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OPRD

OFFICE OF THE INDEPENDENT
POLICE REVIEW DIRECTOR



OPRD

OFFICE OF THE INDEPENDENT
POLICE REVIEW DIRECTOR

Statement of Operations

October 19, 2009 - March 31, 2010

BDEP

BUREAU DU DIRECTEUR INDÉPENDANT
DE L'EXAMEN DE LA POLICE

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MESSAGE FROM THE DIRECTOR



Ontario's new independent civilian police oversight system was based on former Chief Justice Patrick LeSage's recommendations in his report on the police complaints system in Ontario. These recommendations formed the framework on which the Office of the Independent Police Review Director (OIPRD) was established.

While Mr. LeSage was carrying out research for his 2005 report, he found an overwhelming consensus among the groups he met that police officers are no more likely to engage in misconduct than any other group of professionals. In fact, most praised the work of the men and women who are willing to protect and serve their communities.

Nevertheless, concerns were raised about the legitimacy and integrity of investigations of complaints against police being carried out by the same police service as the subject of the complaints. There was also agreement that Ontario's system for dealing with police complaints needed improvement and oversight.

A system where police investigate themselves would never satisfy the public concern that it wasn't biased in favour of the police. On the other hand, a purely civilian system could be impractical and become expensive and polarizing. The ideal system would combine the benefits of police involvement with the independence of civilian oversight.

Independent civilian oversight promotes and maintains community confidence in police and policing and enhances the trust of both the community and the police in a public complaint system.

I was tasked to implement the new police complaints system as prescribed under the *Independent Police Review Act, 2007* and create a public complaints system that is based primarily upon the principles of fairness, accountability, accessibility, neutrality and transparency. These elements have guided my vision in establishing this office.

During our inaugural year, we secured the required financial and human resources and incorporated our various processes into an integrated system that is focused on receiving, screening and processing public complaints, investigating complaints, managing and overseeing referred investigations, conducting reviews, providing customer service and generating timely information for decision making.

We have also reached out to stakeholders that include Ontario's many communities, policing organizations and the general public, to better understand the needs of the groups we hope to serve and the challenges faced by the public, policing organizations and this office in fulfilling our mandate. Our dialogue has helped us to create a working atmosphere based on mutual trust, respect and collaboration.

On October 19, 2009, the OIPRD officially opened for business with a focus on creating a fair, transparent, accountable, accessible, effective and efficient civilian police oversight system that is independent and neutral. Since then we have been working hard to uphold confidence of the public and police in our mandate and services.

As the Director of this organization, it is my intent to carry out my role in a consultative and collaborative manner. In doing so, I will also ensure that the organization is engaged in continuous improvement to serve the public effectively and is recognized as a leader in civilian oversight. I will continue to engage our diverse communities in dialogue through our outreach services and engage all the policing organizations and services to ensure we meet the needs of our stakeholders.

I would like to thank OIPRD's transition team, the policy team at the Ministry of the Attorney General and the inaugural staff of OIPRD for their continuing assistance, commitment and undertaking to ensure trust and confidence in the public complaint system.

At the close of our first six months of operations, I reflect upon our challenges and accomplishments as a new organization. All of our experiences so far, have made us more committed to the mandate of providing an independent, fair, accessible, accountable and transparent civilian oversight organization. We have also committed to ongoing collaboration, consultation and cooperation with all of our stakeholders, and to ensuring that Ontario's public and police are well served.

Gerry McNeilly

INTRODUCTION TO THE OIPRD



The Office of the Independent Police Review Director is the new independent, civilian agency responsible for receiving, managing and overseeing all public complaints about the police in Ontario in accordance with the *Police Services Act*. We make sure that public complaints against police are dealt with in a manner that is transparent, effective and fair to both the public and the police.

As an arm's length agency of the Ministry of the Attorney General, the OIPRD is independent of the government, independent of police and the public; we work cooperatively and in a consultative manner with both complainants and police to investigate and resolve complaints.

Our goal is to promote accountability of police services across Ontario and provide effective oversight of police complaints that builds the confidence and trust of both the community and the police in the public complaints process.

Background

Prior to the 1980s, there was virtually no civilian involvement in any police complaints process in Ontario.

In 1981, an independent office of the Police Complaints Commissioner was created in Toronto. The Police Complaints Commission's jurisdiction was expanded to the entire province in 1990 and it operated until 1997, when it was replaced with a system where complaints about the police were made to the relevant police service.

Following the closure of Police Complaints Commission in 1997, Ontario ceased to have a civilian oversight body investigating public complaints regarding police conduct and policing services.

In 2004, the Ontario government asked Mr. Patrick LeSage, former Chief Justice of the Superior Court, to conduct an independent review of the police complaints system in Ontario. His mandate was to advise on the development of a model for resolving public complaints about the police, and to ensure that the system was fair, effective and transparent.

Justice LeSage travelled the province and met with over 200 groups and individuals and received written submissions from over 100 more. In April 2005, he presented his report with 27 recommendations.

As a result of Justice LeSage's review and his recommendations for a new independent body to administer public complaints about the police in Ontario, the government passed *The Independent Police Review Act, 2007 (IPRA)*. The Act amended the *Police Services Act (PSA)* and created the Office of the Independent Police Review Director as an arms-length agency of the Ministry of Attorney General.

In June 2008 Gerry McNeilly was appointed as the Independent Police Review Director with the task of setting up the civilian agency responsible for public complaints in Ontario.

Setting up the New Office

Independent Police Review Director Gerry McNeilly's priority was to set up an effective system that would ensure a fair and transparent system for handling public complaints about the police in Ontario.

The Director put great effort into learning what has worked and not worked for other oversight agencies, in order to establish best practices from the beginning. The Director wanted to ensure that we "got it right" from the start.

Director McNeilly asked for and received information and advice from the Honourable Justice Sidney Linden, Ontario's first Commissioner for Public Complaints against the Police, along with many other individuals who were involved in civilian oversight both provincially and nationally. The Director also consulted with Justice LeSage, to ensure the policies and procedures that were developed would represent the intentions in his report.

To ensure that the model would have the support and confidence of both the public and the police, and in the spirit of transparency, the Director held comprehensive consultations with community and police groups throughout the development and implementation of the new system.

In March 2009 consultation sessions on the proposed OIPRD policies and procedures were held in Toronto, London, Thunder Bay, Sudbury and Ottawa. In April 2009 the rules of procedure were distributed to police and community and other stakeholders for consultation and feedback. The rules were finalized in July 2009.

Also, in July 2009 following consultation with police and community groups, a regulation (Reg. 263/09, *Police Services Act*) regarding the local complaint resolution process was filed.

MANDATE



The Office of the Independent Police Review Director receives its legislative authority from *Part V* of the *Police Services Act*, as amended by the *Independent Police Review Act, 2007*. The *Act* provides for a fair and transparent system for handling public complaints about the police in Ontario. Under the new system, public complaints are administered by an independent civilian oversight organization. The objective of the new system is to increase accountability and gain the confidence of both the public and the police.

The Police Services Act:

The *Police Services Act* (PSA) governs policing and civilian oversight in Ontario. Our mandate is to deal with all public complaints regarding the policies and services of a police department or the conduct of an officer. The public complaints process is outlined under Part V of the Act. Part V sets out the process for determining how public complaints about police are to be addressed.

Police Code of Conduct:

The PSA includes general provisions on police misconduct. Section 80 and 81 sets out the categories for which a police officer may be guilty of misconduct. Ontario Regulation 123/98 sets out the specific Code of Conduct for police officers. It also creates the general categories for public complaints. The Code of Conduct identifies the following 10 acts as potential matters for investigation and possible discipline:

- Discreditable conduct
- Insubordination
- Neglect of duty
- Deceit
- Breach of confidence
- Corrupt practice
- Unlawful or unnecessary exercise of authority
- Damage to clothing or equipment
- Consumption of drugs or alcohol in a manner prejudicial to duty
- Conspiring, abetting or being an accessory to misconduct.

