



RESOLUTION 2021-02

Changes to Police Discipline System – Beyond Suspension Issue

WHEREAS policing is under unprecedented scrutiny as it relates to its ability to ensure public trust, confidence, and transparency when an officer commits serious misconduct, and

WHEREAS the current and proposed (under the pending *Community Safety and Policing Act, 2019*) police discipline system is built on a model that is an archaic, paramilitary, and simply no longer instills public trust, confidence, and transparency, and

WHEREAS the current and proposed police discipline system has evolved (arguably, devolved) into a system with a host of underlying issues, including that it puts officers, management, and the public through unnecessarily procedurally laden processes; takes far too long to complete; does not meet normal labour law standards; does not protect subject officers and witness from pointless public exposure to intimate and personal details; is far too costly at the provincial and/or municipal level (that is, current Hearing Officer “trials” and the proposed use of the Ontario Police Arbitration and Adjudication Commission as the adjudicative body), and

WHEREAS the issue of suspension without pay has existed without satisfactory resolution for years, despite other jurisdictions providing for expanded power of suspension (compared to the current regime and the proposed one under the pending *Community Safety and Policing Act, 2019*), and

WHEREAS the issue of suspension with or without pay is not the solution to the underlying issues with the police discipline system.

THEREFORE BE IT RESOLVED that the Ontario Association of Chiefs of Police calls on the Government of Ontario through the Ministry of the Solicitor General to make substantive and sweeping changes to the police discipline system, including but not limited to:

- 1) Police internal discipline simply shifts to a full discipline, grieve, and arbitrate model, where suspension without pay only comes into play as part of discipline options (not before a decision on misconduct is made), and
- 2) In order to continue and foster public transparency but not expose an officer, witness, compliant/victim of misconduct to unnecessary shame or

public disclosure having in mind personal and intimate details, mental health issues, the revealing of protected investigative techniques or operations, all disciplinary decision that involve a penalty of more than 40 hours, up to termination, shall be publicly posted and provided to the Inspector General, with a brief factual background without names; and, all Grievance Arbitration decision shall be equally posted and proved to the Inspector General, but with the Arbitrator, similar to a Court, empowered to de-identify, vet and/or prohibit the publication of certain details), and

- 3) Maintain a separate public complaints process that allows for complaints for violations of the Code of Conduct to be investigated and adjudicated similar to other professional oversight bodies (e.g., College of Physicians, Law Society of Ontario, etc.), where the Chief of Police/Commissioner has standing in the penalty phase only.