



B.1

Blue Mountains

Police Services Board



Agenda

- Background (*Oversight and History*)
- Overview of complaints process
Including policy, service and conduct complaints
- Role of the Police Services Board (S.10)
- Outreach and Education Program
- Questions
- Evaluation Forms

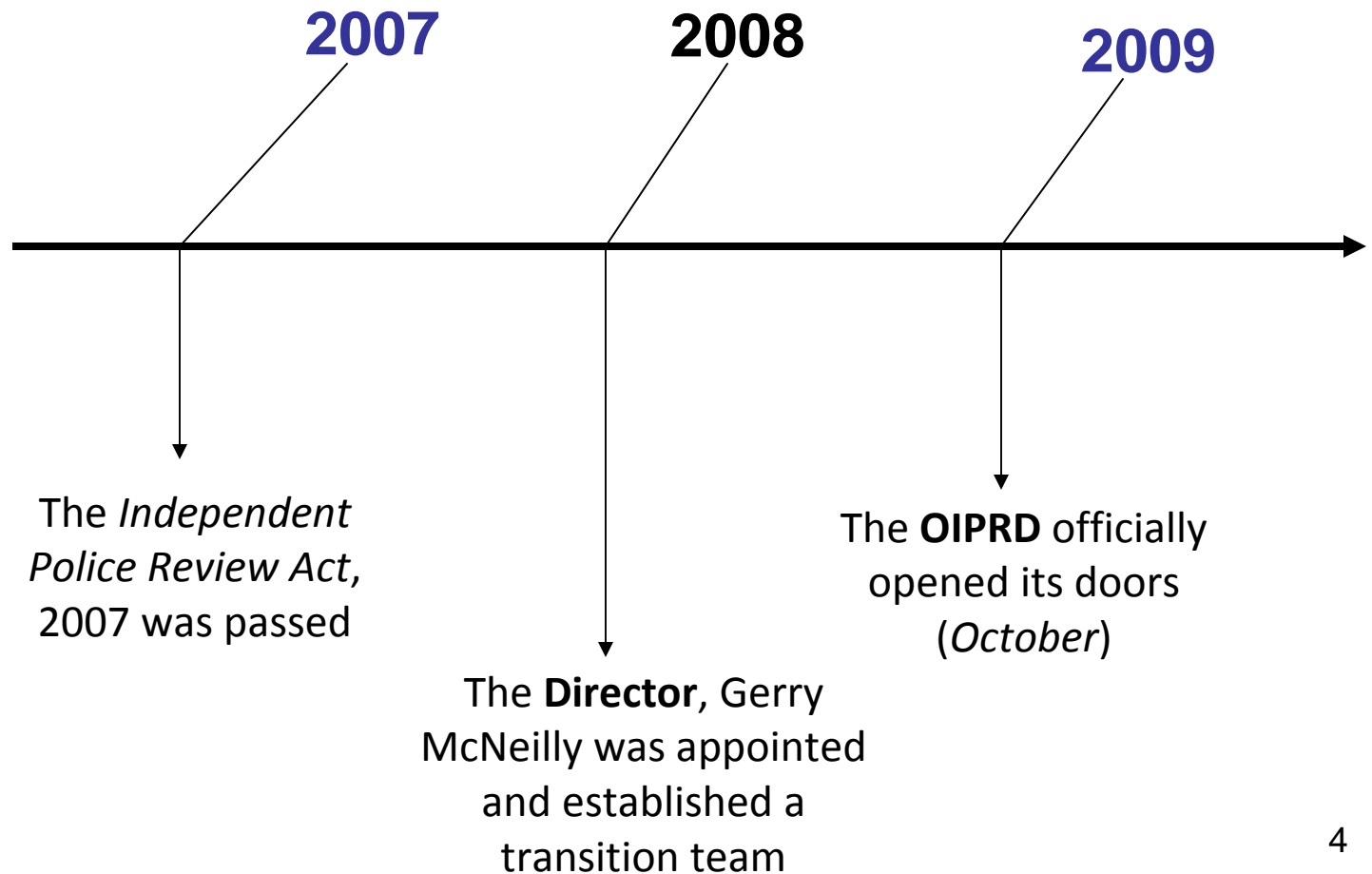


The Office of the Independent Police Review Director

- The OIPRD is a civilian agency responsible for receiving, overseeing and dealing with all public complaints against the police in Ontario. This includes municipal and regional police services and the Ontario Provincial Police.
- The OIPRD ensures that public complaints against police in Ontario are dealt with in a way that is *transparent*, *efficient* and *fair* to both the public and the police.