Police officers must work within the Code of Conduct. The Act includes prescribed guidelines of discipline for violations of the code. Police organizations also have rules that are called policy and service standards that guide how they operate. Therefore, police officers must also follow the prescribed policies and service standards established by their service.

MESSAGE FROM THE CHIEF OPERATIONS OFFICER



The Director's vision for the new public complaints system is a fair, transparent, accountable, accessible, effective and efficient civilian police oversight system that is independent and neutral. In assisting to implement this vision, my job was to ensure that the operational arm was fully established and ready to go the day we opened the doors to the public.

We developed a flexible organizational structure that complements the Director's vision and supports our day-to-day operations. In partnership with the Director and staff, we ensured that we had the appropriate human, financial, and information technology resources and accommodation facilities to allow us to provide the best customer services to all Ontarians.

On October 19, 2009, we opened our doors to the public with confidence in our ability to provide accountable, transparent customer services.

One of our goals is to ensure that dignity, respect and fairness characterize the way we work and the way we provide services to the public and our stakeholders.

The success of any organization is dependent on its people. The OIPRD is fortunate to have a strong, committed staff. Their professional approach to customers and stakeholders alike are the elements that create the trust that is necessary to handle complaints.

We have created an inclusive work environment that integrates the concept of diversity and fair treatment of all employees. As a result, we have dedicated professional staff and support services that help to ensure that we continue to provide the best services to all stakeholders.

We have achieved much in the first six months of operations. Policing organizations and the public have become aware of our existence and our mandate. We have received over 1,100 complaints from the public and with each one we work to ensure professional and timely service.

I am proud of our accomplishments. We will continue to embrace change that will allow us to meet the daily challenges. We will continue working with our stakeholder to create an atmosphere of trust and respect.

Nenita Simmonds

THE ORGANIZATION



The OIPRD organizational structure was set up to provide the most efficient and effective model to deliver our services to the public. In establishing the departments, the Director and transition team researched many oversight agencies both in Canada and internationally to ensure our organization's success.

The OIPRD was working within an overall staffing allocation approved by the government. The government allocated 50 full-time employee positions to the organization and our staffing model was developed based on this number. Part of the OIPRD's implementation plan was to stagger hiring leading up to the opening, with some positions vacant until our staffing model could be tested. After some months of operation we assessed our structure and filled some vacant positions to provide more effective service. When the office opened on October 19, 2009, it had 38 full-time staff.

Based on legislative powers and responsibilities, the OIPRD's work, processes and activities were organized into six core operational units. These include:

Director's Office

- Make decisions in accordance with the OIPRD mandate, powers and role
- Liaison and oversight of chiefs of police regarding public complaints made against the police
- Provide strategic direction in operational policy and implementation
- Make decisions based on audits and reviews of police service boards and their oversight role of their police services.

Legal Services

- Provide integrated legal advice and associated services to the IPRD and to other OIPRD staff
- Assess and make recommendations to proceed with investigations
- Provide legal support to investigators concerning legal rights, scope of power, statutory interpretation of legislation/regulations
- Provide legal support to the intake and case management unit
- Assist with reviews and recommend plan for informal or alternative dispute resolutions (e.g., mediated resolutions)
- Appear on behalf of the OIPRD at appeals to the Ontario Civilian Police Commission/Divisional Court and other proceedings
- Assist with legal/policy work and liaison with MAG and other ministries.

COO Executive Office and Business Operations

- Make overall decisions regarding human resources, budgets and physical plant.
- Ensure compliance with government policies and directives
- Provide support and advise in the areas of training, continuing education; financial, human resources and administrative functions
- Provide knowledge, information management and retention; information technology and management required to support IT-based case management system, OIPRD to police correspondence system, and network-accessible complaint fillings
- Specialized IT for intake call centre and base infrastructure to support office productivity (including, network, voice/telecom, desk-side support, desktops and notebooks for out-of-office investigations)
- Provide facilities and office management.

Public Complaints Intake and Case Management

- Provide front-counter and electronic access to filing of complaints
- Undertake intake screening and tracking of complaints through to completion
- Create and maintain records and case management reporting processes; public and police liaison and complaints assistance
- Assess time limits, type, nature and merit of complaints; determine relevance of other laws/jurisdictions for resolution
- Undertake police conducted investigation reviews
- Monitor progress of all screened-in cases (e.g. 45, 90 day reports).

Investigations and Analysis

- Develop investigation plan outlining processes, powers and instruments required
- Oversee investigations by other police services
- Undertake independent investigations of police conduct complaints
- Audit and analyze police service management of public complaints
- Conduct investigations into systemic issues arising from public complaints
- Assess investigations suitability for Requests for Reviews and Mediation.

Communications/Outreach

- Provide leadership in strategic planning, public relations, communications and stakeholder relations
- Deal with police services and community stakeholders, the media and the general public, and keeps senior management informed of corporate directions and emerging priorities
- Reach out and educate communities and police on the public complaint process and the OIPRD
- New Media management including the OIPRD website
- External correspondence and event management
- Develop and implement education and outreach programs.

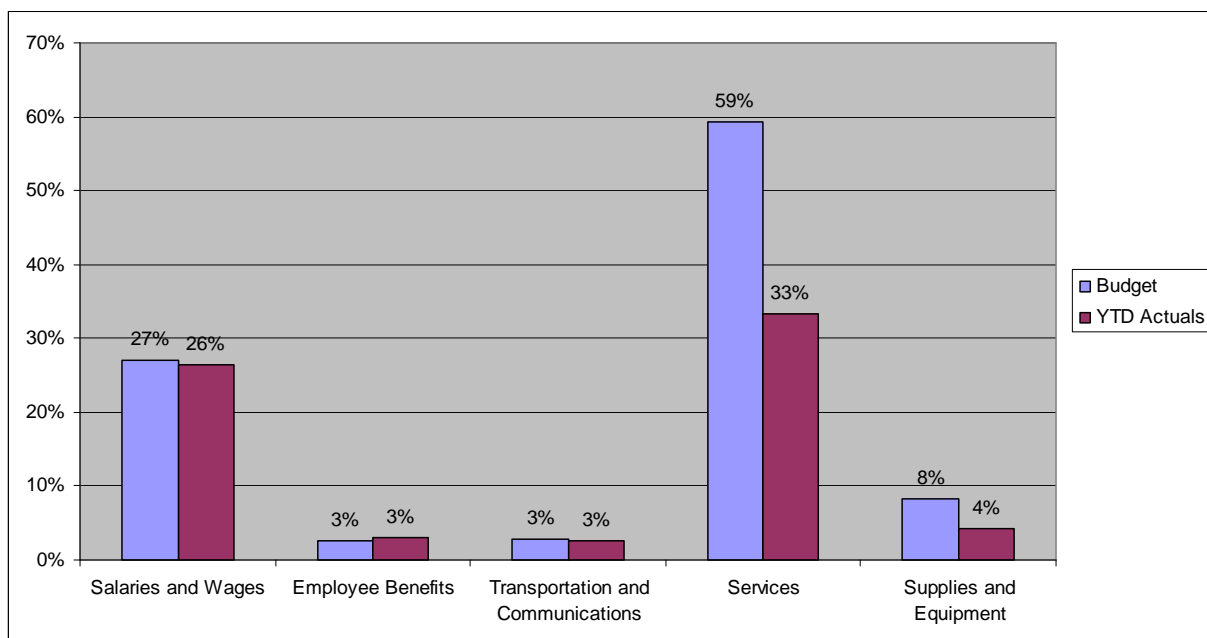
Facilities and Budget

In September 2009 the OIPRD moved into new premises on the 10th floor, 655 Bay Street, Toronto. The OIPRD's province-wide functions are coordinated through this centralized office.

