



# Chapter 13 – Appendix A

## Unit Level Criteria / Conduct Penalties

**Status:** Amended

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Pursuant to the *Police Services Act* (PSA), where a police officer engages in a form of conduct listed below or fails to meet a work performance standard and provided that the member was not suspended from duty, a uniform senior officer may resolve the matter at the unit level without holding a hearing as dictated in Procedure 13-04.

The following penalty and additional powers guidelines are provided for a number of common infractions. **The guide provides a standardized range of penalties/action for a command or uniform senior officer to consider when disciplining a police officer at unit level.**

Ordinarily, in keeping with the concept of progressive discipline, penalties will be initiated at the lower end of the scale and progress to the higher level. However, where the severity of the incident warrants, nothing precludes a command or senior officer from imposing a mid-range or upper level penalty for a first infraction. This also means that the discretionary authority to refer a matter directly to Professional Standards Support – Prosecution Services to initiate formal charges is available at the outset of any disciplinary process.

## Penalties

### Maximum 3 days or 24 hours imposed

The officer shall satisfy the penalty by

- working without pay, on a regular scheduled day off
- applying vacation entitlement
- applying overtime/lieu time credits

### Not more than 20 days or 160 hours imposed

The officer shall satisfy the penalty by

- working without pay, on a regular scheduled day off

*Note: A uniform senior officer that considers imposing any disciplinary action at the unit level that is greater than 3 days, but not more than 20 days, must receive prior approval from the Staff Superintendent – Corporate Risk Management.*

## Additional Powers

In addition to or instead of the above penalties

- reprimand
- specified counselling, treatment or training

- any specified program or activity
- any combination of the above

A combination of the above penalties and additional powers may be utilized under sec. 85 of the PSA. Regardless of the penalty used, all penalties shall be concluded within 12 months from the date the penalty was imposed.

All penalties are calculated in terms of HOURS, not days.

## Legend

A – written reprimand to 4 hours	E – hearing required	I – 4 hours
B – 8 hours	F – 6 hours	J – 16 hours
C – 8 to 16 hours	G – 12 hours	( ) – penalty is dependant on precipitating circumstances
D – 16 to 24 hours	H – 24 hours	

DISCREDITABLE CONDUCT – s. 2(1)(a)		Offence Number		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
(i)	fails to treat or protect a person equally without discrimination with respect to police services because of that person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability, with regard to a workplace harassment incident	A – D	E	E
(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, with regard to a workplace harassment incident	A – D	E	E
(iv)	uses profane, abusive or insulting language to any other member of a police force	A – B	B – D	E
(v)	uses profane, abusive or insulting language or is otherwise uncivil to a member of the public	A – B	B – D	E
(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:	–	–	–
	• with regard to a red light camera offence, unless permission has been obtained from the involved member's Staff Superintendent to reduce the penalty	F	G	H (E)
	• with regard to travelling at or in excess of 150 km/h while operating a Service vehicle, unless permission has been obtained from the involved member's Staff Superintendent to reduce the penalty	B	G	H (E)
	• with regard to operating a Service vehicle without a valid licence	F	G	H (E)
	• with regard to Automated Speed Enforcement (ASE) violations while operating a Service vehicle, unless permission has been obtained from the involved member's Staff Superintendent to reduce the penalty:			
	- up to and including 30 km/h over the posted speed limit	I	F	G
	- greater than 30 km/h and up to 49 km/h over the posted speed limit	F	G	H
	- greater than 49 km/h over the posted speed limit (no out of court settlement charge)	B	D	H (E)