History





The Office of the Independent Police Review Director

- Director is appointed by the Lieutenant Governor in Council on recommendation of the Attorney General
- Director cannot be a police officer or former police officer
- Employees of the OIPRD are appointed under the *Public Service Act* and cannot be serving police officers
- Creates a mandatory police liaison officer position
- The Chief of Police retains the responsibility for disciplinary hearings and imposition of discipline



Complaints

Local Resolution



Local Resolution

- Local Resolution (Local Complaints) matters may relate to:
 - The *conduct* of a police officer
 - The *policies* of a police department
 - The *services* of a police department



Local Resolution

- Before accepting a complaint for local resolution, the police service must advise the complainant:
 - They may make their complaint to the OIPRD and provide them with information concerning the OIPRD
 - They may be required to take their complaint to the OIPRD if it cannot be resolved locally
- Local complaints must be made in person



Local Resolution

- Local Resolution is **not** permitted for:
 - Alleged misconduct by the Chief or Deputy Chief
 - A matter that the Chief feels should be dealt with as a formal complaint, rather than through local resolution



Local Resolution

- Each local complaint must be reviewed by the Chief
- If the Chief determines that the subject of the complaint is serious, he or she must refuse to accept the complaint and request a complaint be filed with the OIPRD
- If the complainant refuses to make a formal complaint, the Chief must make an internal complaint on the matter



Local Resolution

- To resolve a conduct complaint locally, the Chief may:
 - Discuss the matter with the officer
 - Facilitate a discussion between the officer and the complainant
 - Facilitate an apology from the officer
 - Refer the matter to Alternative Dispute Resolution if the complainant, officer and Director consent
- Resolutions are to be confirmed in writing by the complainant, respondent officer and Chief



Filing a Complaint with the OIPRD



The Complaint Form

- The OIPRD uses standardized forms throughout the province to make sure information is gathered that will assist in ensuring a fair, transparent, efficient and effective process

SAMPLE DRAFT OIPRD **SAMPLE DRAFT**

COMPLAINT AGAINST THE POLICE

The OIPRD must have a signed form with the details of your complaint before we can begin to process the information. Please make sure that you sign the identification number # 6 on this form.

If you have filed this complaint with another government agency, police service or the Mayor's Complaints Office, please indicate below:

Have I filed this complaint with another government agency or police service please specify:

This matter is pending before the courts.

COMPLETING THE FORM

The information in this form will be forwarded to the appropriate police complaint authority for consideration. This includes a professional standards department or police authority of the relevant police service.

Please use BLOCK CAPITALS when completing this form. If you have difficulty completing the form, or have any questions about the complaint process, and would like to speak to the OIPRD prior to filing out the form, please call us at 1-877-674-4772 or 416-326-8200. Please make sure your complaint is readable in the language you wish to file.

If you would like assistance to fill out your complaint please contact us at 416-326-8200. Please indicate the service in addition to your own at the end of this form on the case both parties must sign - see # 6.

1. YOUR DETAILS (complainant) - Please give all your contact details

Title (eg. MR. / MRS. / MISS) **MR.** Given name **JOE**

Family name **PUBLIC**

Street address **123 ANYWHERE STREET**

City **ANYWHERE**

Province **ON** Postal Code **A1A 1A1** Date of birth **31/10/1940**

Work telephone number **123-555-1234**

Home telephone number **123-555-4321**

Cell/landline number **N/A**

E-mail **JPUBLIC@GMAIL.COM**

Do you consent to the OIPRD to use the information you provide in this form for the purposes of the OIPRD's mandate? Yes No

This is a complaint about something that happened to me. This is a complaint about something that happened to someone else.

2. POLICE DETAILS

WHERE did the police service in your complaint about?

ANYWHERE POLICE SERVICE

If your complaint happens in multiple locations please give us any details you might have about the police officers you would like to make a complaint against.

Name **JOHN SMITH**

Rank **CONSTABLE**

Assignment **UNKNOWN**

Any other details (eg. eye height) **TALL AND SKINNY WITH SHORT WHITE HAIR AND A SUITCASE**

Name **JANE JONES**

Rank **CONSTABLE**

Assignment **123456**

Any other details (eg. eye height) **AVERAGE HEIGHT WITH A SLIM BUILD AND LONG BROWN HAIR TIED BACK IN A PONYTAIL**

Please give the police officer's name and police number.

