

Decision Regarding Findings Report INV-25-123 Concerning the Conduct of Ottawa Police Service Board Member Michael Polowin

Decision By:

Ryan Teschner, Inspector General of Policing

I. INTRODUCTION

- [1] This decision addresses an allegation that Michael Polowin, a member of the Ottawa Police Service Board (the “Board”), committed misconduct by publicly advocating for a controversial “bubble bylaw” that restricted protest rights. This allegation was investigated by an inspector with Ontario’s Inspectorate of Policing (“IoP”) who prepared a Findings Report,¹ which is attached to this Decision as Appendix A.
- [2] Following a review of the Findings Report and for the reasons that follow, I conclude that Mr. Polowin has not committed misconduct in contravention of the *Code of Conduct for Police Service Board Members* Regulation, O Reg 408/23 (“Code of Conduct”), enacted under the *Community Safety and Policing Act, 2019*, SO 2019, c 1, Sch 1 (the “Act”).

II. BACKGROUND

- [3] On May 15, 2025, Mr. Polowin appeared before a meeting of the City of Ottawa Joint Emergency Preparation and Protective Services Public Works and Infrastructure Committee. He appeared to provide a delegation to the Committee in respect to a “bubble bylaw” being considered by the city. At the beginning of his remarks, he made clear that he (as counsel) was not representing any party as a client, and that he (as a Board member) was present in his personal capacity and had no authority to speak on behalf of the Board.
- [4] In his remarks to the Committee, Mr. Polowin stated he was Jewish, related a widely felt fear in his community, and indicated his support for a 100-metre perimeter around “vulnerable” institutions. When asked how the Ottawa Police Service (“OPS”) would enforce the proposed by-law, Mr. Polowin made clear that he had to be careful in commenting on police-related issues. The question was withdrawn.
- [5] The Board addressed the proposed “bubble bylaw” only once, on September 29, 2025, three months later. At that meeting, Mr. Polowin’s only contribution was to caution the Chief of Police regarding the quality of legal advice that the Chief had received in relation to the by-law’s constitutionality.

¹ Section 123 of the Act requires an IoP inspector who completes an investigation of a complaint to report their findings to the Inspector General. This report is redacted to comply with the *Publication of Findings Reports and Directions under Sections 123 and 125 of the Act* Regulation, O Reg 317/24.

III. ISSUES

- [6] Did Mr. Polowin's appearance and comments before the Committee breach the Code of Conduct?

IV. ANALYSIS

- [7] I adopt the facts as outlined in the Findings Report.

- [8] The Code of Conduct for police service board members are the "rules of the road" to abide by when they engage in their role as board members. It also contains rules which impact how board members may otherwise engage in public life, including that they conduct themselves in manner that does not undermine public trust in the police service board or police service, as perceived by an objective, reasonable observer. By virtue of their position, board members are "public stewards charged with the responsibility of ensuring that police forces are accountable to the communities they serve."² This means their conduct is held to a high standard – even higher than a police officer.

- [9] The proper assessment of an alleged breach of the Code of Conduct requires me to consider much more than the isolated act or omission of a Board member. Here, I am considering conduct that the Board member – Mr. Polowin – is alleged to have committed outside of his board member role. Many professions will find that conduct committed outside the scope of the professional's responsibilities still amounts to misconduct where it undermines public trust in the profession or where it is unbecoming of the professional. However, courts are somewhat reluctant to unduly interfere with the personal lives of professionals. Accordingly, to give sufficient weight to the right to personal autonomy, including the freedom of expression, a specific threshold must be met before conduct committed in a personal capacity will be found to constitute professional misconduct.

² *Stirling-Rawdon (Police Service) v Oliver*, 2014 ONCPC 2502 at para 616.

[10] In *Strom v Saskatchewan Registered Nurses' Association*, the Saskatchewan Court of Appeal held that, “conduct may be found to be professional misconduct if there is a sufficient nexus or relationship of the appropriate kind between the personal conduct and the profession to engage the regulator’s obligation to promote and protect the public interest [emphasis added].”³ While I do not deploy the “nexus” test *per se*, I do draw inspiration from it when approaching the question of whether the context surrounding the board member’s alleged conduct places that conduct closer to, or further away from their board member role.

[11] I must ultimately determine whether a board member’s conduct undermines public trust in them as an individual board member, or the board or police service more broadly. Answering this question is best approached contextually, which I will do in two broad steps: first, considering the relevant contextual factors to determine how closely the board member’s alleged conduct bumps up against their board member role., and, second, having regard to those contextual factors, considering the impact that the alleged misconduct has on public trust.