INSUBORDINATION – s. 2(1)(b)		Offence Number		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
(i)	is insubordinate by word, act or demeanour	A – B	B – D	E
(ii)	without lawful excuse, disobeys, omits or neglects to carry out any lawful order	A – B	B – D	E
	• with regard to an In-Car Camera System operation infraction (police constables)	B	B – D	E
	• with regard to an In-Car Camera System operation infraction (supervisors)	D	D – E	E
	• with regard to a Body-Worn Camera operation infraction (police constable)	B	(E)	(E)
	• with regard to a Body-Worn Camera operation infraction (supervisor)	J	(E)	(E)
	• with regard to negligent discharge of a Conducted Energy Weapon (CEW)	I	B – D	E
	• with regard to a transmission infraction involving a mobile workstation	A – B	B – D	E
	• with regard to receiving, via email, unauthorized software and failing to delete same	A – B	B – D	E
	• with regard to receiving, via email, unauthorized software and transmitting same	A – B	B – D	E
	• with regard to loading unauthorized software, attempt to gain access to, or use Service hardware	A – B	B – D	E
• gain access to, and/or use, any information contained in any Service computer system, or any other computer system used in the performance of your duties, including Canadian Police Information Centre (CPIC) for any purpose other than police business	E	–	–	
<p>→ <i>Members have the responsibility to safeguard all information they are privy to and entrusted with by virtue of their employment. Further the public expects that high standards shall be maintained by the Service in order to restrict access to private information. The Service deems that misuse of CPIC is considered serious misconduct and a breach of security thus the matter shall be heard at the tribunal level.</i></p>				
NEGLECT OF DUTY – s. 2(1)(c)		Offence Number		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
(i)	without lawful excuse neglects or omits promptly and diligently to perform a duty as a member of the police force	–	–	–
	• generally	A – B	B – D	E
	• with regard to a court brief, fails to complete the brief in accordance with established practice – no impact on case outcome	A – B	B – D	E
	• with regard to a court brief, fails to complete the brief in accordance with established practice – case dismissed or withdrawn as a result	A – B	B – D	E
(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	A – B	B – E	E
(iv)	by carelessness or neglect permits a prisoner to escape	A – B	B – E	E
(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	A – B	B – E	E
(vi)	fails to report a matter that is his or her duty to report	A – B	B – E	E
(viii)	omits to make any necessary entry in a record	A – B	B – D	E

(Neglect of Duty continued)

NEGLECT OF DUTY – s. 2(1)(c)		Offence Number		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
(x)	is absent without leave or late for any duty, without reasonable excuse:	–	–	–
	• by being late for or absent from parade or duty	A – B	B – D	E
	• by being late for or absent from a paid duty, including failure to report on and/or off duty with the home or host unit	A – B	B – D	E
	<p><i>Note: In addition to the penalty provision outlined above for an infraction associated to a paid duty:</i></p> <ul style="list-style-type: none"> <li>- a first infraction may include an administrative suspension of paid duty privileges for two Compressed Work Week (CWW) cycles (10 weeks)</li> <li>- a second infraction may include an administrative suspension of paid duty privileges for four CWW cycles (20 weeks)</li> </ul> <p><i>After a hearing, and upon conviction for an infraction involving a paid duty, the Unit Commander of the officer involved may impose an administrative suspension of paid duty privileges ranging from four CWW cycles to a full year.</i></p>			
	• by missing court	A – B	B – D	E
(xi)	is improperly dressed, dirty or untidy in person, clothing or equipment while on duty	A – B	B – D	E
DAMAGE TO CLOTHING OR EQUIPMENT – s. 2(1)(h)		Offence Number		
		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
(i)	wilfully or carelessly causes loss or damage to any article of clothing or equipment, or to any record or other property of the police force:			
	• generally	A – B	B – D	E
	• when involved in an 'at fault' Service Vehicle Collision	A – B	B – D	D – E
	• having carelessly (unintentionally) caused damage to a mobile workstation	A – B	B – C	D
	• having wilfully (intentionally) caused damage to a mobile workstation	C	D – E	E
(ii)	fails to report loss or damage, however caused, as soon as practicable	A – B	B – D	E

## Supplementary Information

### Associated Service Governance

TPSB Policies: TPSB Policy – Complaints

We are dedicated to delivering police services, in partnership with our communities, to keep Toronto the best and safest place to be.

Learn more about our [Service Core Values and Competencies here](#)