NUMBER THREE DIVISION

SAMPLE DRAFT OIPRD **SAMPLE DRAFT**

SAMPLE DRAFT OIPRD **SAMPLE DRAFT**

SAMPLE DRAFT OIPRD **SAMPLE DRAFT**



Getting the Complaint Form

- Complaints must be submitted on the OIPRD complaint form
- Forms are available:
 - On the OIPRD website
 - At the OIPRD office
 - At all municipal, regional and provincial police stations
 - At over 70 ServiceOntario locations throughout Ontario, and
 - In many community centres and legal clinics



Filing a Complaint

- Complaints must be filed within **six months** of the incident the complaint is about
- You can file a complaint directly with the OIPRD:
 - At www.oiprd.on.ca
 - By fax
 - By mail, or
 - In person at the Office of the Independent Police Review Director
- You can also file a complaint at any municipal, regional or provincial police service in Ontario
- The police will then forward the complaint form to the OIPRD within three business days



Public Complaints

- A complaint may be dismissed if the complainant **is not** one of the following:
 - 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



E-Filing on OIPRD Web Site

- To begin press the “Start Here” button on the right hand side of the page
- The complaint form online is the same as the paper version



Screening your complaint

Section 58:

- Sets out who **may not** complain
- Complainant is screened to ensure s/he is not excluded
- Defines a complaint as being about policy, service or conduct

Section 59:

Complaint is screened to determine if it is about policy, service or conduct

Section 60:

- Outlines the conditions for not accepting a complaint
- A complaint may be denied if it is:
 - Filed more than six months after the incident
 - Frivolous, vexatious or made in bad faith
 - Would be more appropriately dealt with under another act or law
 - Is not in the public interest



Policy and Service Complaints



Policy and Service Complaints

- The OIPRD must refer *policy* and *service* complaints back to the police
- Complainants will have the right to ask the appropriate police services board for a review
- All policy/service complaints will be the subject of a written report and complainants and the OIPRD will always be notified of disposition



Conduct Complaints



Retaining or Referring a Complaint

- 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



Retaining or Referring a Complaint

- Where **OIPRD Case Management** has decided to refer the complaint back to the original service they will monitor/liaise with the service
- Where **OIPRD Manager of Investigations** has decided to refer to a different service, investigations will monitor/liaise with both services



Investigations



Investigation Timelines

- Generally, a complaint takes about 120 days to investigate once all the necessary documentation has been received
- More complex cases will often take longer



Results of an Investigation by Police Service

- If the investigator believes on reasonable grounds that misconduct occurred, s/he will indicate in the report if the conduct was:
 - “serious” or
 - “less serious”
- Matters considered serious include:
 - Harassment
 - Discrimination
 - Breach of confidentiality
 - Deceit



Results of an Investigation by Police Service

- Less serious complaints include:
 - Dealing with personal property, other than money or a firearm
 - Failure to treat or protect a person equally
 - The use of profane language
 - Contraventions of the Act or regulations
 - 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
 - Conspiring and abetting misconduct



Results of an Investigation by Police Service

- Where a Chief believes that the complaint is substantiated – that on reasonable grounds, misconduct or unsatisfactory work performance occurred – he or she must order a hearing if the conduct was of a serious nature
- The Chief retains the responsibility for disciplinary hearings and imposition of discipline
- Where a Chief deems the complaint unsubstantiated – there is not enough evidence to prove that misconduct occurred – the complaint is then considered closed, subject to a request for a review of the Chief's decision



Informal Resolution



Informal Resolution

- Professionals including mediators, educators and counsellors may be involved in the process
- Both the complainant and the respondent officer must agree on who will assist with the resolution process
- The resolution may be handled between the complainant and the officer
- Informal resolution may include:
 - an apology
 - an explanation by a senior member of the police service
 - referral to education, training or various forms of mediation



Informal Resolution

- If the misconduct or unsatisfactory work performance was **not of a serious nature**, it may be resolved informally without holding a hearing
- The complainant and the officer must agree
- To do informal resolution the Chief must:
 - Complete an “Informal Resolution Agreement” form, signed by the officer and the complainant
 - Wait 12 business days for the cooling-off period to expire



Conduct Complaint Reviews



Request for Review of a Decision

- You may ask the OIPRD for a review within 30 days of a Chief’s decision that your complaint is unsubstantiated or “not of a serious nature”
- Your request for review must be submitted on the OIPRD form and must:
 - State the reasons for requesting a review
 - Specify the outcome you would like
 - Include any evidence which supports your request



Review Process

- Upon receiving a request for review, the OIPRD will notify the Chief and provide a copy of the request
- The Chief shall provide OIPRD with the complete investigation file within 14 days of receiving notice
- The Chief has 21 days from the time notice is received to file a response



