into an agreement with the council of a municipality for the provision of police services for the municipality by the Ontario Provincial Police.

(2) The agreement requires the board's consent.

(3) No agreement shall be entered into under this section if, in the Solicitor General's opinion, the council seeks the agreement for the purpose of defeating the collective bargaining provisions of this Act.

(4) When the agreement comes into effect, the members of the Ontario Provincial Police assigned to the municipality shall provide police services, including by-law enforcement, for the municipality, and shall perform any other duties that are specified in the agreement.

(5) The amounts received from the municipality under the agreement shall be paid into the Consolidated Revenue Fund.

(6) If the municipality has an agreement under this section, section 31 (responsibilities of board), section 38 (municipal police force) and clause 39 (3) (a) (estimates respecting police force) do not apply; however, the board shall advise the Solicitor General and the senior officer of the Ontario Provincial Police in the municipality with respect to police services in the municipality, and may generally determine priorities in the municipality with respect to police services, in accordance with the agreement and with provincial policies affecting the Ontario Provincial Police.

11.—(1) This section applies if a municipality is entitled to receive fines paid as a result of prosecutions instituted by police officers of the municipal police force.

(2) If the municipality does not have its own police force because of an agreement under section 7 or 10, the police officers who are assigned to the municipality under the agreement shall, for the purposes of determining entitlement to fines, be deemed to be police officers of the municipal police force.

12.—(1) With the Commission's approval, the costs incurred by a municipality in providing police services may be paid by levying different rates for different areas defined by the municipal council or by levying rates in some but not all areas.
(2) With the Commission’s approval, the municipal council may grant a total or partial exemption from a rate or rates levied under subsection (1) to lands and buildings used exclusively for farming purposes.

13.—(1) If, because of the establishment of a business or for any other reason, special circumstances or abnormal conditions in an area make it inequitable, in the Solicitor General’s opinion, to impose the responsibility for police services on a municipality or on the Province, the Lieutenant Governor in Council may designate the area as a special area.

(2) The person who operates the business or owns the special area shall enter into an agreement with the Solicitor General for the provision of police services by the Ontario Provincial Police for the special area.

(3) Subsections 10 (4) and (5) apply to the agreement with necessary modifications.

(4) If the person who operates the business or owns the special area does not enter into an agreement as subsection (2) requires, the Ontario Provincial Police shall provide police services for the area.

(5) The costs of the services may be recovered from the person by a court action, with costs, as a debt due to Her Majesty.

14. A municipality that has an interest in land outside the territory of the municipality may agree to pay all or part of the cost of providing police services for the land.

15.—(1) A municipal council may appoint persons to enforce the by-laws of the municipality.

(2) Municipal by-law enforcement officers are peace officers for the purpose of enforcing municipal by-laws.

16. A municipal council may grant financial or other assistance for the benefit of the surviving spouses and children of members of the municipal police force who die from injuries received or illnesses contracted in the discharge of their duties.

ONTARIO PROVINCIAL POLICE

17.—(1) There shall be a Commissioner of the Ontario Provincial Police who shall be appointed by the Lieutenant Governor in Council.
(2) Subject to the Solicitor General's direction, the Commissioner has the general control and administration of the Ontario Provincial Police and the employees connected with it.

(3) The Commissioner shall prepare and implement an employment equity plan in accordance with section 48 and the regulations.

(4) After the end of each calendar year, the Commissioner shall file with the Solicitor General an annual report on the affairs of the Ontario Provincial Police.

18.—(1) The Ontario Provincial Police shall consist of the Commissioner and other police officers appointed under the Public Service Act.

(2) The Commissioner shall establish the ranks within the Ontario Provincial Police and shall determine the rank of each police officer.

(3) The Lieutenant Governor in Council may name police officers of the Ontario Provincial Police to the rank of commissioned officers and may authorize the issue of commissions to them under the Great Seal.

(4) The Commissioner may appoint such other employees as are required in connection with the Ontario Provincial Police.

19.—(1) The Ontario Provincial Police have the following responsibilities:

1. Providing police services in respect of the parts of Ontario that do not have municipal police forces other than by-law enforcement officers.

2. Providing police services in respect of all navigable bodies and courses of water in Ontario, except those that lie within municipalities designated by the Solicitor General.

3. Maintaining a traffic patrol on the King's Highway, except the parts designated by the Solicitor General.

4. Maintaining a traffic patrol on the connecting links within the meaning of section 21 of the Public Transportation and Highway Improvement Act that are designated by the Solicitor General.
5. Maintaining investigative services to assist municipal police forces on the Solicitor General’s direction or at the Crown Attorney’s request.

(2) The Ontario Provincial Police have no responsibilities in connection with municipal by-laws, except under agreements made in accordance with section 10.

20. The Lieutenant Governor in Council may, out of money appropriated for that purpose by the Legislature, grant financial or other assistance for the benefit of the surviving spouses and children of members of the Ontario Provincial Police who die from injuries received or illnesses contracted in the discharge of their duties.

PART II

ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES

21.—(1) The commission known as the Ontario Police Commission is continued under the name of “Ontario Civilian Commission on Police Services”.

(2) The Commission shall consist of not fewer than three and not more than nine members who shall be appointed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may designate one of the members of the Commission to be the chair.

(4) The chair may authorize a member of the Commission to exercise the Commission’s powers and perform its duties with respect to a particular matter, but the authority conferred on the Commission by sections 23 and 24 may not be delegated.

(5) Two members of the Commission constitute a quorum.

(6) Meetings, hearings, investigations and inquiries conducted by the Commission shall be open to the public, subject to subsection (7), and notice of them shall be published in the manner that the Commission determines.

(7) The Commission may exclude the public from all or part of a meeting, hearing, investigation or inquiry if it is of the opinion that,

(a) matters involving public security may be disclosed and, having regard to the circumstances, the desirability of avoiding their disclosure in the public
interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or

(b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.

(8) A document purporting to be issued by the Commission and signed by one of its members is admissible in evidence without proof of the signature or authority of the person signing.

(9) After the end of each calendar year, the Commission shall file with the Solicitor General an annual report on its affairs.

(10) The money required for the Commission's purposes shall be paid out of the amounts appropriated by the Legislature for that purpose.

22.—(1) The Commission's powers and duties include,

(a) if the Solicitor General advises the Commission that a board or municipal police force is not complying with prescribed standards of police services,

(i) directing the board or police force to comply, and

(ii) if the Commission considers it appropriate, taking measures in accordance with subsection 23 (1);

(b) if the Solicitor General advises the Commission that a board or municipal chief of police is not complying with the requirements of this Act and the regulations respecting employment equity plans,

(i) directing the board or chief of police to comply, and

(ii) if the Commission considers it appropriate, taking measures in accordance with subsection 23 (2);
(c) conducting investigations with respect to municipal police matters under section 25;

(d) conducting inquiries into matters relating to crime and law enforcement under section 26;

(e) inquiring into any matter regarding the designation of a municipality under subsection 4(7) (police services in villages and townships) and, after a hearing, making recommendations to the Solicitor General;

(f) hearing and disposing of appeals by members of police forces in accordance with Part V.

(2) When the Commission conducts a hearing, investigation or inquiry, it has all the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the proceeding as if it were an inquiry under that Act.

(3) At the Commission's request, the Solicitor General may appoint counsel to assist the Commission in a hearing, investigation or inquiry.

23.—(1) If the Commission is of the opinion, after holding a hearing, that a board or municipal police force has flagrantly or repeatedly failed to comply with prescribed standards of police services, the Commission may take any of the following measures or any combination of them:

1. Suspending the chief of police, one or more members of the board, or the whole board, for a specified period.

2. Removing the chief of police, one or more members of the board, or the whole board from office.

3. Disbanding the police force and requiring the Ontario Provincial Police to provide police services for the municipality.

4. Appointing an administrator to perform specified functions with respect to police matters in the municipality for a specified period.

(2) If the Commission is of the opinion, after holding a hearing, that a board or municipal chief of police has failed to comply with the requirements of this Act and the regulations respecting employment equity plans, the Commission may
take any of the following measures or any combination of them:

1. Suspending the chief of police, one or more members of the board, or the whole board, for a specified period.

2. Removing the chief of police, one or more members of the board, or the whole board from office.

3. Appointing an administrator to perform specified functions with respect to employment equity, recruitment and promotion in the police force for a specified period.

(3) If the Commission suspends the chief of police or members of the board who are entitled to remuneration under subsection 27 (12), it shall specify whether the suspension is with or without pay.

(4) The Commission shall not take measures under subsection (2) with respect to the failure of a chief of police to meet specific goals or timetables contained in the employment equity plan if the Commission finds that the chief of police has made all reasonable efforts to meet them.

(5) An administrator appointed under paragraph 4 of subsection (1) or paragraph 3 of subsection (2) has all the powers necessary for the performance of his or her functions.

(6) If the Commission suspends or removes the chief of police, it may appoint a person to replace him or her.

(7) The parties to the hearing are the chief of police, the board, any member of the board that the Commission designates and, if the Commission so directs, the association or associations representing members of the police force.

(8) The Commission may add parties at any stage of the hearing on the conditions it considers proper.

(9) If the Commission suspends a member of a board or removes him or her from office, the municipal council or the Lieutenant Governor in Council, as the case may be, shall appoint a person to replace the member.

(10) A member who has been removed shall not subsequently be a member of any board, and a member who has been suspended shall not be reappointed during the period of suspension.
(11) A party may appeal to the Divisional Court within thirty days of receiving notice of the Commission's decision.

(12) An appeal may be made on a question that is not a question of fact alone, or from a penalty, or both.

(13) An appeal may also be made from a finding that a chief of police has made all reasonable efforts to meet the specific goals and timetables contained in an employment equity plan.

(14) If the consent of the Attorney General is sought within thirty days of the Commission's decision and is given, a person who is not a party may appeal under subsection (13) as if he or she were a party.

24.—(1) The Commission may make an interim order under subsection 23 (1), without notice and without holding a hearing, if it is of the opinion that an emergency exists and that the interim order is necessary in the public interest.

(2) The Commission shall not remove a person from office or disband a police force by means of an interim order.

25.—(1) The Commission may, at the Solicitor General's request, at a municipal council's request or of its own motion, investigate, inquire into and report on,

(a) the conduct or the performance of duties of a municipal chief of police or other municipal police officer, an auxiliary member of a municipal police force, a special constable, a by-law enforcement officer or a member of a board;

(b) the administration of a municipal police force;

(c) the manner in which police services are provided for a municipality;

(d) the police needs of a municipality.

(2) The cost of an investigation conducted at a council's request shall be paid by the municipality, unless the Solicitor General directs otherwise.

(3) The Commission shall communicate its report of an investigation under subsection (1) to the Solicitor General at his or her request and to the board or council at its request, and may communicate the report to any other person as the Commission considers advisable.
(4) If the Commission concludes after a hearing that a member of a police force is not performing or is incapable of performing the duties of his or her position in a satisfactory manner, it may direct that the member be,

(a) demoted as the Commission specifies, permanently or for a specified period;

(b) dismissed; or

(c) retired, if the member is entitled to retire.

(5) If the Commission concludes, after a hearing, that a member of a board is guilty of misconduct or is not performing or is incapable of performing the duties of his or her position in a satisfactory manner, it may remove or suspend the member.

(6) A member of a police force or of a board on whom a penalty is imposed under subsection (4) or (5) may appeal to the Divisional Court within thirty days of receiving notice of the Commission’s decision.

(7) An appeal may be made on a question that is not a question of fact alone, or from a penalty, or both.

(8) If the Commission suspends a member of a board or removes him or her from office, the municipal council or the Lieutenant Governor in Council, as the case may be, shall appoint a person to replace the member.

(9) A member who has been removed shall not subsequently be a member of any board, and a member who has been suspended shall not be reappointed during the period of suspension.

26.—(1) The Lieutenant Governor in Council may direct the Commission to inquire into and report to the Lieutenant Governor in Council on any matter relating to crime or law enforcement, and shall define the scope of the inquiry in the direction.

(2) Section 6 (stated case) of the Public Inquiries Act applies to inquiries conducted under this section.