Relevant Context

[12] The Supreme Court of Canada has held that a tribunal reviewing allegations of misconduct must examine the “full panoply of contextual factors particular to an individual case before making that determination”.⁴ In this instance, I have identified two general factors that are contextually relevant.

a. Relationship of the conduct to the board member role

[13] Here, Mr. Polowin was not in a forum wherein the statutory role and function of the Board was engaged. Rather, he was providing a delegation, in his personal capacity, to a City of Ottawa sub-committee. He made clear on the record that he was not speaking in his capacity as a board member or on behalf of the Board. I commend Mr. Polowin for making this clear, in public.

³ *Strom v Saskatchewan Registered Nurses' Association*, 2020 SKCA 112, at para 89 [*Strom*]. See also *Dr. Jha v. College of Physicians and Surgeons of Ontario*, 2022 ONSC 769, at para 119, where the Divisional Court held that “actions of members of a profession in their private lives may in some cases be relevant to and have an impact on their professional lives - including where the conduct is not consistent with the core values of a profession and/or where there is a need for a regulated profession to maintain confidence of the public in the profession and not be seen to condone certain types of conduct by its members.”

⁴ *Groia v Law Society of Upper Canada*, 2018 SCC 27 at para 83. Also, *The College of Physicians and Surgeons of Saskatchewan v Leontowicz*, 2023 SKCA 110 at 87.

[14] Moreover, Mr. Polowin was providing his personal views on the need for the city to examine its legal authorities to determine if the application of these authorities could result in a new legal tool. The creation of these legal tools is not a matter for the Board or the OPS – rather, the enforcement of *existing* legal tools is.

b. Gravity of the misconduct

[15] To constitute misconduct, an act or omission must be accompanied by some evidence of deliberateness, recklessness or moral culpability. A simple mistake, error in judgement, or failure to comply with a policy or procedure is not enough.⁵ There must exist some “gravity” to the impugned conduct that demonstrates the “conduct has crossed the permissible bounds and deteriorated to professional misconduct.”⁶

[16] There is no evidence of such “gravity” in these circumstances. Mr. Polowin simply appeared before a public body to provide a personal perspective, based on lived experience, and explain how he believed that body could act to address these personal concerns. Mr. Polowin, as a resident, was contributing to a public process to inform government decision-making on an issue important to him. He went about his participation professionally. There is nothing in the content of his actions, or his method of delivery, that comes even close to the level of “gravity” I would need to find to determine misconduct occurred.⁷

Impact of the conduct on public trust in the board member, the board or the police service

[17] It is not enough (nor is it required) that conduct be considered reprehensible for it to undermine public trust in the police service board or the police service maintained by the board. Rather, conduct will undermine public trust when it reasonably calls into question the board member’s ability to carry out their duties, or materially contributes to a degradation of public trust in the police service board or the police service. This connection is often self-evident where the conduct in question involves the exercise of a board member’s duties. However, when conduct

⁵ *Korchinski v Office of the Independent Police Review Director*, 2022 ONSC 6074 (Div Ct) at para 45; *Allen v Alberta (Law Enforcement Review Board)*, 2013 ABCA 187 at para 33.

⁶ *Re Stevens and Law Society of Upper Canada*, 1979 CanLII 1749 (HCJ Ont) at para 23 (Cory J).

⁷ *Peterson v College of Psychologists of Ontario*, 2023 ONSC 4685, at paras 69-72, leave to appeal to the SCC refused, 2024 CanLII 74731. There, the College decision to discipline Dr. Peterson was affirmed. The impugned conduct was calling a client “vindictive”, after the client’s complaint was determined to be unfounded. Dr. Peterson’s comments were properly the subject of discipline despite being based on facts; the mischief identified by the Court was the “attack” of a client by a regulated health professional.

occurs in the board member's personal capacity – as is the case here – additional considerations, discussed below, are required.

[18] There is nothing to suggest that Mr. Polowin's appearance at the city's committee meeting had any impact on, or connection to any subsequent deliberations of the Board. His participation in relation to the issue at the Board was limited to a caution to the Chief regarding a legal opinion about the constitutionality of the proposed by-law.

[19] While I find there was no conflict in Mr. Polowin participating in the September 29, 2025 Board discussion on the "bubble bylaw", I do believe it would have been prudent for him not to participate at that point in the chronology. Although it was not a voting matter, Mr. Polowin had engaged the city on precisely the same topic just a few months earlier. While not a conflict, it had a certain appearance that could be entirely avoided by not having participated in any Board discussions at the time.

[20] Nevertheless, there was nothing in the appearance or content of his appearance at the city committee or his subsequent participation at the Board that would, in the eyes of an objective observer, undermine the public's trust in him, the Board or the OPS.

