



Solicitor General Approved Form: Requirement to Notify the Inspector General of Policing of Retaining an Institutional Conflict Under Section 7 of the Ontario Regulation 401/23 Conflicts of Interest

This form is designed to meet requirements under [Ontario Regulation 401/23, Conflicts of Interest](#), which is made under the *Community Safety and Policing Act, 2019*. This regulation sets out an approach to situations where the impartiality of the police service or its members may come into question, as a result of a conflict of interest.

This form is to be used by a chief of police to notify the Inspector General of Policing pursuant to s. 7 (4) that the chief will retain a matter for investigation where there is a potential institutional conflict. Note that s. 7 applies if the chief of police makes a determination under s. 5 (1) that a potential institutional conflict is not an actual institutional conflict (see appendix A for factors that must be considered when making a determination under s. 5(1) and appendix B for definitions of actual and potential institutional conflict):

Retaining a matter for investigation:

7. (4) If the chief of police decides to retain a matter, the chief of police shall report that fact to the Inspector General, in the form approved by the Minister, as well as the steps taken under the conflict procedures and the conflict policy.

Please note, pursuant to 7(2): The chief of police **shall** refer the potential institutional conflict to the chief of police of a different police service for investigation if the potential institutional conflict involves,

- (a) the chief of police or deputy chief of police;
- (b) any other member of a police service who is a police officer, if the criminal conduct is alleged or reasonably suspected to,
 - (i) be motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity or expression or any other similar factor,
 - (ii) involve abuse against the member's current or former spouse, common-law partner or other intimate partner of the member,
 - (iii) involve abuse of a vulnerable person, such as a person with a mental or physical disability, a person under 18 years of age or an elderly person,



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(iv) involve abuse of a position of trust or authority in relation to the victim of the conduct, or

(v) be for the benefit of, at the direction of or in association with a criminal organization, as defined in subsection 467.1 (1) of the Criminal Code (Canada); or

(c) a person referred to in subparagraph 2 i or ii or 3 i or ii of the definition of “potential institutional conflict” in section 1.



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Chief of Police Information:

Police Service: _____

Name: _____

Badge Number: _____

Work Telephone Number: (____) _____

Work Email Address: _____

Notification to Retain a Potential Institutional Conflict

In the box below, please describe the potential conflict identified. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please also explain if there is a policing duty affected by this conflict.

- ☐ A determination has been made to retain a matter for investigation under s.7.3(a) where there is a potential conflict of interest, after making a determination under s. 5(1) (see below) that an informed and reasonable person would believe that a member of the police service who must take action or make a decision in the situation could do so impartially.



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Please provide a description of the steps taken under the conflict procedures and conflict policy pursuant to section 7(4).

Declaration and Signature

Chief of Police Name (Please Print): _____

Signature: _____

Date: _____

This form is to be submitted to the attention of the Inspector General of Policing immediately at: iopnotifications@ontario.ca.

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Appendix A: Considerations under O. Reg. 401/23 s. 5(1):

5. (1) If a chief of police determines that a potential institutional conflict respecting a member of a police service has arisen or is likely to arise, the chief of police shall determine whether an informed and reasonable person would believe that a member of the police service who must take action or make a decision in the situation could do so impartially.

(2) In making a determination under subsection (1), the chief of police shall consider,

(a) whether any of the members of the police service who are required to act or make a decision are likely to be in a reporting relationship to or know a person who is or would be under investigation in respect of the criminal conduct;

(b) whether the police service has procedures for consulting with the Crown Attorney regarding the conduct of the investigation of the criminal conduct, and has undertaken to consult with the Crown on the investigation; and

(c) any other relevant factor.

(3) Subsection (1) does not apply if,

(a) an incident to which the potential institutional conflict relates is reported to the SIU Director under section 16 of the Special Investigations Unit Act, 2019 or the SIU Director causes the incident to be investigated under section 15 of that Act; or

(b) the potential institutional conflict has arisen or is likely to arise in an area for which the police service board or the Commissioner, as the case may be, does not have policing responsibility, and is the subject of an investigation by a different police service.



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Appendix B: Definitions under O. Reg. 401/23:

Actual institutional conflict: A potential institutional conflict for which a determination has been made under subsection 5 (1) that an informed and reasonable person would not believe that a member of the police service who must take action or make a decision in the situation could do so impartially; (“conflit institutionnel réel”)

Potential institutional conflict: A situation in which a member of a police service must take action or make a decision in relation to criminal conduct that is alleged or reasonably suspected to have been committed by or against any of the following persons, but does not include criminal conduct that is alleged or reasonably suspected to have been committed against a peace officer acting in the course of their duties:

1. Any other member of the police service, including the chief of police or a deputy chief of police.
2. In the case of a member of a police service maintained by a police service board,
 - i. a member of the police service board, or
 - ii. a member of a municipal council or of a band council of a First Nation, as applicable, in the area for which the police service board has policing responsibility.
3. In the case of a member of the Ontario Provincial Police,
 - i. a member of an O.P.P. detachment board or a First Nation O.P.P. board, or
 - ii. the Minister or a deputy minister of the Ministry. (“conflit institutionnel potentiel”)