

ONTARIO REGULATION 268/10

made under the

POLICE SERVICES ACT

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PART I
OATHS AND AFFIRMATIONS

Member of the board

1. The oath or affirmation of office to be taken by a member of the board shall be in one of the following forms set out in the English or French version of this section:

I solemnly swear (affirm) that I will be loyal to Her Majesty the Queen and to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, discharge my duties as a member of the (*insert name of municipality*) Police Services Board faithfully, impartially and according to the *Police Services Act*, any other Act, and any regulation, rule or by-law.

So help me God. (*Omit this line in an affirmation.*)

or

I solemnly swear (affirm) that I will be loyal to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, discharge my duties as a member of the (*insert name of municipality*) Police Services Board faithfully, impartially and according to the *Police Services Act*, any other Act, and any regulation, rule or by-law.

So help me God. (*Omit this line in an affirmation.*)

Police officer, etc.

2. The oath or affirmation of office to be taken by a police officer, special constable or First Nations Constable shall be in one of the following forms set out in the English or French version of this section:

I solemnly swear (affirm) that I will be loyal to Her Majesty the Queen and to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, preserve the peace, prevent offences and discharge my other duties as *(insert name of office)* faithfully, impartially and according to law.

So help me God. *(Omit this line in an affirmation.)*

or

I solemnly swear (affirm) that I will be loyal to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, preserve the peace, prevent offences and discharge my other duties as *(insert name of office)* faithfully, impartially and according to law.

So help me God. *(Omit this line in an affirmation.)*

Auxiliary member of a police force

3. The oath or affirmation of office to be taken by an auxiliary member of a police force shall be in one of the following forms set out in the English or French version of this section:

I solemnly swear (affirm) that I will be loyal to Her Majesty the Queen and to Canada, and that I will uphold the Constitution of Canada and that, when authorized to perform police duties by the chief of police, I will discharge my duties as an auxiliary member of the *(insert name of police force)* faithfully, impartially and according to law.

So help me God. *(Omit this line in an affirmation.)*

or

I solemnly swear (affirm) that I will be loyal to Canada, and that I will uphold the Constitution of Canada and that, when authorized to perform police duties by the chief of police, I will discharge my duties as an auxiliary member of the *(insert name of police force)* faithfully, impartially and according to law.

So help me God. *(Omit this line in an affirmation.)*

Secrecy

4. The oath or affirmation of secrecy to be taken by a police officer, auxiliary member of a police force, special constable or First Nations Constable shall be in the following form set out in the English or French version of this section:

I solemnly swear (affirm) that I will not disclose any information obtained by me in the course of my duties as *(insert name of office)*, except as I may be authorized or required by law.

So help me God. *(Omit this line in an affirmation.)*

PART II REMUNERATION OF POLICE SERVICES BOARDS MEMBERS

Remuneration

5. A municipality shall pay to each board member who is appointed by the Lieutenant Governor in Council or the Solicitor General,

- (a) in a municipality having a population exceeding 500,000 according to the last revised assessment roll, not less than \$1,000 a year;
- (b) in a municipality having a population exceeding 100,000 and not exceeding 500,000 according to the last revised assessment roll, not less than \$500 a year;
- (c) in a municipality having a population exceeding 10,000 and not exceeding 100,000 according to the last revised assessment roll, not less than \$300 a year;
- (d) in a municipality whose population does not exceed 10,000 according to the last revised assessment roll, not less than \$100 a year.

PART III MUNICIPAL POLICE FORCES

APPLICATION

Application

- 6.** (1) This Part applies to municipal police forces.
- (2) This Part does not apply to insignias or service badges in use or operation on or before January 1, 1974.

UNIFORM AND RANKS

Providing uniform and equipment

7. The municipality shall provide all articles of uniform and equipment necessary for the performance of duty but, if a uniform or equipment is damaged or lost through the fault of a member of a police force, the member shall bear the cost of replacement.