The OIPRD's projected budget included salaries and wages, employee benefits, transportation and communications, services and supplies and equipment. The majority of the budget was allocated to site construction and establishing the physical office for the new complaints system, which was categorized under services and supplies and equipment.

The OIPRD's actual expenditures were close to the budgeted expenditures except in the services and supply categories. The variance in service was due to a number of factors. There were less than anticipated construction costs for the new facility. In addition, the leasehold improvements for the second phase of construction were spread over two (2) years. The OIPRD offices were to be developed in two phases based upon additional space becoming available. As the timing of the vacancy of the additional space was unknown, the costs were allocated in the 2009-10 Budget in case the space became available. The additional space was not vacated at the end of fiscal 2010, leaving the renovation budget unused and the subsequent costs of supplies and equipment for the additional space was also left unused. The variance was also due to the offices implementation plan and staggered hiring. Part of the OIPRD's implementation plan was to stagger hiring leading up to the opening, with some positions vacant until our staffing model could be tested. After some months of operation we assessed our structure and filled some vacant positions to provide more effective service. The figure below depicts the OIPRD budget and actual expenditures.

OIPRD Budget versus Actual Expenditures (April 2009 – March 2010)



Opening Day

On October 19, 2009, the Office of the Independent Police Review Director officially opened its doors to the public, bringing in new, stronger civilian oversight in Ontario.

Independent Police Review Director Gerry McNeilly (left) and Attorney General Chris Bentley at the opening of the Office of the Independent Police Review Director.



Stakeholders from community and policing groups, including many that were involved in the consultations held throughout the development of the new system, joined OIPRD staff and officials from the Ministry of the Attorney General for the opening ceremony.

In his opening ceremony address, Attorney General Chris Bentley emphasized the independence of the office and the importance of civilian oversight in contributing to public safety.

Gerry McNeilly paid tribute to his staff, who he said worked tirelessly to help him establish the office, and reiterated his commitment to use his office to build community confidence and trust in police and policing.

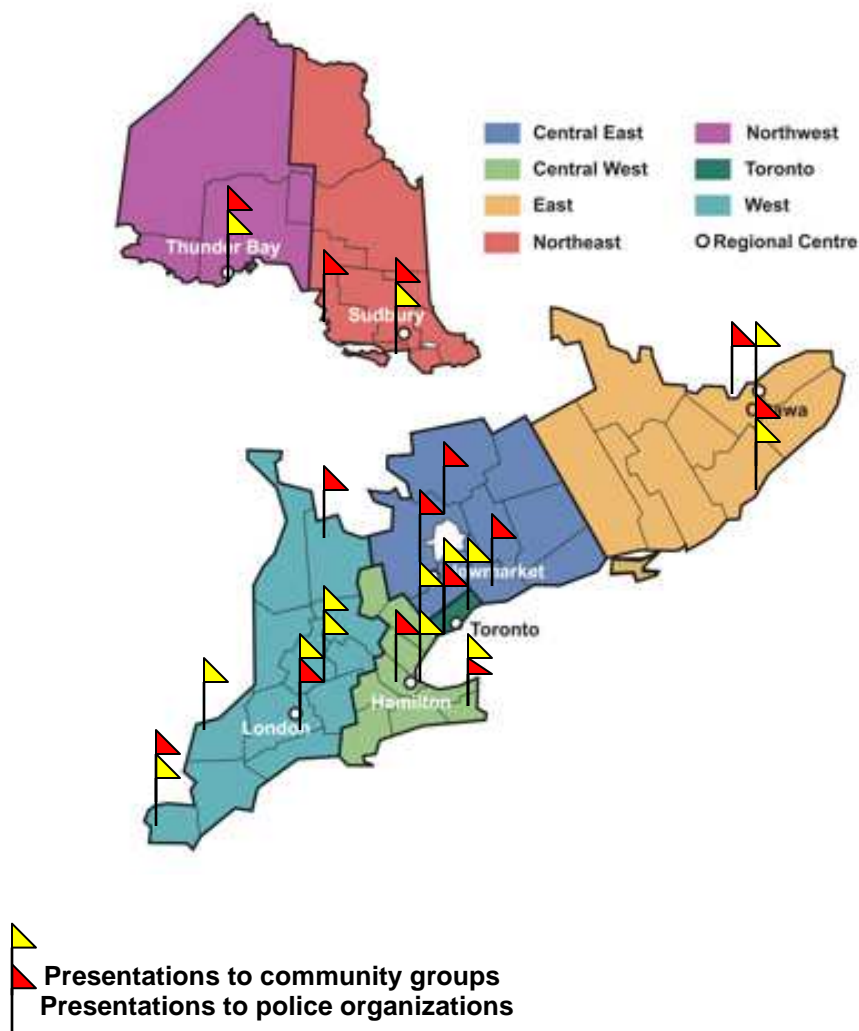
ACCESSING THE OIPRD



The *Police Services Act* specifies that the OIPRD provides publicly accessible information about the public complaints system and assistance to members of the public in making a complaint.

Outreach:

The OIPRD outreach and education programs increase awareness about the public complaints system and ensure that similar service is available throughout the province. The OIPRD has conducted numerous information and training sessions on the new public complaints system, to police organizations throughout the province, including Thunder Bay, Sault St. Marie, Windsor, London, Owen Sound, Sudbury, Waterloo, Hamilton, Toronto, Orillia, Barrie, Oshawa, Kingston and Ottawa.



The Director is currently establishing Director's Resource Committees in regions throughout Ontario. Committee representatives, which will include civilians and police, will provide feedback to the Director on the public complaints system and offer suggestions on how to better deliver our services. The members will also provide insight into possible outreach and education opportunities in their area. The committees will provide the OIPRD with valuable feedback to ensure we are constantly improving and meeting the needs of our stakeholders.

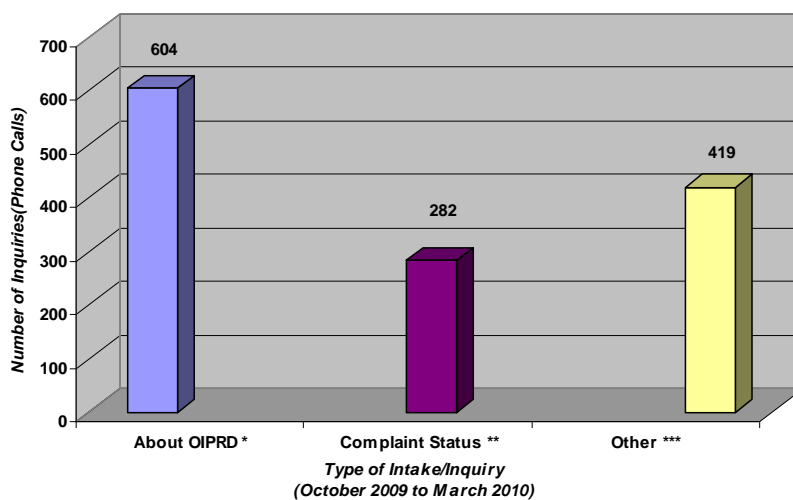
Access:

The Office of the Independent Police Review Director provides easily accessible information to the public. Consistent with the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), the OIPRD offices are fully accessible for people with disabilities. For example, the OIPRD provides the option of e-filing, the website has screen reader capabilities and brochures are available in large text or fonts.

The OIPRD also provides services in French and English. A person, however, must make arrangements, if they require the assistance of an interpreter to file a complaint or to correspond with the OIPRD. The OIPRD website has information on finding an interpreter.

