



2013–2014

ANNUAL REPORT

Our goal is to provide effective oversight of public complaints, promote accountability of police services across Ontario and increase public confidence in the complaints system.

The OIPRD is independent of the government, the police and the public.

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DIRECTOR'S NOTE

Civilian oversight is an important aspect of a democratic society. In fact, now more than ever, the public is concerned that there is sufficient oversight of public institutions, especially police. Citizens are putting greater pressure on police, not only to control crime but to treat everyone they come into contact with fairly and respectfully. Civilian oversight, through the public complaints system, serves to put checks and balances on the extraordinary powers that are granted to police to maintain public safety.

Our annual report, which covers the period from April 1, 2013 to March 31, 2014, provides you with a look at how we have advanced our civilian oversight mandate over the past year.

Throughout 2013–14, we have continued to rigorously scrutinize our performance as an organization, just as we have continued to embrace and promote accountability, transparency and professionalism in all aspects of our operations.

In this report, we will walk you through the public complaints process and explain how we deal with complaints. You can also review our performance measures and complaint statistics. We will set out our operational priorities and accomplishments, which this year have included resolution and

mediation for public complaints and continued improvement of internal processes.

In April 2013, my office implemented the Customer Service Resolution (CSR) program to provide opportunities for complainants and respondent officers to voluntarily resolve complaints before they are formally screened under the *Police Services Act* (PSA). CSR is a good option for less serious complaints, where a complainant and a respondent officer could benefit from a conversation about the issues which led to the complaint.

The goal of the CSR program is to resolve more complaints quickly and effectively and to build greater satisfaction with the public complaints system and better communication

and trust between the public and the police. The program is working; over 80 per cent of customer service resolutions initiated since the program began have been successful.

In November 2013, my office launched a pilot mediation program for public complaints to allow less serious complaints about police to be resolved through mediation. Mediation is a voluntary confidential process, in which the respondent officer and complainant meet with a neutral third-party mediator who facilitates the process. The parties share their views and take an active part in reaching a mutually agreeable resolution.

The mediation option is available for complaints in both the Informal Resolution and the CSR processes. I am excited about these programs because I believe that finding alternative resolutions to complaints that are less serious makes for greater understanding between police officers and citizens and greater satisfaction with the public complaints system.

Along with the CSR and mediation programs, we have been providing training in facilitative mediation techniques to police officers who facilitate Customer Service Resolutions and Informal Resolutions. Representatives of police associations (unions) are also included in these training sessions.

My office is currently working on two systemic reviews.

In February 2014, I announced that my office would be conducting a review of the Toronto Police Service's (TPS) use of force, de-escalation techniques and approach when dealing with people with mental health issues, emotionally disturbed people and people in crisis. Recent high-profile cases of TPS use of force and a number of public complaints received prompted my decision to undertake this systemic review.

Along with an examination of evidence collected from complaint investigations, past reviews and reports involving similar issues, the review will also examine TPS policies, procedures and practices regarding use of force and equipment, officer training, best practices from other jurisdictions, relevant research and data, and submissions from stakeholders and the public.

In March 2014, I initiated a systemic review of the Ontario Provincial Police (OPP) practices for obtaining voluntary DNA samples from specific groups of people during criminal investigations.

I am undertaking this review to investigate issues raised following allegations that dozens of migrant workers who were asked to submit to DNA tests for a criminal investigation did not match the description of the suspect except for their skin colour. The review will also explore underlying causes and broader practices to determine whether systemic failings have occurred.

Both systemic reviews will produce final reports summarizing their findings and outlining recommendations and advice for the overall improvement of police practices. These reports will be released to the public.

Again this year, I have travelled throughout the province and across Canada to speak about the OIPRD and about issues in policing to members of the public, policing organizations and other civilian oversight organizations.

We continue to improve our internal processes. We have begun restructuring our case management system and hope to complete this project in the coming year. Our website renewal and our OIPRD Rules of Procedure updating project are in the final stages and will be rolled out in the new fiscal year.

Finally, I would like to pay tribute to the staff of the OIPRD. They continually display professionalism, integrity and respect for our stakeholders and each other, while carrying a heavy workload.

As we enter our fifth year, I am steadfast in my commitment to work cooperatively and collaboratively with all of our stakeholders, especially public complainants and police. I am also steadfast in my commitment to build a public complaints system that is worthy of the trust citizens place in us.



Gerry McNeilly
Independent Police Review Director



ABOUT US

The Office of the Independent Police Review Director (OIPRD) was established under the *Independent Police Review Act, 2007*. The act replaced Part V of the *Police Services Act*, establishing new guidelines for addressing public complaints. The OIPRD is responsible for receiving, managing and overseeing all public complaints about the police in Ontario. As an independent civilian oversight agency, we make sure that public complaints about police are dealt with in a manner that is transparent, effective and fair to both the public and the police.

The act provides a system for handling public complaints about the police in Ontario that is administered by an independent civilian oversight

organization and sets out the process for determining how public complaints about police are handled.

The OIPRD began work on October 19, 2009, as an independent, neutral arm's-length agency of the Ontario Ministry of the Attorney General. Our mandate is to deal with all public complaints regarding the conduct of police officers, the policies of police services or the services provided by the police. We work cooperatively with both complainants and police to investigate and resolve complaints. We make our decisions independently of the police, the government and the public.

The act requires that the Director must never have been a police officer and that staff of the OIPRD cannot be serving police officers. This means that all employees of the OIPRD are civilians.

Our Purpose and Goals

Central to our work is the belief that public confidence in the public complaints system will build greater community trust in our police services as a whole, and will contribute to increasing the overall effectiveness of police.

Our vision is an easily accessible public complaints system that upholds the public's trust, investigates the complaints that require investigation in a fair, accountable, transparent and effective manner, and has respect for all stakeholders' sensitivities.

We are guided every day by our mission: To provide effective management and oversight of public complaints, promote accountability of police services across Ontario and increase public confidence in the complaints system.

We do this through:

- Oversight of public complaints through to their conclusion
- Investigation of complaints
- Education and outreach to both police and the public

- Audits of how the complaints system is administered
- Systemic reviews
- Encouraging resolution of complaints

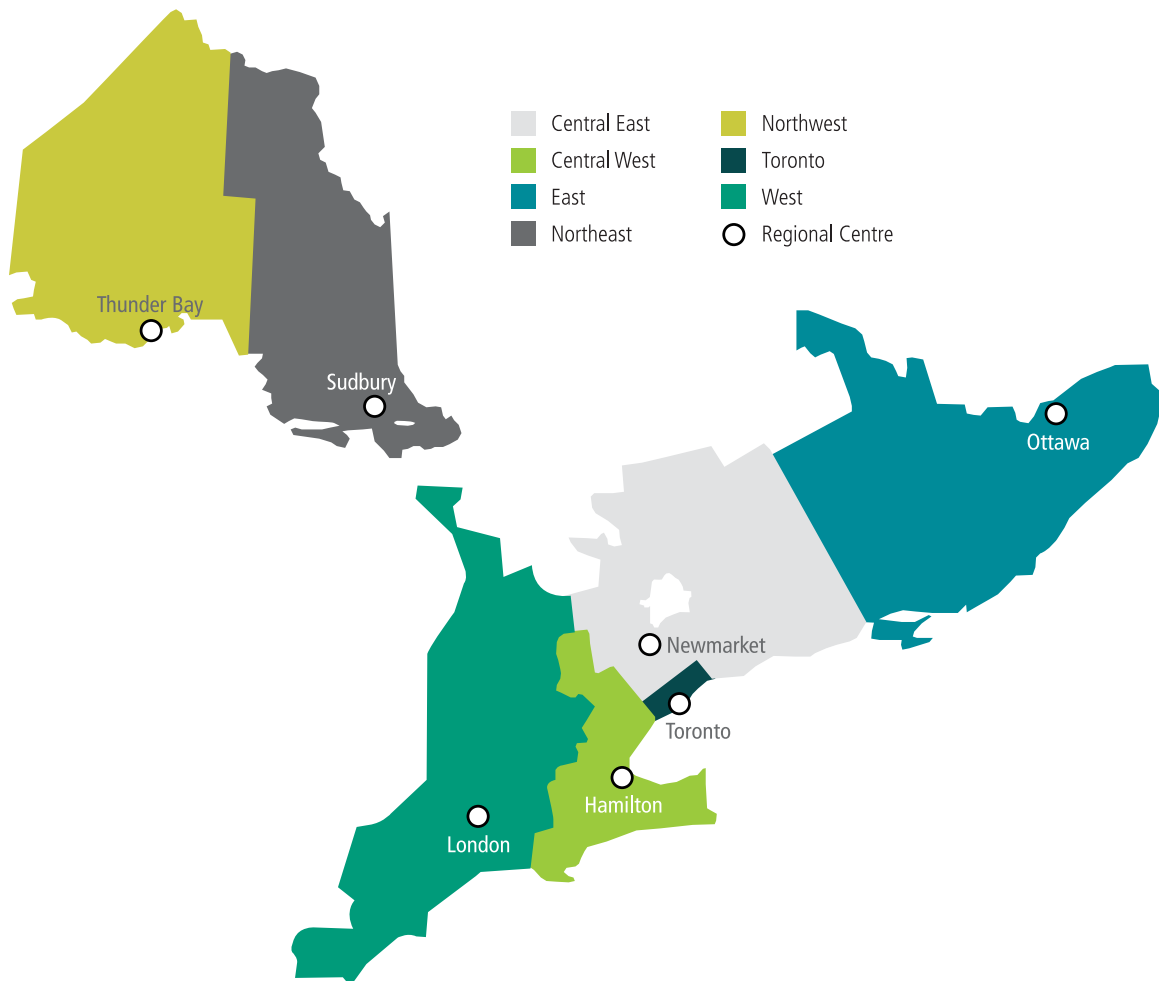
In fulfilling our commitments we are guided by these principles:

- **Accountability:** Improving the transparency and accountability of the public complaints system and maintaining accountability for our actions to our stakeholders
- **Integrity:** Providing professional, objective, timely services to all stakeholders, respecting the privacy and dignity of stakeholders and treating them fairly
- **Independence:** Overseeing investigations by police services in a fair, transparent and effective manner and conducting independent investigations thoroughly and fairly

- **Accessibility:** Being accessible to the public so that complaints about police can be lodged, and building public awareness about the complaints system

To help serve our stakeholders more efficiently, the OIPRD has divided the province into seven regions.

These regions are the same as the court regions for the province. While we have one central office located in Toronto, we are aware of the different challenges faced throughout Ontario. By dividing the province into regions, we are able to adapt our programs to specific regions and still ensure that similar service is offered throughout Ontario.





POLICE OVERSIGHT ORGANIZATIONS IN ONTARIO

There are two other agencies that oversee different areas relating to police services in Ontario – the Special Investigations Unit and the Ontario Civilian Police Commission.

The **Special Investigations Unit (SIU)** is a civilian law enforcement agency with a consequence-based jurisdiction to conduct criminal investigations. The SIU investigates incidents involving the police and civilians that have resulted in serious injury, death or allegations of sexual assault. For more information about the SIU, please visit www.siu.on.ca.

The **Ontario Civilian Police Commission (OCPC)** is an independent oversight agency committed to serving the public by ensuring that adequate and effective policing services are provided to Ontario communities in a fair and accountable manner. For more information about the OCPC, please visit www.ocpc.ca.

Office of the Independent Police Review Director

Independent civilian oversight agency

Ensures that public complaints against police in Ontario are dealt with fairly, efficiently and effectively

Oversees all public complaints made against the police – from receiving each complaint through to its conclusion

Special Investigations Unit

Independent civilian law enforcement agency

Conducts investigations of incidents involving the police that have resulted in serious injury, death or allegations of sexual assault

Has the power to both investigate and charge police officers with a criminal offence

Ontario Civilian Police Commission

Independent quasi-judicial agency

Carries out duties which are primarily adjudicative or decision-making in nature

Hears appeals of police disciplinary penalties; adjudicates disputes between municipal councils and police services boards involving budget matters, and other duties



POLICE CODE OF CONDUCT

The *Police Services Act* (PSA) includes general provisions on police misconduct. Sections 80 and 81 set out the categories under which a police officer may be found guilty of misconduct. Ontario Regulation 268/10 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. When a police officer is working undercover, the PSA continues to apply. The PSA includes prescribed guidelines of discipline for violations of the Code. Police organizations also have policy and service standards that guide how they operate. Police officers must follow the prescribed policies and service standards that are established by their organization.



COMPLAINTS ABOUT POLICE

Conversation

A complainant can go into a police station and simply have a conversation to clear up a question or complaint. These conversations do not have to be reported to the OIPRD.

Local Resolution

A minor complaint can be dealt with as a Local Resolution at the police station. Local Resolution allows the police to solve, explain, clear up or settle a matter considered to be “less serious” directly with the complainant. The complaint must be dealt with within

30 days of the incident, in person at a police station or detachment by the police chief, the detachment commander or an officer in authority designated by the police chief or detachment commander.

Under Local Resolution, the complainant and the respondent officer are required to agree to the final resolution and sign a form indicating that the complaint has been resolved in a satisfactory manner. The form must be forwarded to the OIPRD for review. Local Resolutions are not part of the formal public complaints system. The OIPRD does not actively participate in the process, but performs an oversight role. Police chiefs are required to report on Local Resolution to the OIPRD.

Local Resolution can play a valuable role in helping to resolve minor complaints early with involvement by both parties. In 2013–14, there were 63 Local Resolutions. Complaints resolved through the Local Resolution process made up about 1.9 per cent of all complaints (3,114).

