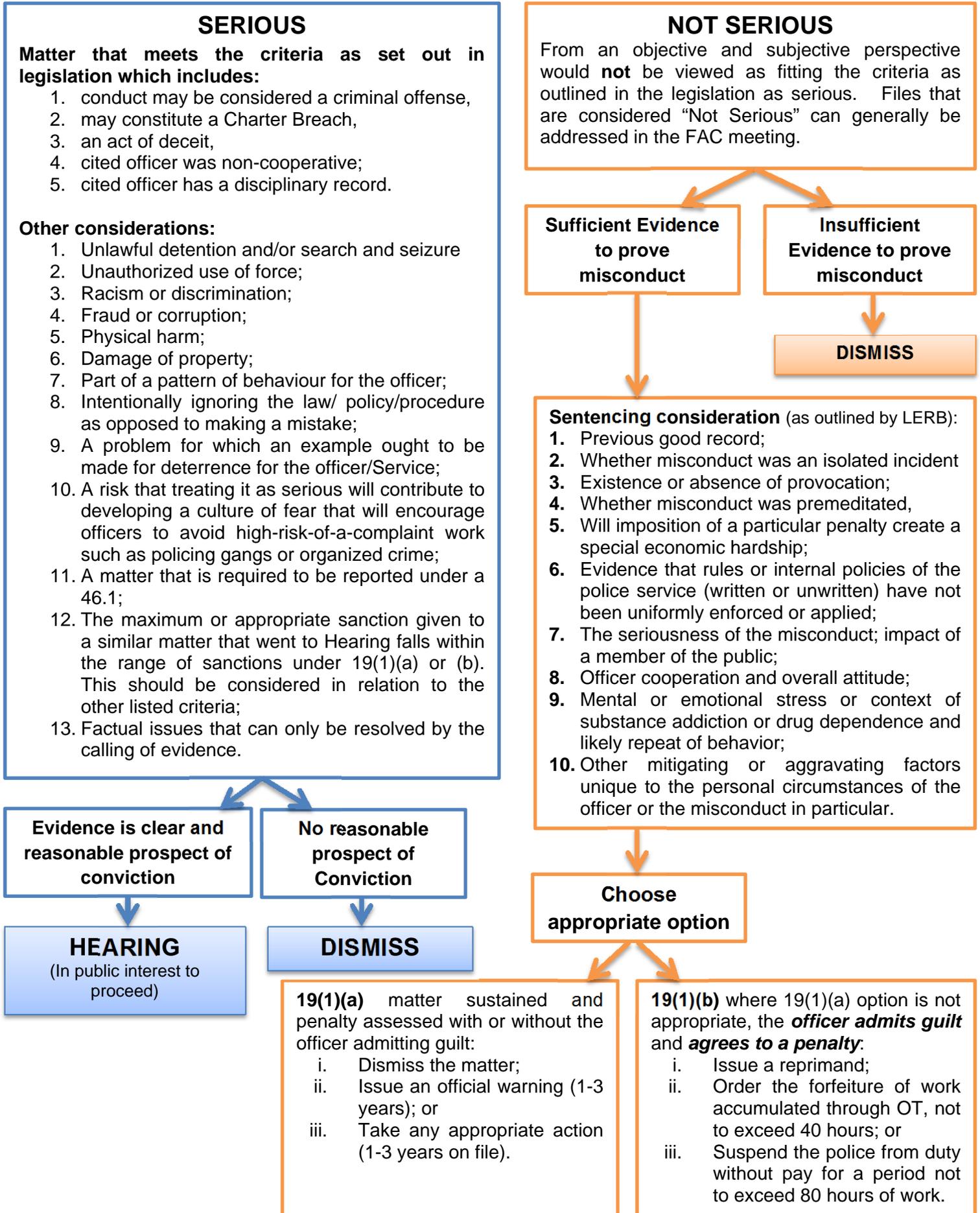


Appendix 1 PSS FILE DECISION FLOW CHART



SERIOUS

Matter that meets the criteria as set out in legislation which includes:

1. conduct may be considered a criminal offense,
2. may constitute a Charter Breach,
3. an act of deceit,
4. cited officer was non-cooperative;
5. cited officer has a disciplinary record.

Other considerations:

1. Unlawful detention and/or search and seizure
2. Unauthorized use of force;
3. Racism or discrimination;
4. Fraud or corruption;
5. Physical harm;
6. Damage of property;
7. Part of a pattern of behaviour for the officer;
8. Intentionally ignoring the law/ policy/procedure as opposed to making a mistake;
9. A problem for which an example ought to be made for deterrence for the officer/Service;
10. A risk that treating it as serious will contribute to developing a culture of fear that will encourage officers to avoid high-risk-of-a-complaint work such as policing gangs or organized crime;
11. A matter that is required to be reported under a 46.1;
12. The maximum or appropriate sanction given to a similar matter that went to Hearing falls within the range of sanctions under 19(1)(a) or (b). This should be considered in relation to the other listed criteria;
13. Factual issues that can only be resolved by the calling of evidence.

NOT SERIOUS

From an objective and subjective perspective would **not** be viewed as fitting the criteria as outlined in the legislation as serious. Files that are considered "Not Serious" can generally be addressed in the FAC meeting.

**Sufficient Evidence
to prove
misconduct**

**Insufficient
Evidence to prove
misconduct**

DISMISS

Sentencing consideration (as outlined by LERB):

1. Previous good record;
2. Whether misconduct was an isolated incident
3. Existence or absence of provocation;
4. Whether misconduct was premeditated,
5. Will imposition of a particular penalty create a special economic hardship;
6. Evidence that rules or internal policies of the police service (written or unwritten) have not been uniformly enforced or applied;
7. The seriousness of the misconduct; impact of a member of the public;
8. Officer cooperation and overall attitude;
9. Mental or emotional stress or context of substance addiction or drug dependence and likely repeat of behavior;
10. Other mitigating or aggravating factors unique to the personal circumstances of the officer or the misconduct in particular.

**Evidence is clear and
reasonable prospect of
conviction**

**No reasonable
prospect of
Conviction**

HEARING

(In public interest to
proceed)

DISMISS

**Choose
appropriate option**

19(1)(a) matter sustained and penalty assessed with or without the officer admitting guilt:

- i. Dismiss the matter;
- ii. Issue an official warning (1-3 years); or
- iii. Take any appropriate action (1-3 years on file).

19(1)(b) where 19(1)(a) option is not appropriate, the **officer admits guilt** and **agrees to a penalty**:

- i. Issue a reprimand;
- ii. Order the forfeiture of work accumulated through OT, not to exceed 40 hours; or
- iii. Suspend the police from duty without pay for a period not to exceed 80 hours of work.