Review Decisions

- If the OIPRD agrees with the complainant, the OIPRD will give the Chief instructions about your complaint
- If the OIPRD agrees with the Chief, we will clearly explain our decision
- The OIPRD will notify all parties of the decision
- The OIPRD is independent and our decisions are final



Review Decisions

- The OIPRD is an independent agency responsible for the public complaints system
- There is no review of a classification or investigation by the OIPRD



Police Services Boards



Complaints Sent Directly to Boards

- All complaints sent to a board directly, must be forwarded to the OIPRD within **three business days**
- The board should not take any other steps to address the complaint



OPP Commissioners or Deputy Commissioners



Conduct Complaints About the OPP Commissioner or Deputy Commissioner

- If a board mistakenly receives a public complaint about the conduct of the OPP Commissioner or a Deputy Commissioner, it must refer it to the OIPRD.
- The OIPRD will:
 - Screen the complaint, and
 - Forward the complaint to the Minister of Community Safety and Correctional Services (Solicitor General)
- The Minister will decide how to deal with the complaint



OPP Policy and Service Complaints



Policy and Service Complaints about Local OPP Detachments

- If a complaint is made about a local policy of an OPP detachment that is providing policing services to a municipality, the OIPRD will:
 - Screen the complaint
 - Send it to the OPP headquarters in Orillia
- OPP headquarters will direct the complaint to the appropriate detachment commander



Steps for OPP Detachment Commander in Local Policy Complaints

- Within **60 days** of receiving a complaint from the OIPRD, the OPP detachment commander must:
 - Review the local policy complaint
 - Determine the disposition of the complaint
 - Take action, if any, in response to the complaint as he/she considers appropriate
 - Notify the complainant in writing of:
 - What was done in response to the complaint
 - Reasons for the response
 - The right to request a review by the board



Policy and Service Complaint Reviews



Request for a Review of Policy or Service Complaint

- A complainant may request a review in writing to the board within **30 days** of receiving the report from the Chief or detachment Commander
- The board must verify the complainant submitted the request within **30 days**
- If the request is not received in **30 days**, the board should notify the complainant the deadline has passed and no review will take place
- If it was submitted on time, the board must advise the Chief or detachment Commander of the request



Policy and Service Complaints: Procedures for Reviews

- **Police service boards will:**
 - Review the complaint
 - Take any action, or no action, in response to the complaint, as considered appropriate
 - Notify the complainant, the Chief and the OIPRD in writing of the response to the complaint, with reasons
- While conducting a review, the board or committee of the board may choose to hold a public meeting with respect to the complaint
- Boards with more than three members may appoint a committee to review the complaint and make recommendations to the board after the review is complete



Outreach and Education Program



Outreach and Education Program

Province is divided into seven regions:

Central east

Central west

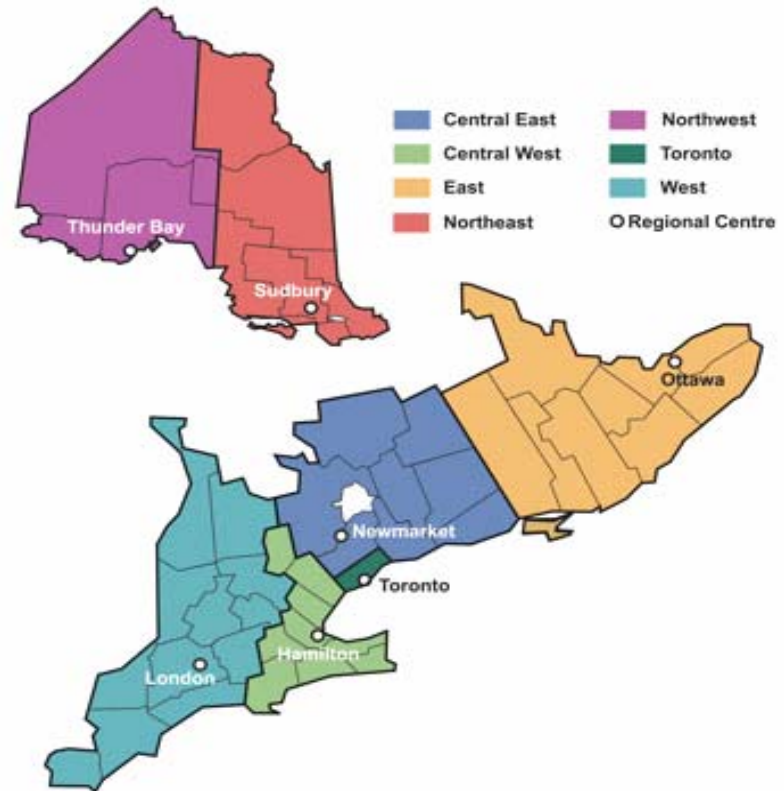
East

Northeast

Northwest

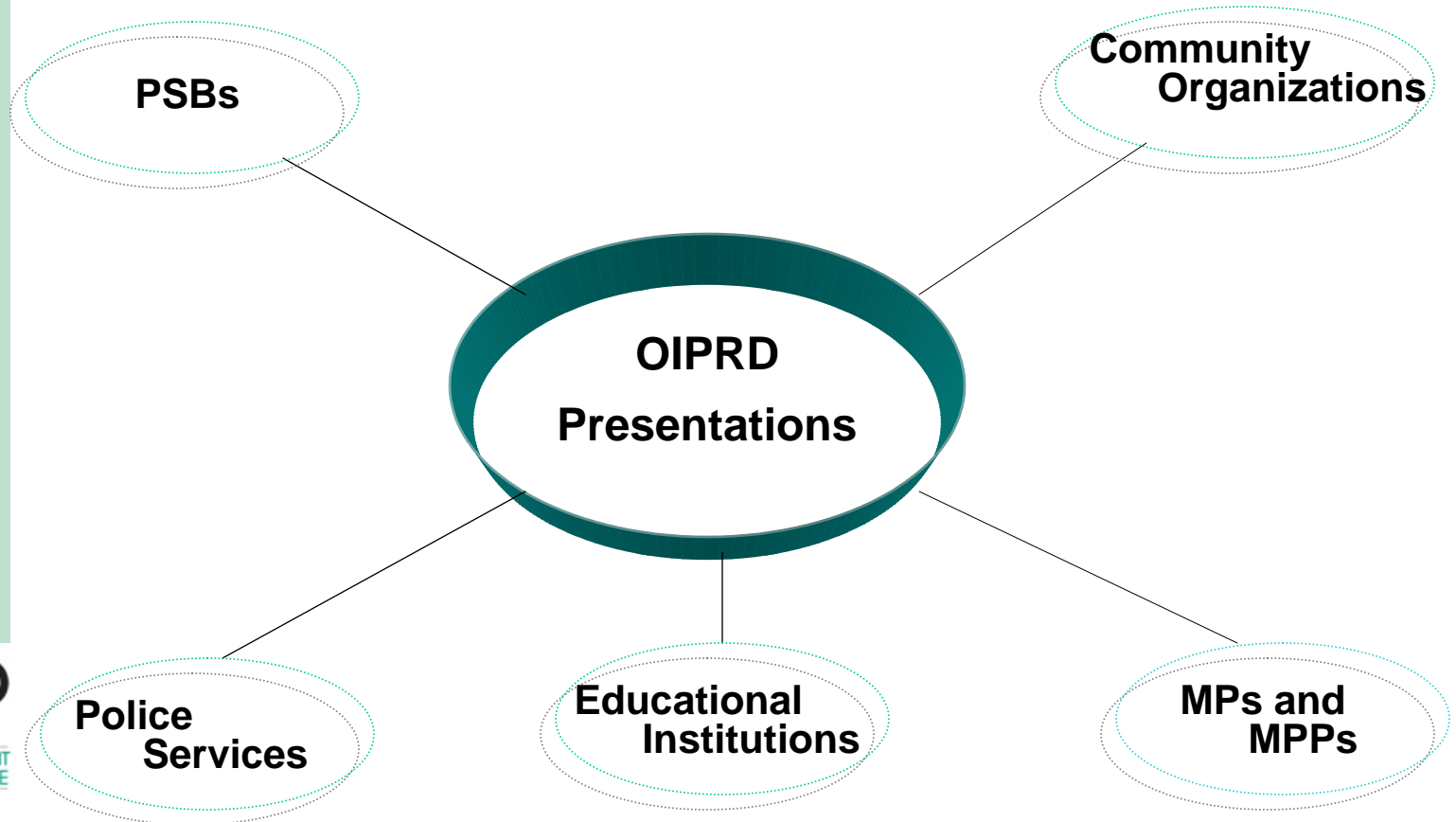
Toronto

West





Outreach and Education Program





Outreach and Education Sessions

- Outreach and education sessions are made to both community groups and police groups, focussing on the role of the OIPRD and the complaints process
- In **2010-2011**, our outreach and education advisors made 168 presentations to stakeholder groups
- Our advisors also participated in a number of conferences and workshops, and visited over 175 community organizations, libraries, MPP and MP offices to provide communications material about the OIPRD
- The Independent Police Review Director made approx 30 presentations and speeches and participated in various conferences across Ontario



Contact Details

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