LOCAL INQUIRY

If a complainant chooses Local Resolution, then changes their mind about participating in it or is unable to agree to a resolution, they may file a complaint with the OIPRD; otherwise, the matter becomes a “local inquiry.” Under the PSA, police services must report the number of local inquiries to the OIPRD on a quarterly basis. In 2013–14, 122 local inquiries were reported to the OIPRD.

CHIEF'S COMPLAINT

A chief's complaint is a police service internal complaint. In some cases, however, a chief's complaint results from the Local Resolution process. In these cases, a complainant who has made a local complaint at a police service may decide not to proceed any further with the complaint process; however, the chief may decide that the complaint deserves a closer look. In such a case, the complaint is regarded as a chief's complaint and is handled by the police service. A chief's complaint does not require the participation of the person who brought the matter to the police service's attention.

Formal Complaints to the OIPRD

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

The OIPRD's jurisdiction includes municipal and regional police services and the Ontario Provincial Police (OPP). Ontario has 52 municipal police services and 173 OPP detachments and headquarters with approximately 24,300 sworn police officers. The OIPRD does not have jurisdiction over RCMP officers, TTC Special Constables, GO Transit police, First Nations police officers, court officers, campus police, provincial offences officers or special constables. Our office cannot investigate, recommend or lay criminal charges.

Under the PSA, any member of the public can file a complaint with our office about any sworn police officer in Ontario or the policies or services of a police station/detachment.

People can make a complaint about a police officer if they:

- Have a concern or were offended by something a police officer(s) said or did to them
- Were a witness to an incident involving a police officer(s) that concerned or offended them
- Are concerned or distressed as a result of the way a relative or friend has been treated by a police officer(s)
- Are acting on behalf of an individual listed above; for example, a member of an organization who has been given written permission to make a complaint on another's behalf
- Have a complaint that a police department has not provided proper service
- Have a complaint about a policy of a police department

People do not have to be residents of Ontario or citizens of Canada to file a complaint. In order to ensure a fair process for both parties, anonymous or unsigned complaints are not accepted. This allows complaints that are screened in to be properly investigated. Anonymous complaints do not provide a way for complainants to be interviewed or for the respondent officer to answer the complaint.

People can file their complaints online directly with the OIPRD using the e-filing function. When a complaint is filed online, the complainant will immediately receive a complaint reference number. If complainants do not wish to file online, they can complete a fillable complaint form or download a complaint brochure. Once the form is printed, completed and signed, it may be filed in person, by fax or by mail, or scanned to PDF and emailed.

Complaints can also be filed at any municipal, regional or provincial police station in Ontario. Any police service will accept the complaint – complainants do not have to hand in their complaints to the service they are complaining about. The police service accepting the complaint must forward it to the OIPRD within three business days.

When a complaint is filed by fax or mail, is scanned and emailed or is submitted to a police service, the OIPRD sends the complainant a letter of acknowledgement, which includes a complaint reference number. The OIPRD will oversee the management of the public complaint from its receipt through to the end of the investigation.



HOW WE DEAL WITH COMPLAINTS

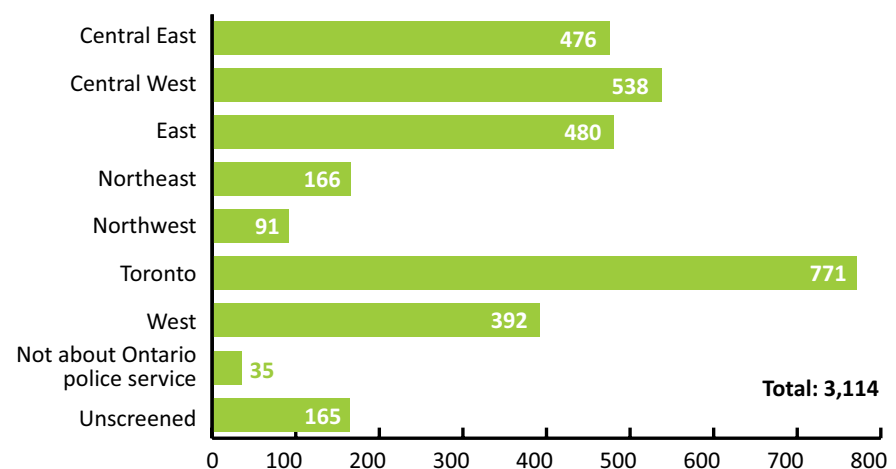
The statistics regarding the number of complaints are tabulated according to the fiscal year in which the complaints were received. There may be instances in which complaints were received in a previous fiscal year, but were not screened or investigated until the following year. Several of the tables in our report show the number of complaints carried over from previous years.

NUMBER OF COMPLAINTS FILED

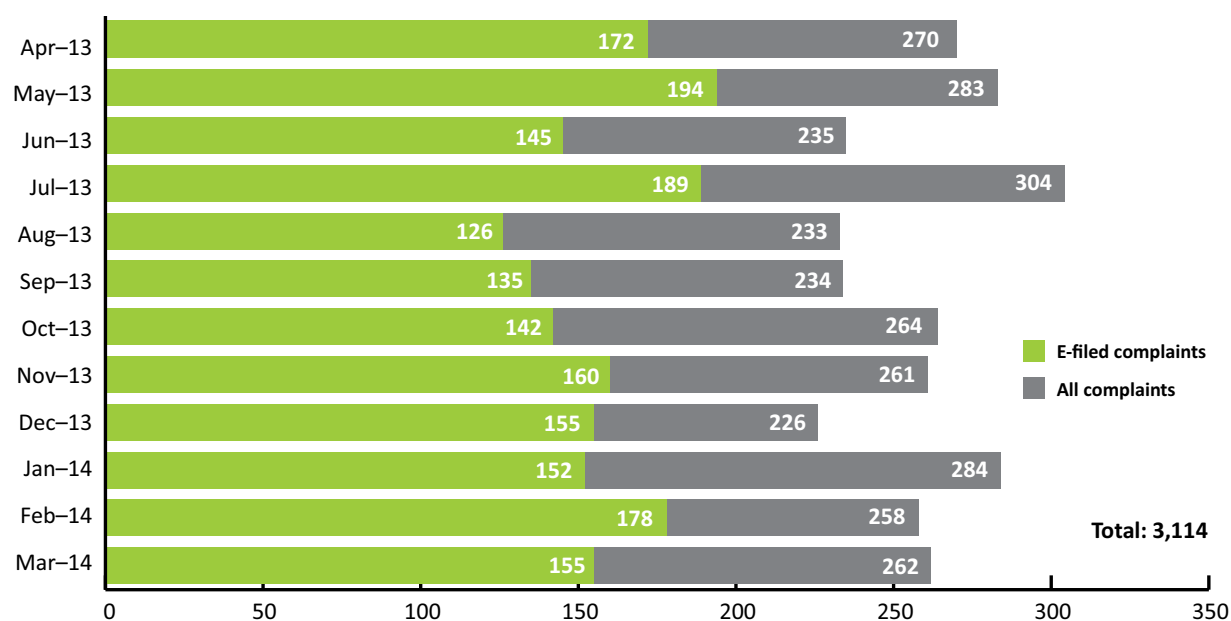
Between April 1, 2013 and March 31, 2014, the OIPRD received a total of 3,114 complaints, with an average of 260 complaints per month. Since the OIPRD opened on October 19, 2009, we have received more than 15,000 complaints.

Total Complaints Filed: April 1, 2013 – March 31, 2014

Number of complaints by region



**Total Complaints Filed, Including E-filed Complaints:
April 1, 2013 – March 31, 2014**
All complaints by month

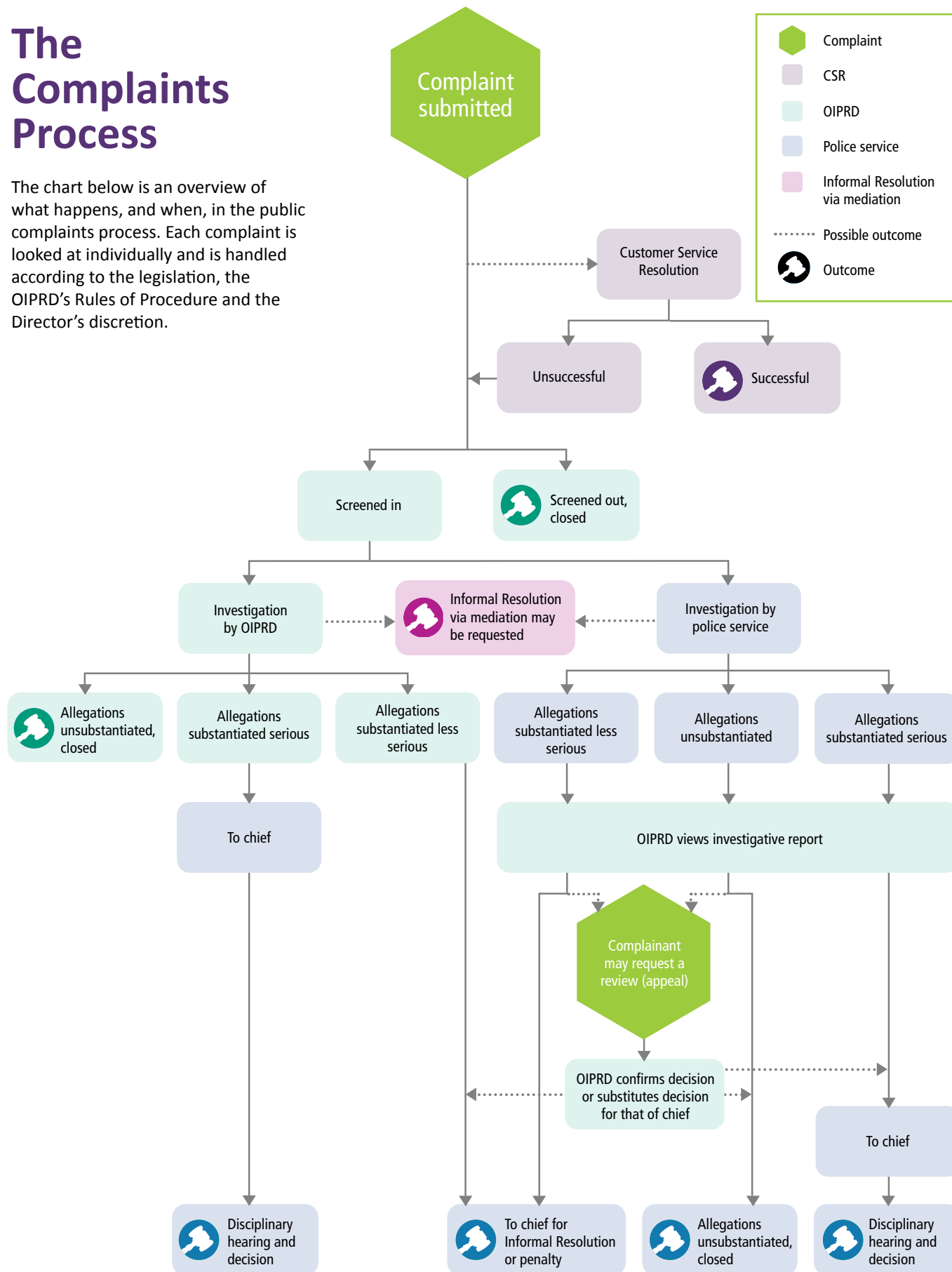


This graph shows the total number of complaints filed with the OIPRD and the number filed via e-file between April 1, 2013 and March 31, 2014. During this period, on average, e-file was used to submit 61 per cent of complaints every month. The average number of complaints filed via e-file

per month was 158 complaints. The percentage of e-filed complaints increased by one per cent from 60 per cent in March 2013.

The Complaints Process

The chart below is an overview of what happens, and when, in the public complaints process. Each complaint is looked at individually and is handled according to the legislation, the OIPRD's Rules of Procedure and the Director's discretion.



Intake

When a complaint is received, our intake staff ensure that the complaint is on an OIPRD complaint form and that the form is complete, signed and contains all the necessary information. In cases where the complaint is not on an OIPRD form, or additional information is required from the person filing the complaint in order to process it, the complainant will be contacted by the OIPRD before the complaint can proceed. If we are not able to obtain the information or a completed complaint form after repeated attempts, the complaint cannot move forward. It is then categorized as an abandoned complaint and closed.

Where the complaint form is complete, intake staff send the complainant a letter of acknowledgement, which includes a complaint reference number, and assigns the file to a case coordinator. At this early stage, the complaint is reviewed to determine whether it is suitable for Customer Service Resolution (CSR).

Customer Service Resolution

CSR is a complaint resolution program that the OIPRD launched in April 2013 to provide opportunities for complainants and respondent officers to voluntarily resolve complaints at a very early stage, before they are formally screened under the *Police Services Act*.

Most complaints received by the OIPRD are filed electronically. While e-filing is the most efficient way to file a complaint, it doesn't allow for any type of early resolution because e-filed complaints automatically enter directly into the screening process. CSR offers that opportunity.

CSR is a good option for less serious complaints where the complainant and respondent officer could benefit from a conversation about the issues. Examples include:

- Incivility
- Miscommunication
- Aggression
- Improper use of authority
- Improper charge
- Failure to lay a charge
- Unfair or biased treatment
- Damage to property

The OIPRD reviews complaints at a very early stage to determine whether they are less serious and therefore suitable for CSR. If so, the complainant, the affected police service and the respondent officer are contacted about resolving the complaint. If they do not agree to this option, the complaint is returned to the screening process to be either screened in or screened out.