Personal Benefit

[21] While simply being a member of a police service board may create certain limitations on conduct and what would be usual participation in civic life, it is not a ban on all involvement in civic life. The Code of Conduct itself contemplates this in its design. For example, section 13 of the Code reads:

13. A member of a police service board shall clearly indicate when they are expressing a personal opinion when commenting on an action or omission of the police service board, the police service maintained by the board or a member of the police service.

[22] The complainant alleges that Mr. Polowin's engagement with the city committee, while he was a board member, gave rise to some type of improper benefit to him. There are no facts to support the complainant's allegation that Mr. Polowin used his position as a Board member to obtain a benefit for himself or others with whom he had a personal relationship, or to interfere with the administration of justice. His choice to share his creed and his personal view on the feelings of those within his community with the city committee does not automatically translate into an improper attempt to procure a benefit. To hold otherwise would be to exempt board members from ever participating in civic life. This is simply not the state of the law.

V. CONCLUSION

[23] In this case, Mr. Polowin acted in accordance with what I would consider to be a "best practice". He made clear on the record that he was speaking in his private capacity, and was not authorized nor seeking to speak on behalf of the Board. Additionally, he advised the Board (in this case, the Chair), of his intent to engage in this civic process. I would suggest that the second step was not strictly necessary, but was prudent and ensured "no surprises."

[24] I find that Mr. Polowin did not commit misconduct contrary to the Code of Conduct.

Date: September 24, 2026

Original Signed By

Ryan Teschner
Inspector General of Policing

FINDINGS REPORT

Ottawa Police Service Board Member:
Michael Polowin

**Section 106(1) Board Member
Conduct Investigation**
(INV-25-123)

Submitted to:
Ryan Teschner
Inspector General of Policing of
Ontario

April 28, 2026

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ABOUT THE INSPECTOR GENERAL OF POLICING AND THE INSPECTORATE OF POLICING

The Inspector General of Policing drives improved performance and accountability in policing and police governance by overseeing the delivery of adequate and effective policing across Ontario. The Inspector General ensures compliance with the province's policing legislation and standards, and has the authority to issue progressive, risk-based and binding directions and measures to protect public safety. Ontario's Community Safety and Policing Act embeds protections to ensure the Inspector General's statutory duty is delivered independently from government.

The Inspector General of Policing leads the Inspectorate of Policing (IoP). The IoP provides operational support to inspect, investigate, monitor, and advise Ontario's police services, boards and special constable employers. By leveraging independent research and data intelligence, the IoP promotes leading practices and identifies areas for improvement, ensuring that high-quality policing and police governance is delivered to make everyone in Ontario safer.

In March 2023, Ryan Teschner was appointed as Ontario's first Inspector General of Policing with duties and authorities under the Community Safety and Policing Act. Mr. Teschner is a recognized expert in public administration, policing and police governance.

For more information about the Inspector General of Policing or the IoP, please visit www.iopontario.ca.

INTRODUCTION

This is a report to the Inspector General of Policing by an inspector appointed by the Inspector General, who has completed an investigation under Part VII of the [Community Safety and Policing Act, 2019](#) (CSPA).

OVERVIEW OF INVESTIGATION

The Complaint

The Inspector General of Policing received a complaint in relation to an allegation that a member of the Ottawa Police Service Board (OPSB), Michael Polowin, contravened the Code of Conduct for Police Service Board Members after he provided a public delegation at the City of Ottawa Joint Emergency Preparation and Protective Services Public Works and Infrastructure Committee on May 15, 2025, in which he advocated for the controversial “Bubble Bylaw,” which aims to protect vulnerable spaces but is also seen to limit protest rights.

The Subject Police Service Board Member

Name of Police Service Board: Ottawa Police Service Board

Subject Board Member: Michael Polowin

Length of service (Term): Appointed November 2024

Reappointed: N/A

Specific Roles Held on Police Service Board: Member

Previous Substantiated Misconduct: None

Appointing Authority: Province

Applicable Legislative and Regulatory Provisions

Section 35(6) of the CSPA provides that every member of a police service board shall comply with the prescribed code of conduct.

[Ontario Regulation 408/23: Code of Conduct for Police Service Board Members](#) was reviewed having regard to the allegations made in the complaint and the following sections were deemed to be relevant:

- a) Section 3(1) - A member of a police service board shall not conduct themselves in a manner that undermines or is likely to undermine the public’s trust in the police service board or the police service maintained by the board; and
- b) Section 21 - A member of a police service board shall not use their position as a police board member to:
 - a) Benefit themselves,
 - b) Benefit one or more persons with whom they have a personal relationship; or
 - c) Interfere with the administration of justice.