(3) Witnesses at inquiries conducted under this section have the right to retain and instruct counsel and all the other rights of witnesses in civil courts.
(4) Any person who knowingly discloses, without the Commission's consent, evidence taken in private at an inquiry conducted under this section or information likely to identify the witness is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

PART III

MUNICIPAL POLICE SERVICES BOARDS

27.—(1) There shall be a police services board for every municipality that maintains a police force.

(2) Every board of commissioners of police constituted or continued under the Police Act or any other Act and in existence on the day this Act comes into force is continued as a police services board.

(3) A board shall be known as "(insert name of municipality) Police Services Board".

(4) The board of a municipality whose population according to the last enumeration taken under section 14 of the Assessment Act does not exceed 25,000 shall consist of,

(a) the head of the municipal council, or another council member appointed by resolution of the council; and

(b) two persons appointed by the Lieutenant Governor in Council.

(5) The board of a municipality, other than a regional or metropolitan municipality, whose population according to the last enumeration taken under section 14 of the Assessment Act exceeds 25,000 shall consist of,

(a) the head of the municipal council, or another council member appointed by resolution of the council;

(b) one person appointed by resolution of the council; and

(c) three persons appointed by the Lieutenant Governor in Council.
(6) The council of a municipality to which subsection (4) would otherwise apply may determine, by resolution, that the composition of its board shall be as described in subsection (5).

(7) A resolution passed under clause 8 (2a) (b) of the Police Act before the day this Act comes into force shall be deemed to have been passed under subsection (6).

(8) The board of a regional or metropolitan municipality shall consist of,

(a) two council members appointed by resolution of the municipal council; and

(b) three persons appointed by the Lieutenant Governor in Council.

(9) The council of a regional or metropolitan municipality whose population according to the last enumeration taken under section 14 of the Assessment Act exceeds 300,000 may apply to the Lieutenant Governor in Council for an increase in the size of its board; if the Lieutenant Governor in Council approves the application, the board shall consist of,

(a) the head of the council, or another council member appointed by resolution of the council;

(b) two council members appointed by resolution of the council; and

(c) four persons appointed by the Lieutenant Governor in Council.

(10) If the position of a member appointed by the Lieutenant Governor in Council becomes vacant, the Solicitor General may appoint a replacement to act until the Lieutenant Governor in Council makes a new appointment.

(11) If the position of a member who is appointed by a municipal council or holds office by virtue of being the head of a municipal council becomes vacant, the board shall notify the council, which shall forthwith appoint a replacement.

(12) The council shall pay the members of the board who are appointed by the Lieutenant Governor in Council or Solicitor General remuneration that is at least equal to the prescribed amount.
(13) No judge or justice of the peace shall be appointed as a member of a board.

(14) A judge or justice of the peace who is a member of a board on the day this Act comes into force may continue to be a member until the third anniversary of that day.

(15) In the case of a municipality that is required by subsection (1) to have a police services board and that does not, on the day this Act comes into force, have a board of commissioners of police, the following rules apply:

1. Subsection (1) does not apply to the municipality until the first anniversary of the coming into force of this Act.

2. Until subsection (1) applies to the municipality, the council shall perform the duties and may exercise the powers that this Act imposes and confers on police services boards.

28. The members of a board shall elect a chair at the board's first meeting in each year.

29.—(1) No action or other proceeding for damages shall be instituted against a member of a board for any act done in good faith in the execution or intended execution of his or her duty or for any alleged neglect or default in the execution in good faith of that duty.

(2) Subsection (1) does not relieve a board of liability for a member's acts or omissions, and the board is liable as if that subsection had not been enacted and as if the member were the board's employee.

30.—(1) A board may contract, sue and be sued in its own name.

(2) The members of a board are not personally liable for the board's contracts.

31.—(1) A board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall,

(a) appoint the members of the municipal police force;

(b) generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality;
(c) establish policies for the effective management of the police force;

(d) recruit and appoint the chief of police and any deputy chief of police, and annually determine their remuneration and working conditions, taking their submissions into account;

(e) direct the chief of police and monitor his or her performance;

(f) establish an employment equity plan in accordance with section 48 and the regulations, review its implementation by the chief of police and receive regular reports from him or her on that subject;

(g) receive regular reports from the chief of police on disclosures and decisions made under section 49 (secondary activities);

(h) establish guidelines with respect to the indemnification of members of the police force for legal costs under section 50;

(i) establish guidelines for the administration by the chief of police of the public complaints system under Part VI;

(j) review the administration by the chief of police of the public complaints system and receive regular reports from him or her on that subject.

(2) The members of the police force, whether they were appointed by the board or not, are under the board’s jurisdiction.

(3) The board may give orders and directions to the chief of police, but not to other members of the police force, and no individual member of the board shall give orders or directions to any member of the police force.

(4) The board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force.

(5) The board shall ensure that its members undergo any training that the Solicitor General may provide or require.

(6) The board may, by by-law, make rules for the effective management of the police force.
(7) The board may establish guidelines consistent with section 49 for police officers' disclosure of secondary activities to the chief of police and for the decisions of the chief of police under subsection 49 (4).

32. Before entering on the duties of office, a member of a board shall take an oath or affirmation of office in the prescribed form.

33.—(1) Despite any special Act, two or more municipalities whose combined population according to the last enumeration taken under section 14 of the Assessment Act exceeds 5,000 may enter into an agreement to constitute a joint board.

(2) The agreement must be authorized by by-laws of the councils of the participating municipalities and requires the consent of their boards.

(3) The joint board shall consist of,

(a) the heads of the councils of the participating municipalities; and

(b) other members appointed by the Lieutenant Governor in Council.

(4) The provisions of this Act that apply to boards also apply with necessary modifications to joint boards.

34. A board may delegate to two or more of its members any authority conferred on it by this Act, except,

(a) the authority to hear the appeals of police officers found guilty of misconduct under Part V, which must be exercised by a quorum; and

(b) the authority to bargain under Part VIII, which the board may delegate to one or more members.

35.—(1) The board shall hold at least four meetings each year.

(2) A majority of the members of the board constitutes a quorum.

(3) Meetings and hearings conducted by the board shall be open to the public, subject to subsection (4), and notice of them shall be published in the manner that the board determines.
(4) The board may exclude the public from all or part of a meeting or hearing if it is of the opinion that,

(a) matters involving public security may be disclosed and, having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or

(b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.

36. A document purporting to be a by-law of the board signed by a member or purporting to be a copy of such a by-law certified correct by a member is admissible in evidence without proof of the signature or authority of the person signing.

37. In performing its duties under this Act, a board has all the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the board as if it were conducting an inquiry under that Act.

38. A municipal police force shall consist of a chief of police and such other police officers and other employees as the board considers adequate, and shall be provided with the equipment and facilities that the board considers adequate.

39.—(1) Each year, the board shall submit to the municipal council or to each council responsible for maintaining the police force, as the case may be, its estimates for the year.

(2) The estimates shall be submitted at least one month before the beginning of the fiscal year of the municipality or municipalities, as the case may be; if they are to be submitted to municipalities whose fiscal years begin on different dates, they shall be submitted to all the councils at least one month before the earliest date.

(3) The estimates shall show, separately, the amounts that will be required,

(a) to maintain the police force and provide it with equipment and facilities; and
(b) to pay the expenses of the board’s operation other than the remuneration of board members.

(4) If the council does not approve the board’s estimates or disagrees with the board on the number of members of the police force that is adequate or the equipment and facilities that are adequate, the Commission shall determine the question after a hearing.

40.—(1) A board may terminate the employment of a member of the police force for the purpose of abolishing the police force or reducing its size if the Commission consents and if the abolition or reduction does not contravene this Act.

(2) The Commission shall consent to the termination of the employment of a member of the police force under subsection (1) only if,

(a) the member and the board have made an agreement dealing with severance pay or agreed to submit the matter to arbitration; or

(b) the Commission has made an order under subsection (3).

(3) If the member and the board do not make an agreement dealing with severance pay and do not agree to submit the matter to arbitration, the Commission, if it is of the opinion that it would be appropriate to permit the abolition of the police force or the reduction of its size, may order the member and the board to submit the matter to arbitration and may give any necessary directions in that connection.

(4) Section 124 applies to an arbitration referred to in this section with necessary modifications.

PART IV

POLICE OFFICERS AND OTHER POLICE STAFF

CHIEF OF POLICE

41.—(1) The duties of a chief of police include,

(a) in the case of a municipal police force, administering the police force and overseeing its operation in accordance with the objectives, priorities and policies established by the board under subsection 31 (1);
(b) ensuring that members of the police force carry out their duties in accordance with this Act and the regulations and in a manner that reflects the needs of the community, and that discipline is maintained in the police force;

(c) ensuring that the police force provides community-oriented police services;

(d) administering discipline in accordance with Part V;

(e) administering the public complaints system under Part VI;

(f) implementing the employment equity plan established under section 48 and the regulations;

(g) in the case of a municipal police force, reporting to the board at regular intervals on public complaints and on the implementation of the employment equity plan.

(2) The chief of police reports to the board and shall obey its lawful orders and directions.

POLICE OFFICERS

42.—(1) The duties of a police officer include,

(a) preserving the peace;

(b) preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention;

(c) assisting victims of crime;

(d) apprehending criminals and other offenders and others who may lawfully be taken into custody;

(e) laying charges, prosecuting and participating in prosecutions;

(f) executing warrants that are to be executed by police officers and performing related duties;

(g) performing the lawful duties that the chief of police assigns;
(h) in the case of a municipal police force and in the case of an agreement under section 10 (agreement for provision of police services by O.P.P.), enforcing municipal by-laws;

(i) completing the prescribed training.

(2) A police officer has authority to act as such throughout Ontario.

(3) A police officer has the powers and duties ascribed to a constable at common law.

43.—(1) No person shall be appointed as a police officer unless he or she,

(a) is a Canadian citizen or a permanent resident of Canada;

(b) is at least eighteen years of age;

(c) is physically and mentally able to perform the duties of the position, having regard to his or her own safety and the safety of members of the public;

(d) is of good moral character and habits; and

(e) has successfully completed at least four years of secondary school education or its equivalent.

(2) A candidate for appointment as a police officer shall provide any relevant information or material that is lawfully requested in connection with his or her application.

44.—(1) A municipal police officer's probationary period begins on the day he or she is appointed and ends on the later of,

(a) the first anniversary of the day of appointment;

(b) the first anniversary of the day the police officer completes an initial period of training at the Ontario Police College.

(2) The police officer shall complete the initial period of training within six months of the day of appointment.

(3) A board may terminate a police officer's employment at any time during his or her probationary period but, before doing so, shall give the police officer reasonable information
with respect to the reasons for the termination and an opportunity to reply, orally or in writing, as the board may determine.

(4) Subsections (1), (2) and (3) do not apply to a police officer who has completed a probationary period with another municipal police force.

45. A person appointed to be a police officer shall, before entering on the duties of his or her office, take oaths or affirmations of office and secrecy in the prescribed form.

46. No municipal police officer shall engage in political activity, except as the regulations permit.

MEMBERS OF POLICE FORCES

47.—(1) Subject to subsection (2), if a member of a municipal police force becomes mentally or physically disabled and as a result is incapable of performing the essential duties of the position, the board shall accommodate his or her needs in accordance with the Human Rights Code, 1981.

(2) The board may discharge the member, or retire him or her if entitled to retire, if, after holding a hearing at which the evidence of two legally qualified medical practitioners is received, the board,

(a) determines, on the basis of that evidence, that the member is mentally or physically disabled and as a result incapable of performing the essential duties of the position, and what duties the member is capable of performing; and

(b) concludes that the member's needs cannot be accommodated without undue hardship on the board.

(3) Subject to subsection (4), if a member of the Ontario Provincial Police becomes mentally or physically disabled and as a result is incapable of performing the essential duties of the position, the Commissioner shall accommodate the member's needs in accordance with the Human Rights Code, 1981.

(4) The member may be discharged, or retired if entitled to retire, if, after holding a hearing at which the evidence of two legally qualified medical practitioners is received, the Commissioner or a person whom he or she designates,
(a) determines, on the basis of that evidence, that the member is mentally or physically disabled and as a result incapable of performing the essential duties of the position, and what duties the member is capable of performing; and

(b) concludes that the member's needs cannot be accommodated without undue hardship on the Crown in right of Ontario.