If the complainant, the affected police service and the respondent officer agree to CSR, the resolution process goes forward and a trained facilitator, usually a member of a police service's professional standards branch or a senior officer designated by the police chief, helps the complainant and the respondent officer resolve the matter. The CSR process is expected to take less than 45 days.

In most CSR matters, the professional standards officer facilitates a meeting and a discussion between the complainant and the respondent officer. The meeting may take place at a police station or at another mutually acceptable location. Consideration is given to any perceived power imbalance and accommodations are made for the complainant's preferences when possible.

If an in-person meeting is not possible, or if the complainant prefers not to meet in person, a telephone discussion may take place.

As a last resort, the professional standards officer may arrange a shuttle discussion. This technique involves the designated professional standards officer discussing the matter with the respondent officer and the complainant separately. The professional standards officer then informs both the respondent officer and the complainant of the opinions and perspective of the other party and attempts to achieve a common understanding or mutually satisfying resolution of the issue. This type of discussion is reserved for occasions when the complainant specifically requests it or when the respondent officer is unavailable to meet. A shuttle discussion can only happen with the consent of both parties.

When a complaint is successfully resolved by CSR, the parties sign a resolution agreement to close the complaint. The agreement is sent to the OIPRD and the complaint is closed as resolved by CSR. If CSR is unsuccessful, the complaint enters into the screening process. In some circumstances, the professional standards officer may request a mediator to help resolve the matter. If the Independent Police Review Director approves, our office arranges the mediation.

CSR allows the parties to exchange perspectives and accounts of what happened, discuss their concerns and take an active part in resolving issues. Successful resolutions can be powerful learning opportunities that have lasting positive effects on participants. Resolutions can include:

- An acknowledgement, an explanation and a common understanding
- Change of police officer practice
- A conversation with a senior officer
- Professional development courses
- Better understanding of police procedures

In 2013–14, 143 complaints went forward for CSR. Of that number, 130 complaints were successfully resolved;

two were withdrawn during the CSR process; and 11 were still in progress on March 31, 2014.

Customer Service Resolution by Service

Service	CSR resolved	CSR withdrawn	CSR in progress
Barrie	5	–	–
Brantford	1	–	–
Brockville	1	–	–
Chatham-Kent	2	–	–
Durham Regional	2	–	–
Guelph	1	–	–
Halton Regional	3	–	–
Hamilton	5	–	1
London	3	–	–
Niagara Regional	5	–	–
OPP Central East	1	–	–
OPP Central West	3	–	–
OPP East	1	–	–
OPP North East	6	–	2
OPP North West	3	–	–
OPP Toronto	6	–	–
OPP West	4	–	1
Ottawa	10	1	–
Peel Regional	12	–	2
Peterborough Lakefield	1	–	–
Port Hope	1	–	–
Sarnia	–	1	1
St. Thomas	2	–	–
Toronto	41	–	4
Waterloo Regional	2	–	–
Windsor	2	–	–
Woodstock	1	–	–
York Regional	6	–	–
Total	130	2	11

Screening Complaints

All complaints are entered into a secure case management system that allows staff to manage all aspects of the case on an ongoing basis, from beginning to end. It also allows staff to create case files and add information to respective cases, including setting up complaint cases on the system.

Our intake staff read the complaint to make certain it meets the requirements of a complaint under the PSA. Some matters are not specified under the legislation and are therefore not in the OIPRD's jurisdiction.

"Not in the OIPRD's jurisdiction" means the complaint:

- Was not about a provincial, regional or municipal police officer in Ontario
- Was not about a policy or service of a provincial, regional or municipal police service in Ontario
- Was made by an individual excluded under the act

COMPLAINT TYPES

If the complaint meets the requirements of a complaint under the PSA, case coordinators assess it to determine its type. Every complaint received must be screened and categorized as a policy, service or conduct complaint, or a combination of the three.

Policy complaints relate to the rules and standards that guide an officer in delivering police services. Where a particular policy guides police conduct, a complaint may be made about the policy. Service complaints may be related to how effectively and efficiently a particular department performs its duties. In order to file a complaint, the complainant must

be affected by the policy or service they are complaining about. Conduct complaints relate to allegations about the conduct of one or more individual police officers.

In 2013–14, the majority of complaints the OIPRD received pertained to issues involving the conduct of police officers. Of the 3,114 complaints filed with the OIPRD, 87.2 per cent (2,715) related to police conduct. This was down from 93.1 per cent the year before. 0.96 per cent (30) related to the policies of police departments – an increase from 0.7 per cent the year before. 2.6 per cent (80) related to services – down from 3.5 per cent the year before. The remaining 5.3 per cent (165) were awaiting a screening decision as of March 31, 2014.

KEY THEMES FROM CONDUCT COMPLAINTS 2013–14

Incivility continues to be one of the biggest causes for complaints against police. A large number of these complaints involve officers with between zero and seven years of experience on the job and occur in the context of a traffic stop.

Complaints about attitude and behaviour are very difficult to prove when the process requires that there must be reasonable grounds to show that misconduct occurred in order for a complaint to be substantiated. If a complainant feels that an officer's behaviour has been rude, dismissive or insulting, that experience is real to them. When a complainant is told that their complaint cannot be substantiated on evidence, they sometimes think that means investigators believe they must be lying. The fact that an investigative process cannot substantiate the complaint does not make the complainant's experience any less real. The Independent Police Review Director regularly addresses the topic

of incivility with the Ontario Police College and with students in police foundations courses in order to help reduce these types of complaints. Our CSR and mediation programs offer ways to deal with complaints of incivility and provide opportunities to build understanding between complainants and officers through a complaint resolution process.

Allegations of unlawful or unnecessary exercise of authority and neglect of duty are other dominant themes in complaints filed with our office. In 2013–14, there were 855 allegations of unlawful or unnecessary exercise of authority in complaints received by the OIPRD. This was down from approximately 1,000 allegations the year before. Still, the majority of allegations of unlawful or unnecessary exercise of authority were allegations of use of force. An example of a fairly common use of force complaint is one that is made in the context of officers executing a search warrant or making an arrest. Complainants have alleged that officers kick doors in, take complainants to the ground with excessive force, punch them, kick them, or put handcuffs on too tightly.

Some of the complaints we receive are not about what police officers did do, but about what they did not do. Allegations that police failed to properly investigate an incident or did not take a call for police seriously fall into this category. In 2013–14, there were 458 allegations of neglect of duty.

COMPLAINTS SCREENED OUT

When a complaint is screened in, it means that upon review of the information gathered during the screening process, the Director made a decision that the complaint should be investigated. When a complaint is screened out, it means that following a review of the information gathered

during the screening process, the Director decided that the complaint does not meet the criteria to require an investigation. When a complaint is screened out, a letter is sent to the complainant giving the reasons for the screening decision.

The table below notes the total number of complaints screened out for reasons set out in section 60 of the PSA.

Complaints Screened Out: April 1, 2013 – March 31, 2014	2013–14	From 2012–13	Total
Conduct			
Abandoned	87	21	108
Bad faith	2	–	2
Better dealt with under another act/law	191	2	193
Directly affected party already filed a complaint	17	–	17
Duplicate complaint	57	1	58
Frivolous	164	2	166
No jurisdiction under section 58	91	2	93
Not in the public interest	652	14	666
Over six months and other criteria not met	131	15	146
Prior to proclamation	28	–	28
Third-party criteria not met	29	–	29
Unable to contact complainant	7	2	9
Vexatious	6	–	6
Withdrawn prior to screening	44	4	48
Total	1,506	63	1,569
Policy			
Abandoned	1	–	1
Frivolous	1	–	1
No jurisdiction under section 58	2	–	2
Not in the public interest	3	–	3
Over six months and other criteria not met	1	–	1
Total	8	–	8
Service			
Abandoned	1	–	1
No jurisdiction under section 58	1	–	1
Not in the public interest	9	1	10
Prior to proclamation	1	–	1
Unable to contact complainant	1	–	1
Withdrawn prior to screening	1	–	1
Total	14	1	15
Total screened-out cases in 2013–14	1,528	64	1,592

Explanatory Notes for Screened-out Complaints

From 2012–13 cases: This number indicates complaints received in the previous fiscal year (2012–13), but screened during the next fiscal year (2013–14). Complaints filed in the last days of a fiscal year are often processed in the next fiscal year. For example, a complaint filed on March 31, 2014 would be processed in the 2014–15 fiscal year.

The OIPRD has the legislative discretion to screen out complaints for a variety of reasons:

Abandoned: The contact information appears correct, but repeated attempts to contact the complainant produced no response.

Bad faith: The Director may determine that a complaint is made in bad faith if there is clear evidence that the complaint was made for an improper purpose or with a hidden motive. A “bad faith” complaint may be one that is made with the intention of deceiving the OIPRD or police services.

Better dealt with under another act/law: Some complaints should clearly be dealt with by another authority; for example, a complaint solely disagreeing with a traffic ticket.

Directly affected party already filed a complaint: The complaint is already being investigated with the directly affected party as the complainant. Other complainants making a complaint about the same incident involving the directly affected party may be interviewed as witnesses to the original complaint. The purpose is to allow for a single investigation.

Duplicate complaint: A complainant filed the same complaint for the same incident more than once.

Frivolous: A complaint that is frivolous may be a complaint that is trivial or lacks an air of reality. Frivolous

complaints may assign blame where there is none. A complaint may be frivolous when it does not disclose a breach of the *Police Services Act* or the Code of Conduct.

No jurisdiction under section 58: The complaint is not about policy, service or conduct. The police officer the complaint is about does not fall under the jurisdiction of the OIPRD – RCMP and First Nations officers, for example. The complainant is excluded by legislation from filing a complaint.

Not in the public interest: Under section 60(4) of the PSA, the OIPRD is permitted to screen out a complaint if “having regard to all the circumstances, dealing with the complaint is not in the public interest.” When the OIPRD determines what may or may not be in the public interest, we must consider a broad range of factors. One consideration is whether the action rises to the level of misconduct. Actions that are considered to be misconduct are outlined under section 80 of the PSA. When deciding if the action rises to the level of misconduct, the OIPRD may consider the location of the event, the number of similar complaints received or the details provided by the complainant, or whether the action was a proper exercise of police discretion, was connected to an occupational requirement or brings the police force into disrepute. This list is not exhaustive. This analysis is subjective and is applied on a case-by-case basis.

Other factors considered when determining whether or not it is in the public interest to investigate a complaint include:

- The effect of a decision to deal or not to deal with a complaint on the public’s confidence in the accountability and integrity of the complaints system
- Whether the issues are of systemic importance or a broader public interest is at stake

- If there is an ongoing police investigation and our investigation will interfere with the results of the police investigation

Over six months: Under section 60(2) and (3) of the PSA, the Director may decide not to deal with a complaint if it is filed more than six months after the occurrence of the incident cited in the complaint. In determining whether to deal with a complaint older than six months, the Director will consider a number of criteria outlined in the act:

- Whether the complainant is a minor or is under a disability within the meaning of the *Accessibility for Ontarians with Disabilities Act, 2005*
- Whether the complainant is or was subject to criminal proceedings in respect of the events underlying the complaint
- Whether, having regard to all the circumstances, it is in the public interest for the complaint to be addressed

If a complaint is filed after six months, the OIPRD requests the complainant to provide a reason for the delay in filing. All circumstances, including the reason for delay and the seriousness of the allegations in the complaint, are considered by the Director in making his screening decision.

Prior to proclamation: The OIPRD can only deal with complaints about incidents that happened on or after October 19, 2009.

Third party criteria not met: The complainant is too remote from the incident. A complainant has to be one of the following:

- The directly affected person
- A witness
- Someone who is in a personal relationship with the person directly affected AND who has 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

Unable to contact complainant: The contact information has not been provided or is incorrect and the complainant could not be located. Without the ability to contact the complainant, the OIPRD cannot move forward with a complaint.

Vexatious: A vexatious complaint may be one that is made out of anger or the desire to seek retribution. Vexatious complaints may lack a reasonable purpose or may be made with the intention to harass or annoy. Vexatious complaints may be repetitive (filing the same complaint numerous times after a previous complaint was screened out, or filing repeated complaints about the same person).

Withdrawn prior to screening: The complaint was filed and then withdrawn before case management made a screening decision.

SCREENING SCENARIOS

The following hypothetical scenarios are intended to illustrate the types of complaints that may be screened out. It is important to remember that all complaints are dealt with on a case-by-case basis.

Traffic Stop

I was picking up a friend and waited at the end of the driveway. A few cars drove by, including a cop car. Further down the road, the cop car pulled over, waited for us to pass and then pulled us over. The cop asked for my licence and registration. I provided the information. He went to his cruiser and came back five minutes later. He didn't have the right to ask me for my identification.

This complaint would likely be screened out as frivolous. The *Highway Traffic Act* permits a police officer, in the lawful exercise of his or her duties, to stop a motor vehicle and require the driver to surrender his or her licence for inspection. Therefore, although the experience may have been unpleasant for the complainant, the officer's behaviour does not rise to the level of misconduct.

911 Response

Four officers knocked on the door of my apartment at 11:15 p.m. My girlfriend answered the door wearing a nightdress and was asked to step into the hallway to answer questions. The officers asked her who was in the apartment, and if I was hurting her. The officers said they were responding to a 911 call about an excessive noise complaint and possibly someone being beaten. We don't have a stereo. I don't know who called in the complaint, but it wasn't about us.