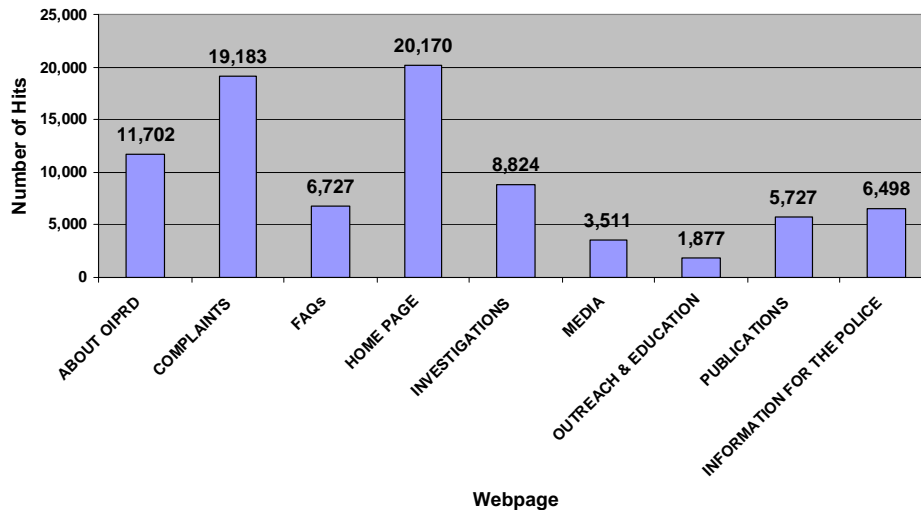
Telephone Inquiries:

Between October 2009 and March 2010, the OIPRD received over 1,300 telephone inquiries. Approximately 46 per cent were inquiries about the OIPRD and its mandate. 22 per cent of calls pertained to inquiries about the status of filed complaints. The remaining 32 per cent were general calls from other government agencies, police organizations and the public regarding how to fill in the complaint form.



OIPRD Website Data:

Our website is a one stop shop for comprehensive information on the public complaints system, the legislation behind it and the process for filing a complaint. It also provides information about the complaints system for police. Our website is in English and French and meets government accessibility standards—for example it is screen-reader compatible for people with visual disabilities.



The graph above represents the number of hits on the OIPRD website pages from January 2010 to March 2010. The website was accessed over 75,000 times in all categories. The public visited the “home page” over 20,000 times to learn about the OIPRD and its mandate. Visitors also accessed the “complaints” page over 19,000 times for information on how to file complaints. The “about OIPRD” webpage was visited over 11,000 times for background information about the OIPRD.

OIPRD Brochures:

We make certain that our brochures are available in paper version in as many locations as possible throughout the province including over 70 ServiceOntario locations, all provincial, regional and municipal police stations, many community centres and legal clinics as well as at the OIPRD office. They are also available online to be downloaded or they can be mailed upon request.


Our brochures explain the complaint process and what to expect in simple language. All brochures are available in large print or audio versions upon request. Four different brochures are available in English and French:

1. Step-by-step how to make a complaint against the police
2. Dealing with your complaint by local resolution
3. How to request a review
4. Talk to us



The “Talk to us” general brochure is available in eight additional languages: Hindi, Punjabi, Urdu, Tagalog, Tamil, Chinese, Ukrainian and Russian.

THE COMPLAINT PROCESS



The OIPRD accepts complaints about the conduct of a police officer or the policies and services of a police department. Conduct complaints are about how a police officer behaves. Policies of a police department are the rules and standards that guide an officer in delivering police services. Services are how effectively and efficiently a particular department performs their duties.

The OIPRD’s jurisdiction includes municipal and regional police services and the Ontario Provincial Police. Ontario has 56 municipal police services and 169 Ontario Provincial Police (OPP) detachments with approximately 27,000 sworn police officers.

The OIPRD does not have the legislative authority to investigate RCMP officers, TTC Special Constables, Go Transit police, First Nations Police Officers, court officers and campus police, who are considered Special Constables.

In addition, the OIPRD can not deal with criminal matters at all. Our mandate under the *Police Services Act* is to deal with public complaints about the policies and services of a police department or the professional conduct of an officer.

Who Can Complain?

Under the *Police Services Act*, any member of the public can file a complaint with our office, but it may be dismissed if the complainant is not:

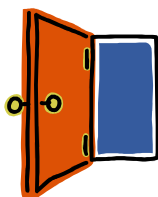
- The person directly affected
- A witness
- Someone in a personal relationship with the person directly affected AND suffered loss, damage, distress, danger or inconvenience
- A person who has knowledge of the conduct, or has possession of something that the Director feels is compelling evidence establishing misconduct or unsatisfactory work performance.

Police officers and board members may not file a complaint about their own service.

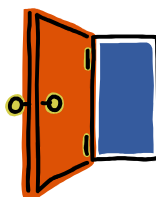
Making a Complaint:

There are two ways to make a complaint about police:

Local Complaint/Resolution



Formal Complaint



Local Complaint/Resolution:

A complainant can go directly to the police service in question and come to an agreement about how to resolve a complaint. This is called “Local Resolution.”

Local Resolution allows the police to solve, explain, clear up or settle a minor complaint directly with the complainant. Local Resolution complaints are allowed in accordance with Ontario Regulation 263/09 under the *Police Services Act*, but are not part of the formal public complaint system.

The OIPRD can not actively participate in the process, but it performs an oversight role. Complainants must be told about the OIPRD and agree to participate in Local Resolution instead of filing a complaint with the OIPRD. The police service is responsible for notifying the OIPRD about any resolution that is reached through the local resolution process. Local Resolution must be dealt with in person at a police station/detachment within 30 days of the incident.

The Local Resolution process was a part of the LeSage Recommendations. It was noted that Local Resolution provided members of the public with an option to resolve matters personally. The concept behind local resolution is that complaints can address their concerns about police conduct directly with the police service. By agreeing to participate in the local resolution process, complaints are choosing not to file a complaint with the OIPRD. The OIPRD will be notified about any resolution that is reached through the local resolution process and will retain the information for statistical purposes. Complaints that are not resolved through local resolution can be filed with the OIPRD.

Under Local Resolution, the complainant is required to agree to the final resolution and sign a form indicating that the complaint has been resolved in a satisfactory manner. If a complainant changes their mind about participating in Local Resolution, is unable to agree to a proposed resolution or is unable to agree to a resolution, they may file a complaint with the OIPRD within six months of the date of the incident they are complaining about.

Local Resolution allows complainants to address their concerns about matters that are considered to be “less serious” directly with the police service. The complaint may be dealt with at the police station by an officer in authority who is designated by the chief of police. The matters eligible for Local Resolution may include issues dealing with:

- Personal property, other than money or a firearm;
- The use of profane language;
- Acting in a disorderly manner;
- Neglect of duty;
- Failure to work in accordance with orders;
- Failure to report a matter;
- Omitting to make any necessary entry in a record;
- Improper dress or appearance; or
- Conspiring and abetting the misconduct.

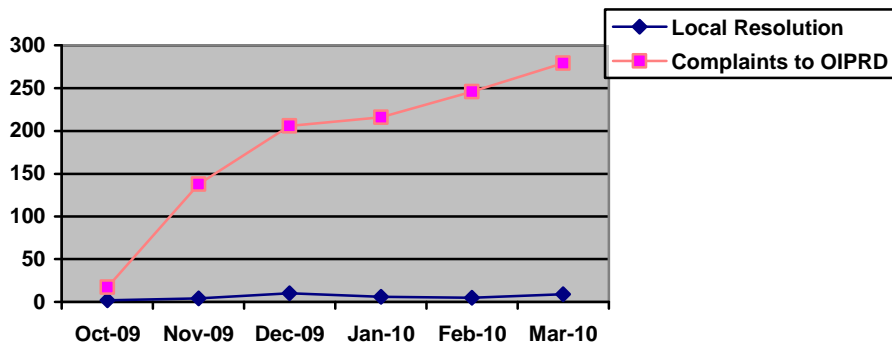
If the complaint is about a matter considered to be serious, such as harassment, discrimination, breach of confidentiality, misconduct or conduct that might result in a criminal charge, Local Resolution cannot be used.