Ranks

8. (1) Subject to subsections (2) and (3), every force may have all or any of the following police ranks, but no others:

Chief of Police

Deputy Chief
Staff Superintendent
Superintendent
Staff Inspector
Inspector
Staff Sergeant
Sergeant
Constable

(2) If a force has a detective branch, detective sergeant is equivalent to the rank of staff sergeant and detective is equivalent to sergeant.

(3) The rank of constable shall have the following gradations in descending seniority:

First-Class Constable
Second-Class Constable
Third-Class Constable
Fourth-Class Constable

(4) A fourth-class constable is eligible for reclassification as a third-class constable after serving one year as a fourth-class constable.

(5) A third-class constable is eligible for reclassification as a second-class constable after serving one year as a third-class constable.

(6) A second-class constable is eligible for reclassification as a first class constable after serving one year as a second-class constable.

(7) In the case of outstanding or meritorious service, any of the one-year periods mentioned in subsections (4), (5) and (6) may be abridged.

Insignias

9. (1) The following ranks shall wear on their shoulder straps the insignia described and illustrated opposite the rank:

Chief of Police
— **Crown and Three Maple Leaves**

Deputy Chief
— **Crown and Two Maple Leaves**

Staff Superintendent
— **Crown and One Maple Leaf**

Superintendent
— **Crown**



Staff Inspector
— **Three Maple Leaves**

Inspector
— **Two Maple Leaves**



(2) The following ranks shall wear on their shoulder straps or on the upper part of each sleeve in the discretion of the chief of police the insignia described and illustrated opposite the rank:

Staff Sergeant
— **Crown and Three Chevrons**

Sergeant
— **Three Chevrons**



(3) The following ranks shall wear on their headgear the insignia described opposite the rank:

Chief of Police	—	A double row of embroidered oakleaf pattern gold braid affixed to the peak; black simulated patent leather strap.
Deputy Chief	—	A single row of embroidered oakleaf pattern gold braid affixed to the peak; black simulated patent leather strap.
Staff Superintendent	—	5/8 inch gold embroidered braid of field officer pattern affixed to the peak; black simulated patent leather strap.

Superintendent	—	5/8 inch gold embroidered braid of field officer pattern affixed to the peak; black simulated patent leather strap.
Staff Inspector	—	5/8 inch black embroidered braid of field officer pattern trimmed all round with gold cord affixed to the peak; black simulated patent leather strap.
Inspector	—	5/8 inch black embroidered braid of field officer pattern trimmed all round with gold cord affixed to the peak; black simulated patent leather strap.

(4) If shoulder flashes or other insignia are worn, they shall be silver in colour from the rank of staff sergeant and below and gold in colour from the rank of inspector and higher.

Service badges

10. If a service badge is awarded, it shall be in the shape of a maple leaf one-half of one inch by one-half of one inch and shall be worn on the left sleeve of the tunic three and one-half inches up from the bottom.

POLITICAL ACTIVITY

Political rights

11. A municipal police officer may,

- (a) vote in an election;
- (b) be a member of or hold office in a political party or other organization engaged in political activity;
- (c) make contributions of money or goods to,
 - (i) a political party or other organization engaged in political activity, or
 - (ii) a candidate in an election.

Activities while not on duty

12. (1) A municipal police officer who is not on duty and who is not in uniform may engage in the following political activities:

1. Expressing views on any issue not directly related to the police officer's responsibilities as a police officer, as long as the police officer does not,
 - i. associate his or her position as a police officer with the views, or
 - ii. represent the views as those of a police force.
2. Attending and participating in a public meeting, including,
 - i. a meeting with elected representatives or government officials, or
 - ii. a meeting with candidates in an election.
3. Attending and participating in a meeting or convention of a political party or other organization engaged in political activity.
4. Canvassing on behalf of a political party or other organization engaged in political activity, or on behalf of a candidate in an election, as long as the

police officer does not solicit or receive funds on behalf of the party, organization or candidate.

5. Acting as a scrutineer for a candidate in an election.
6. On the polling day of an election, transporting electors to a polling place on behalf of a candidate.
7. Engaging in any other political activity, other than,
 - i. soliciting or receiving funds, or
 - ii. political activity that places or is likely to place the police officer in a position of conflict of interest.