This complaint would likely be screened out as not in the public interest. The officers responded to a noise complaint and possible domestic assault situation. Given the seriousness of this type of call, the officers' actions in responding to the 911 call and questioning the complainant's girlfriend do not give rise to misconduct as defined by the PSA.

Harassed

I do not think it is right for the police to harass innocent people. For the past few months, I have been harassed by police officers across Ontario. I do not understand why this is happening and I think someone should put a stop to it. One time, I called the local police station and let them know that people from their service were crank-calling me. Nothing was done about it. This is one of many stories. This is not right. Police officers should not be allowed to act this way and must be held accountable. I want you to find out why the police are harassing me.

This complaint would likely be screened out as frivolous. The PSA permits the Director to not deal with a complaint if, in his opinion and having regard to all the circumstances, the complaint lacks substance. If the complainant is not in a position to provide specifics as to the identity of the officers, times and locations, it would not be possible to investigate the complaint. The concerns of the complainant appear to be speculative.

Police Officer's Tone

I was stopped while driving my car. The police officer came to my window and was very rude to me. I did not like the tone that he took with me. He was very abrupt. I provided the officer with my information and he gave me a ticket. My friend was in the car. We both did not like the way he talked to me.

If there are specifics such as profanities, a complaint about rudeness may be screened in. In this case, however, the complaint would likely be screened out as frivolous because, considering all the circumstances, the complaint lacks substance.

Traffic Ticket

I was recently involved in an automobile accident that was attended by about six different police officers. At the scene of the accident, I was told no charges were going to be laid, as it was neither my "fault" nor the other driver's. However, about two weeks after the incident, I was asked to go down to the police service's headquarters, where they issued me a provincial offences ticket for "following too closely." Why would it take so long for the service to issue a ticket? If there was no fault at the scene of the accident, should the matter not be resolved and our respective insurance companies deal with the damages? I don't think I should have received a ticket, especially since the officers on the scene had scrutinized the accident and let us go without issuing tickets or charges.

This complaint would likely be screened out as being more appropriately dealt with by another act or law. Based on the information in the complaint, the courtroom would be the more appropriate forum to deal with this complaint. If, at the conclusion of court proceedings, the judge makes a finding that an officer acted in a manner that contravened the Code of Conduct, the complainant could file a new complaint – with supporting evidence – for consideration.

COMPLAINTS SCREENED IN

From the 3,114 complaints received between April 1, 2013 and March 31, 2014, the OIPRD screened in 1,297 complaints for investigation. There were also 858 complaints that were carried over from prior years. On March 31, 2014, 165 complaints were awaiting screening. As a result, there may be a difference between complaints screened in, complaints screened out and the total number of complaints received.

Based on the complaints received between April 1, 2013 and March 31, 2014 that were screened in, 1,209 complaints involved matters of police conduct, 22 complaints referred to policies and 66 complaints raised issues about service.

Number of Screened-in Conduct Complaints Filed by Region

Region	2013–14	Carried over			
		2012–13	2011–12	2010–11	2009–10
Central East	216	101	4	1	–
Central West	239	139	4	3	–
East	211	113	2	4	–
Northeast	48	26	–	3	–
Northwest	49	16	3	–	–
Toronto	292	199	9	119	1*
West	154	78	5	1	–
Total	1,209	672	27	131	1

*One complaint screened in for investigation in 2009–10 has been carried over into 2013–14. Following the investigation, the matter went to a hearing where the officer was found guilty of misconduct. The officer filed an appeal of the decision with the OCPC. The matter is ongoing as it awaits the results of the OCPC hearing.

Number of Screened-in Policy/Service Complaints Filed by Region

Region	2013–14	Carried over			
		2012–13	2011–12	2010–11	2009–10
Central East	17	3	–	–	–
Central West	14	2	1	–	–
East	19	2	–	–	–
Northeast	8	1	1	–	–
Northwest	2	–	–	–	–
Toronto	22	13	1	–	–
West	6	3	–	–	–
Total	88	24	3	–	–

Investigations

POLICY/SERVICE COMPLAINTS

The OIPRD screens complaints about the policies and services of police organizations and oversees the complaints, but we cannot investigate them. The *Police Services Act* requires that all policy and service complaints be sent to the appropriate chief or the OPP Commissioner for a response. If the chief or Commissioner investigates the complaint, he or she has 60 days to provide a written report on the policy and service complaint to the complainant, the OIPRD and the police services board, outlining his or her decision, with reasons. In the case of municipal or regional services and local OPP policies, the decision may be appealed to the appropriate police services board. Local OPP policies are policies that are developed by a police services board to guide an OPP detachment providing municipal or regional services. Decisions made by the Commissioner regarding provincial OPP policies cannot be appealed.

CONDUCT COMPLAINTS

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

The OIPRD Rules of Procedure describe the criteria for referring or retaining a complaint for investigation. The OIPRD considers carefully which complaints we will retain for investigation and which complaints we will refer to a police service.

The OIPRD has clear guidelines and expectations about the process of investigations. Investigative reports are standardized. OIPRD investigators and police investigators use the same format when investigating conduct complaints. Investigative reports include:

- A summary of the complaint
- A summary of statements from those involved, including the complainant, respondent officer(s) and civilian and officer witnesses
- References to any information referred to or relied upon
- A description of the actual investigation
- Reference to Code of Conduct allegations, which is determined through investigation
- An analysis and conclusion about whether there are reasonable grounds to substantiate misconduct under the PSA

One of the functions of the OIPRD is to ensure that investigations of conduct complaints throughout Ontario are completed within 120 days once a decision is made to retain or refer a complaint for investigation. The timeline is important because the PSA requires that respondent officers be given notice of a hearing within six months of the decision to retain or refer a complaint for investigation. More complex investigations often take longer and as a result, delay applications must be requested.

If more than six months have elapsed from the date the matter was referred to a police service or retained by the OIPRD for investigation and the notice of hearing has not yet been served on the officer, the PSA requires the chief to bring a delay application to the municipal police services board (or in the case of the OPP, to the Commissioner) to allow the notice of hearing to be served on the officer.

This provides a mechanism for the police services board, which hired the chief, to oversee its chief's administration of the public complaints process.

The board must consider whether it was reasonable in the circumstances to delay serving the notice of hearing. Respondent officers and complainants are notified of these matters before the police services board and are permitted to make submissions for the board's consideration of the delay application.

COMPLAINTS ABOUT CHIEFS/DEPUTY CHIEFS

Police chiefs and deputy chiefs are employed by a police services board. When the OIPRD receives a complaint about a police chief or deputy chief, it is screened to determine if the complaint is valid under the PSA. The act stipulates that the OIPRD must refer the complaint to the appropriate police services board. That police services board must determine whether the alleged conduct may constitute a criminal offence, misconduct or unsatisfactory work performance and report its determination to the OIPRD.

If the board is of the opinion that the conduct of the police chief or deputy chief is not a criminal offence or misconduct, the board takes no action in response to the complaint and notifies the complainant, the chief or deputy chief and the OIPRD of the decision in writing, with reasons. While the Director has the option of exercising powers of direction, the PSA does not allow the complainant a statutory right of appeal of the board's decision not to take action.

If the police services board decides that there may be misconduct, the board must send the complaint back to the OIPRD for investigation.

Following an investigation, the OIPRD provides a written report to the police services board indicating whether the complaint is substantiated or unsubstantiated. If the complaint is unsubstantiated, the board takes no action in response to the complaint and notifies the complainant and the chief or deputy chief of the decision.

If the complaint is substantiated, the Director refers the matter to the board, whether the misconduct is serious or less serious. If the misconduct is less serious, the complaint may be resolved informally if the chief or deputy chief and the complainant agree. If either party does not agree, the board can impose a penalty. If the chief or deputy chief disagrees with the penalty, the complaint must go to a hearing. If the

complaint is substantiated as serious, the board must either hold a hearing into the matter or refer the matter to the Ontario Civilian Police Commission to hold the hearing.

COMPLAINTS ABOUT OPP COMMISSIONER/ DEPUTY COMMISSIONER

Under the PSA, complaints about the OPP Commissioner and deputy commissioner must be referred to the Minister of Community Safety and Correctional Services to be dealt with.

COMPLAINTS SENT FOR INVESTIGATION

The OIPRD screens in for investigation approximately 1,000 to 1,500 complaints per year. The OIPRD

does not have the number of investigators required to investigate all complaints ourselves. Therefore, the majority of complaints are sent to the police services for investigation and monitored by the OIPRD, and the results are then reviewed to determine whether an appropriate investigation was carried out.

Between April 1, 2013 and March 31, 2014, 1,094 conduct complaints were referred to police services for investigation. The legislation requires all policy and service complaints to be referred to the chief. In 2013–14, 89 policy and service complaints were sent to police services for a response. The OIPRD retained 136 conduct complaints for investigation.

Complaints Sent for Investigation: April 1, 2013 – March 31, 2014

	2013–14	2012–13	Total
Screened in 2013–14	1,297	27 *	1,324
Complaints screened in and referred to a police service for investigation			
Conduct			
Same police service	1,071	20	1,091
Other police service	2	1	3
Policy			
Same police service	22	1	23
Service			
Same police service	66	–	66
Complaints screened in and retained by OIPRD for investigation			
Conduct	131	5 **	136
Complaints about a police chief referred to a police services board	5	–	5

*Five of the 27 referred cases were referred in 2012–13 and subsequently referred a second time in 2013–14 by the Director under section 72.

**Four of the five retained cases were referred in 2012–13 and subsequently retained in 2013–14 following requests for review.

PROFESSIONAL STANDARDS UNITS

Many police services in Ontario have professional standards branches, sections, bureaus or units that work to promote professionalism and integrity in their police service. Professional standards units investigate conduct complaints filed under Part V of the act and complaints about the services and policies of the police service that are referred to them by the OIPRD. Professional standards units also conduct internal investigations ordered by the police chief into allegations of officer misconduct or criminal activity, and handle local complaints from members of the public made at the police station. Professional standards officers may also facilitate complaint resolution for local complaints, Customer Service Resolutions and Informal Resolutions.

REFERRED – POLICE MANAGED INVESTIGATIONS

When a police service investigates a conduct complaint, the OIPRD manages and oversees that complaint. Our Case Management, Investigations and Legal Services units work closely with professional standards units, or liaison officers where police services do not have professional standards units.

Police services are encouraged to pursue attempts at resolving complaints between the complainant and respondent officer(s) during the investigation process.

Case coordinators track the referred investigation as it progresses and coordinate with police service liaison officers as well as complainants to ensure that all directions, timelines and notice requirements are met. Case coordinators also receive and review interim investigative updates from the police service and work with our Legal Services Unit and Director if issues arise.

Following the investigation, the investigating officer completes a standardized report that includes the results of the investigation.

Where a police service investigates, the chief determines 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. The OIPRD reviews the investigative report and if issues are identified, the Director will instruct the police service appropriately. This may include directions such as answering questions, interviewing witnesses or gathering further evidence.

RETAINED – OIPRD INDEPENDENT INVESTIGATIONS

Between April 1, 2013 and March 31, 2014, the OIPRD retained 136 complaints for investigation.

When the OIPRD investigates a complaint, the investigator assigned to the complaint informs the complainant about how the complaint will be investigated, what cooperation will be required and how a decision will be reached. The investigator prepares an investigation plan to conduct a thorough review of the case, identifying and summarizing the following:

- Background information
- Allegations
- Scope of the investigation
- Evidence
- Witness/respondent officers
- Civilian witnesses
- Time frames
- Other (including safety factor)

Once an investigator receives a file, one of the first things he or she often does is research the incident and then pursue attempts at resolving the complaint between the complainant and respondent officer(s). For

example, the investigator may want to find out more about the location where the incident occurred. If an incident happened in a public place, the investigator may contact the businesses at the location to find out whether a security camera recorded the incident and request the video.

Independent evidence, such as video, is extremely important for complaint investigations. There have been situations where a video recording confirmed the complainant's account, and situations where a video confirmed an officer's account.

Complaints that are filed as soon as possible after an incident occurs can benefit from independent evidence from video, especially because businesses do not keep recordings for very long.

After looking for independent evidence, the investigator will contact the complainant, the respondent officer(s) and any known witnesses to arrange individual interviews. All interviews are recorded. It is not always possible to speak with a complainant or witness face-to-face, so there are times when investigators have to conduct interviews by phone. In these instances, they ask permission for the interview to be recorded.

Once the investigation is complete, an investigative report is written and the Director reviews the report to determine whether there are reasonable grounds to substantiate the complaint. If the complaint is substantiated, the Director will also determine whether the matter is serious or less serious. If the Director determines there are no reasonable grounds, the complaint is deemed to be unsubstantiated. A copy of the investigative report, along with the Director's findings, is forwarded to the complainant and the chief of police. The chief is also provided with a copy for the respondent officer.

The Director's decision is final and there is no statutory right of appeal from the decision. The only means by which to review the Director's decision is to bring an application for judicial review in the Superior Court of Justice.

In addition to conducting investigations into public complaints, OIPRD investigators review all investigations carried out by police services. In cases where a police service has been assigned to investigate the conduct of a member of another police service, the OIPRD Investigations Unit will monitor that investigation. Where the OIPRD receives a request for review, the Investigations Unit reviews the entire investigative file provided by the police service in detail, analyzes it from an investigative perspective and reports the results to the review panel for its consideration. The Investigations Unit also conducts systemic review investigations, as well as audits of police services and police services board practices, policies and procedures relating to the public complaints system.