SUMMARY OF THE INVESTIGATION CONDUCTED

As part of the investigation process, interviews were conducted with the complainant, the subject board member, and the Chair of the OPSB. Additionally, OPSB meeting minutes, open-source media, along with information provided by both the complainant and subject, contributed to this investigation.

Complainant Interview

An interview was conducted with the complainant regarding their complaint.

The complainant stated that he has been attending “pro-Palestinian/anti-genocide” protests since the fall of 2023, which normally occur on a weekly basis. The complainant advised that his son normally attends the protests with him, and that his son was arrested by Ottawa Police at a protest in November 2024. The charges were stayed by the Crown in early 2025. After his son’s arrest, the complainant took interest in how the OPSB was holding the Ottawa Police Service (OPS) accountable. He has also written an opinion piece about the OPSB in the Ottawa Citizen. The complainant stated that he did not know the subject prior to him looking into the OPSB.

The complainant advised that the proposed “bubble by-law” has raised concerns in the Ottawa community, in that if protests are prohibited within 100 metres of vulnerable institutions such as churches and schools, it would be near impossible to hold a protest in downtown Ottawa.

The complainant expressed concern over the fact that the subject provided a delegation at a committee meeting where a discussion of the proposed bubble by-law was taking place. The complainant pointed out that the subject did state at the beginning of his delegation that he was not speaking as a lawyer or as a member of the OPSB. The complainant has an issue with the fact that during the delegation the subject advised that he is Jewish, as he feels that the proposed by-law is directed mainly toward pro-Palestinian protesters.

The complainant advised that the subject indicated in his delegation that his community (the Jewish community) was scared and that he did not want his grandson being met by protesters when he goes to Jewish school. He indicated that the subject also stated in his delegation that he has “an iron in the fire” and “an axe to grind.” The complainant feels that the subject is attempting to stifle free speech.

The complainant indicated that during the question-and-answer portion of the subject's delegation, a councillor asked the subject as to how the OPS would enforce the by-law, to which the subject replied that he had to be careful of how he answered police related questions. The complainant believed that the subject only answered that way because he was in public.

The complainant indicated that during the week following the delegation, the OPSB had an in-camera meeting with an item on the in-camera agenda being "updates on major events and demonstrations." The complainant is concerned that the subject now has a different venue to see how the OPS will respond to events and that the subject has the power to influence the OPS.

The complainant indicated that during a September 29, 2025, public meeting of the OPSB, the subject told the Chief that he was concerned about the advice he was receiving from a lawyer and that the lawyer had an "axe to grind".

The complainant feels that the subject has a vested interest in the proposed by-law and that the by-law would be a benefit to the subject's family. The complainant indicated that he wanted both the subject and the Chair to be held accountable.

Subject Ottawa Police Service Board Member Interview

An interview was conducted with the subject, OPSB member Michael Polowin.

The subject has been a practicing lawyer in the Ottawa area for the past 42 years, specializing in municipal law issues. The subject has also been a member of the OPSB since November 2024, has completed all his prescribed training, and has not been the subject of any previous investigations or discipline matters.

The subject advised that he had been asked to give his opinion at a committee that would be discussing the proposed bubble by-law for Ottawa. The subject advised that he would only provide his opinion on the issue and not provide an opinion on behalf of anyone else.

The subject advised that at the beginning of his delegation, he clearly indicated that he was there on his "own hook" and that he was not there on behalf of a client. He also indicated that he was not there as a member of the OPSB, nor was he authorized to speak on behalf of the OPSB.

The subject indicated that the Chair was made aware of the fact that he was providing a delegation via a phone call a week prior, at which time the Chair advised the subject to make sure that he indicated that he was not authorized to speak on behalf of the OPSB.

The subject did not feel that he was in conflict with his role as an OPSB member, nor did he feel that his delegation undermined the public's trust in the OPSB. He advised that he deals with conflict issues on a regular basis in his profession.

The subject advised that the only discussion about the proposed by-law that he had at the OPSB level was at the September 2025 meeting, when the Chief advised the OPSB that he received advice from a constitutional lawyer that the proposed bubble by-law may be unconstitutional. The subject told the Chief that he knows that lawyer and that he should take the legal advice with a grain of salt as that lawyer has an "axe to grind".

The subject advised that in relation to the in-camera agenda item of "Updates on major events and demonstration", the Chief delivers a verbal review on the events that the OPS has been involved with. This is in addition to the weekly update email that the Chief sends out every Friday.

