

NORTH BAY POLICE SERVICES BOARD

BY-LAW NO. 04/2005

A By-law to establish governance standards relating to the disclosure of secondary activities pursuant to the *Police Services Act, R.S.O. 1990 c. P.15*.

WHEREAS Section 31(7) of the *Police Services Act*, provides that the Board may establish guidelines consistent with Section 49 for disclosure of secondary activities and for decisions whether to permit such activities;

AND WHEREAS Section 31(1)(g) of the *Police Services Act* provides that the Board shall receive regular reports from the Chief of Police on disclosures and decisions made under Section 49;

AND WHEREAS it is deemed expedient for the Board to establish guidelines for compliance with the *Police Services Act*,

AND WHEREAS Section 31(6) of the *Police Services Act* authorizes the Board, by By-Law, to make rules for the effective management of the police service;

NOW, THEREFORE, The North Bay Police Services Board hereby enacts as follows:

1. **DEFINITIONS:**

In this By-Law:

- (a) "Act" means the *Police Services Act, R.S.O. 1990, c. P.15* as amended.
- (b) "Board" means the North Bay Police Services Board.
- (c) "Chief" means the Chief of Police of the North Bay Police Service.
- (d) "Conflict of Interest" means a conflict between the private interests and the official responsibilities of a member, either real or perceived.
- (e) "Member" means an employee of the North Bay Police Service.

2. **PROCEDURES:**

The Chief shall develop and maintain a procedure for the disclosure of all secondary activities pursuant to Section 49(1) of the Act which shall include, at a minimum that:

- (a) All members of the Service engaged directly or indirectly in a secondary activity shall comply with Section 49 of the Act;

- (b) All members shall submit their request to engage in secondary activity to the Chief for consideration;
- (c) All members shall, upon becoming aware of an activity that they have already undertaken that may contravene the Act, disclose full particulars of the situation to the Chief;
- (d) Where a member makes application to engage in a secondary activity or discloses an activity they have already undertaken, the Chief shall ensure that the secondary activity does not contravene Section 49(1) of the Act and that the Chief has the sole discretion to determine whether the member is permitted to engage in the activity;
- (e) The Chief may rescind an approval to engage in a secondary activity where:
 - (i) It is determined that the secondary activity has become a contravention of the Act;
 - (ii) The secondary activity has adversely affected the performance of the member; or
 - (iii) The member refuses to comply with a restriction imposed on the secondary activity, which is in contravention of the Act.

3. **CHIEF OF POLICE:**

Where the Chief proposes to engage in a secondary activity, or becomes aware that an activity that he or she has already undertaken may contravene the Act, the Chief shall disclose full particulars to the Board for approval consistent with Section 2 of this By-Law.

4. **REPORTS TO THE BOARD:**

- (a) The Chief shall provide an annual report to the Board outlining applications, disclosures and decisions made pursuant to Section 49 of the Act for the preceding year.
- (b) The report shall contain, at a minimum, the following information for both civilian and sworn members:
 - (i) The total number of applications to engage in secondary activities;
 - (ii) The total number of disclosures of secondary activities made;
 - (iii) The nature of each secondary activity applied for or disclosed;
 - (iv) The total number of secondary activities approved by the Chief;
 - (v) The total number of secondary activities denied by the Chief;
 - (vi) The reasons for each of the denials; and
 - (vii) Any pending applications or disclosures.

5. In this By-law words imparting singular include the plural and vice versa.
6. This by-law supersedes all policies, by-laws or portions of policies and/or by-laws previously adopted by the Board pursuant to Secondary Activities.

7. **EFFECTIVE DATE:**

This By-law shall come into effect on passage.

This By-Law comes into effect on the date of signing.

READ a 1st time this ____ day of _____, 2005.

READ a 2nd time this ____ day of _____, 2005.

READ a 3rd time and ENACTED AND PASSED this 14th day of June, 2005.

Peter Chirico
Chair

D. Scott
Secretary