OIPRD investigations are carried out using currently recognized investigative practices that are in keeping with investigative standards and legislation and employ the latest technology, such as audio and video enhancement software. Our use of technology in sending and receiving material from across the province enhances our ability to quickly exchange material with our stakeholders when necessary.

Our investigators work from our office in Toronto but travel extensively throughout the province conducting interviews with complainants, witnesses and police officers, as well as gathering evidence related to complaints. They are tasked with

conducting thorough and independent investigations and reporting the results to the Director. Where charges are laid they provide evidence for the PSA hearing.

COMPLAINTS AND THE SPECIAL INVESTIGATIONS UNIT

In some cases, a public complaint may contain allegations and information that will trigger a police chief's obligation to notify the SIU.

For those complaints, there may be overlap between the OIPRD and the SIU in that the professional misconduct alleged by the complainant in his/her complaint to the OIPRD is the same conduct that forms the basis of the criminal investigation being conducted by the SIU. Despite this potential overlap, the investigations conducted or overseen by the OIPRD are not investigations into the potential criminal wrongdoing of a police officer; rather, they remain investigations into alleged professional misconduct by the officer. The OIPRD cannot find that criminal conduct has occurred or that charges ought to be laid, but may find that professional misconduct has occurred in contravention of the *Police Services Act*.

In cases where the OIPRD has screened in a complaint for investigation and has decided to conduct that investigation itself, and where the SIU has invoked its mandate, the SIU investigation is given consideration. The OIPRD does not wait until the SIU completes its investigation, given the presumptive six-month period for completing the investigation set out in section 83(17) of the PSA. Accordingly, the OIPRD continues its investigation even in the face of a concurrent SIU investigation. However, the OIPRD generally does not interview any witnesses until

the SIU completes its interviews of the witnesses, so that any criminal investigation is not compromised. The OIPRD endeavours not to re-interview witnesses unless it is necessary to do so.

COMPLAINTS FILED TO THE OIPRD AND THE HUMAN RIGHTS TRIBUNAL OF ONTARIO

A complainant may file a complaint with both the OIPRD and the Human Rights Tribunal of Ontario (HRTO) and may have both proceed. The OIPRD may screen a complaint out if it is of the view that it is best dealt with through the HRTO. This may be the decision that is made, regardless of whether there is an existing HRTO application.

Complaints Sent for Investigation – Closed with Reasons: April 1, 2013 – March 31, 2014

	Carried over				
	2013–14	2012–13	2011–12	2010–11	Total
Abandoned	10	1	–	–	11
Closed after appeal to OCPC	–	–	1	1	2
Closed after investigation	282	394	11	6	693
Closed during investigation for reasons under section 60	28	2	–	–	30
Closed after request for review	22	99	6	–	127
Informally resolved after investigation	1	1	–	–	2
Informally resolved during investigation	146	69	1	–	216
Mediation successful	2	–	–	–	2
Withdrawn after investigation	1	1	1	–	3
Withdrawn during investigation	244	70	–	–	314
Total cases sent for investigation and closed	736	637	20	7	1,400

Explanatory Notes for Complaints Sent for Investigation and Closed

From 2010–11, 2011–12 or 2012–13 cases: This number indicates complaints received in the previous fiscal year but carried over into the next fiscal year.

Closed during investigation for reasons under section 60: This number indicates complaints which, during an investigation, were found to be better dealt with under another act or law, vexatious, over six months, not in the public interest or not in the OIPRD's jurisdiction.

The table below provides a look at the OIPRD's case load at the end of March 2014.

Case Load at Year-End

Cases from previous years carried over into 2013–14	930
Cases received in 2013–14	3,114
Total number of cases active in 2013–14	4,044
Cases screened in from previous years carried over into 2013–14	858
Cases screened in during 2013–14	1,297
Total number of screened-in cases in 2013–14	2,155
Cases screened out during 2013–14	1,592
Cases closed in 2013–14 including cases from previous years	3,124
Cases awaiting screening as of March 31, 2014	165
Cases carried over from 2013–14 into 2014–15	920

Potential Outcomes and the Decision Process

WITHDRAWAL OF COMPLAINTS

A complainant can withdraw their complaint as long as it has not proceeded to a hearing. If a complainant wants to withdraw their complaint after a hearing has begun, they need to have the consent of the Director and the chief of police.

Withdrawals are the prerogative of a complainant and are made for different reasons. A complainant may have received sufficient information to lead them to determine they no longer have a complaint or they may no longer wish to participate in the complaints process.

Between April 1, 2013 and March 31, 2014, 244 complaints were withdrawn by complainants during their investigation. One complaint was withdrawn after an investigation was conducted.

INFORMAL RESOLUTION

Informal Resolution is a way to resolve less serious allegations of misconduct. It can be attempted at any time during the investigation of a complaint, where the OIPRD approves and the complainant, respondent officer and chief of police agree. It may also be recommended at the conclusion of a conduct complaint that is substantiated as less serious.

The decision to recommend Informal Resolution depends on the 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
- Incivility, including allegations of unfair or biased treatment or rude or profane language
- Damage to clothing or property
- Unlawful or unnecessary exercise of authority
- Excessive use of force that does not result in serious injury

Some examples of conduct that may not be suitable for Informal Resolution include:

- Deceit
- Corruption
- Breach of confidence
- Unlawful or unnecessary exercise of authority that results in serious injury to the complainant
- Incidents involving firearms or conducted energy weapons (Tasers) in a manner that is inconsistent with the PSA
- Conduct that would support a criminal charge

A senior police officer experienced in resolving complaints or a trained OIPRD investigator helps the parties come to a resolution. If a complainant or respondent officer agrees to participate in an Informal Resolution, but changes their mind, they may revoke their 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 or respondent officer revokes their consent to Informal Resolution before the conclusion of an investigation into a complaint, the investigation will proceed. If a complainant or respondent officer revokes 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.

Where an Informal Resolution is successful, the complaint is closed. If it is unsuccessful, mediation arranged by the OIPRD may be requested. If the mediation is successful, the complaint is closed as resolved by Informal Resolution. If it is unsuccessful, the complaint returns to the investigative process or to the police chief for disposition.

Between April 1, 2013 and March 31, 2014, there were 146 Informal Resolutions during an investigation. One substantiated less serious complaint was informally resolved after an investigation.

MEDIATION FOR PUBLIC COMPLAINTS

In November 2013, the OIPRD launched the pilot mediation program for public complaints to allow less serious complaints about police to be resolved through mediation.

Many of the complaints the OIPRD receives about police-citizen interactions stem from misunderstanding, miscommunication or allegations of improper officer behaviour. Although formal investigations of complaints are sometimes necessary, dealing with less serious complaints through mediation allows complainants and respondent officers to resolve the issues between them.

Mediation is a voluntary confidential process in which the respondent officer and the complainant meet with the assistance of a neutral third-party mediator. The mediator facilitates the process, but does not make recommendations to the parties, give his or her own advice or opinion or try to influence or pressure either party to reach an agreement. The parties share their views of what happened, discuss their concerns and take an active part in reaching a mutually agreeable resolution. The mediator is in charge of the process, while the parties are in charge of the outcome.

The OIPRD encourages the use of the Community Mediation model. Community Mediation is a facilitative and transformative model of conflict resolution.

The potential benefits of mediation for complainants include:

- Having an opportunity to express how an officer's conduct affected them
- Taking part in the outcome of their complaint
- Receiving an explanation or an acknowledgement from the respondent officer
- Gaining a better understanding of policing

For respondent officers, the potential benefits of mediation include:

- Having an opportunity to explain their actions
- Gaining a better understanding of their interactions with citizens
- Learning from their behaviour

The potential benefits for the general public and police oversight include:

- More efficient complaint processing
- Greater public satisfaction with the complaints system

TWO AVENUES TO MEDIATION

In the public complaints system, there are two avenues that may lead to mediation: Informal Resolution and, in certain circumstances, CSR.

Informal Resolution facilitated by a senior member of a police service or an OIPRD investigator will continue to be the first kind of resolution that will be attempted. However, in situations where this is unsuccessful, or where the complainant is reluctant to accept a process being led by a police service but is still willing to resolve the matter, Informal Resolution via mediation may be requested. A decision not to participate in mediation has no impact on a complainant's or respondent officer's rights in the complaint process.

If a complaint cannot be resolved through CSR, but both parties are still interested in a resolution, in some circumstances, the police service may contact the OIPRD to request mediation.

THE MEDIATION PROCESS

If the OIPRD approves mediation for Informal Resolution or CSR, an external mediation service determines whether or not the case can be mediated. If the complaint can be mediated, the mediation service coordinates the initial session between the parties and they sign an agreement to participate in mediation. The mediator sets up additional mediation sessions as required; usually only two or three sessions are needed.

If it is determined that the case cannot be mediated, the complaint returns to the investigative or screening process.

If mediation is unsuccessful, the complaint returns to the investigative or screening process.

If mediation is successful, the parties sign a mediation agreement form, which is sent to the OIPRD for review. If the OIPRD is not satisfied with the agreement, the complaint returns to the investigative or screening process. If the agreement is approved, the complaint is closed as "resolved by Informal Resolution via mediation" or "resolved by CSR – mediation."

The mediation program was launched in November 2013. We are actively promoting the concept of mediation to police services and the public throughout Ontario to encourage more police services to consider requesting mediation to resolve complaints.

MAKING A DETERMINATION: SUBSTANTIATED AND UNSUBSTANTIATED COMPLAINTS

At the end of an investigation, conduct complaints are determined to be substantiated or unsubstantiated based on reasonable grounds. The PSA states that there must be "reasonable grounds" to believe that misconduct occurred in order for a complaint to be substantiated.

"Reasonable grounds" in a police complaints context are facts or circumstances of a case that would lead an ordinary and cautious person to believe that misconduct occurred. This belief must be more than a suspicion or an opinion of misconduct and must be subjectively and objectively based on factual evidence. The concept of reasonable grounds has a long history in criminal jurisprudence. One of the commonly cited cases for a definition of this phrase is in the context of an officer forming reasonable grounds for arrest and is taken from *R. v. Storrey* (1990), 53 C.C.C. (3d) 316 (S.C.C.): "It is not sufficient for the police officer to personally believe that he or she has reasonable and probable

grounds to make an arrest. Rather, it must be objectively established that those reasonable and probable grounds did in fact exist. That is to say, a reasonable person, standing in the shoes of the police officer, would have believed that reasonable and probable grounds exist to make the arrest.”

Complaints may also be found to be unsubstantiated if there are no reasonable grounds to conclude that a violation of the police Code of Conduct occurred. The complaint is then considered closed, subject to a request for a review of the chief’s decision. If the OIPRD has investigated, there is no statutory right of appeal. From April 1, 2013 to March 31, 2014, 2,516 allegations were found to be

unsubstantiated, including complaints from previous years that were resolved in 2013–14.

If a complaint is substantiated, it is further determined whether the complaint is less serious or serious in nature. Less serious complaints may be resolved informally if everyone agrees or, if Informal Resolution fails, the chief can resolve the matter through a disposition without a hearing.

Where the conduct is determined to be serious, the chief must hold a disciplinary hearing. Informal Resolution is not allowed for matters that are serious.

Between April 1, 2013 and March 31, 2014, 181 conduct allegations were found to be substantiated. Of these substantiated findings, 109 were found to be less serious and 72 were found to be serious, including complaints from previous years that were resolved in 2013–14.

Between April 1, 2013 and March 31, 2014, there were 10 policy or service complaints where action was taken and 55 policy or service complaints where no action was taken, including complaints from previous years that were resolved in 2013–14.

Decisions Issued/Received in 2013–14 – Conduct Complaint Allegations

Total number of allegations*	Unsubstantiated	Substantiated – Less serious	Substantiated – Serious
2,697	2,516	109	72

*A single complaint may contain more than one allegation.

Decisions Issued/Received in 2013–14 – Policy/Service Complaint Allegations

Total number of allegations	No action taken (policy/service)	Action taken (policy/service)
65	55	10

Reviews and Appeals

There is no statutory right of appeal from decisions made by the OIPRD. The Director’s decisions are final, subject to an application for review in the Superior Court of Justice.

If a complainant disagrees with an investigation by a police service where the complaint is found to be

unsubstantiated or less serious, the complainant may ask the OIPRD to review the decision. A complainant has 30 days from the day they were notified of the result of their complaint to request a review.

When the OIPRD receives a Request for Review, a review panel is convened to evaluate the entire investigative file. Review panels include members of the OIPRD Legal Services Unit and the Director. If, upon review, the Director agrees with the chief of police’s or

OPP Commissioner’s decision, the complainant is so advised. If the Director agrees with the complainant, the chief or Commissioner is instructed on how to deal with the complaint. There is no statutory right of appeal from the Director’s decision.

Between April 1, 2013 and March 31, 2014, we received 158 requests for review. In addition, 37 Request for Review cases were carried over from previous years.

In cases where a matter goes to a hearing and either the complainant or the officer is dissatisfied with the result, either party may file an appeal with the Ontario Civilian Police Commission (OCPD). The OCPD is an independent agency of the Ministry of the Attorney General.

If a complainant has made a policy or service complaint and is not satisfied with the conclusion, an appeal may be made to the appropriate police services board.