Appeal

(5) A member of a police force who is discharged or retired under subsection (2) or (4) may appeal to the Commission by serving a written notice on the Commission and on the board or the Commissioner, as the case may be, within thirty days of receiving notice of the decision.

Powers of Commission

(6) The Commission may confirm, alter or revoke the decision or may require the board or Commissioner, as the case may be, to rehear the matter.

Decision

(7) The Commission shall promptly give written notice of its decision, with reasons, to the appellant and to the board or Commissioner, as the case may be.

Participation of members of Commission

(8) No member of the Commission shall participate in the decision unless he or she was present throughout the hearing of the appeal and, except with the consent of the appellant, no decision of the Commission shall be given unless all members who were present throughout the hearing participate in the decision.

Employment equity plans

48.—(1) Every police force shall have an employment equity plan prepared in accordance with this section and the regulations.

Contents of plan

(2) An employment equity plan shall provide for,

(a) the elimination of systemic barriers to the recruitment and promotion of persons who are members of prescribed groups;

(b) the implementation of positive measures with respect to the recruitment and promotion of those persons, so as to make the police force more representative of the community or communities it serves; and

(c) specific goals and timetables with respect to the elimination of systemic barriers, the implementation
of positive measures and the composition of the police force.

(3) In the case of a municipal police force, the board shall prepare the employment equity plan and submit it to the Solicitor General for approval.

(4) In the case of the Ontario Provincial Police, the Commissioner shall prepare the employment equity plan and submit it to the Solicitor General for approval.

(5) Before approving the employment equity plan, the Solicitor General may require that changes be made to it.

49.—(1) A member of a police force shall not engage in any activity,

(a) that interferes with or influences adversely the performance of his or her duties as a member of a police force, or is likely to do so;

(b) that places him or her in a position of conflict of interest, or is likely to do so;

(c) that would otherwise constitute full-time employment for another person; or

(d) in which he or she has an advantage derived from employment as a member of a police force.

(2) Clause (1) (d) does not prohibit a member of a police force from performing, in a private capacity, services that have been arranged through the police force.

(3) A member of a police force who proposes to undertake an activity that may contravene subsection (1) or who becomes aware that an activity that he or she has already undertaken may do so shall disclose full particulars of the situation to the chief of police.

(4) The chief of police shall decide whether the member is permitted to engage in the activity and the member shall comply with that decision.

50.—(1) The board or the Crown in right of Ontario, as the case may be, is liable in respect of torts committed by members of the police force in the course of their employment.
(2) The board may, in accordance with the guidelines established under clause 31 (1) (h), indemnify a member of the police force for reasonable legal costs incurred,

(a) in the defence of a civil action, if the member is not found to be liable;

(b) in the defence of a criminal prosecution, if the member is found not guilty;

(c) in respect of any other proceeding in which the member's manner of execution of the duties of his or her employment was an issue, if the member is found to have acted in good faith.

(3) The police force and the board may, in an agreement made under Part VIII, provide for indemnification for the legal costs of members of the police force, except the legal costs of a member who is found guilty of a criminal offence; if such an agreement exists, the board shall indemnify members in accordance with the agreement and subsection (2) does not apply.

(4) The council is responsible for the liabilities incurred by the board under subsections (1), (2) and (3).

(5) The Treasurer of Ontario may indemnify, out of the Consolidated Revenue Fund, a member of the Ontario Provincial Police for reasonable legal costs incurred,

(a) in the defence of a civil action, if the member is not found to be liable;

(b) in the defence of a criminal prosecution, if the member is found not guilty;

(c) in respect of any other proceeding in which the member's manner of execution of the duties of his or her employment was an issue, if the member is found to have acted in good faith.

(6) The Ontario Provincial Police and the Crown in right of Ontario may, in an agreement made under the Public Service Act, provide for indemnification for the legal costs of members of the police force, except the legal costs of a member who is found guilty of a criminal offence; if such an agreement exists, the Treasurer shall indemnify members in accordance with the agreement and subsection (5) does not apply.
51.—(1) With the board's approval, a municipal chief of police may appoint persons as police cadets to undergo training.

(2) A police cadet is a member of the municipal police force.

52.—(1) With the Commission's approval, a board may appoint auxiliary members of the police force.

(2) If the board suspends or terminates the appointment of an auxiliary member of the police force, it shall promptly give the Commission written notice of the suspension or termination.

(3) The Commissioner may appoint auxiliary members of the Ontario Provincial Police.

(4) An auxiliary member of a police force has the authority of a police officer if he or she is accompanied or supervised by a police officer and is authorized to perform police duties by the chief of police.

(5) The chief of police may authorize an auxiliary member of the police force to perform police duties only in special circumstances, including an emergency, that the police officers of the police force are not sufficiently numerous to deal with.

(6) A person appointed to be an auxiliary member of a police force shall, before entering on the duties of his or her office, take oaths or affirmations of office and secrecy in the prescribed form.

SPECIAL CONSTABLES

53.—(1) With the Commission's approval, a board may appoint a special constable to act for the period, area and purpose that the board considers expedient.

(2) With the Commission's approval, the Commissioner may appoint a special constable to act for the period, area and purpose that the Commissioner considers expedient.

(3) The appointment of a special constable may confer on him or her the powers of a police officer, to the extent and for the specific purpose set out in the appointment.

(4) A special constable shall not be employed by a police force to perform on a permanent basis, whether part-time or full-time, all the usual duties of a police officer.
(5) Subsection (4) does not prohibit police forces from employing special constables to escort and convey persons in custody and to perform duties related to the responsibilities of boards under the *Court Security Act*.

(6) The power to appoint a special constable includes the power to suspend or terminate the appointment, but if a board or the Commissioner suspends or terminates an appointment, written notice shall promptly be given to the Commission.

(7) The Commission also has power to suspend or terminate the appointment of a special constable.

(8) Before a special constable's appointment is terminated, he or she shall be given reasonable information with respect to the reasons for the termination and an opportunity to reply, orally or in writing as the board, Commissioner or Commission, as the case may be, may determine.

(9) A person appointed to be a special constable shall, before entering on the duties of his or her office, take oaths or affirmations of office and secrecy in the prescribed form.

**FIRST NATIONS CONSTABLES**

54.—(1) With the Commission's approval, the Commissioner may appoint a First Nations Constable to perform specified duties.

(2) If the specified duties of a First Nations Constable relate to a reserve as defined in the *Indian Act* (Canada), the appointment also requires the approval of the reserve's police governing authority or band council.

(3) The appointment of a First Nations Constable confers on him or her the powers of a police officer for the purpose of carrying out his or her specified duties.

(4) The Commissioner shall not suspend or terminate the appointment of a First Nations Constable whose specified duties relate to a reserve without first consulting with the police governing authority or band council that approved the appointment.

(5) The power to appoint a First Nations Constable includes the power to suspend or terminate the appointment, but if the Commissioner suspends or terminates an appointment, written notice shall promptly be given to the Commission.
(6) The Commission also has power to suspend or terminate the appointment of a First Nations Constable.

(7) Before a First Nations Constable’s appointment is terminated, he or she shall be given reasonable information with respect to the reasons for the termination and an opportunity to reply, orally or in writing as the Commissioner or Commission, as the case may be, may determine.

(8) A person appointed to be a First Nations Constable shall, before entering on the duties of his or her office, take oaths or affirmations of office and secrecy in the prescribed form.

EMERGENCIES

55.—(1) In an emergency, the Solicitor General may make an agreement with the Crown in right of Canada or of another province or with any of its agencies for the provision of police services.

(2) The agreement authorizes all peace officers to whom it relates to act as police officers in the area to which the agreement relates.

(3) For the purpose of the Workers’ Compensation Act, the relationship between a member of a police force and the body that employs him or her continues as if an agreement had not been made under this section.

(4) If the services of the Canadian Forces are provided under this section, the municipality in whose territory the services are required shall pay all the related expenses.

(5) Subject to sections 33 and 34 of the National Defence Act (Canada), while an agreement made under this section is in force, no member of a police force that has jurisdiction in the area to which the agreement relates shall resign without the consent of the chief of police.

PART V

DISCIPLINARY PROCEEDINGS

56. A police officer is guilty of misconduct if he or she,

(a) commits an offence described in a prescribed code of conduct;

(b) contravenes section 46 (political activity);
(c) engages in an activity that contravenes subsection 49 (1) (secondary activities) without the permission of his or her chief of police, being aware that the activity may contravene that subsection;

(d) contravenes subsection 55 (5) (resignation during emergency);

(e) contravenes section 57 (inducing misconduct, withholding services);

(f) contravenes subsection 96 (4) (photography at hearing);

(g) contravenes subsection 100 (6) (obstructing Police Complaints Commissioner);

(h) contravenes subsection 108 (2) (confidentiality);

(i) contravenes section 117 (trade union membership);

(j) deals with personal property, other than money or a firearm, in a manner that is not consistent with section 132;

(k) deals with money in a manner that is not consistent with section 133;

(l) deals with a firearm in a manner that is not consistent with section 134;

(m) contravenes a regulation made under paragraph 15 (equipment), 16 (use of force), 17 (standards of dress, police uniforms) 20 (police pursuits) or 21 (records) of subsection 135 (1).

57.—(1) No person, including a member of a police force, shall,

(a) induce or attempt to induce a member of a police force to withhold his or her services; or

(b) induce or attempt to induce a police officer to commit misconduct.

(2) No member of a police force shall withhold his or her services.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more
than $2,000 or to imprisonment for a term of not more than one year, or to both.

(4) No prosecution shall be instituted under this section without the consent of the Solicitor General.

58.—(1) Any apparent or alleged misconduct by a police officer shall be investigated by his or her chief of police.

(2) When a complaint is made under Part VI with respect to apparent or alleged misconduct by a police officer, the following rules apply:

1. The complaint shall be dealt with in accordance with Part VI, and recourse shall be had to this Part only as Part VI permits.

2. Any investigation of the matter under this Part and any hearing under section 60 are suspended as soon as the chief of police becomes aware that a complaint has been made.

59.—(1) If the chief of police investigates apparent or alleged misconduct and concludes that the police officer is guilty of misconduct but that the misconduct is not of a serious nature, the following rules apply:

1. The chief of police shall provide the police officer with reasonable information concerning the matter and shall give him or her an opportunity to reply, orally or in writing.

2. The chief of police may then admonish the police officer and may cause an entry concerning the matter, the action taken and the police officer’s reply to be made in his or her employment record.

3. If the police officer refuses to accept the admonition, the chief of police shall not cause particulars to be recorded without first holding a hearing.

(2) An entry made in the police officer’s employment record under paragraph 2 of subsection (1) shall be expunged from the record two years after being made if during that time no other entries concerning misconduct have been made in the record under this Part or Part VI.

(3) Nothing in this section affects agreements between boards and police officers or associations that permit other penalties than admonition to be administered, if the police
Hearing

60.—(1) A chief of police may hold a hearing to determine whether a police officer belonging to his or her police force is guilty of misconduct.

(2) The chief of police shall designate to be prosecutor at the hearing,

(a) a police officer of the rank of sergeant or higher;

(b) if there is none of that rank, a police officer of a rank equal to or higher than that of the police officer who is the subject of the hearing; or

(c) a legal counsel.

Recording of evidence

(3) The oral evidence given at the hearing shall be recorded and copies of transcripts shall be provided on the same terms as in the Supreme Court of Ontario.

Examination of evidence

(4) Before the hearing, the police officer shall be given an opportunity to examine any physical or documentary evidence that will be produced or any report whose contents will be given in evidence.

(5) If the hearing is being conducted as a result of a complaint made under Part VI, the complainant shall likewise be given an opportunity to examine evidence and reports before the hearing.

Police officer not required to give evidence

(6) Despite section 12 of the Statutory Powers Procedure Act, the police officer shall not be required to give evidence at the hearing.

Limited admissibility of certain statements

(7) In the case of a hearing that is being conducted as a result of a complaint made under Part VI, no statement made by the police officer or complainant in the course of an attempt to resolve the complaint informally shall be admitted in evidence at the hearing, except with the consent of the person who made the statement.