The subject advised that his comments at his delegation do not interfere with his conversations at the OPSB level.

The subject advised that it was important to note that he feels that his views on his community and the fact that he is a Zionist Jew may be an underlining factor as to why there is a complaint against him.

Witness – Ottawa Police Service Board Chair Interview

An interview was conducted with the witness, OPSB Chair Salim Fakirani.

The witness has been a member of the OPSB since 2022, when the previous board was dissolved. He has held the position of member, Vice Chair and Chair (since January 2023).

The witness indicated that he cannot remember whether he had a conversation with the subject prior to his delegation, however if he did speak with the subject, he would have told him to ensure that he clearly state that he is not authorized to speak on behalf of the OPSB.

The witness was initially concerned that the subject was providing a delegation as a lawyer paid by a client. Once the witness learned that the subject was not representing a client and that he was not there as a member of the OPSB, his concerns were alleviated. The witness advised that the subject's opinions at the delegation do not differ from his opinions at the board level.

The witness advised that the subject was not in conflict as a member of OPSB, nor did he undermine the public's trust in the OPSB.

Open-Source Information: Collection and Review

YouTube

The City of Ottawa Joint Emergency Preparation and Protective Services Public Works and Infrastructure Committee meeting on May 15, 2025, was broadcast live via YouTube and a recording was kept on file on the platform.

At the beginning of his delegation, the subject stated the following: *"Before I begin, two quick qualifications. Um most or all of you will know that I'm a lawyer. I am not appearing as a lawyer for anyone. I am here, I am appearing here on my own behalf. Um second uh most or all of you will know that I am a member of the police services board. This is not a matter which has been discussed at the police services board. Uh and I have no authority to speak on behalf of the police services board. Again, on my own hook".*

At the conclusion of the question-and-answer portion of the subject's delegation, a city councillor questioned the subject as to how the OPS would enforce the proposed by-law. The subject replied by saying *"Um, councillor, I need to be very careful in commenting on police issues"*. As a result, the councillor withdrew his question as he did not want to place the subject in an awkward position.

The public portion of the OPSB meeting held on September 29, 2025, was broadcast live via YouTube and a recording was kept on file on the platform. During the OPSB meeting, the OPS Chief advised the OPSB of legal advice he obtained from a constitutional lawyer in relation to ongoing protests. The subject made the following remarks to the Chief: *"Thank you, chair. Um, Chief, I won't keep you long. Um, I will offer you carefully um a comment on the well-respected lawyer that you quoted. Okay, that well respected lawyer is well known for having a specific iron in the fire and that's as far as I will go. Uh, so just be careful following that advice."*

INVESTIGATION FINDINGS

I make the following findings, relying on the material and information collected during the investigation and now contained in this report:

1. The City of Ottawa municipal council had been debating a proposed “bubble by-law” in relation to ongoing protests.

- a. There have been numerous protests throughout Ottawa since October 2023.
- b. The by-law aims to protect citizens attending vulnerable institutions such as places of worship, schools, hospitals, etc.
- c. The city is attempting to determine the best option in relation to protests held near vulnerable places. The main options being discussed are (a) not to allow protesters to obstruct the entrance/exit points of vulnerable institutions, and (b) not allowing protesters to protest within a 50 or 100 metre perimeter of vulnerable institutions.

2. On May 15, 2025, the subject provided a delegation at the City of Ottawa Joint Emergency Preparation and Protective Services Public Works Committee, in relation to the proposed “bubble by-law”.

- a. The subject began his delegation by stating that he was not appearing as a lawyer and that he was not representing any client. He also clearly stated that he was not appearing as a member of the OPSB, nor was he authorized to speak on behalf of the OPSB.
- b. In his delegation, the subject stated that he is Jewish and that his community is scared. The subject indicated that he was in favour of a 100-metre perimeter around vulnerable institutions and stated that he did not want his grandson harassed by protesters when he attends a Jewish school.
- c. During the question-and-answer portion of the subject’s delegation, a question was posed to the subject as to how the Ottawa Police Service would be able to enforce the by-law. The subject replied that he had to be careful in commenting on police related issues. The question was then withdrawn.

- 3. On September 29, 2025, a public OPSB meeting was held, at which time the OPS Chief of Police advised the board, as part of his update, that he received information from a constitutional lawyer that the proposed bubble by-law may be unconstitutional.**
- a. The subject suggested that the Chief of Police take the legal advice from the constitutional lawyer with a grain of salt, and that the lawyer had an “iron in the fire”.
 - b. The subject did not comment on the proposed by-law itself; his comments were directed at the credibility of the lawyer providing legal advice.

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