Requests for Review

	2013–14	2012–13	2011–12	Total
Requests for Review carried over into 2013–14	–	34	3	37
Requests for Review received in 2013–14	72	85	1	158
Total Requests for Review open during 2013–14	72	119	4	195
No right of review	8	1	–	9
Request for Review filed late	2	1	–	3
Withdrawn	–	1	–	1
Total Requests for Review closed – no review by panel – file closed	10	3	–	13
Initial Request for Review				
Assign second investigation to same service	–	15	–	15
Chief's decision confirmed	24	84	1	109
OIPRD takes over investigation	3	5	–	8
Panel varied decision	–	5	1	6
Second Request for Review				
Chief's decision confirmed	–	6	2	8
Total Requests for Review completed and closed	27	115	4	146
Initial Request for Review				
Awaiting Request for Review materials	5	–	–	5
Examining investigative file	16	–	–	16
Ready for panel review	10	–	–	10
Second Request for Review				
Examining investigative file	–	–	–	–
Awaiting Request for Review materials	–	1	–	1
Total Requests for Review open and carried over into 2014–15	31	1	–	32
Requests for Review not reviewed as of March 31, 2014	4	–	–	4

Explanatory Notes for Requests for Review

No right of review: A request for review was made regarding a complaint that was investigated by the OIPRD. There is no statutory right of appeal from decisions made by the Director.

Request for Review filed late: The request for a review was received more than 30 days after the chief's decision was received by the complainant.

Withdrawn: The complainant withdrew their request for a review.

Assigned second investigation to same service: The panel determined a second investigation was required and returned the complaint to the same service.

Chief's decision confirmed: The review panel agreed with the chief's decision.

OIPRD takes over investigation: The review panel determined a second investigation should occur and the OIPRD should conduct the investigation.

Panel varied decision: The OIPRD panel changed the decision – from unsubstantiated to substantiated, or from less serious to serious.

Awaiting Request for Review materials: After receiving a request for review, the OIPRD may determine it needs more information about the investigation in order to make a decision.

Examining investigative file: The OIPRD Investigations Unit has received all materials related to the request for review and is examining the file.

Ready for panel review: The OIPRD Investigations Unit has reviewed the request for review file but has not presented it to the review panel.

Disciplinary Hearings and Penalties

The OIPRD does not manage 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 disciplinary measures for misconduct and lists the following penalties and measures that may be imposed:

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

If an officer is found guilty of misconduct, hearing officers take a number of factors into consideration regarding the final penalty. As in other types of hearings, past disciplinary hearing or court decisions may be submitted by both sides as arguments for an appropriate penalty. The officer's previous record and work performance are also considered. The hearing officer will also take into account whether the officer shows remorse and takes responsibility for his or her actions.

Penalties for less serious conduct complaints may include an apology, a reprimand, direction to participate in counselling, treatment or training, 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 disciplinary hearing is held about a complaint, the police chief and police services board involved 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.

Disciplinary hearing results may be appealed to the OCPC.

DISCIPLINARY HEARING EXAMPLES

The decisions posted on our website are from public complaints that resulted in a disciplinary hearing. Most of the cases were substantiated as serious, but in some cases less serious conduct resulted in a hearing. We also post hearing decisions where officers were found not guilty of misconduct. As examples, we have provided summaries of some cases that went to a hearing.

Ontario Provincial Police and Provincial Constable SB

Constable SB stopped a driver for speeding. When the driver rolled down his window, the officer believed he smelled alcohol. He detained the driver in the back of his police cruiser while he searched the driver's vehicle. He also took a breath sample, but the blood alcohol reading was zero. He gave the driver a speeding ticket for driving 33 km/h over the speed limit.

The driver filed a complaint with the OIPRD alleging wrongful detention and search by Constable SB.

When the complainant went to the courthouse for his speeding ticket, he was approached by Constable SB. During a 30-minute conversation, Constable SB repeatedly tried to convince the driver to withdraw his complaint to the OIPRD. Constable SB said he wanted to attend a training course and that was now in jeopardy because of the complaint. In exchange for withdrawing the complaint, Constable SB offered to give the

driver a break on his speeding ticket. Constable SB was unaware that the complainant discreetly recorded the conversation with an audio device.

The complainant was later interviewed by a detective sergeant from the OPP's professional standards bureau. The complainant recounted the traffic stop and told the officer about Constable SB's comments at the courthouse, but did not mention the audio recording.

The detective sergeant took a compelled statement from Constable SB about the traffic stop and the meeting at the courthouse. Constable SB denied any discussion about taking a course or how a public complaint could jeopardize his chances to take a course. He also denied asking the complainant to withdraw his complaint and claimed the conversation lasted only five minutes.

After receiving a copy of the investigative report, the complainant contacted the OIPRD to report Constable SB's attempts to coerce him to withdraw the complaint, and alleged that Constable SB had lied to the detective sergeant.

Constable SB pled guilty to, and was found guilty of, discreditable conduct for trying to coerce a complainant to withdraw a public complaint under the PSA in exchange for a break or withdrawal of a speeding ticket. The penalty was a six-month demotion from first-class to second-class constable.

Toronto Police Service and Constable VW

(Part of the G20 Summit security detail in June 2010)

There was a significant police presence in Toronto during the G20 Summit held Saturday, June 26, and Sunday, June 27, 2010. Constable VW was part of a bike unit during the summit, responsible for controlling rioting and protests in the Queen Street West area.

The complainant, who described himself as a "peaceful protestor," was at a march on Saturday, June 26, 2010, at the intersection of Queen Street West and John Street. He took photos of himself with police officers to document his clothing and attitude prior to the riot. He wore a t-shirt, shorts and cap, with a bandana around his neck/over his face and a shoulder bag. At approximately 5:00 p.m., the complainant left the protest to spend the night at his girlfriend's residence near Dundas and Jarvis Streets.

On Sunday, June 27, 2010, at approximately 9:45 a.m., the complainant walked his girlfriend to St. Michael's Cathedral on Bond Street south of Dundas Street. He was wearing the same clothes from the previous day. He then proceeded to walk home, northbound on Yonge Street towards College Street.

He encountered several police officers in a bike unit, including Constable VW, standing near the Delta Chelsea Hotel.

Constable VW had just attended a briefing at the Delta Chelsea Hotel held by Sergeant G, who advised officers that he had received specific instructions from upper command that anyone wearing bandanas, gas masks or goggles was "arrestable" or was to be arrested for the offence of wearing a disguise with intent to commit an indictable offence. Constable VW noticed the complainant and thought he looked suspicious. Constable VW approached the complainant and asked him where he was going and to identify himself. The complainant cooperated and told the officer he was going home to change before attending church. He gave Constable VW his shoulder bag to search and told him about the photos on his phone taken the previous day. The complainant was wearing a bandana but testified it was always around his neck and never covered his face.

Constable VW handcuffed and arrested the complainant and placed him in the stairwell of the hotel

to await prisoners' transport. The complainant was later informed that he was arrested for wearing a disguise with intent to commit an indictable offence. He was taken to the Prisoner Processing Centre, strip-searched and held in custody for 24½ hours. He was then released without formal charge.

Constable VW felt he had reasonable and probable grounds to detain and arrest the complainant because the disguise, i.e., the bandana, was covering the complainant's face from below the lower lip to his chin. He also said he heard the complainant say he was going to Queen's Park to continue to demonstrate. Constable VW did not see the complainant take any evasive action or try to run away, nor did he see the complainant cause any property damage.

Constable VW was found to have failed to satisfy the objective requirement of reasonable and probable grounds to make the arrest. He was found guilty of misconduct for making an unlawful or unnecessary arrest without good and sufficient cause. The penalty was a one-day suspension without pay. A notice of appeal against the finding of misconduct and penalty was filed by Constable VW on April 24, 2014. A notice of appeal against the penalty was filed by the complainant on April 25, 2014.

York Regional Police and Constable PH

Constable PH was in an unmarked police vehicle when he saw four males in a laneway lighting and passing around what he believed, and was later confirmed, to be a marijuana cigarette. Constable PH turned on his emergency lights and drove towards the males. Two of the males began to run across the street.

Following a brief pursuit, Constable PH stopped the males and instructed them to line up against a wall with their hands on the wall. He advised the males that they were under arrest for the possession of marijuana. Two

of the males refused his direction and continued to move. Constable PH directed them to stop moving several times. He then drew his firearm and pointed it at the ground in a ready position and positioned himself approximately eight to 10 feet away.

Constable PH issued the warning, "Police. Don't move." One of the males continued to reach down toward his waistline. Constable PH warned, "Don't try anything, or I'll bust a cap." [Understood to mean "I'll shoot you."] At this point, all four males complied and remained still. Constable PH holstered his weapon when another officer arrived on the scene. One of the males was found to be in possession of drug paraphernalia.

A complaint was filed with the OIPRD regarding the language used by the officer.

Constable PH was found to have acted in a disorderly manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force for using this language. He was found to have engaged in discreditable conduct contrary to the PSA when he issued the command to the males in that manner. The Code of Conduct states a member commits discreditable conduct when, without lawful excuse, he or she "uses profane, abusive or insulting language or is otherwise uncivil to a member of the public."

The penalty was a forfeiture of 39½ hours to be removed from any banked time other than sick time. In addition, Constable PH was ordered to participate in a use of force training course and a tactical communication course within one year.

Windsor Police Service and S/Sgt. PB

Detective DB received a phone call from his daughter, who said that she and her mother had been approached by a man while they were in a tennis

club parking lot and that he had attempted to enter their vehicle. The man had previously approached her at the same location, but was chased off by employees who had seen him acting in a suspicious manner. Det. DB left Windsor Police Headquarters in an unmarked police car and drove to the tennis club to investigate. He searched the area but did not locate the suspect. On his way back to his office he noticed a male whom he believed fit the description.

Det. DB and the male became involved in an altercation and the suspect received serious injuries, including a concussion, a broken nose, a laceration over one eye and a detached retina. There were several eyewitnesses and the incident was captured by a video surveillance camera. Det. DB arrested the suspect on a charge of Assault Police and the suspect was removed from the scene by ambulance. Prior to leaving the scene, Det. DB learned that this individual was not involved in the incident with his daughter.

Although the Windsor Police Service practice is to assign an independent investigator when Assault Police charges are laid, Det. DB's report was assigned to Det. KM by his supervisor, Staff Sergeant PB.

The individual subsequently filed complaints with the SIU and the OIPRD, which prompted investigations into the conduct of Det. DB. As a result of the SIU's investigation, Det. DB was criminally charged and convicted in June 2012 on charges of Assault Causing Bodily Harm and Public Mischief. He was sentenced to five months in jail.

The OIPRD investigated the conduct of the police officers involved in the investigation of the incident. Det. DB resigned from the police service following his criminal conviction. Det. KM retired in mid-hearing. Therefore, OIPRD jurisdiction was lost with respect to the allegations against Det. DB and Det. KM.

A hearing was held to address the conduct of S/Sgt. PB, who oversaw the investigation assigned to Det. KM. S/Sgt. PB testified that he watched the surveillance video numerous times. He advised the complainant's lawyer that the video corroborated Det. DB's report and that the complainant's "arm movement was threatening."

S/Sgt. PB was found to have acted in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force by endorsing the Assault Police charge against the complainant. He was also found to have wilfully and/or negligently disregarded inconsistencies in the information obtained by Det. KM during the course of the criminal investigation and allowed an Assault Police charge to be laid against the complainant, thereby committing misconduct of duty. He also failed to properly monitor and oversee an investigation under his command.

The penalty decision noted that S/Sgt. PB became aware that a serious violent crime had been committed against an innocent member of the public and that he knew the citizen was falsely accused of Assault Police but failed to protect him. He failed to properly direct the assigned investigator and allowed him to submit a report which he knew was misleading and supported the arresting officer's version of events, which he also knew to be untrue.

The penalty was an immediate reduction in rank from Staff Sergeant to Sergeant for a period of 18 months. A notice of appeal against the finding of misconduct and penalty was filed on February 20, 2014.



CONFIDENTIALITY IN THE PUBLIC COMPLAINTS SYSTEM

Public complaints made to the OIPRD are matters that often involve an individual's personal interactions with the police. Therefore, complainants, respondent officers, witnesses to the incident and those involved in the process have very important privacy interests that must be safeguarded. The OIPRD endeavours to protect the privacy of all individuals involved in the complaints process. Based on the *Freedom of Information and Protection of Privacy Act* (FIPPA), as well as sections 26.1(9) and 95 of the PSA, the OIPRD cannot, and will not, provide any third party with any information about complaints or complainants. Therefore, the OIPRD does not publicly comment on, or release information about, an individual

public complaint. Respecting the privacy and confidentiality of the complaints process also helps maintain the integrity and autonomy of the screening, investigation, review and hearing processes.

The OIPRD only provides information about complaints as is prescribed by legislation or law. For example, the OIPRD provides information about a complaint to the police service that is conducting an investigation. Where an investigation has been completed, the OIPRD provides a copy of the investigative report, along with the Director's findings, to the complainant, the chief of police of the affected service and the respondent officer. The OIPRD will not provide its

investigative report to any other party. The OIPRD similarly does not release the investigative reports prepared by a police service, where the investigation of a complaint was referred to the police service.

