



# 13-04 Uniform Unit Level Discipline

Status: Amended

Issued: R.O. 2020.01.03-0001

Replaces: R.O. 2019.10.04-0972

## Rationale

The *Police Services Act* (PSA) provides that certain external and internal conduct complaints may be concluded at the unit level without the necessity of holding a hearing. This procedure outlines the disciplinary options available to conclude a conduct matter at the unit level.

## Procedure

This procedure deals with police officers only. Civilian discipline is governed by Procedure 13-09.

The PSA stipulates that a complaint may only be disposed of without a hearing by a uniform Senior Officer holding the rank of Inspector or higher and includes any police officer designated on Routine Orders as acting in the capacity of a uniform Senior Officer.

In those units within the Toronto Police Service (Service) where a civilian member is the Unit Commander, or where a uniform Senior Officer is not immediately available, the civilian Unit Commander shall arrange with the Staff Superintendent – Corporate Risk Management (CRM) to adjudicate on the penalty/action provisions for the complaint.

## OIPRD External Complaints

After an OIPRD conduct investigation is adjudicated by the OIPRD, and is deemed substantiated but less serious, the OIPRD may suggest an informal resolution is an option; which may or may not involve unit level discipline. The informal resolution process is referenced in Procedure 13-02.

A uniform Senior Officer may dispose of the complaint by way of a TPS 930 without a hearing. Any penalty or action must be consistent with the PSA and the Uniform Collective Agreement. Unit Commanders shall consider the guidelines outlined in Chapter 13, Appendix A when imposing a penalty.

It is the responsibility of the Chief of Police to impose discipline. The OIPRD shall be notified of the disciplinary action.

Where an external complaint is disposed of without a hearing, the TPS 930 shall be kept in the involved officer's personnel file. The TPS 930 shall be expunged from the file after 2 years if, during that time no other entries concerning misconduct or unsatisfactory work performance are added to the file.

## Internal Complaints

The internal informal resolution process is referenced in Procedure 13-03.

For conduct complaints where the circumstances may not warrant a PSA hearing, a uniform Senior Officer may dispose of the complaint by way of a TPS 930 without a hearing as outlined in the PSA. Any penalty or action must be consistent with the PSA and the Uniform Collective Agreement. Unit Commanders shall consider the guidelines outlined in Chapter 13, Appendix A when imposing a penalty.

Where an internal complaint is disposed of without a hearing, the TPS 930 shall be kept in the involved officer's personnel file. The TPS 930 shall be expunged from the file after 2 years if, during that time no other entries concerning misconduct or unsatisfactory work performance are added to the file.

### Police Officer

1. When a disciplinary action is imposed shall
  - accept or refuse
  - elect time to respond within 10 working days, if desired
  - be afforded the opportunity to confer with and/or have present, a representative of the Association

### Uniform Senior Officer

2. When imposing disciplinary action at the unit level shall
  - be guided by the suggested principles contained in Chapter 13, Appendix A
    - ➔ *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 – CRM*
  - be governed by the principles of progressive discipline as indicated in Chapter 13, Appendix C
  - receive approval from the Staff Superintendent – CRM prior to imposing a penalty which is not consistent with the principles of progressive discipline as indicated in Chapter 13, Appendix C
  - ensure a TPS 930 is completed
    - ➔ *For an OIPRD complaint, 30 days must pass after the OIPRD Liaison Officer notifies the complainant of the adjudication before disciplinary action can be imposed.*
  - ensure the involved officer is provided the opportunity to have Association representation
  - ensure a copy of the TPS 930 is provided to the involved officer
  - ensure the TPS 930 and investigative file are forwarded to the involved officer's Staff Superintendent/Director
  - if the complaint involves an alleged violation of a prohibited ground under the Ontario *Human Rights Code*, workplace violence and/or workplace harassment ensure a copy of the TPS 930 is forwarded to Equity, Inclusion & Human Rights
  - notify Professional Standards (PRS) – Complaints Administration electronically of the disciplinary action imposed
3. When a completed TPS 930 is returned from PRS – Complaints Administration shall ensure
  - the original is placed in the involved officer's personnel file
  - appropriate entries are made in the Time Resource Management System (TRMS), if applicable

4. When an involved officer refuses to accept disciplinary action at the unit level shall comply with Procedure 13-05.

### Unit Commander – Professional Standards – Complaints Administration

5. For an OIPRD complaint only shall ensure the complainant is notified in writing that disciplinary action has been imposed.
6. For an OIPRD complaint only shall ensure the OIPRD is notified in writing that disciplinary action has been imposed including the penalty.
7. Upon completion of the "Professional Standards Use Only" section of the TPS 930 shall ensure the original TPS 930 is forwarded to the subject member's Unit Commander.

### Staff Superintendent / Director

8. Upon receipt of a TPS 930 and investigative file shall
  - review the documents
  - complete the applicable sections of the TPS 930
  - ensure the documents are forwarded to PRS – Complaints Administration

## Supplementary Information

---

### Governing Authorities

**Provincial:** Police Services Act – Part V, Complaints and Disciplinary Proceedings; Police Service Act, O. Reg. 268/10 – Part VII, Code of Conduct; Police Services Act, O.Reg. 3/99, Adequacy & Effectiveness of Police Services.

### Associated Governance

**TPSB Policies:** TPSB Policy – Complaints.

**TPS Procedures:** Chapter 13, Appendix A Unit Level Criteria / Conduct Penalties; Chapter 13, Appendix C Progressive Discipline; 13-02 Uniform External Complaint Intake/Management; 13-03 Uniform Internal Complaint Intake/Management; 13-05 Police Services Act Hearing.

**Other:** Uniform Collective Agreement; Standards of Conduct.

**Forms:** TPS 901 Policy, Service or Conduct Report; TPS 930 Uniform Disciplinary Report.

### Definitions

For the purposes of this Procedure, the following definitions will apply:

**Association** means the Toronto Police Association or the Toronto Police Senior Officers' Organization.

**Attachments** in reference to complaints administration means correspondence, other than the TPS 901 or OIPRD form associated to a given complaint, which would include internal correspondence, facsimile, a letter written by the complainant, or any other relevant document.

**Office of the Independent Police Review Director (OIPRD)** means an independent civilian agency responsible for receiving, managing and overseeing all public complaints about the police in Ontario in accordance with the *Police Services Act*.

**Office of the Independent Police Review Director (OIPRD) Liaison Officer** means a Senior Officer of the Toronto Police Service designated by the Chief of Police to act as the liaison with the OIPRD relating to conduct investigations and adjudications.

**Report of Investigation (004-0309 OIPRD)** in reference to complaints means a report outlining the circumstances and investigative results of a complaint in the prescribed format as defined by the Office of the Independent Police Review Director (OIPRD).

**Report of Investigation (Internal)** in reference to complaints means a report outlining the circumstances and investigative results of a complaint in a prescribed format as defined by Professional Standards – Complaints Administration.

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.