Person conducting hearing not to communicate in relation to subject-matter of hearing

(8) The person conducting the hearing shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or person's counsel or representative, unless the police officer and the prosecutor receive notice and have an opportunity to participate.
(9) However, the person conducting the hearing may seek legal advice from an adviser independent of the police officer and the prosecutor, and in that case the nature of the advice shall be communicated to them so that they make submissions as to the law.

(10) Within a reasonable time after the matter has been finally determined, documents and things put in evidence at the hearing shall, on request, be released to the person who produced them.

(11) If the police officer is charged with an offence under a law of Canada or of a province or territory in connection with the alleged misconduct, the hearing shall continue unless the Crown Attorney advises the chief of police that it should be stayed until the conclusion of the court proceedings.

(12) If six months have elapsed since the facts on which an allegation of misconduct is based first came to the attention of the chief of police, no notice of hearing shall be served unless the board (in the case of a municipal police officer) or the Commissioner (in the case of a member of the Ontario Provincial Police) is of the opinion that it was reasonable, under the circumstances, to delay serving the notice of hearing.

61.—(1) If misconduct is proved at the hearing on clear and convincing evidence, the chief of police may,

(a) dismiss the police officer from the police force;

(b) direct that the police officer be dismissed in seven days unless he or she resigns before that time;

(c) demote the police officer, specifying the manner and period of the demotion;

(d) suspend the police officer without pay for a period not exceeding thirty days or 240 hours, as the case may be;

(e) direct that the police officer forfeit not more than five days’ or forty hours’ pay, as the case may be; or

(f) direct that the police officer forfeit not more than twenty days or 160 hours off, as the case may be.

(2) Penalties imposed under clauses (1) (d), (e) and (f) shall be calculated in terms of days if the police officer normally works eight hours a day or less and in terms of hours if he or she normally works more than eight hours a day.
(3) Instead of or in addition to a penalty described in subsection (1), the chief of police may reprimand the police officer.

(4) The chief of police shall not impose the penalties of dismissal or demotion unless the notice of hearing or a subsequent notice served on the police officer indicated that they might be imposed if the misconduct were proved on clear and convincing evidence.

(5) The chief of police shall promptly give written notice of the decision, with reasons, to the police officer and, in the case of a municipal police force, to the board.

(6) If the hearing was conducted as a result of a complaint made under Part VI, the chief of police shall also give notice of the decision, with reasons, to the complainant and to the Police Complaints Commissioner.

(7) No reference to the allegations of misconduct or the hearing shall be made in the police officer’s employment record, and the matter shall not be taken into account for any purpose relating to his or her employment, unless,

(a) misconduct is proved on clear and convincing evidence; or

(b) the police officer resigns before the matter is finally disposed of.

62.—(1) A board may hold a hearing to determine whether the chief of police is guilty of misconduct, and this Part applies with necessary modifications.

(2) The chief of police may, by serving a notice to that effect on the board and the Commission, require that the Commission hold the hearing instead of the board.

63.—(1) A municipal police officer on whom a penalty is imposed under section 61 may appeal to the board by serving a notice of appeal on the board and the chief of police within fifteen days of receiving notice of the decision.

(2) The board shall hear the appeal on the record, but may receive new or additional evidence as it considers just.

(3) The board may confirm, alter or revoke the decision or may require the chief of police to reheat the matter.
(4) The board shall promptly give written notice of its decision, with reasons, to the chief of police and the police officer.

(5) No member of the board shall participate in the decision unless he or she was present throughout the hearing of the appeal and, except with the police officer's consent, no decision of the board shall be given unless all members who were present throughout the hearing participate in the decision.

(6) The members of the board who participate in the decision shall not communicate directly or indirectly in relation to the subject-matter of the appeal with any person or person's counsel or representative, unless the police officer and the chief of police receive notice and have an opportunity to participate.

(7) However, the board may seek legal advice from an adviser independent of the police officer and the chief of police, and in that case the nature of the advice shall be communicated to them so that they may make submissions as to the law.

(8) The police officer may appeal to the Commission from the board's decision by serving a notice of appeal on the Commission, the board and the chief of police within thirty days of receiving notice of the decision.

64. Instead of hearing a police officer's appeal under section 63, the board may, on its own initiative or on the application of the police officer or the chief of police, require the Commission to hear the appeal.

65. A member of the Ontario Provincial Police on whom a penalty is imposed under section 61 may appeal to the Commission by serving a written notice on the Commission and the Commissioner within thirty days of receiving notice of the decision.

66. If the hearing was conducted as a result of a complaint made under Part VI, sections 63 and 65 do not apply and the police officer may only appeal in accordance with that Part.

67. Subsections 63 (2) to (7) apply to appeals heard by the Commission as if references to the board were references to the Commission and, in the case of an appeal from a board's decision, as if references to the chief of police were references to the board.
68. The board or Commission may grant an extension of the time provided for giving it a notice of appeal, before or after the expiry of the time, and may give directions in connection with the extension.

69. A chief of police may authorize any member of the police force to exercise any power or perform any duty of the chief of police referred to in this Part, subject to the following rules:

1. A hearing under section 60 shall be conducted by a police officer of the rank of inspector or higher.

2. A police officer from another police force who meets the requirements of paragraph 1 may conduct the hearing, with the approval of his or her chief of police.

3. The measures referred to in subsection 59 (1) (procedure in case of misconduct not of serious nature) shall be taken by a police officer of the rank of inspector or higher.

70.—(1) A notice required to be given under this Part is sufficiently given if delivered personally or sent by prepaid registered mail addressed to the person.

(2) Notice that is given by mail shall be deemed to be given on the fifth day after the day of mailing, unless the person to whom the notice is to be given establishes that he or she, acting in good faith, through absence, accident, illness or other cause beyond his or her control failed to receive the notice until a later date.

71.—(1) If a police officer is suspected of or charged with an offence under a law of Canada or of a province or territory or is suspected of misconduct, the chief of police may suspend him or her from duty with pay.

(2) The chief of police may revoke the suspension and later reimpose it, repeatedly if necessary, as he or she considers appropriate.

(3) Unless the chief of police revokes the suspension, it shall continue until the final disposition of the proceeding in which the police officer's conduct is at issue.

(4) While suspended, the police officer shall not exercise any of the powers vested in him or her as a police officer or...
wear or use clothing or equipment that was issued to him or her in that capacity.

(5) If a police officer is convicted of an offence and sentenced to a term of imprisonment, the chief of police may suspend him or her without pay, even if the conviction or sentence is under appeal.

72.—(1) If a police officer is suspended with pay, the pay for the period of suspension shall be reduced by the amount that he or she earns from other employment during that period.

(2) Subsection (1) does not apply to earnings from other employment that was commenced before the period of suspension.

PART VI
PUBLIC COMPLAINTS

73.—(1) In this Part,

“bureau” means the public complaints investigation bureau of a police force;

“Commissioner” means the Police Complaints Commissioner appointed under section 99.

(2) In this Part, unless the context indicates otherwise, a reference to a police officer is a reference to the police officer who is the subject of a complaint.

74. This Part shall be administered by the Attorney General.

75. Complaints by members of the public about the conduct of police officers shall be dealt with in accordance with this Part.

76.—(1) Every chief of police shall establish and maintain a public complaints investigation bureau.

(2) The chief of police shall ensure that the bureau is supplied with sufficient staff to perform its duties effectively.

(3) If the police force has fewer than twenty police officers, the bureau of another police force may, under an agreement made in accordance with section 7 (municipal agreements for sharing police services) or 10 (municipal agreements for provi-
sion of police services by O.P.P.), act as the first-named police force's bureau as well; in that case, subsections (1) and (2) do not apply.

INITIAL HANDLING OF COMPLAINT

Complaint by member of public

77.—(1) A member of the public may make a complaint about the conduct of a police officer, orally or in writing,

(a) at the bureau of the police force to which the complaint relates, or at a station or detachment of that police force; or

(b) at an office of the Commissioner; or

(c) at any bureau, police station or detachment.

Recording of complaint

(2) The person who receives the complaint shall record it on a form provided by the Commissioner and shall give a copy of the completed form to the person who makes the complaint.

Information

(3) The person who makes the complaint shall also be given a statement, in a form provided by the Commissioner, that sets out the procedures followed in dealing with a complaint and describes the rights of a complainant.

Preservation of evidence, preliminary investigation

(4) The person on duty who is in charge of a place when a complaint is received shall,

(a) take all reasonable steps to ensure that evidence that might otherwise be lost is secured immediately;

(b) if he or she considers it appropriate, ensure that a preliminary investigation is conducted immediately; and

(c) ensure that a report on the evidence and on the preliminary investigation, if any, is forthwith prepared and attached to the complaint.

Copies of complaint

(5) The person who records the complaint shall forthwith send copies of it,

(a) to the bureau, the chief of police and the Commissioner, in the case of a complaint made at a station or detachment of the police force to which it relates;
(b) to the chief of police and the Commissioner, in the case of a complaint made at the bureau of the police force to which it relates;

(c) to the bureau and the chief of police of the police force to which it relates, in the case of a complaint made at an office of the Commissioner;

(d) to the Commissioner, in the case of a complaint made at a bureau, station or detachment of a different police force than the one to which it relates.

(6) If a complaint was made at a bureau, station or detachment of a different police force than the one to which it relates, the Commissioner shall forthwith send copies of the complaint and of any report prepared under subsection (4) to the appropriate bureau.

(7) A complaint that is made more than six months after the incident to which it relates shall be further dealt with under this Part only if the Commissioner so directs.

78.—(1) In exceptional circumstances, the Attorney General may direct the Commissioner to make a complaint about the conduct of a police officer.

(2) The Commissioner shall cause the complaint to be recorded and shall send copies to the bureau and the chief of police of the force to which it relates.

(3) The Commissioner is the complainant in the case of a complaint made under this section.

(4) Subsection 77 (7) and sections 80 (notice to potential complainant), 81 (classification of complaint), 82 (reclassification), 83 (informal resolution) and 85 (decision by chief of police re no further action) do not apply to complaints made under this section.

79.—(1) When the bureau receives a complaint, the person in charge shall forthwith give the police officer notice of the substance of the complaint, unless in the person’s opinion to do so might prejudice the investigation.

(2) The notice shall be written on a form provided by the Commissioner.

80.—(1) If the complaint is made by a person who was not directly affected by the incident and did not observe it, the Commissioner shall, as soon as possible after receiving the
complaint, attempt to find the person who was directly affected by the incident or who observed it and send him or her a notice.

(2) The notice shall indicate that a complaint has been made, that the person is entitled to be the complainant in the matter and that the complaint will not be dealt with further unless he or she is the complainant.

(3) The notice shall also include information about the procedures followed in dealing with a complaint and the rights of a complainant.

(4) The complaint shall not be further dealt with under this Part if,

(a) no person who was directly affected by the incident or who observed it can be found; or

(b) the person to whom the Commissioner sends the notice does not, within thirty days of the date on which it is sent, file with the Commissioner a request to be the complainant in the matter.

(5) However, if a disciplinary proceeding is commenced against the police officer in respect of the complaint, the chief of police shall notify the Commissioner of the proceeding and of its result, and the Commissioner shall then notify the person who made the complaint.

(6) If the person to whom the Commissioner sends the notice files a request to be the complainant in the matter after the thirty-day period referred to in subsection (4), the Commissioner may cause the matter to be reopened despite the late filing if he or she considers it advisable to do so.

81.—(1) When the bureau receives a complaint, the person in charge shall consider whether it relates to possible misconduct under section 56, to other matters or to both.

(2) If the person in charge is of the opinion that all or part of the complaint relates only to other matters than possible misconduct, he or she may, with the Commissioner's consent, classify the complaint or part as an inquiry.

(3) When all or part of a complaint has been classified as an inquiry, the person in charge shall forthwith notify the complainant and the police officer of the fact and may cause the inquiry to be investigated.
(4) Not more than sixty days after the bureau receives the original complaint, the person in charge shall send the complainant a written response to the inquiry and shall also send the Commissioner a copy of the response, together with a summary of the results of any investigation.

(5) A complaint or part of a complaint that is classified as an inquiry and not reclassified as a complaint and that is the subject of a response under this section need not be dealt with further under this Part.