A complainant can say what they feel would be an appropriate resolution and police are required to listen to the complaint and explain what action can and cannot be taken.

Some resolutions that may arise out of the local resolution process could be:

- Having the respondent officer make an apology or attend a training course
- Creating an opportunity for a face-to-face meeting between the officer, the complainant and the person facilitating the resolution process
- Providing the parties with advice or support on how best to deal with the complaint and prevent similar incidents from happening in the future.

Within the first six months of operation there were approximately 30 local resolutions. Complaints in the Local Resolution process made up about three per cent (3%) of overall complaints. The chart below depicts the number of complaints resolved by Local Resolution and the number of formal complaints filed with the OIPRD.



Formal Complaint to the Office of the Independent Police Review Director

People can file their complaint directly with the OIPRD online using the e-filing function, which gives access to a fillable complaint form. Complaints can also be filed by fax, mail or in person. They can also be filed at any municipal, regional or provincial police station in Ontario – the police will then forward the complaint form to the OIPRD. You do not have to hand in your complaint to the service you are complaining about. Any police service will accept your complaint. The police service accepting the complaint must ensure it is recorded on the prescribed OIPRD form and forward it to the OIPRD within three business days. The OIPRD will oversee the public complaint from receipt until the end of the investigation. The chiefs of police and commissioner of the Ontario Provincial Police are responsible for discipline of police officers and holding disciplinary hearings.

Filing a Complaint with the OIPRD

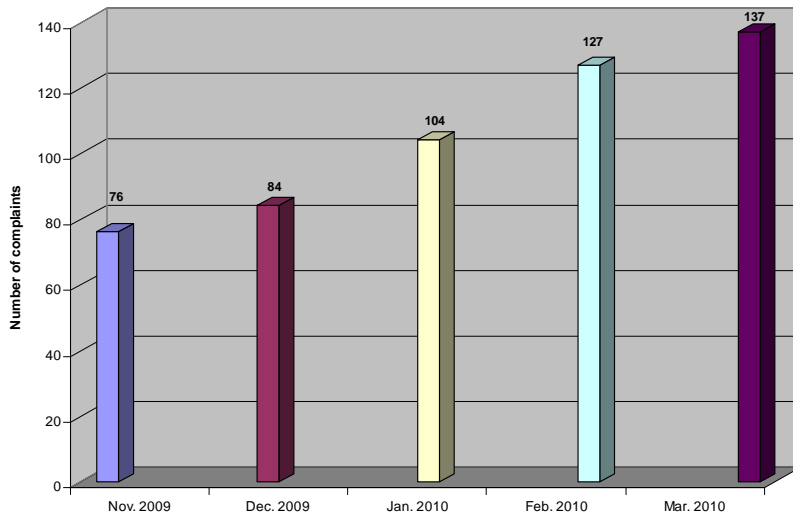
A complaint can be e-filed, mailed, faxed, called in, or made in person. From October 19th, 2009 to March 31, 2010, the OIPRD received a total of 1103 complaints. The average number of complaints made to the OIPRD increased by approximately 20 percent from November 2009 to March 2010.

The OIPRD set up its website to be used as a vehicle to provide information about the OIPRD and its processes, as well as to allow people to file complaints online. Our e-filing system is one of the first of its kind among civilian oversight organizations in Canada. It was developed to work directly with our case management system by securely feeding complaint information into the case management system and providing automatic notices of receipt to complainants through the website. Each complaint is assigned a unique number.

Our website allows complainants and respondent officers to check the status of their complaints online. This online update system was developed to provide complainants and officers a 24-hour vehicle where they could see at what point their complaint is in the process.

Trend of OIPRD Complaints Received by E-file

By March 31, 2010, 47 per cent of complaints were received by e-file.



This graph depicts the number of complaints filed using e-file from November 2009 to March 31, 2010. During this period, the month-to-month trend indicated an average increase of 15 per cent. The average number of complaints filed via e-file was 106 complaints per month. The number of e-filed complaints increased from 78 at the opening of OIPRD in October 2009, to 137 by March 31, 2010, an increase of 43 per cent. By March 31, 2010, 47 per cent of total complaints were filed electronically.

Complaint Forms



The OIPRD uses standardized forms throughout the province to make sure information is gathered that will assist in ensuring a fair, transparent, accountable, efficient and effective system. A complaint must be filed within six months of the incident the complaint is about. The complainant must sign the form indicating consent to the complaints process. Anonymous or unsigned complaints cannot be processed.

OIPRD complaint intake services are provided in English and French. A complainant does not require a lawyer to file a complaint, but a lawyer or legal clinic may assist with complaints. A complainant may also seek assistance from an individual or community organization. Any adult can act on behalf of a complainant, but the complainant is required to indicate on the OIPRD complaint form that they wish to be represented by that person.

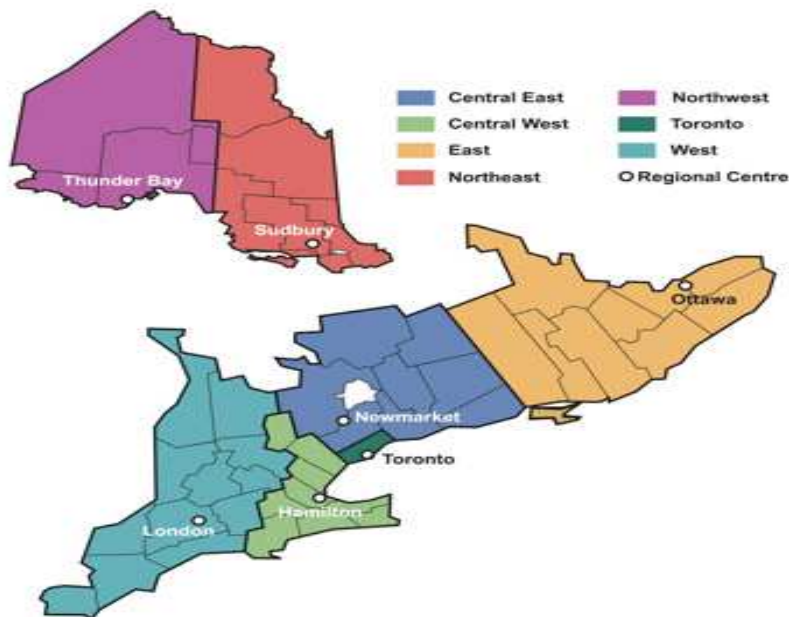
AFTER A COMPLAINT IS MADE



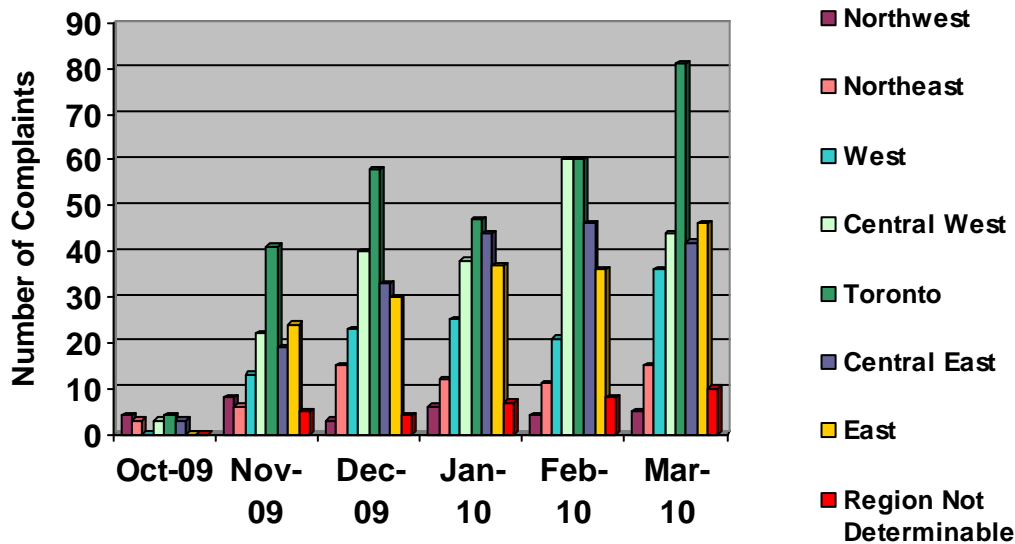
Intake:

All complaints are entered into a secure case management system that allows staff in the Case Management Unit to process and monitor complaints from the time they are received to resolution. Information about complaints is confidential, so we publicly will neither confirm nor deny that a specific complaint has been filed. Privacy is very important to the integrity of the police complaints system and to maintain confidence in the system we cannot release information about specific public complaints other than to those directly involved in the complaint.

The OIPRD operates through the following regions:



The chart below depicts the number of complaints filed by region throughout the first six months.

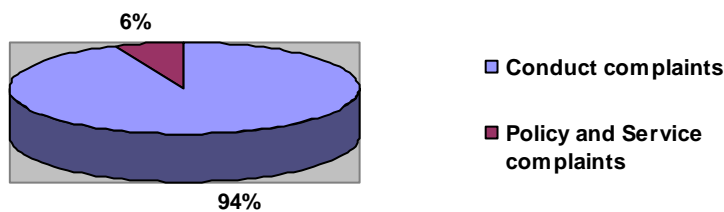


Complaint Types:

Complaints can fall into three categories: 1) Conduct; 2) Policy; and/or 3) Service. Conduct complaints deal with the conduct of police officers. Conduct complaints relate to allegations about the behavior or performance of one or more individual police officers. Policy complaints are complaints about the policies and procedures implemented within a particular police service. A service complaint tends to deal with the type of assistance provided by a police department. Policy and service can affect the relationship between the police department and the community. Under our legislation, policy and service complaints must be sent to the chief of the police service the complaint is about for a response.

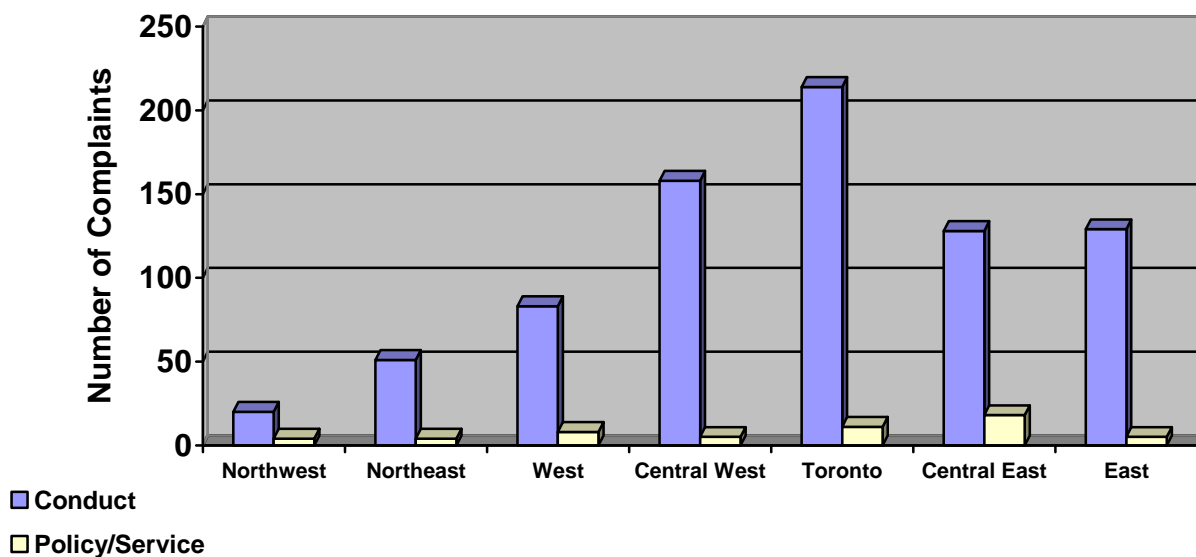
Number of Complaints Filed by Type:

The majority of complaints received by the OIPRD pertained to issues involving the conduct of police officers. Approximately 94 per cent of the complaints filed with the OIPRD were related to police conduct; six per cent were related to the policies and services of police departments.



Number of Conduct and Policy/Service Complaints Filed by Region:

The number of complaints received varies across various regions of Ontario. The population of the region and the size of the police service appear to affect the number of complaints. Toronto had the most complaints related to police conduct at 27 per cent, followed by Central-West region with 20 per cent. Central-East Region had the greatest number of complaints regarding police policies and services at 33 per cent. Ontario's Central West and Central East Regions accounted for 36 per cent of total regional complaints about police conduct and represented 42 per cent of all complaints about police policies and services. The differences among the regions are shown in the graph below.



Screening In/ Screening Out:

When the OIPRD receives a complaint it is screened to determine if the complaint is captured under the categories of misconduct specified in the Code of Conduct under the PSA. The OIPRD does not have jurisdiction to deal with matters that are not specified under the legislation.

If the complaint meets the requirements it is classified as a policy, service or conduct complaint – or a combination of the three. Sometimes one complaint can raise issues related to both conduct and policy or conduct and service. In this regard, the OIPRD may split the complaint. In addition, the OIPRD may receive several related complaints regarding one incident and the complaints may be consolidated into one investigation.

When a complaint is received, the intake staff also ensures the form is complete and signed. They then read the complaint to make certain it meets the requirements of a complaint under the PSA, to determine if the complaint falls under the jurisdiction of the OIPRD.

The legislation only allows for complaints about incidents that occurred on October 19, 2009 or after. Any complaints filed about incidents prior to that date are required to be screened out. As of March 31, 2010, there were 165 complaints that were outside of the OIPRD's jurisdiction because they were about incidences occurring prior to proclamation. In addition, the OIPRD could not proceed with 81 complaints because they were duplications or outside of the OIPRD's jurisdiction under the PSA.

OIPRD case management staff, in consultation with legal staff where appropriate, decides whether or not to deal with a complaint. As prescribed under the legislation, the OIPRD may decide not to deal with a complaint where:

- The complaint is frivolous, vexatious or made in bad faith
- The complaint could be more appropriately dealt with, in whole or in part, under another act or law
- Having regard to all the circumstances, dealing with the complaint is not in the public interest
- The complainant was not directly affected by the policy or service that is the subject of the complaint
- The complaint is not under the jurisdiction of the OIPRD.

In assessing whether or not a complaint is in the public interest, the OIPRD considers the following:

- The effect of a decision to deal or not to deal with a complaint on public confidence in the accountability and integrity of the OIPRD's complaints system
- The number of complainants involved
- If the complaint is repetitious
- The significance of the complaint, including the seriousness of the harm alleged
- The likelihood of interfering with or compromising other proceedings.

The chart below notes the total number of cases screened out for reasons under s. 60 of the *Police Services Act*.