(2) The expression of views in the course of an activity mentioned in paragraphs 2 to 7 of subsection (1) is subject to paragraph 1 of that subsection.

Authorized activities

13. If authorized to do so by the police services board or chief of police, a municipal police officer may, on behalf of the police force,

- (a) express views on any issue, as long as the police officer does not, during an election campaign, express views supporting or opposing,
 - (i) a candidate in the election or a political party that has nominated a candidate in the election, or
 - (ii) a position taken by a candidate in the election or by a political party that has nominated a candidate in the election; and
- (b) subject to clause (a), attend and participate in a public meeting.

Appointments, etc.

14. (1) Subject to subsection (2), a municipal police officer may,

- (a) be appointed to or be a candidate for election to a local board as defined in the *Municipal Affairs Act*, other than a police services board;
- (b) serve on a local board as defined in the *Municipal Affairs Act*, other than a police services board; and
- (c) engage in political activity related to the appointment, candidacy or service mentioned in clause (a) or (b).

(2) Subsection (1) does not apply if the appointment, candidacy or service,

- (a) interferes with the police officer's duties as a police officer; or
- (b) places or is likely to place the police officer in a position of conflict of interest.

Application

15. Sections 16, 17 and 18 apply to a municipal police officer other than a chief of police or a deputy chief of police.

Candidacy for election

16. (1) A municipal police officer may be a candidate, or may seek to become a candidate, in a federal or provincial election or in an election for municipal council only while on a leave of absence granted under subsection (2).

(2) A municipal police officer who seeks to become a candidate in a federal or provincial election or in an election for municipal council shall apply to the board of the municipality in which he or she is employed for a leave of absence without pay and the board shall grant the leave of absence.

(3) Despite subsections (1) and (2), a municipal police officer may seek to become a candidate or may be a candidate in an election for municipal council without taking a leave of absence if,

- (a) the election is in a municipality that does not receive police services from the municipality in which the police officer is employed; and
- (b) seeking to become or being a candidate does not interfere with the police officer's duties as a police officer and does not place, or is not likely to place, the police officer in a position of conflict of interest.

(4) Regardless of whether a leave of absence is required under this section, a board shall grant any leave of absence that a municipal police officer requests if the leave is to enable the police officer to seek to become a candidate or to be a candidate in an election for municipal council.

(5) The following rules apply to a leave of absence granted to a municipal police officer under subsection (2) or (4):

1. A leave of absence shall begin and end on the dates specified in the police officer's application, subject to paragraphs 2, 3, and 4.
2. A leave of absence granted to enable a police officer to be a candidate in an election for municipal council shall not begin earlier than 60 days before polling day or continue after polling day.
3. A leave of absence granted to enable a police officer to be a candidate in a federal or provincial election shall not begin earlier than the day on which the writ for the election is issued or later than the last day for nominating candidates under the applicable provincial or federal statute and shall not continue after polling day.
4. A leave of absence granted to enable a police officer to seek to become a candidate in a federal or provincial election or in an election for municipal council shall not continue after the day the police officer withdraws from or loses the nomination campaign or, if the police officer wins the nomination, after polling day.

Resignation upon election

17. (1) A municipal police officer who is elected in a federal or provincial election or in an election for municipal council shall immediately resign as a police officer.

(2) Despite subsection (1), a municipal police officer need not resign as a municipal police officer upon being elected in an election for municipal council if,

(a) the police officer is elected a member of the municipal council of a municipality that does not receive police services from the municipality in which the police officer is employed; and

(b) being a member of the municipal council does not interfere with the police officer's duties as a police officer or does not place, or is not likely to place, the police officer in a position of conflict of interest.

(3) A municipal police officer who is elected in an election for municipal council and who, as permitted by subsection (2), does not resign as a police officer,

(a) shall not take part at any meeting of the municipal council in the discussion of, or vote on, any question relating to the budget for a police services board under section 39 of the Act; and

(b) shall not attempt in any way, whether before, during or after a meeting of the municipal council, to influence the voting on any such question.