82.—(1) During the course of the investigation of an inquiry, if the person in charge concludes that all or part of it relates to possible misconduct, he or she may reclassify the inquiry or part as a complaint.

(2) After receiving a summary of the results of the investigation of an inquiry, the Commissioner may direct the person in charge to reclassify all or part of it as a complaint.

(3) The person in charge shall forthwith notify the complainant and the police officer of the reclassification, and shall also notify the Commissioner in the case of a reclassification under subsection (1).

(4) An inquiry or part of an inquiry that is reclassified as a complaint shall be dealt with as such under this Part.

INFORMAL RESOLUTION, WITHDRAWAL

83.—(1) If the complainant and the police officer consent, the complaint may be resolved informally by the person in charge of the bureau, before the chief of police gives notice of a decision under section 90, or by the Commissioner after that time.

(2) If a board of inquiry has begun to hear evidence or argument in respect of the complaint, its consent is also required for an informal resolution.

(3) When a complaint is resolved informally, the resolution shall be recorded on a form provided by the Commissioner and signed by the complainant and police officer.

(4) Copies of the record shall be provided to the complainant and the police officer, and to the Commissioner if the complaint was resolved by the person in charge of the bureau.

(5) If the Commissioner is of the opinion that the informal resolution is the result of a misunderstanding or a threat or
other improper pressure, he or she may decide that the complaint shall continue to be dealt with under this Part despite the informal resolution.

(6) The Commissioner shall give notice of the decision, with reasons, to the complainant, the police officer, the chief of police and the person in charge of the bureau.

84.—(1) The complainant may withdraw the complaint by giving a notice of withdrawal to the person in charge of the bureau, before the chief of police gives notice of a decision under section 90, or to the Commissioner after that time.

(2) If the complaint was made under section 78, the Commissioner may withdraw it by giving a notice of withdrawal to the chief of police and a copy to the police officer; subsection (3) applies to the withdrawal but subsections (4) to (7) do not.

(3) If a board of inquiry has begun to hear evidence or argument in respect of the complaint, it shall not be withdrawn without the board's consent.

(4) A copy of the notice of withdrawal shall be provided to the police officer, and to the Commissioner if the person in charge of the bureau received the notice.

(5) The notice of withdrawal shall be written on a form provided by the Commissioner.

(6) If the Commissioner is of the opinion that the withdrawal is the result of a misunderstanding or a threat or other improper pressure, he or she may decide that the complaint shall continue to be dealt with under this Part despite the withdrawal.

(7) The Commissioner shall give notice of the decision, with reasons, to the complainant, the police officer, the chief of police and the person in charge of the bureau.

POWERS OF CHIEF OF POLICE

85.—(1) At any time before making a decision under section 90, the chief of police may decide that the complaint or part of it shall not be further dealt with under this Part, if he or she is of the opinion that the complaint or part is frivolous or vexatious or was made in bad faith.

(2) The chief of police shall give the Commissioner, the complainant and the police officer notice of the decision.
86.—(1) The chief of police may commence or continue a disciplinary proceeding against a police officer under Part V even if,

(a) the complaint is withdrawn or is resolved informally; or

(b) the complaint is not to be further dealt with under this Part because of subsection 77(7) (complaint filed more than six months after incident) or section 80 (complaint made by person not directly affected), or because of a decision by the chief of police under section 85.

(2) The chief of police shall give the Commissioner and the complainant notice of a decision to commence or continue a disciplinary proceeding in the circumstances described in subsection (1), and shall also give them notice of the results of the proceeding.

INVESTIGATION OF COMPLAINT

87.—(1) The person in charge of the bureau shall cause an investigation to be conducted into the complaint in accordance with the prescribed procedures.

(2) During the course of the investigation, the person in charge shall send the Commissioner, the complainant and the police officer interim reports on the investigation at monthly intervals.

(3) The first interim report shall be sent not more than thirty days after the bureau receives the complaint.

(4) If there are no new matters to report, the person in charge may send the Commissioner, the complainant and the police officer a notice to that effect instead of an interim report.

(5) The person in charge may withhold an interim report from the complainant or the police officer if, in his or her opinion, it is desirable to do so in order to avoid prejudicing the investigation, but in that case shall forthwith notify the Commissioner of the decision and the reasons for it.

(6) When the investigation has been completed, the person in charge shall cause a final report to be prepared and shall send copies of it to the Commissioner, the chief of police, the complainant and the police officer.
(7) The final report shall contain,

(a) a summary of the complaint, including a description of the police officer's alleged misconduct;

(b) a summary of the investigation, including summaries of the information obtained from the complainant, the police officer and any witnesses; and

(c) a description and analysis of any physical evidence obtained.

(8) After receiving a final report, the Commissioner may require the chief of police to have the complaint investigated further.

(9) A summary of the results of any further investigation shall be sent to the persons who received the final report.

(10) The interim reports and final report shall be written on forms provided by the Commissioner.

88.—(1) The Commissioner may conduct the investigation into the complaint, instead of the bureau,

(a) for any reason, after receiving the first interim report or after the thirty-day period referred to in subsection 87 (3) has expired;

(b) if the complainant has commenced a court proceeding against the police officer, the police force or the chief of police, the police services board or the municipality (in the case of a municipal police force) or the Crown in right of Ontario (in the case of the Ontario Provincial Police) in connection with the incident to which the complaint relates;

(c) if the Commissioner has reasonable grounds to believe that undue delay or other unusual circumstances have affected the bureau's investigation or the preparation of its final report; or

(d) if the chief of police requests that the Commissioner conduct the investigation.

(2) The chief of police, if he or she becomes aware that the complainant has commenced a court proceeding of the kind described in clause (1) (b), shall forthwith notify the Commissioner of the fact.
(3) If the complaint concerns more than one police force, the Commissioner shall conduct the investigation.

(4) When the Commissioner decides to conduct the investigation, he or she shall forthwith notify the chief of police, giving reasons in the case of a decision under clause (1) (a) or (c).

(5) When the Commissioner notifies the chief of police of a decision to conduct the investigation, the person in charge of the bureau shall forthwith end any investigation begun by the bureau and send to the Commissioner the evidence that has been gathered and the documents relating to the complaint.

(6) Section 87 applies to the Commissioner's investigation, with necessary modifications, except that the Commissioner shall send the first interim report not more than thirty days after giving notice of the decision to conduct the investigation.

89.—(1) If the complaint was made under section 78, the Commissioner shall conduct the investigation in accordance with the prescribed procedures, and section 87 does not apply.

(2) The Commissioner shall send the police officer and the chief of police interim reports on the investigation at monthly intervals.

(3) The first interim report shall be sent not more than thirty days after the Commissioner makes the complaint.

(4) If there are no new matters to report, the Commissioner may send the police officer and the chief of police a notice to that effect instead of an interim report.

(5) The Commissioner may withhold an interim report from the police officer if, in his or her opinion, it is desirable to do so to avoid prejudicing the investigation, but in that case shall forthwith notify the chief of police of the decision and the reasons for it.

(6) When the investigation has been completed, the Commissioner shall cause a final report to be prepared and shall send copies of it to the chief of police and the police officer.

(7) The final report shall contain,

(a) a summary of the complaint, including a description of the police officer's alleged misconduct;
(b) a summary of the investigation, including summaries of the information obtained from the police officer and any witnesses; and

c) a description and analysis of any physical evidence obtained.

DECISION BY CHIEF OF POLICE

90.—(1) The chief of police shall review the final report of the investigation of a complaint and may order further investigation if he or she considers it advisable.

(2) A summary of the results of any further investigation shall be sent to the persons who received the final report, and to the Commissioner if he or she conducted the original investigation.

(3) After reviewing the final report and the results of any further investigation, the chief of police shall,

(a) decide that no further action is necessary;

(b) admonish the police officer regarding the matter in accordance with subsection 59 (1);

(c) hold a disciplinary hearing under section 60;

(d) order that all or part of the complaint be the subject of a hearing by a board of inquiry; or

(e) cause an information to be laid against the police officer and refer the matter to the Crown Attorney for prosecution.

(4) If the chief of police decides to hold a disciplinary hearing under section 60 or orders a hearing by a board of inquiry, he or she may at the same time cause an information to be laid against the police officer.

(5) The chief of police shall give written notice of the decision to the Commissioner, the complainant and the police officer, with reasons in the case of a decision that no further action is necessary or a decision to admonish the police officer.

(6) If the chief of police orders a hearing by a board of inquiry, he or she shall also notify the chair appointed under subsection 103 (9).
(7) The chief of police shall give notice of the decision within six months of receiving the final report, unless the Commissioner grants an extension.

(8) If the chief of police does not give notice of the decision within the six-month period and is not granted an extension, he or she shall be deemed to have decided that no further action is necessary.

REVIEW BY COMMISSIONER

91.—(1) The Commissioner shall review the decision of the chief of police,

(a) at the complainant’s or police officer’s request, in the case of a decision under section 90 to admonish the police officer;

(b) at the complainant’s request, in the case of a decision under section 90 that no further action is necessary;

(c) at the complainant’s request, in the case of a decision under section 85 that the complaint or part of it not be further dealt with under this Part.

(2) The Commissioner may, if in his or her opinion it is in the public interest to do so, review the decision of the chief of police,

(a) in the case of a decision under section 90 to admonish the police officer;

(b) in the case of a decision under section 90 that no further action is necessary;

(c) in the case of a decision under section 85 that the complaint or part of it not be further dealt with under this Part.

(3) The Commissioner shall, at the complainant’s request, review the decision made in a disciplinary hearing under section 60 arising out of a complaint.

(4) The complainant or police officer may request a review by the Commissioner only within thirty days of receiving notice of the decision, unless the Commissioner grants an extension.
Complaint made by Commissioner

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(5) In the case of a complaint made under section 78, the Commissioner may review,

(a) a decision by the chief of police to admonish the police officer;

(b) a decision by the chief of police that no further action is necessary;

(c) the decision made in a disciplinary hearing under section 60 arising out of the complaint.

Commissioner's decision

(6) After conducting the review, the Commissioner may decide to take no further action, or may order a hearing by a board of inquiry if he or she believes it to be necessary in the public interest.

Notice

(7) The Commissioner shall forthwith give written notice of his or her decision, with reasons in the case of a decision to take no further action, to the chief of police, the complainant and the police officer.

Idem

(8) If the Commissioner orders a hearing by a board of inquiry, he or she shall also notify the chair appointed under subsection 103 (9).

HEARING BY BOARD OF INQUIRY

92.—(1) If a penalty is imposed on a police officer after a disciplinary hearing under section 60 that was conducted as a result of the complaint, he or she may appeal to a board of inquiry by serving a notice of appeal on the Commissioner, the chair of the panel and the chief of police within fifteen days of receiving notice of the decision.

(2) The Commissioner shall forthwith notify the complainant of the appeal.

Extension of time for appeal

(3) A member of the panel who was appointed on a recommendation made under subsection 103 (2) may grant an extension of the time provided for serving a notice of appeal, before or after the expiry of the time, and may give directions in connection with the extension.

Appeal to be combined with other hearing

(4) The hearing of the police officer's appeal and any hearing ordered by the Commissioner under section 91 shall be combined.

Constitution of board

93.—(1) A board of inquiry shall be constituted,
(a) when the chief of police orders under section 90 that a matter be heard by a board of inquiry;

(b) when the Commissioner orders a hearing under section 91; and

(c) when a police officer appeals under section 92.

(2) The chair of the panel shall assign the following members of the panel to the board of inquiry, choosing members from the area where the complaint arose if possible:

1. As presiding officer, a member who was appointed on a recommendation made under subsection 103 (2).

2. A member who was appointed on a recommendation made under subsection 103 (3).

3. A member who was appointed on a recommendation made under subsection 103 (4).

(3) In the case of a complaint against a chief of police, the board of inquiry shall include, instead of a member of the panel who was appointed on a recommendation made under subsection 103 (3), a person, other than a police officer or a member of the Law Society of Upper Canada, appointed to the board of inquiry by the chair of the panel on the recommendation of the Ontario Association of Chiefs of Police.

94.—(1) The hearing before the board of inquiry shall be a new hearing, unless it follows a disciplinary hearing under section 60; in that case it shall be on the record, but the board may receive new or additional evidence as it considers just.