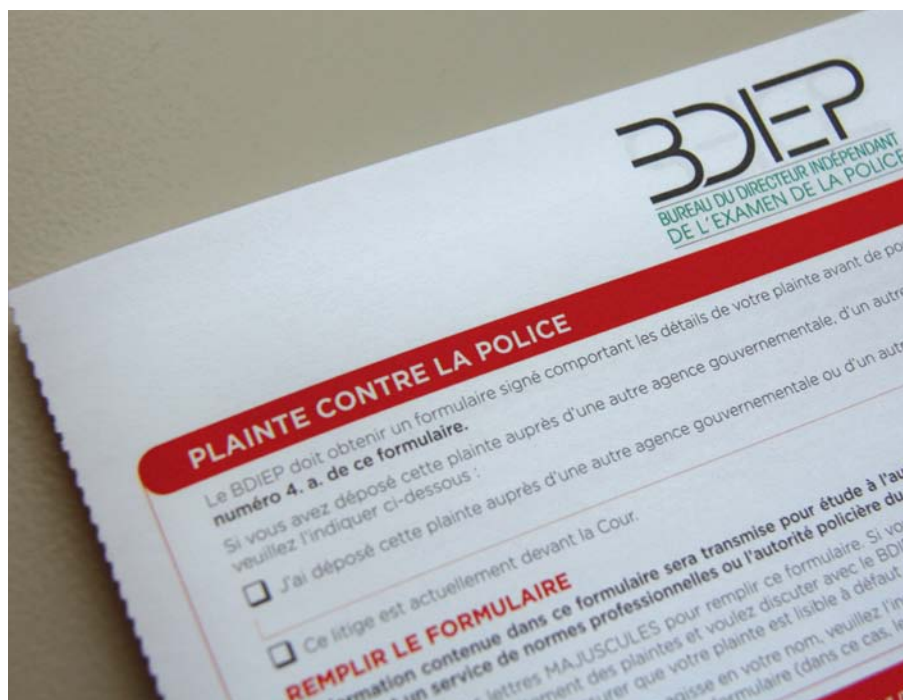
Disciplinary hearings held pursuant to the PSA are public hearings. If a complaint proceeds to a disciplinary hearing, upon receipt of the hearing decision, the OIPRD will post the decision on the OIPRD website. In appropriate cases, such as cases involving a minor, there may be a ban on the publication of the complainant's name.

The OIPRD may also be directed, by a court, tribunal or inquest, to release some portion of its records as a result of a third-party records application. In such cases, the OIPRD would request that the court, tribunal or inquest impose very strict conditions on the use and dissemination of this material.

The Director, OIPRD employees, any person exercising powers or performing duties at the direction of the Director and every person engaged in the administration of Part V of the PSA are bound by sections 26.1(9)

and 95 of the PSA and must preserve secrecy with respect to all information obtained in the course of their duties, and cannot communicate any such information to any person, except:

- As may be required in connection with the administration of the PSA and its regulations
- To his or her counsel
- As may be required for law enforcement purposes
- With the consent of the person, if any, to whom the information relates





OFFICE OF THE INDEPENDENT POLICE REVIEW DIRECTOR



OIPRD POWERS

POWERS OF DIRECTION

Section 72(1) of the *Police Services Act* gives the Independent Police Review Director 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 Director can take, or require to be taken, any action that he considers necessary.

Under the PSA, the Director can also order a hearing into a complaint and assign the conduct of a hearing about a chief or deputy chief of police to the OIPC.

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 following new offences were created under the *Independent Police Review Act, 2007*:

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

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

POLICE SERVICE PERFORMANCE AUDITS

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

SYSTEMIC REVIEWS

The *Police Services Act* gives the Independent Police Review Director the power to conduct systemic reviews. A systemic review goes beyond the immediate issues raised

by a given complaint and looks at the underlying causes to determine whether an organization's practices comply with its underlying legal and policy framework and, more importantly, whether that framework can be improved to prevent such issues from arising in the future. A systemic review is generally not about individuals. Its purpose is not to assign individual fault, but to determine whether systemic failings have occurred, to make recommendations to address those failings and to help restore and enhance public confidence in police and policing.

On February 24, 2014, the OIPRD announced a systemic review of the Toronto Police Service's (TPS) use of force, de-escalation techniques and approach when dealing with people with mental health issues, emotionally disturbed people and people in crisis.

The review will examine public complaints filed and evidence collected from complaint investigations, recent high-profile use of force incidents involving the TPS, past reviews and reports involving similar incidents, best practices from other jurisdictions and relevant research and data. The review will also consider submissions from stakeholders and the public.

Under its terms of reference, the systemic review will examine the following:

- Training provided by the Ontario Police College (OPC) and TPS for deployment of use of force generally, and specifically the application of the principles related to Ontario's use of force guidelines and the TPS use of force model
- TPS and OPC officer training related to dealing with people with mental health issues, emotionally disturbed people and people in crisis
- Accountability and leadership in training and supervising officers dealing with people with mental

health issues, emotionally disturbed people and people in crisis, and identifying and addressing early signs of behavioural issues in officers

- TPS policies, procedures and practices as they relate to use of force, equipment – including conducted energy weapons, officer supervision and oversight, de-escalation, crisis negotiation, barricaded suspects and dealing with people with mental health issues, emotionally disturbed people and people in crisis
- TPS response to the Toronto Police Services Board's oversight and direction regarding use of force policies, accountability and training for dealing with people with mental health issues, emotionally disturbed people and people in crisis
- Record of TPS in implementing recommendations made by coroners' inquests and other reviews related to police interaction with people with mental health issues, emotionally disturbed people and people in crisis
- Record of TPS in implementing recommendations coming out of the public complaints system for improving interactions between the police and the public

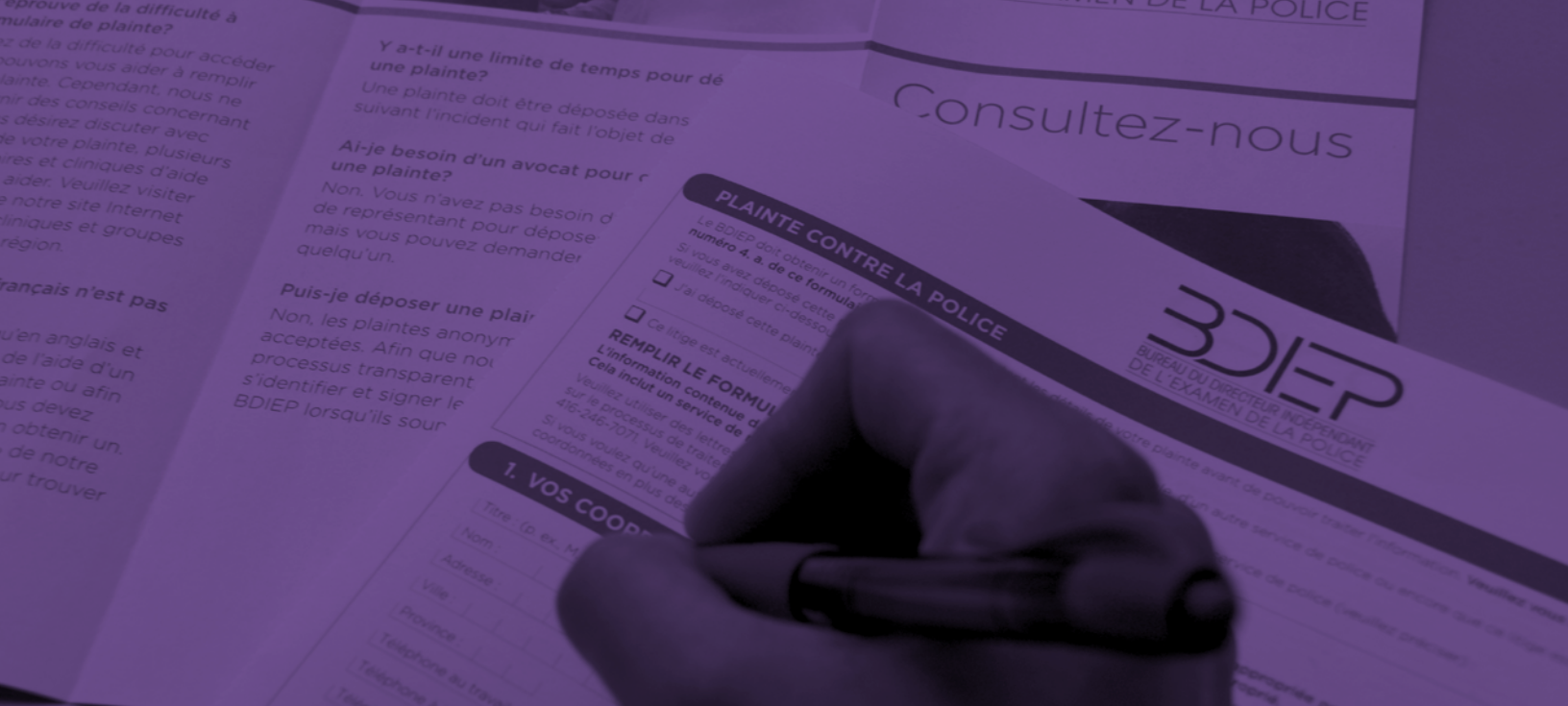
A final report summarizing the findings of the review and outlining recommendations and advice for the overall improvement of police practices will be released to the public.

On March 3, 2014, the OIPRD announced a second systemic review in response to allegations that dozens of migrant workers who were asked to submit to DNA tests for a criminal investigation did not match the description of the suspect except for their skin colour. The Director initiated a review of the Ontario Provincial Police (OPP) practices for obtaining voluntary DNA samples from specific groups of people during criminal investigations. This review will also explore underlying causes and broader practices to determine whether

systemic failings have occurred. Under its terms of reference, the systemic review will examine the following:

- OPP policies, procedures, standards and practices as they relate to obtaining voluntary DNA samples from specific groups of individuals during investigations
- Processes used by the OPP to investigate cases that rely on DNA evidence, including sexual assaults
- Supervision of the investigative process through the OPP command structure and direction given for related processes
- OPP policies, procedures and practices relating to racial profiling and the Canadian Charter of Rights and Freedoms
- Training provided to OPP officers regarding investigative policing standards, obtaining DNA samples on a voluntary basis, racial profiling and the Canadian Charter of Rights and Freedoms
- Case law, reports, reviews, articles and documents relating to gathering DNA samples, voluntary participation in that process, racial profiling in relation to DNA collection and privacy issues surrounding the voluntary provision of DNA
- The level and type of police involvement with employers in relation to employee participation in police investigations, specifically pertaining to employers of migrant workers

The OIPRD will examine public complaints filed and review and analyze evidence collected from OPP investigations, including audio and video recordings, photographs, documents, interviews and forensic evidence. The review will also consider submissions from stakeholders and the public. A final report summarizing the findings of the review and outlining recommendations for the overall improvement of police practices will be released to the public.



OUTREACH AND EDUCATION

Outreach and education play a key role in promoting confidence in the public complaints system and enhancing police-community relations.

In 2013–14 our Outreach and Education advisors looked at new ways to reach communities throughout Ontario. One of the team's goals was to connect with individuals who have the most frequent contact with police, using an open discussion format to gather feedback on lived experiences. Another goal was to develop strategies to include technology and social media in future outreach initiatives.

PRESENTATIONS

In-person presentations remained an important part of outreach, as the team made more than 40 targeted outreach presentations to legal clinics, youth workers and youth groups, colleges and universities, newcomer and settlement services, women's shelters, Aboriginal/First Nations organizations, victim services and other community groups. Our advisors also participated in a number of conferences and workshops throughout the province.

In general, we have received positive feedback from presentations and community discussions, showing that our efforts have resulted in greater public awareness of the OIPRD and the public complaints system. In addition to the positive feedback, our Outreach and Education advisors have heard about important community issues (e.g., incivility toward youth and First Nations individuals, use of force, improper carding, improper searches, allegations of damaged/mishandled identification cards), which have been relayed to the Director and other units, so that we can maintain awareness of community concerns and respond appropriately.

YOUTH OUTREACH

The Outreach and Education team is focused on specific stakeholder groups that are particularly relevant to the complaints system, including potential new police officers, youth and youth organizations. The Outreach and Education team spent this past year implementing the youth outreach strategy, with the goal of building trust and knowledge among young people about policing and the public complaints process. As a result, we focused our presentations on universities and colleges that offer police foundations courses and other justice or law programs, and youth groups. We gave presentations to students at the University of Ontario Institute of Technology, Ryerson University, Osgoode Hall Law School, Queen's University, Mohawk College, Humber College, Centennial College and St. Lawrence College.

We also focused on reaching youth from marginalized communities. On average, the presentations usually included groups of five to 15 young people between the ages of 14 and 25, and were conducted in an informal manner. The Outreach and Education team tailored their presentations to allow open discussions with the young people about recent policing news, the public complaints process and experiences with the police. These discussions have been very successful and the young people have expressed that they leave the presentation with more confidence in the complaints process. As a result, the team has developed ongoing relationships with several youth organizations and has arranged recurring presentations with organizations that frequently receive new groups.

WEBSITE RENEWAL AND SOCIAL MEDIA

The Communications and Outreach Unit is renewing the OIPRD website to expand the content, increase our online presence and make the website more accessible. The renewed website will be launched in the new fiscal year.

We have also begun to consider how best to use social media and other technology in our outreach efforts. Many organizations and police services use social media to develop relationships with youth and other members of the community. We believe that there is a role for social media in our outreach and education efforts.

THE INDEPENDENT POLICE REVIEW DIRECTOR

The Director is frequently invited to give presentations and act as a panel member at conferences and seminars. Between April 2013 and March 2014, the Director gave more than 25 presentations, seminars and facilitative resolution training sessions. He presented to the Ontario Police College, the Federated Press Law Enforcement and Risk Management conference, the Canadian Association of Civilian Oversight and Law Enforcement conference, the Adjudicator/Prosecutor conference, Ryerson University, University of Ontario Institute of Technology, OPP Professional Standards branch, Ottawa Police Service Ethics Week conference, Office of the Police Complaint Commissioner (BC) and the Hong Kong Independent Police Complaints Council. His presentations have focused on the importance of civilian oversight, accountability in oversight, ethics and professionalism in policing, use of force, lapel cameras, and alternative dispute resolution for public complaints, as well as OIPRD processes and procedures.