(4) A former municipal police officer who resigns in accordance with subsection (1) and later ceases to be an elected political representative is entitled, on application, to be appointed to any vacant position on the police force for which he or she is qualified under section 43 of the Act.

(5) Subsection (4) applies only if the former police officer,

(a) ceases to be an elected political representative within,

(i) in the case of a former police officer who was elected in a federal or provincial election, five years after resigning as a police officer,

(ii) in the case of a former police officer who was elected in an election for municipal council, three years after resigning as a police officer; and

(b) makes an application to be reappointed to the police force within 12 months after ceasing to be an elected political representative.

(6) Another person's right to be appointed or assigned to a position on the police force by virtue of a collective agreement prevails over the right conferred by subsection (4).

Effect of absence on length of service

18. (1) The period of a leave of absence granted under subsection 16 (2) or (4) shall not be counted in determining the length of the police officer's service, but the

service before and after the period of leave shall be deemed to be continuous for all purposes.

(2) Subsection (1) applies, with necessary modifications, to a police officer who has resigned and subsequently been reappointed to the police force in accordance with subsection 17 (4).

FORFEITURE OF PAY

Forfeiture of pay

19. (1) If a penalty of more than one day's forfeiture of pay is imposed under Part V of the Act, not more than one day's pay shall be deducted in each pay period until the full penalty has been paid, unless otherwise agreed to by the police officer against whom the penalty is imposed or otherwise ordered by the chief of police or board imposing the penalty.

(2) If the police officer against whom a penalty described in subsection (1) is imposed ceases to be a member of the police force, the whole amount of the forfeiture of pay then remaining may be deducted from any pay then due.

PART IV ONTARIO PROVINCIAL POLICE

Definition

20. In this Part,

“Force” means the Ontario Provincial Police.

Application

21. This Part applies to the Force.

Providing uniform and equipment

22. The Force shall provide all articles of uniform and equipment necessary for the performance of duty but, if a uniform or equipment is damaged or lost through the fault of a member of the Force, the member shall bear the cost of replacement.

Political activity

23. No member of the Force shall contravene or fail to comply with any provision in Part V (Political Activity) of the *Public Service of Ontario Act, 2006*.

No contracting debts

24. No member of the Force shall contract debts that the member is unwilling or unable to discharge and that may interfere with the performance of his or her duties as a member of the Force.

Forfeiture of pay

25. (1) If a penalty of more than one day's forfeiture of pay is imposed under Part V of the Act, not more than one day's pay shall be deducted in each pay period until the

full penalty has been paid, unless otherwise agreed to by the police officer against whom the penalty is imposed or otherwise ordered by the Commissioner.

(2) If the police officer against whom a penalty described in subsection (1) is imposed ceases to be a member of the Force, the whole amount of the forfeiture of pay then remaining may be deducted from any pay then due.

Notice of resignation

26. Without the consent of the Commissioner, no member of the Force shall resign unless the member has given two weeks notice in writing to the Commissioner.

PART V DUTIES OF POLICE OFFICERS

Preparing informations

27. (1) Every information sworn by a member of a police force that alleges the commission of an offence under an Act of the Parliament of Canada or of the Legislature of Ontario shall be prepared by a member of a police force.

(2) Every information mentioned in subsection (1) shall be prepared in a manner suitable for laying before a justice of the peace, on a prescribed form where it is required.

(3) Subsection (1) does not apply to a member of a police force who is police officer appointed under the *Interprovincial Policing Act, 2009*.

PART VI UNSATISFACTORY WORK PERFORMANCE

Application

28. This Part applies to municipal police forces and the Ontario Provincial Police.

Assessment of performance

29. (1) Every chief of police shall establish policies for the assessment of police officers' work performance.

(2) The chief of police shall make the policies available to the police officers.