Total Complaints Screened Out as per s. 60 of the PSA	212
Screened Out – Reasons: Including frivolous, vexatious or better dealt with under another Act or law.	201
Screened Out – Reasons: Not directly affected.	11

From the complaints received in the first six months, the OIPRD screened in approximately 560 complaints for investigation. The total cases screened in, however, does not include local resolutions and complaints that had request for reviews. Many complaints were not yet screened at the time of the year end review. As of March 31, 2010 there were 109 complaints that were awaiting screening. As a result there may be a difference in total between cases screened in and the number of public complaints.

As previously noted some complaints may raise multiple issues or involve more than one category of complaint. Based on the complaints received, 529 complaints involved matters of police conduct, 5 referred to policies and 26 complaints raises issues about police services. The chart below provides information on the breakdown of complaints screened in for each region.

Total Complaints Screened In	560
Screened In Northwest Region	16
Municipal Police	10
OPP	6
Screened In Northeast Region	30
Municipal Police	16
OPP	14
Screened In West Region	60
Municipal Police	45
OPP	15
Screened In Central West Region	106
Municipal Police	98
OPP	8
Screened In Toronto	159
Screened In Central East Region	102
Municipal Police	75
OPP	27
Screened In East Region	87
Municipal Police	67
OPP	20

The Investigative Process:

Conduct complaints may be investigated by the OIPRD, the police service in question, or another service. It is the Independent Police Review Director's (IPRD) decision who will investigate, but regardless our office's oversight continues until the completion of the complaint.

The OIPRD has nine full time investigators and is not able to investigate all complaints. As a result, it must carefully consider which complaints are retained and which complaints are referred. In deciding to refer or retain a conduct complaint for investigation, the OIPRD may consider:

- The nature of the allegations in the complaint
- The capacity of the police service to conduct the investigation (size of service, etc.)
- Any potential conflict of interest
- Whether there are ongoing, parallel investigations
- Whether the complaint concerns a high ranking officer
- The geographic location of the complaint
- The public interest in ensuring that investigations are thorough, independent and accountable.

The criteria for referring or retaining a complaint for investigation are found in Rule 6 of the OIPRD *Rules of Procedure* available on our website.

One of the primary functions of the OIPRD is to ensure conduct complaints throughout Ontario are completed within 90 days, and to fully dispose of a case within six months. In general, investigations are expected to be completed within 90 days. More complex investigations take longer.

Complaints about policies and services of a police organization are screened by the OIPRD but they can not be investigated by it. As required by the PSA, policy and service complaints are sent to the appropriate chief of police for investigation, with oversight by the OIPRD. The chief of a municipal police service or the commissioner of the Ontario Provincial Police is responsible for providing a written report within 60 days on all policy and service complaints to the complainant, the OIPRD and the police services board, outlining their decision with reasons. Their decision may be appealed to the appropriate police services board.

Complaints about municipal chiefs and deputy chiefs are referred to the respective police services board after initial screening by the OIPRD. If the police services board decides an investigation is necessary the board must send it to the OIPRD for investigation.

Complaints about the OPP commissioner and deputy commissioner must be referred to the Minister of Community Safety and Correctional Services under the PSA.

Police Managed Investigation:

When a police service investigates a conduct complaint, the investigating officer liaises with the complainant and the OIPRD, and following the investigation, completes a standardized report that includes the results of the investigation.

At the conclusion of the investigation the chief will determine whether the complaint is substantiated or unsubstantiated according to the standards set out in the legislation. The complainant, the respondent officer and the OIPRD receive the same report. For those complaints where the report findings are found to be unsubstantiated or less serious, the complainant may ask the OIPRD to review the decision.

If the OIPRD does not agree with the way the investigation is handled, it may give direction or may choose to investigate itself. Under s. 72 of the PSA the IPRD can direct the chief to deal with a complaint in a specific manner, assign the investigation to another force, take over the investigation or take or impose any action necessary. As part of oversight the OIPRD will ensure:

- Investigative reports have all information required and reporting is consistent throughout Ontario
- All steps have been taken to make sure a thorough investigation has occurred
- Complainants and respondent officers receive a copy of the completed investigative report.

At the time of this report, police services investigated the majority of complaints, with oversight by the OIPRD. Specifically, there were 471 complaints referred to police services for investigation.

OIPRD Independent Investigation:

In some cases the Director may choose to have the OIPRD investigate the complaint. By March 2010, the OIPRD retained 60 complaints for investigation. In such matters, OIPRD investigators will inform the complainant about how the complaint will be investigated, what cooperation they require and how a decision will be reached.

During the investigation the OIPRD provides the complainant and respondent officer with periodic status updates. As always, this is to ensure the process is fair and transparent. OIPRD investigators have the power, on notice to the chief of police, to enter and search police premises or vehicles or elsewhere, where it is deemed necessary, with or without a warrant.

If, during the course of the investigation, the OIPRD discovers a crime was committed by the police officer being investigated, the matter will be referred to police for further investigation. The OIPRD does not have the authority to investigate criminal activity or recommend criminal charges.

Once the investigation is complete, a final report is given to the complainant, the respondent officer and the chief of police. Where the OIPRD investigates a conduct complaint, the Director decides if the complaint is substantiated or unsubstantiated. The Director's decision is final and not subject to review.

The Disposition of Complaints and the Decision Process:

Withdrawal of Complaints:

Under s. 74(1) of the PSA a complainant may withdraw his or her complaint on notice to the IPRD, unless a hearing in respect of the complaint has commenced. From October 2009 to March 2010, 60 complaints were withdrawn by the complainant. To ensure the process is efficient and effective, the OIPRD attempts to get reasons for all withdrawals.

Informal Resolution:

During the first six months, there were approximately 18 complaints resolved through informal resolution. Informal resolution is a process for resolving complaints. After a complaint has been screened, the OIPRD will consider the possibility of resolving complaints informally. The decision to recommend that a complaint be resolved informally may be made in consultation with the police liaison officer at the police service where the complaint arose. Informal resolution must proceed with the written consent of both the complainant and the officer involved. The agreement of the chief of police and the OIPRD is also required for informal resolution to proceed.

Informal resolution is a simple and flexible way to resolve a complaint. Informal resolution may be beneficial to both the complainant and the respondent officer by encouraging dialogue, exploring alternative perspectives and encouraging understanding between the parties.

Informal resolutions can be attempted at any time prior to or during the investigation of the complaint, where the OIPRD approves, and the complainant, chief of police and respondent officer agree.

The decision to recommend informal resolution will depend on the factual circumstances of each case. Some examples of conduct that may be suitable for informal resolution include discreditable conduct that does not involve a breach of trust, discreditable conduct or incivility which may include allegations of discrimination or rude or profane language, damage to clothing or property, unlawful or unnecessary exercise of authority, or excessive use of forces that does not result in serious injury.

Some examples of conduct that is NOT suitable for informal resolution include: conduct that would support a criminal charge, deceit, corruption, breach of confidence, unlawful or unnecessary exercise of authority that results in serious injury to the complainant or incidents involving firearms or conducted energy devices in a manner that is inconsistent with the *Police Services Act*.

Informal resolution may include an apology by the officer who is the subject of the complaint, an apology on behalf of the police service, an explanation by a senior member of the police service, referral to education, training or counselling, or various forms of mediation.

If a complainant or respondent officer agrees to participate in an informal resolution, but changes their mind, they may revoke consent to informal resolution at any time, provided no resolution has been carried out. If a complainant or respondent officer has agreed to a proposed resolution, they have 12 days to change their mind. For an informal resolution to be complete, the agreed upon resolution must have been carried out. For example if training is part of the resolution, it must have been completed for the informal resolution to be considered closed. The OIPRD monitors informal resolutions to ensure all resolutions are carried out.

If a complainant wishes to revoke their consent to informal resolution before the conclusion of an investigation into a complaint, the investigation will proceed. If a complainant wishes to revoke consent to informal resolution after the investigation into a complaint has been concluded, the chief of police may impose disciplinary action without a hearing, should he or she believe that it is appropriate.