(2) If a board is constituted following a disciplinary hearing, the chief of police shall cause a record of the hearing to be prepared, at the Commissioner's expense if the Commissioner ordered the hearing before the board.

(3) The record shall include a transcript and shall be accompanied by the documents, physical evidence and exhibits considered at the disciplinary hearing.

95.—(1) The parties to a hearing are,

(a) the complainant;

(b) the police officer;
Idem

Carriage

Statement of alleged misconduct

Notice of hearing

Examination of evidence

Recording of evidence

Application of 1984, c. 11, s. 146

Police officer not required to give evidence R.S.O. 1980, c. 484

Limited admissibility of certain statements

Board not to communicate in relation to subject-matter of hearing

(c) the Commissioner; and

(d) the chief of police, in the case of an appeal by the police officer.

(2) The board of inquiry may add parties at any stage of the hearing on the conditions it considers proper.

(3) In the case of a hearing ordered by the chief of police or by the Commissioner, the Commissioner has carriage of the matter and, in the case of an appeal by the police officer, the police officer has carriage.

(4) In the case of a hearing ordered by the chief of police or by the Commissioner, the chief of police or the Commissioner, as the case may be, shall provide the parties with a concise statement of the allegations of misconduct to be heard.

96.—(1) The board of inquiry shall appoint a time for the hearing and notify the parties.

(2) Before the hearing, the police officer and the complainant shall be given an opportunity to examine any physical or documentary evidence that will be produced or any report whose contents will be given in evidence at the hearing.

(3) The oral evidence given at the hearing shall be recorded and copies of transcripts shall be provided on the same terms as in the Supreme Court of Ontario.

(4) Section 146 of the Courts of Justice Act, 1984 (photography at court hearing) applies with necessary modifications to the hearing.

(5) Despite section 12 of the Statutory Powers Procedure Act, the police officer shall not be required to give evidence at the hearing.

(6) No statement made by the police officer or complainant in the course of an attempt to resolve the complaint informally shall be admitted in evidence at the hearing, except with the consent of the person who made the statement.

(7) The board of inquiry shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or party or party's counsel or representative, unless all parties receive notice and have an opportunity to participate.
(8) However, the board may seek legal advice from an adviser independent of the parties, and in that case the nature of the advice shall be communicated to the parties so that they may make submissions as to the law.

(9) If it appears to be in the interests of justice, the board may direct that the board, the parties and their counsel or representatives shall have a view of any place or thing, and may adjourn the hearing for that purpose.

(10) Within a reasonable time after the matter has been finally determined, documents and things put in evidence at the hearing shall, on request, be released to the person who produced them.

(11) If the police officer is charged with an offence under a law of Canada or of a province or territory in connection with the misconduct or possible misconduct to which the complaint relates, the hearing shall continue unless the Crown Attorney advises the presiding officer that it should be stayed until the conclusion of the court proceedings.

(12) No member of the board shall participate in a decision unless he or she was present throughout the hearing and heard the parties’ evidence and argument; except with the parties’ consent, no decision shall be given unless all the members so present participate in it.

(13) The decision of a majority of the members of the board is the board’s decision.

97.—(1) If misconduct is proved at the hearing on clear and convincing evidence, the chief of police may make submissions as to penalty and the board of inquiry may,

(a) dismiss the police officer from the police force;

(b) direct that the police officer be dismissed in seven days unless he or she resigns before that time;

(c) demote the police officer, specifying the manner and period of the demotion;

(d) suspend the police officer without pay for a period not exceeding thirty days or 240 hours, as the case may be;

(e) direct that the police officer forfeit not more than five days’ or forty hours’ pay, as the case may be; or
(f) direct that the police officer forfeit not more than twenty days or 160 hours off, as the case may be.

(2) Penalties imposed under clauses (1) (d), (e) and (f) shall be calculated in terms of days if the police officer normally works eight hours a day or less and in terms of hours if he or she normally works more than eight hours a day.

(3) Instead of or in addition to a penalty described in subsection (1), the board may reprimand the police officer.

(4) The board shall promptly give written notice of the decision, with reasons, to the parties and the Attorney General.

98.—(1) A party to a hearing before a board of inquiry may appeal to the Divisional Court within thirty days of receiving notice of the board’s decision.

(2) An appeal may be made on a question that is not a question of fact alone, or from a penalty, or both.

(3) The Attorney General is entitled to be heard, by counsel or otherwise, on the argument of the appeal.

POLICE COMPLAINTS COMMISSIONER

99.—(1) The Lieutenant Governor in Council shall appoint a Police Complaints Commissioner, to hold office for a term not exceeding five years.

(2) The Commissioner may be reappointed for a further term or terms not exceeding five years in each case.

(3) Such employees as are considered necessary for the purposes of this Part may be appointed under the Public Service Act.

(4) The Commissioner shall be paid such remuneration and allowance for expenses as may be fixed by the Lieutenant Governor in Council.

(5) The Commissioner shall maintain copies of all records, reports and other materials received under this Part.

(6) The Commissioner shall monitor the handling of complaints by bureaus and chiefs of police.

(7) The Commissioner may establish local offices.
(8) Anything that is given to or served upon the Commissioner under this Part may be given or served at one of the local offices.

(9) The Commissioner shall report annually to the Attorney General.

(10) The Commissioner's accounts shall be audited annually by the Provincial Auditor.

100.—(1) For the purposes of an investigation under section 88 or 89 or a review under section 91, the Commissioner may, if he or she has reasonable grounds to believe that it is necessary to do so in furtherance of the investigation or review, enter a police station after informing the chief of police and examine there documents and things related to the complaint.

(2) For the purposes of an investigation or review, the Commissioner has the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the investigation or review as if it were an inquiry under that Act.

(3) The Commissioner may, in writing, appoint a person to make any investigation or review the Commissioner is authorized to make and the person has all the powers and duties of the Commissioner relating to the investigation and the review.

(4) The person shall be provided with a certificate of appointment containing his or her photograph, and while exercising any powers or performing any duties in respect of the investigation or review shall produce the certificate of appointment upon request.

(5) The person shall report the results of the investigation or review to the Commissioner.

(6) No person shall obstruct the Commissioner or a person appointed under subsection (3) or withhold from the Commissioner or person or conceal or destroy any documents or things related to the investigation or review.

(7) If a justice of the peace is satisfied, on an application made without notice by the Commissioner or a person appointed under subsection (3), that there are reasonable grounds to believe that there are in any place documents or things relating to an investigation or review, the justice of the peace may make an order authorizing the applicant, together with such persons as he or she calls on for assistance, to enter
the place, by force if necessary, search for the documents or things and examine them.

(8) The entry and search shall not be made between the hours of 9 p.m. and 6 a.m. unless the order so authorizes.

(9) The Commissioner may, upon giving a receipt, remove any documents or things examined under subsection (1) or (7) relating to the investigation or review, shall cause them to be copied with reasonable dispatch and shall then return them promptly to the person from whom they were removed.

(10) A copy made as provided in subsection (9) and certified to be a true copy by the Commissioner is admissible in evidence in any proceeding and is proof, in the absence of evidence to the contrary, of the original document and its contents.

(11) The Commissioner may appoint an expert to examine documents or things examined under subsection (1) or (7).

101.—(1) The Commissioner may make recommendations with respect to the practices or procedures of a police force by sending the recommendations, with any supporting documents, to,

(a) the Attorney General;
(b) the Solicitor General;
(c) the chief of police;
(d) the association, if any; and
(e) the police services board, in the case of a municipal police force.

(2) Within ninety days of receiving the recommendations, the chief of police, association and police services board shall send their comments to the Attorney General, the Solicitor General and the Commissioner.

102. The Commissioner's decisions under subsection 83 (5) (complaint to continue to be dealt with despite informal resolution), subsection 84 (6) (complaint to continue to be dealt with despite withdrawal) and clause 88 (1) (c) (decision to conduct investigation because of undue delay) shall be deemed to be made in the exercise of a statutory power of decision.
103.—(1) The Lieutenant Governor in Council shall appoint a panel of persons to act as members of boards of inquiry to conduct hearings in connection with complaints.

(2) One-third of the members of the panel shall be members of the Law Society of Upper Canada who are recommended for appointment by the Attorney General.

(3) One-third of the members of the panel shall be persons, other than police officers and members of the Law Society of Upper Canada, who are recommended for appointment by the Police Association of Ontario.

(4) One-third of the members of the panel shall be persons, other than police officers and members of the Law Society of Upper Canada, who are recommended for appointment by the Association of Municipalities of Ontario.

(5) The Attorney General may make the recommendations under subsection (3) or (4) if the Police Association of Ontario or the Association of Municipalities of Ontario, as the case may be, do not submit written recommendations to the Attorney General within the time that he or she specifies.

(6) Appointments to the panel shall be for a term not exceeding three years and a member may be reappointed for a further term or terms.

(7) A member of the panel whose term expires without reappointment continues in office for the purpose of completing the work of a board to which he or she was assigned before the expiration of the term.

(8) The members of the panel shall be paid such remuneration and expenses as may be fixed by the Lieutenant Governor in Council.

(9) The Lieutenant Governor in Council shall appoint a person to be the chair of the panel.

(10) The chair shall cause to be prepared and published an annual summary of the decisions of boards, with reasons.

GENERAL MATTERS

104. No reference to a complaint, a hearing held under this Part or a disciplinary hearing conducted under section 60 as a result of the complaint shall be made in the police offi-
cer's employment record, and the matter shall not be taken into account for any purpose related to his or her employment, unless,

(a) the police officer is convicted of an offence in connection with the incident;

(b) misconduct is proved on clear and convincing evidence at a hearing held under this Part or at a disciplinary hearing;

(c) the chief of police admonishes the police officer in connection with the incident, in accordance with subsection 59 (1);

(d) the police officer admits misconduct in the course of attempts to resolve the complaint informally; or

(e) the police officer resigns before the complaint is finally disposed of.

105.—(1) This section applies to a police officer who resigns from the police force after a hearing is ordered under section 90 or 91.

(2) If the police officer resigns before a board of inquiry is constituted under section 93, the following rules apply:

1. No board of inquiry shall be constituted unless the police officer, within twelve months of the resignation, applies for employment with a police force or is employed by a police force.

2. In that case, the board acquires jurisdiction over the police officer despite the earlier resignation.

(3) If the police officer resigns after a board of inquiry is constituted, the following rules apply:

1. The board of inquiry loses jurisdiction over the police officer.

2. If the police officer, within twelve months of the resignation, applies for employment with a police force or is employed by a police force, the board's jurisdiction is revived.

106.—(1) A notice or other document required to be given or sent under this Part is sufficiently given if delivered
personally or sent by prepaid registered mail addressed to the person.

(2) Notice that is given by mail shall be deemed to be given on the fifth day after the day of mailing, unless the person to whom the notice is to be given establishes that he or she, acting in good faith, through absence, accident, illness or other cause beyond his or her control failed to receive the notice until a later date.

107.—(1) The chief of police may authorize any police officer of the rank of inspector or higher (from another police force if there is none in the chief’s own police force) to exercise any power or perform any duty of the chief of police referred to in this Part.

(2) The Commissioner may authorize any member of his or her staff to exercise any power or perform any duty of the Commissioner referred to in this Part.

108.—(1) This section applies to every person engaged in the administration of this Part, including a member of a police force.

(2) A person shall preserve secrecy in respect of all information obtained in the course of his or her duties and not contained in a record as defined in the Freedom of Information and Protection of Privacy Act, 1987, and shall not communicate such information to any other person except,

(a) in accordance with subsection (3);

(b) as may be required for law enforcement purposes; or

(c) with the consent of the person, if any, to whom the information relates.

(3) A person may communicate information obtained in the course of his or her duties,

(a) as may be required in connection with the administration of this Act and the regulations; or

(b) to his or her counsel.

(4) No person shall be required to testify in a civil proceeding with regard to information obtained in the course of his or her duties, except at a hearing held under this Part or at a disciplinary hearing held under Part V.
(5) No document prepared under this Part as the result of a complaint and no statement referred to in subsection 96 (6) (statements made during attempt at informal resolution) is admissible in a civil proceeding, except at a hearing held under this Part or at a disciplinary hearing held under Part V.