(3) Before the chief of police may make a complaint against a police officer of unsatisfactory work performance,

(a) the police officer's work performance shall have been assessed in accordance with the established procedures;

(b) the chief of police shall advise the police officer of how he or she may improve his or her work performance;

(c) the chief of police shall accommodate the police officer's needs in accordance with the *Human Rights Code* if the police officer has a disability, within the meaning of the *Human Rights Code*, that requires accommodation;

- (d) the chief of police shall recommend that the police officer seek remedial assistance, such as counselling or training or participation in a program or activity, if the chief of police is of the opinion that it would improve the police officer's work performance; and
- (e) the chief of police shall give the police officer a reasonable opportunity to improve his or her work performance.

PART VII CODE OF CONDUCT

Code of conduct

30. (1) Any conduct described in the code of conduct, set out in the Schedule, constitutes misconduct for the purpose of section 80 of the Act.

(2) The code of conduct applies to all police officers, except that subclauses 2 (1) (c) (iii), (ix) and (x) of the code do not apply to a police officer appointed under the *Interprovincial Policing Act, 2009*.

PART VIII REVOCATIONS AND COMMENCEMENT

Revocations

31. The following regulations are revoked:

- 1. Regulation 928 of the Revised Regulations of Ontario, 1990.**
- 2. Regulation 929 of the Revised Regulations of Ontario, 1990.**
- 3. Ontario Regulation 144/91.**
- 4. Ontario Regulation 554/91.**
- 5. Ontario Regulation 123/98.**

Commencement

32. This Regulation comes into force on the later of the day the *Interprovincial Policing Act, 2009* comes into force and the day this Regulation is filed.

SCHEDULE CODE OF CONDUCT

1. In this code of conduct,
 - “marital status” means the status of being married, single, widowed, divorced or separated and includes the status of living with a person in a conjugal relationship outside marriage; (“état matrimonial”)
 - “record” means any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine

readable record, any other documentary material, regardless of physical form or characteristics, and any copy of the record. (“document”)

2. (1) Any chief of police or other police officer commits misconduct if he or she engages in,

(a) Discreditable Conduct, in that he or she,

(i) fails to treat or protect persons equally without discrimination with respect to police services because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability,

(ii) uses profane, abusive or insulting language that relates to a person’s race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability,

(iii) is guilty of oppressive or tyrannical conduct towards an inferior in rank,

(iv) uses profane, abusive or insulting language to any other member of a police force,

(v) uses profane, abusive or insulting language or is otherwise uncivil to a member of the public,

(vi) wilfully or negligently makes any false complaint or statement against any member of a police force,

(vii) assaults any other member of a police force,

(viii) withholds or suppresses a complaint or report against a member of a police force or about the policies of or services provided by the police force of which the officer is a member,

(ix) is guilty of a criminal offence that is an indictable offence or an offence punishable upon summary conviction,

(x) contravenes any provision of the Act or the regulations, or

(xi) acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force of which the officer is a member;

(b) Insubordination, in that he or she,

(i) is insubordinate by word, act or demeanour, or

(ii) without lawful excuse, disobeys, omits or neglects to carry out any lawful order;

(c) Neglect of Duty, in that he or she,

(i) without lawful excuse, neglects or omits promptly and diligently to perform a duty as,

(A) a member of the police force of which the officer is a member, if the officer is a member of an Ontario police force as defined in the *Interprovincial Policing Act, 2009*, or

(B) a police officer appointed under the *Interprovincial Policing Act, 2009*,

(ii) fails to comply with any provision of Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit) made under the Act,

(iii) fails to work in accordance with orders, or leaves an area, detachment, detail or other place of duty, without due permission or sufficient cause,

(iv) by carelessness or neglect permits a prisoner to escape,

(v) fails, when knowing where an offender is to be found, to report him or her or to make due exertions for bringing the offender to justice,

(vi) fails to report a matter that it is his or her duty to report,

(vii) fails to report anything that he or she knows concerning a criminal or other charge, or fails to disclose any evidence that he or she, or any person within his or her knowledge, can give for or against any prisoner or defendant,

(viii) omits to make any necessary entry in a record,

(ix) feigns or exaggerates sickness or injury to evade duty,

(x) is absent without leave from or late for any duty, without reasonable excuse, or