Making a Determination: Substantiated & Unsubstantiated Complaints:

Conduct complaints at the end of an investigation are determined to be substantiated or unsubstantiated based on reasonable grounds. The Police Services Act (PSA) states that there must be “reasonable grounds” to believe that misconduct occurred in order for an investigation to substantiate a complaint.

The concept of *Reasonable Grounds* is the standard by which all complaints must be judged. Reasonable grounds are facts or circumstances of a case that would lead an ordinary and cautious person to believe that misconduct has occurred. This belief must be more than just suspicion of misconduct and must be based on factual evidence. If reasonable grounds do not exist, the complaint will be deemed to be unsubstantiated.

On March 31, 2010, 78 complaints were completed and 318 were still in the investigation stage. From October 2009 to March 2010, 75 complaints were found to be unsubstantiated. Complaints may be found to be unsubstantiated if there is not enough evidence to meet the standard of reasonable grounds. Complaints may also be found to be unsubstantiated if there is no evidence that there is a violation of the Code of Conduct. The complaint is then considered closed, subject to a request for a review of the chief’s decision.

If a complaint is substantiated it is further determined if the complaint is less serious or serious in nature. As of March 31st, two conduct complaints were found to be substantiated. One complaint was found to be less serious and one complaint was serious. Less serious complaints may be resolved informally if everyone agrees or the chief can resolve the matter through a disposition without a hearing.

Complaints that are serious in nature must go to a disciplinary hearing. Where the conduct is serious, the chief must hold a hearing. Informal resolution is not permissible for matters that are of a serious nature. Matters considered to be serious include: harassment, discrimination, breach of confidentiality, misconduct or conduct that might result in a criminal charge.

The chief of police reports decisions to the OIPRD. If a police service investigates a conduct complaint from another police service, they report the results to the chief of the police service being investigated and to the OIPRD.

Reviews and Appeals:

There is no right of review from decisions made by the OIPRD. The OIPRD is a neutral and independent agency and its decisions are final.

If a complainant disagrees with an investigation by the police, they may request a review by the OIPRD. A complainant has 30 days from the day they were notified of the result of their complaint, to request a review by the OIPRD if:

- The chief of police/commissioner of the OPP determined the complaint was unsubstantiated (there may not be enough evidence).
- The chief of police/commissioner of the OPP determined the complaint was not of a serious nature.

If, upon review, the OIPRD agrees with the complainant, the OIPRD instructs the chief of police/commissioner of the OPP on how to deal with the complaint. If the OIPRD agrees with the chief/commissioner's decision, the complainant is advised as to why that decision was made. The OIPRD decision of the review is final. Between October 2009 to March 2010, the OIPRD received 11 requests for reviews.

In matters where an officer was disciplined, complainants who are dissatisfied with the result of a disciplinary hearing may make an appeal to the Ontario Civilian Police Commission. The OCPC is an independent agency of the Ministry of Community Safety and Correctional Services.

If a complainant has made a policy or service complaint and is dissatisfied by the conclusion, an appeal may be made to the police services board in the concerned region.

Penalties and Disciplinary Hearings:

The OIPRD does not deal with discipline or disciplinary hearings. Disciplinary hearings are conducted by hearing officers appointed by chiefs of police. Discipline is imposed by chiefs of police.

The *Police Services Act* provides guidance in imposing appropriate measures for misconduct and lists the following penalties and measures that may be imposed:

- Reprimand
- Direction to undergo specific counseling, treatment or training
- Direction to participate in a specified program or activity
- Forfeiture of pay or time off
- Suspension without pay
- Demotion
- Dismissal.

Penalties for less serious conduct complaints may include an apology, an explanation by a senior member of the police service or a reprimand. Penalties may include direction for specific counselling, treatment or training or participation in a specified program or activity. Penalties may also include forfeiture of pay or time off or suspension without pay.

Penalties for serious conduct complaints may include forfeiture of pay, suspension, demotion or dismissal.

Where a hearing is held in regard to a complaint, police chiefs and police services boards are required to provide a copy of the disciplinary hearing decision to the OIPRD. These decisions are required, by legislation, to be posted on the OIPRD website.

Under the PSA, the OIPRD is required to receive a copy of the hearing decision and to post the decision on the OIPRD's website. As of March 31, 2010, the OIPRD had not received any hearing decision. This may be due to the timeframe of this report and the time required for the complaint, investigative, and hearing process.

Disciplinary hearing results may be appealed to the Ontario Civilian Police Commission.

OTHER OIPRD POWERS



Direction Powers:

Under s. 72(1) of the PSA, the IPRD has the power to direct all complaints, whether or not the matter is of a serious nature, from any time after referral and before a hearing is commenced. The Independent Police Review Director (IPRD) can take or require to be taken any action that the IPRD considers necessary.

Under the PSA the IPRD can also order a hearing into a complaint and assign the conduct of a hearing about a chief or deputy chief to Ontario Civilian Police Commission.

Search and Seizure:

The OIPRD has the authority to:

- Search police premises and vehicles with or without a warrant
- Search other places with a warrant
- Summons persons or things under the Public Inquiries Act.

Offences:

The *Police Services Act* has been amended to create the following new offences:

- Harassment, coercion, or intimidation in relation to a complaint
- Intentionally hindering or obstructing or providing false information to the Independent Police Review Director or an investigator
- Attempts to do any of the acts mentioned above.

No prosecutions of these offences can be carried out without the consent of the Attorney General of Ontario.

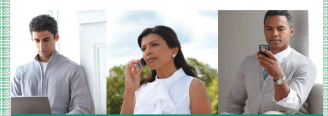
Systemic Reviews:

The OIPRD may conduct investigations into systemic issues arising from public complaints and will work to identify and offer solutions to systemic or ongoing issues within a police service.

Performance Audits:

The OIPRD may require a police services board to submit a performance audit, at the board's expense, to audit the board's administration of how their police service is dealing with public complaints. This is to ensure that police policies and services are meeting the needs of the public they serve. Such audits are conducted by an independent auditor and may be under the direction of the OIPRD. The OIPRD will make the results of all audits available to the public.

2010-11 LOOKING FORWARD



Going forward, we are committed to ensuring that the public complaints system that we have built over the past year will continue to work effectively. We are committed to providing an objective, impartial office to accept, process and oversee the investigation of public complaints about Ontario's police.

Our aim is for all members of the public and police services to believe that the public complaints system is fair, regardless of the outcome, and to have trust and confidence in the Office of the Independent Police Review Director.

In the coming year, raising public awareness about the public complaints system will be one of our highest priorities. We will reach out to communities in all parts of the province with our outreach and education programs to establish new partnerships and inform the public about the public complaints system and how it works. We will also continue to reach out to police officers, police services and police services boards to enhance the public complaint system and the confidence in it.

The OIPRD works closely with police liaison officers to ensure the timely and accurate exchange of information. Building relationships and working cooperatively with police services will continue to be a high priority just as it has been since our inception.

One of our goals is to ensure that we provide services to the public in a dignified, respectful and fair way. However, as a complaint-handling body, the OIPRD needs to balance meeting customers' expectations with its search for the truth. We must preserve our independence and reputation for impartiality. The OIPRD strives to ensure that regardless of the outcome, our stakeholders always receive high-quality service. We intend to ensure that this continues to be the case.

Like any public body, the OIPRD has a duty to ensure that we provide value for money. Over the coming year we want to ensure that we focus our resources on building public awareness of our office and meeting operational demand.

We will build on the momentum we have gathered over our first six months of operation. In all we do, we will continue to act in a spirit of openness and accountability, attentive to opportunities to improve on the effectiveness of the public complaints system and carry out the mission with which we are entrusted.