109. The Ombudsman Act does not apply to anything done under this Part.

110. The Attorney General may, with the approval of the Lieutenant Governor in Council, enter into an agreement with a municipality providing for its payment to the Treasurer of Ontario, on such conditions as may be agreed upon, of contributions in respect of the amounts required for the purposes of this Part.

111. A person who contravenes subsection 96 (4) (photography at hearing), 100 (6) (obstructing Commissioner) or 108 (2) (confidentiality) is guilty of an offence and on conviction is liable to a fine of not more than $2,000.


(2) Despite the repeal of the former Act by subsection 148 (1), complaints made under the former Act before the day this Act comes into force shall be dealt with in accordance with the former Act, except that hearings before boards of inquiry that are constituted after the day this Act comes into force shall be conducted in accordance with this Part.

PART VII

SPECIAL INVESTIGATIONS

113.—(1) There shall be a special investigations unit of the Ministry of the Solicitor General.

(2) The unit shall consist of a director appointed by the Lieutenant Governor in Council on the recommendation of the Solicitor General and investigators appointed under the Public Service Act.

(3) A person who is a police officer or former police officer shall not be appointed as director, and persons who are police officers shall not be appointed as investigators.

(4) The director and investigators are peace officers.
(5) The director may, on his or her own initiative, and shall, at the request of the Solicitor General or Attorney General, cause investigations to be conducted into the circumstances of serious injuries and deaths that may have resulted from criminal offences committed by police officers.

(6) An investigator shall not participate in an investigation that relates to members of a police force of which he or she was a member.

(7) If there are reasonable grounds to do so in his or her opinion, the director shall cause informations to be laid against police officers in connection with the matters investigated and shall refer them to the Crown Attorney for prosecution.

(8) The director shall report the results of investigations to the Attorney General.

(9) Members of police forces shall co-operate fully with the members of the unit in the conduct of investigations.

PART VIII

LABOUR RELATIONS

114. In this Part,

“Arbitration Commission” means the Ontario Police Arbitration Commission continued by subsection 131 (1);

“senior officer” means a member of a police force who has the rank of inspector or higher or is employed in a supervisory or confidential capacity.

115.—(1) This Part, except section 117, does not apply to the Ontario Provincial Police.

(2) The working conditions and remuneration of the chief of police and deputy chief of police of a police force shall be determined under clause 31 (1) (d) (responsibilities of board) and not under this Part.

116.—(1) If there is a dispute as to whether a person is a member of a police force or a senior officer, any affected person may apply to the Commission to hold a hearing and decide the matter.

(2) The Commission’s decision is final.
117. A member of a police force shall not become or remain a member of a trade union or of an organization that is affiliated directly or indirectly with a trade union, unless the membership is required for secondary activities that do not contravene section 49 and the chief of police consents.

118.—(1) If a majority of the members of a police force, or an association that is entitled to give notices of desire to bargain, assigns the members of the police force to different categories for the purposes of this Part, bargaining, conciliation and arbitration shall be carried on as if each category were a separate police force.

(2) If at least 50 per cent of the senior officers of a police force belong to an association composed only of senior officers, bargaining, conciliation and arbitration shall be carried on as if the senior officers were a separate police force.

(3) Bargaining, conciliation and arbitration may be carried on with more than two categories within a police force (apart from senior officers) only if the Commission has approved the creation of the categories.

119.—(1) If no agreement exists or at any time after ninety days before an agreement would expire but for subsection 129 (1) or (2), a majority of the members of a police force may give the board notice in writing of their desire to bargain with a view to making an agreement, renewing the existing agreement, with or without modifications, or making a new agreement.

(2) Within fifteen days after the notice of desire to bargain is given or within the longer period that the parties agree upon, the board shall meet with a bargaining committee of the members of the police force.

(3) The parties shall bargain in good faith and make every reasonable effort to come to an agreement dealing with the remuneration, pensions, sick leave credit gratuities and grievance procedures of the members of the police force and, subject to section 126, their working conditions.

(4) The board shall promptly file a copy of any agreement with the Arbitration Commission.

(5) If at least 50 per cent of the members of the police force belong to an association, it shall give the notice of desire to bargain.
(6) If the notice of desire to bargain involves pensions under a pension plan established or to be established under the *Municipal Act*, it shall also be given to the Minister of Municipal Affairs, who may determine the maximum pension benefits that may be included in any agreement or award with respect to the pension plan.

120.—(1) The members of the bargaining committee shall be members of the police force.

(2) One legal counsel and one other advisor for each of the bargaining committee and the board may participate in the bargaining sessions.

(3) If the notice of desire to bargain is given by an association that is affiliated with a police organization, or if at least 50 per cent of the members of the police force belong to a police organization, a member of the organization may attend the parties’ bargaining sessions in an advisory capacity.

(4) The chief of police or, if the parties consent, another person designated by the chief of police may also attend the parties’ bargaining sessions in an advisory capacity.

121.—(1) The Solicitor General shall appoint a conciliation officer, at a party’s request, if a notice of desire to bargain has been given.

(2) The conciliation officer shall confer with the parties and endeavour to effect an agreement and shall, within fourteen days after being appointed, make a written report of the results to the Solicitor General.

(3) The fourteen-day period may be extended if the parties agree or if the Solicitor General extends it on the advice of the conciliation officer that an agreement may be made within a reasonable time if the period is extended.

(4) When the conciliation officer reports to the Solicitor General that an agreement has been reached or that an agreement cannot be reached, the Solicitor General shall promptly inform the parties of the report.

(5) Neither party shall give a notice requiring matters in dispute to be referred for arbitration under section 122 until the Solicitor General has informed the parties of the conciliation officer’s report or informed them that he or she does not consider the case appropriate for the appointment of a conciliation officer.
Arbitration

122.—(1) If matters remain in dispute after bargaining under section 119 and conciliation, if any, under section 121, a party may give the Solicitor General and the other party a written notice referring the matters to arbitration.

(2) The following rules apply to the composition of the arbitration board:

1. The parties shall determine whether it shall consist of one person or of three persons. If they are unable to agree on this matter, or if they agree that the arbitration board shall consist of three persons but one of the parties then fails to appoint a person in accordance with the agreement, the arbitration board shall consist of one person.

2. If the arbitration board is to consist of one person, the parties shall appoint him or her jointly. If they are unable to agree on a joint appointment, the person shall be appointed by the Solicitor General.

3. If the arbitration board is to consist of three persons, the parties shall each appoint one person and shall jointly appoint a chair. If they are unable to agree on a joint appointment, the chair shall be appointed by the Solicitor General.

Time for arbitration

(3) The arbitration board shall commence the arbitration within thirty days after being appointed, in the case of a one-person board, or within thirty days after the appointment of the chair, in the case of a three-person board, and shall deliver its decision or award within sixty days after commencing the arbitration.

Representations by council

(4) The municipal council may make representations before the arbitration board if it is authorized to do so by a resolution.

Criteria

(5) In making an award, the arbitration board shall take into account the interest and welfare of the community served by the police force as well as any local factors affecting the community.

Filing of award

(6) The arbitration board shall promptly file a copy of its decision or award with the Arbitration Commission.

Costs and expenses

(7) The following rules apply with respect to the costs and expenses of the arbitration:
1. The Arbitration Commission shall pay the fees of any person the Solicitor General appoints to the arbitration board.

2. Each party shall pay its own costs incurred in the arbitration, including the fees of any person it appoints to the arbitration board.

3. The parties shall share equally the costs and expenses for matters shared in common, including the fees of any person whom they jointly appoint to the arbitration board.

123.—(1) The Solicitor General shall appoint a conciliation officer, at a party's request, if a difference arises between the parties concerning an agreement or an arbitrator's decision or award made under this Part, or if it is alleged that an agreement or award has been violated.

(2) The conciliation officer shall confer with the parties and endeavour to resolve the dispute and shall, within fourteen days after being appointed, make a written report of the results to the Solicitor General.

(3) The fourteen-day period may be extended if the parties agree or if the Solicitor General extends it on the advice of the conciliation officer that the dispute may be resolved within a reasonable time if the period is extended.

(4) When the conciliation officer reports to the Solicitor General that the dispute has been resolved or that it cannot be resolved by conciliation, the Solicitor General shall promptly inform the parties of the report.

(5) Neither party shall give a notice referring the dispute for arbitration until the Solicitor General has informed the parties of the conciliation officer's report.

124.—(1) If the conciliation officer reports that the dispute cannot be resolved by conciliation, either party may give the Solicitor General and the other party a written notice referring the dispute to arbitration.

(2) The procedure provided by subsection (1) is available in addition to any grievance or arbitration procedure provided by the agreement, decision or award.

(3) The following rules apply to the composition of the arbitration board:
1. The parties shall determine whether it shall consist of one person or of three persons. If they are unable to agree on this matter, or if they agree that the arbitration board shall consist of three persons but one of the parties then fails to appoint a person in accordance with the agreement, the arbitration board shall consist of one person.

2. If the arbitration board is to consist of one person, the parties shall appoint him or her jointly. If they are unable to agree on a joint appointment, the person shall be appointed by the Solicitor General.

3. If the arbitration board is to consist of three persons, the parties shall each appoint one person and shall jointly appoint a chair. If they are unable to agree on a joint appointment, the chair shall be appointed by the Solicitor General.

(4) The arbitration board shall commence the arbitration within thirty days after being appointed, in the case of a one-person board, or within thirty days after the appointment of the chair, in the case of a three-person board, and shall deliver a decision within a reasonable time.

(5) The arbitration board shall promptly file a copy of its decision with the Arbitration Commission.

(6) The following rules apply with respect to the costs and expenses of the arbitration:

1. The Arbitration Commission shall pay the fees of any person the Solicitor General appoints to the arbitration board.

2. Each party shall pay its own costs incurred in the arbitration, including the fees of any person it appoints to the arbitration board.

3. The parties shall share equally the costs and expenses for matters shared in common, including the fees of any person whom they jointly appoint to the arbitration board.

(7) After the day that is thirty days after the delivery of the decision or after the day that the decision provides for compliance, whichever is later, the arbitration board may, of its own motion, and shall, at a party’s request, file a copy of the decision, in the prescribed form, in the office of the Registrar of the Supreme Court.
125. The parties may agree to extend any period of time mentioned in this Part.

126. Agreements and awards made under this Part do not affect the working conditions of the members of the police force in so far as those working conditions are determined by sections 42 to 49, subsection 50 (3) and Parts V, VI and VII of this Act and by the regulations.

127. The *Arbitrations Act* does not apply to arbitrations conducted under this Part.

128. Agreements, decisions and awards made under this Part bind the board and the members of the police force.

129.—(1) Agreements, decisions and awards remain in effect until the end of the year in which they come into effect and thereafter continue in effect until replaced.

(2) The parties to an agreement may provide that the agreement and any decisions or awards made with respect to it shall remain in effect until the end of the year following the year in which they come into effect and thereafter shall continue in effect until replaced.

130.—(1) If, when the council is adopting its annual estimates, a notice of desire to bargain has been given but there is not yet an agreement, decision or award, the council shall make such provision for the payment of expenditures that will result from the expected agreement, decision or award as it considers adequate.

(2) An agreement, decision or award comes into effect on the first day of the fiscal period in respect of which the municipal council may make provision for it in its estimates, whether that day is before or after the agreement, decision or award is made.

(3) A provision of the agreement, decision or award that does not involve municipal expenditures may come into effect earlier than the day referred to in subsection (2).

131.—(1) The commission known as the Ontario Police Arbitration Commission is continued.
(2) The Arbitration Commission shall be composed of the following members, appointed by the Lieutenant Governor in Council:

1. Two representatives of boards, recommended for appointment by the Municipal Police Authorities.

2. Two representatives of members of associations, recommended for appointment by the Police Association of Ontario.

3. A chair.

(3) The representatives of boards and members of associations shall hold office for two-year terms and may be re-appointed; the chair shall hold office during pleasure.

(4) Such employees as are necessary for the proper conduct of the Arbitration Commission’s work may be appointed under the Public Service Act.