(xi) is improperly dressed, dirty or untidy in person, clothing or equipment while on duty;

(d) Deceit, in that he or she,

(i) knowingly makes or signs a false statement in a record,

(ii) wilfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or

(iii) without lawful excuse, destroys or mutilates a record or alters or erases an entry in a record;

(e) Breach of Confidence, in that he or she,

(i) divulges any matter which it is his or her duty to keep secret,

(ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of the warrant or service of the summons,

- (iii) without proper authority, communicates to the media or to any unauthorized person any matter connected with,
 - (A) the police force of which the officer is a member, if the officer is a member of an Ontario police force as defined in the *Interprovincial Policing Act, 2009*, or
 - (B) the police force with which the officer is working on a joint forces operation or investigation, if the officer is appointed as a police officer under the *Interprovincial Policing Act, 2009*, or
- (iv) without proper authority, shows to any person not a member of the police force described in sub-subclause (iii) (A) or (B), as the case may be, or to any unauthorized member of that police force any record that is the property of that police force;
- (f) Corrupt Practice, in that he or she,
 - (i) offers or takes a bribe,
 - (ii) fails to account for or to make a prompt, true return of money or property received in an official capacity,
 - (iii) directly or indirectly solicits or receives a gratuity or present without the consent of,
 - (A) the chief of police, if the officer is a member of an Ontario police force as defined in the *Interprovincial Policing Act, 2009*, or
 - (B) the person who appointed the police officer under Part II or III of the *Interprovincial Policing Act, 2009*,
 - (iv) places himself or herself under a pecuniary or other obligation to a licensee if a member of the following police force may have to report or give evidence concerning the granting or refusing of a licence to the licensee:
 - (A) the police force of which the officer is a member, if the officer is a member of an Ontario police force as defined in the *Interprovincial Policing Act, 2009*, or
 - (B) the police force with which the officer is working on a joint forces operation or investigation, if the officer is appointed as a police officer under the *Interprovincial Policing Act, 2009*, or
 - (v) improperly uses his or her character and position as a member of a police force for private advantage;
- (g) Unlawful or Unnecessary Exercise of Authority, in that he or she,
 - (i) without good and sufficient cause makes an unlawful or unnecessary arrest, or

- (ii) uses any unnecessary force against a prisoner or other person contacted in the execution of duty;
- (h) Damage to Clothing or Equipment, in that he or she,
 - (i) wilfully or carelessly causes loss or damage to any article of clothing or equipment, or to any record or other property of,
 - (A) the police force of which the officer is a member, if the officer is a member of an Ontario police force as defined in the *Interprovincial Policing Act, 2009*, or
 - (B) the police force with which the officer is working on a joint forces operation or investigation, if the officer is appointed as a police officer under the *Interprovincial Policing Act, 2009*, or
 - (ii) fails to report loss or damage, however caused, as soon as practicable; or
- (i) Consuming Drugs or Alcohol in a Manner Prejudicial to Duty, in that he or she,
 - (i) is unfit for duty, while on duty, through consumption of drugs or alcohol,
 - (ii) is unfit for duty when he or she reports for duty, through consumption of drugs or alcohol,
 - (iii) except with the consent of a superior officer or in the discharge of duty, consumes or receives alcohol from any other person while on duty, or
 - (iv) except in the discharge of duty, demands, persuades or attempts to persuade another person to give or purchase or obtain for a member of a police force any alcohol or illegal drugs while on duty.

(2) A police officer does not commit misconduct under subclause (1) (e) (iii) if he or she engages in the described activity in his or her capacity as an authorized representative of an association, as defined in section 2 of the Act.

(3) A police officer does not commit misconduct under subclause (1) (f) (iii) if he or she engages in the described activity in his or her capacity as an authorized representative of an association, as defined in section 2 of the Act, or of a work-related professional organization.

3. Any chief of police or other police officer also commits misconduct if he or she conspires in, abets or is knowingly an accessory to any misconduct described in section 2.

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