(5) The Arbitration Commission has the following responsibilities:

1. Maintaining a register of arbitrators who are available for appointment.

2. Assisting arbitrators by making administrative arrangements in connection with arbitrations.

3. Fixing the fees of arbitrators appointed by the Solicitor General under section 124.

4. Sponsoring the publication and distribution of information about agreements, arbitrations and awards.

5. Sponsoring research on the subject of agreements, arbitrations and awards.

6. Maintaining a file of agreements, decisions and awards made under this Part.

(6) Subject to the approval of the Lieutenant Governor in Council, the Arbitration Commission may make regulations,

(a) governing the conduct of arbitrations and prescribing procedures for them;

(b) prescribing forms and providing for their use.
(7) The persons who are members of the Arbitration Commission on the day this Act comes into force shall continue to hold office until their terms expire, and may be reappointed in accordance with subsection (2).

PART IX
REGULATIONS AND MISCELLANEOUS

132.—(1) This section applies to personal property of all kinds, except firearms and money, that comes into the possession of a police force under either of the following circumstances:

1. The property was stolen from its owner or was found abandoned in a public place, and the chief of police is unable to determine who owns it.

2. The property was seized by a member of the police force in the lawful execution of his or her duties, all legal proceedings in respect of the property have been completed, there is no court order for its disposition and there is no legal requirement, apart from this section, that it be retained or disposed of.

(2) The chief of police may cause the property to be sold, and the board may use the proceeds for any purpose that it considers in the public interest.

(3) If the property is perishable, it may be sold at any time without notice.

(4) If the property is not perishable, the following rules apply to its sale:

1. The property may be sold when it has been in the possession of the police force for at least one month, in the case of a motor vehicle as defined in the Highway Traffic Act or a bicycle, or for at least three months, in the case of other property.

2. The sale shall be by public auction.

3. At least ten days notice of the time and place of the public auction shall be given by publication in a newspaper of general circulation in the municipality.

4. The sale may be adjourned, repeatedly if necessary, until the property is sold.
(5) If a motor vehicle, bicycle or other property has been sold before it has been in the possession of the police force for three months and if the owner makes a claim before that time, the owner is entitled to receive the proceeds, less the costs of storage, advertising and sale.

(6) The chief of police shall ensure that the police force keeps a register of property and that the following rules are followed:

1. The description and location of every item of property shall be recorded.
2. If the property is sold, full particulars shall be recorded.
3. If the property is returned to its owner, his or her name, address and telephone number shall be recorded.

(7) This section does not apply to a motor vehicle that is impounded under section 192 of the Highway Traffic Act.

133.—(1) This section applies to money that comes into the possession of a police force under the circumstances described in paragraph 1 or 2 of subsection 132 (1).

(2) The money shall be accounted for according to the prescribed method.

(3) If three months have elapsed after the day the money came into the possession of the police force and the owner has not claimed it, the board may use it for any purpose that it considers in the public interest.

134.—(1) This section applies to firearms that are in the possession of a police force because they have been found, turned in or seized.

(2) The chief of police shall ensure that firearms are securely stored, and that they are returned to their owners if there is a court order or other legal requirement to that effect.

(3) If all possible court proceedings relating to a firearm have been completed or the time for them has expired and there is no court order or other legal requirement governing how the firearm is to be dealt with, the chief of police shall ensure that it is destroyed promptly, unless subsection (4) applies.
(4) If the chief of police considers the firearm unique, an antique, or of educational or historical value, he or she shall notify the Director of the Centre of Forensic Sciences.

(5) If the Director indicates, within three months of receiving notice, that the firearm is required for the Centre's collection, the chief of police shall ensure that it is transferred there.

(6) If the Director indicates that the firearm is not required for the Centre's collection or fails to respond within three months of receiving notice, the chief of police shall ensure that the firearm is destroyed promptly.

(7) The chief of police may dispose of a firearm to which subsection (6) applies otherwise than by having it destroyed if he or she first obtains the Solicitor General's approval of the method of disposal.

(8) The chief of police shall ensure that the police force keeps a register of firearms and that the following rules are followed:

1. Every firearm's description and location shall be recorded.

2. When a firearm ceases to be in the possession of the board or of a member of the police force, full particulars shall be recorded, including the name of the person who disposed of it and the date and method of disposal.

3. If the firearm is returned to its owner, his or her name, address and telephone number shall also be recorded.

4. On or before the 31st day of January in each year, a statement shall be filed with the Commission listing the firearms that have come into the possession of the police force during the preceding calendar year, indicating which firearms are still being retained and which have been disposed of, and giving the particulars of disposition.

135.—(1) The Lieutenant Governor in Council may make regulations,

1. prescribing standards for police services;
2. prescribing procedures for the inspection and review by the Solicitor General of police forces;

3. requiring municipalities to provide police detention facilities, governing those facilities and providing for their inspection;

4. providing for financial aid to police training schools;

5. prescribing the minimum amount of remuneration to be paid by municipalities to the members of boards who are appointed by the Lieutenant Governor in Council or Solicitor General;

6. prescribing the procedures to be followed by boards and the places at which their meetings shall be held;

7. prescribing the forms of oaths or affirmations of office and secrecy for the purposes of section 32 (members of boards), section 45 (police officers), subsection 52 (6) (auxiliary members of police forces), subsection 53 (9) (special constables) and subsection 54 (8) (First Nations Constables);

8. respecting the government, operation and administration of police forces;

9. governing the qualifications for the appointment of persons to police forces and for their promotion;

10. prescribing groups of persons for the purposes of subsection 48 (1) (employment equity plans);

11. prescribing matters to be contained in employment equity plans;

12. respecting the political activities in which municipal police officers are permitted to engage;

13. establishing the ranks that shall be held by members of municipal police forces;

14. prescribing the minimum salary or other remuneration and allowances to be paid to members of municipal police forces;

15. regulating or prohibiting the use of any equipment by a police force or any of its members;
16. regulating the use of force by members of police forces;

17. prescribing standards of dress for police officers on duty and prescribing requirements respecting police uniforms;

18. prescribing courses of training for members of police forces and prescribing standards in that connection;

19. governing the conduct, duties, suspension and dismissal of members of police forces;

20. describing the circumstances under which members of police forces are permitted and not permitted to pursue persons by means of motor vehicles, and prescribing procedures that shall be followed when a person is pursued in that manner;

21. prescribing the records, returns, books and accounts to be kept by police forces and their members;

22. prescribing the method of accounting for fees and costs that come into the hands of members of police forces;

23. prescribing a code of conduct in which offences constituting misconduct are described for the purposes of section 56;

24. providing for the payment of fees and expenses to witnesses at hearings conducted under Part V or VI;

25. prescribing procedures for the investigation of complaints under Part VI;

26. assigning further duties to the Police Complaints Commissioner;

27. prescribing the method of accounting for money to which section 133 applies;

28. prescribing forms and providing for their use;

29. prescribing any matter that this Act requires to be prescribed or refers to as being prescribed;

30. respecting any matter that is necessary or advisable to implement this Act effectively.
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Idem

(2) A regulation made under subsection (1) may be general or particular in its application.

Crown bound

136. This Act binds the Crown in right of Ontario.

PART X

CONSEQUENTIAL AMENDMENTS AND REPEALS

137. Section 66 of the District Municipality of Muskoka Act, being chapter 121 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

66.—(1) The Police Services Act, 1990, being chapter 10, except section 15 (municipal by-law enforcement officers), does not apply to the District Corporation or to an area municipality.

(2) Sections 202 and 203 of the Municipal Act do not apply to an area municipality.

138.—(1) Section 174 of the Municipality of Metropolitan Toronto Act, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

174. In this Part, "Metropolitan Board" means The Municipality of Metropolitan Toronto Police Services Board.

(2) Subsections 175 (1) and (2) of the said Act are repealed.

(3) Subsection 177 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 56, section 10 and amended by 1988, chapter 12, section 1, is repealed and the following substituted therefor:

(1) The Metropolitan Council shall be deemed to have applied to the Lieutenant Governor in Council for an increase in the size of its board under subsection 27 (9) of the Police Services Act, 1990 and the Lieutenant Governor in Council shall be deemed to have approved the application.

(4) Section 178 of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 56, section 10, is repealed.

139.—(1) Section 73 of the Regional Municipality of Durham Act, being chapter 434 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
73. In this Part, "Durham Police Board" means The Regional Municipality of Durham Police Services Board.

(2) Section 74 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 1, is repealed.

(3) Subsection 75 (1) of the said Act is repealed and the following substituted therefor:

(1) The Durham Police Board and the members of the Durham Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

140.—(1) Section 68 of the Regional Municipality of Haldimand-Norfolk Act, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

68. In this Part, "Haldimand-Norfolk Police Board" means The Regional Municipality of Haldimand-Norfolk Police Services Board.

(2) Section 69 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 2, is repealed.

(3) Subsections 70 (1), (2) and (3) of the said Act are repealed and the following substituted therefor:

(1) The Haldimand-Norfolk Police Board and the members of the Haldimand-Norfolk Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) Despite subsection 31 (1) of the Police Services Act, 1990, the Haldimand-Norfolk Police Board is responsible for providing police services only for those portions of the Regional Area in which a local municipality maintained a police force on the 31st day of March, 1974.

(3) With the Solicitor General's approval, the Haldimand-Norfolk Police Board may assume responsibility for providing police services for additional portions of the Regional Area.

141.—(1) Section 79 of the Regional Municipality of Halton Act, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
79. In this Part, "Halton Police Board" means The Regional Municipality of Halton Police Services Board.

(2) Section 80 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 3, is repealed.

(3) Subsection 81 (1) of the said Act is repealed and the following substituted therefor:

(1) The Halton Police Board and the members of the Halton Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

142.—(1) Section 90 of the Regional Municipality of Hamilton-Wentworth Act, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

90. In this Part, "Hamilton-Wentworth Police Board" means The Regional Municipality of Hamilton-Wentworth Police Services Board.

(2) Section 91 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 4, is repealed.

(3) Subsection 92 (1) of the said Act is repealed and the following substituted therefor:

(1) The Hamilton-Wentworth Police Board and the members of the Hamilton-Wentworth Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

143.—(1) Section 116 of the Regional Municipality of Niagara Act, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

116. In this Part, "Niagara Police Board" means The Regional Municipality of Niagara Police Services Board.

(2) Section 117 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 5, is repealed.

(3) Subsection 118 (1) of the said Act is repealed and the following substituted therefor:

(1) The Niagara Police Board and the members of the Niagara Regional Police Force have the same duties with
respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

144.—(1) Section 74 of the Regional Municipality of Peel Act, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

74. In this Part, "Peel Police Board" means The Regional Municipality of Peel Police Services Board.

(2) Section 75 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 6, is repealed.

(3) Subsection 76 (1) of the said Act is repealed and the following substituted therefor:

(1) The Peel Police Board and the members of the Peel Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

145.—(1) Section 38 of the Regional Municipality of Sudbury Act, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

38. In this Part, "Sudbury Police Board" means The Regional Municipality of Sudbury Police Services Board.

(2) Section 39 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 57, section 7, is repealed.

(3) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:

(1) The Sudbury Police Board and the members of the Sudbury Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

146.—(1) Section 109 of the Regional Municipality of Waterloo Act, being chapter 442 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

109. In this Part, "Waterloo Police Board" means The Regional Municipality of Waterloo Police Services Board.

(2) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 8, is repealed.
(3) Subsection 111 (1) of the said Act is repealed and the following substituted therefor:

(1) The Waterloo Police Board and the members of the Waterloo Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

147.—(1) Section 111 of the Regional Municipality of York Act, being chapter 443 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:


(2) Section 112 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 9, is repealed.

(3) Subsection 113 (1) of the said Act is repealed and the following substituted therefor:

(1) The York Police Board and the members of the York Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

148.—(1) The following are repealed:


2. The Police Amendment Act, 1981, being chapter 55.

3. The Police Amendment Act, 1983, being chapter 57.


5. Section 53 of the Equality Rights Statute Law Amendment Act, 1986, being chapter 64.


(2) The title of the Police Act is repealed and the following substituted therefor:

COURT SECURITY ACT

(3) Section 57a of the Court Security Act, as enacted by the Statutes of Ontario, 1989, chapter 24, section 1, is amended by striking out "or council" in the first line.

149. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

150. The short title of this Act is the Police Services Act, 1990.