OIPRD BUSINESS PRACTICES AND PERFORMANCE MEASURES

Performance measures can help improve practices and accountability and ensure greater value for money. They are a means by which results can be structured, monitored and evaluated; in other words, what gets measured gets attention. The OIPRD tracks the performance of internal processes and procedures and those undertaken externally by police services.

On an ongoing basis, the OIPRD tracks the following areas as performance measures to help ensure best practices and constant improvement:

Quarterly reporting of local inquiries

- Ontario Regulation 263/09 requires police services to report the number of local inquiries to the OIPRD every quarter. Local inquiries are currently tracked in a database maintained

by the OIPRD. A policy is being implemented to ensure police service compliance.

Seven-day Local Resolution timeline

- The police service has seven days after the conclusion of a Local Resolution to send the completed forms to the OIPRD. The form must be signed and dated and include a description of the resolution. The OIPRD case management system tracks this process electronically.

Any complaint submitted to a police service or police services board must be forwarded to the OIPRD within three business days

- The police service and the board have three business days to forward public complaints to the OIPRD.

Screening of complaints

- The OIPRD endeavours to complete the screening of a complaint within 10 days of its receipt.
- Should more information be required to screen a complaint, the police service has 14 days from the request to provide additional information.
- As part of the OIPRD's case management performance measures, both the 10-day screening time and police service compliance with the 14-day request for information are tracked using the case management system.

45-day investigative report update

- Investigators must provide a 45-day update regarding the progress of an investigation. This applies to OIPRD and police investigators.

- To ensure that police services and OIPRD investigators are complying with submission of a 45-day report, the OIPRD case management system tracks and notifies investigators regarding 45-day status updates and receipt of reports. Our practice for non-compliance includes escalation to the Director.

60-day report for policy and service complaints

- A police chief is required to complete a report responding to policy and service complaints within 60 days of referral from the OIPRD.
- The OIPRD case management system tracks receipt of the 60-day report and alerts the case coordinator of upcoming due dates. Our practice for non-compliance includes escalation to the Director.

120-day investigative report

- Investigations must be completed within 120 days unless an extension has been requested in writing and granted.
- To ensure compliance with the 120-day investigative report completion timeline for OIPRD investigations and investigations by police services, our system tracks investigative report due dates. Occurrences of non-compliance are escalated to the Director. Case coordinators must also ensure that a 45-day update has been received and necessary requests for extensions beyond 120 days have been submitted. Requests and approvals are tracked within the system.
- Complaints retained by the OIPRD are often the more complex complaints, and as a result, the investigations take longer to complete. The investigators must receive disclosure from the police service, which requires additional time.

Police services are required to post or display information about the complaints process in an area that is accessible to the public and in the form provided by the OIPRD

- Police services must display brochures, posters, forms or any other material provided by the OIPRD in all divisions.

45-day completion for Customer Service Resolution

- The process for completing a CSR case is expected to be carried out within 45 days from the time the parties agree to attempt CSR.

Performance Measures

Performance Measures	Percentage that achieved target in 2013–14
7-day Local Resolution	80%
10-day screening	79%
60-day report for policy/service complaints*	26%
120-day investigation – referred*	66%
14 days for provision of investigative file from service when review requested	78%
45-day CSR process completed	80%

*Complaints that have been granted an extension are excluded from the calculation of these PMs.



THE ORGANIZATION

The OIPRD has an allocation of 51 full-time employees. In addition to our full-time staff, the OIPRD had an additional three temporary positions to meet our additional workload requirements at the end of the 2013–14 fiscal year. The OIPRD is organized into the following core operational units:

1. Executive Office
2. Case Management
3. Investigations
4. Legal Services
5. Communications and Outreach
6. Business Operations

Staffing

After four-and-a-half years in operation, the OIPRD evaluated its organizational structure and performance. As a result, a realignment initiative was undertaken to optimize staff resources in the agency's various units.

Responsibility for Requests for Review and investigative report reviews was transferred from the Case Management Unit to the Investigations Unit, as these functions are better aligned with the expertise and processes of the Investigations Unit. The agency realigned staff between the units accordingly.

The Investigations Unit plays a key role in the agency's systemic reviews, and investigative staff have been organized into teams to conduct these reviews.

The Communications and Outreach Unit has undertaken additional policy and procedural development functions related to the agency's programs. This unit also has responsibility for the agency's diversity, inclusion, accessibility and employee engagement policies and activities.

The Case Management Unit now has additional responsibilities related to two new agency programs: Customer Service Resolution, and Mediation. Resources within the unit have been reassigned to oversee these new programs.

In 2013–14, our staff complement was as follows:

Human Resources

Unit	Number	Percentage
Executive Office	4	8
Case Management	15	29
Investigations	15	29
Legal Services	4	8
Communications and Outreach	5	10
Business Operations	8	16
Total	51	100

EXECUTIVE OFFICE

The Executive Office consists of the Independent Police Review Director (Order-in-Council appointed), a chief operations officer, an executive assistant and an administrative assistant, whose responsibilities are to:

- Provide direction and make decisions in accordance with the OIPRD mandate, powers and role regarding investigations, public hearings, police policy and service reviews
- Liaise and oversee reviews of chiefs of police and disciplinary processes related to public complaints
- Provide strategic and operational direction

CASE MANAGEMENT

The Case Management Unit is composed of a senior case manager/registrar who leads 14 full-time positions to:

- Provide front-counter and electronic access to filing of complaints
- Provide public liaison and complaints assistance in English and French
- Undertake intake screening and tracking of complaints through to completion
- Create and maintain records and case management reporting processes

- Assess time limits, type, nature and merit of complaints; determine the relevance of other laws/jurisdictions for resolution
- Determine whether complaints will be investigated and who will conduct the investigation

INVESTIGATIONS

The Investigations Unit is headed by a manager who oversees 14 full-time positions. A senior investigator assists with the operational supervision of investigations and ensures quality and timely investigations. Investigators come from both civilian and police backgrounds, providing a balanced, objective approach to investigations. Our civilian investigators have backgrounds in regulatory compliance investigation and oversight, having come from organizations such as Ontario's Public Guardian and Trustee, the Ontario Lottery and Gaming Corporation and the Ontario Ombudsman's Office. Investigators with police backgrounds have served in various units including homicide, sexual assault, domestic violence, and professional standards.

Of the 11 investigators employed between April 1, 2013 and March 31, 2014, five came from civilian backgrounds and six had policing backgrounds.

The Investigations Unit:

- Undertakes independent investigations of police conduct complaints
- Takes over investigations from police services when instructed by the Director
- Oversees investigations conducted by an outside police service
- Conducts reviews
- Conducts investigations into systemic issues arising from public complaints
- Conducts audits of the management of public complaints by police services

LEGAL SERVICES

The Legal Services Unit consists of three counsels and one law clerk, and is a critical part of our day-to-day operations. The unit provides legal advice and support to all OIPRD departments. The Legal Services Unit:

- Provides integrated legal advice and associated services to the Director and other OIPRD staff
- Assesses and makes recommendations to proceed with investigations
- Provides legal support to investigators concerning legal rights, scope of power and statutory interpretation of legislation/regulations
- Provides legal support to intake staff and the Case Management Unit
- Appears on behalf of the OIPRD at the Ontario Civilian Police Commission, Superior Court of Justice, Divisional Court and other proceedings
- Assists with legal/policy work and liaises with the Ministry of the Attorney General and other ministries

COMMUNICATIONS AND OUTREACH

The Communications and Outreach Unit is headed by a manager who leads four full-time positions. The unit:

- Provides leadership in strategic planning, media and public relations, communications and stakeholder relations
- Manages the website and new media, including the OIPRD website
- Manages external content and internal correspondence and events
- Produces print materials, including brochures, forms, annual reports, speaking notes and presentations to stakeholders
- Develops and implements education and outreach programs to educate communities and police on the public complaints process and the OIPRD
- Develops programs, policies and procedures to address the agency's needs and priorities

BUSINESS OPERATIONS

Business Operations is led by a manager who oversees seven full-time positions. The unit provides:

- Financial, human resources, compliance and information, knowledge management and retention, asset management and administrative functions
- Information technology and management required to support the IT-based case management system, the OIPRD-to-police correspondence system and network-accessible complaint filings, specialized IT for intake call centre and base infrastructure to support office productivity (including network services, voice/telecom, desk-side support, desktops and notebooks for out-of-office investigations)
- Facilities and security management
- Training, education and internal communications

Our Commitment to Diversity, Inclusion and Accessibility

The OIPRD is committed to ensuring an inclusive and accessible environment in which all members of the public have equal access to its services and are treated with dignity and respect. The OIPRD aims to provide its services in accordance with the Ontario *Human Rights Code* (the Code), the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) and the Accessibility Standards for Customer Service regulation under the AODA.

Our diversity, inclusion and accessibility goals align with the Ontario Public Service corporate vision, namely:

- Embedding diversity and inclusion objectives in OIPRD policies, processes and services in order to deliver the best customer service possible
- Building a safe and healthy work environment that embraces different perspectives, beliefs, personalities and cultures and ensures the workplace is free of discrimination and harassment
- Reflecting the diverse population the organization serves
- Leveraging the diversity of OIPRD staff to deliver the OIPRD's services
- Responding to the needs of a diverse culture

DIVERSITY AND INCLUSION

In order to provide Ontarians with a public complaints process that fosters public confidence, we must access and recruit from the full range of talent available in the communities we serve. An inclusive workplace that celebrates differences and values the contributions made by all employees is more likely to attract and retain qualified workers who reflect the population we serve.

Therefore, the OIPRD diversity and inclusion strategy has a two-pronged approach: it helps the OIPRD build a culture of inclusion in its roles as both employer and service provider. And it operates on the premise that in order to be responsive to the diversity of Ontario, we must be inclusive of diversity within the workplace.

EMPLOYEE ENGAGEMENT

Employee engagement is a priority for the OIPRD. Our agency is committed to creating and maintaining a culture of engagement where employees feel they are valued and what they do has value. We strive to offer a workplace where employees are motivated to do their best and know that their work contributes to the success of the agency. We have an employee engagement action plan in place to:

- Increase employee job satisfaction and satisfaction with the organization
- Build employee commitment to the agency and its goals
- Increase employee engagement, thereby strengthening organizational performance, increasing stakeholder satisfaction and building trust and confidence in the OIPRD

Accessibility

2013–14 has been a successful and productive year in terms of accessibility and the OIPRD. Our focus on accessibility has led to a greater understanding of the lived experiences of and barriers faced by persons with disabilities. This ongoing process of attitudinal change is leading to the OIPRD's successful implementation of the AODA.

The OIPRD is committed to providing accommodation for all persons with disabilities identified under the AODA in relation to services and materials provided by the OIPRD. Disability includes physical disabilities, sensory disabilities, mental health disabilities and invisible disabilities such as learning disabilities or environmental sensitivities.

The OIPRD is committed to treating all people in a way that allows them to maintain their dignity and independence. We believe in integration and equal opportunity. We are committed to meeting the needs of people with disabilities in a timely manner, and will do so by preventing and removing barriers to accessibility and meeting accessibility requirements under the AODA.

We are committed to including people with disabilities in the development of our accessibility plan and will make a status report publicly available each year in which we highlight our accessibility achievements.



FINANCIAL EXPENDITURES

Original budget	\$7,337,600
Revised budget	\$6,080,900
Expenditures	\$5,592,828

2013–14 Year-End Expenditures

Salaries and Wages	\$4,055,925
Employee Benefits	497,369
Transportation and Communications	157,824
Services	782,090
Supplies and Equipment	99,619
Total	\$5,592,828

The variance between the original budget and the actual expenditures was primarily in the services account. This was due to the limited opportunities to implement the fee-for-service regional investigative model, which resulted in the use of other models for investigations. Other savings were identified in Salaries and Wages.

OIPRD financial statements are subject to review by the Ministry of the Attorney General and subject to audit by the Ministry of Finance.

COMPLAINT AGAINST THE POLICE

The OIPRD must have a signed form with the details of your complaint before the declaration number 4. a. on this form.

LOOKING FORWARD

In 2013–14, my office launched the Customer Service Resolution and mediation for public complaints programs across Ontario. In tandem with the launch of these programs, we rolled out training for police services in facilitative resolution techniques in order to help guide officers who facilitate the resolution sessions. In the coming year we will continue to focus our outreach on training police services in facilitative resolution techniques, and educating police and the public about our customer service resolution and mediation programs.

We will also continue our outreach and education to police foundations and justice programs in universities and colleges, front desk staff at police services, youth, newcomers and the general public. Our renewed website, which is compliant with Web Content Accessibility Guidelines (WCAG 2) to ensure it is accessible for everyone,

will be launched early in the next fiscal year.

In 2013–14, I began a systemic review of the Toronto Police Service's use of force practices and a review of the Ontario Provincial Police's practices for obtaining voluntary DNA samples. In the coming year we expect to complete these reviews and issue public reports.

I have and will continue to closely monitor a number of controversial issues that have contributed to a loss of public confidence and trust in police services. Carding, the act of stopping civilians and collecting their personal information, is practiced by several police services in Ontario. The practice has been linked to racial profiling because of the disproportionate number of black and brown people being carded. As well, I have serious

concerns about the use of level three strip searches by police officers and I will also be watching the expanded use of conducted energy weapons (Tasers).

As we continue to improve our internal processes and procedures, my office will be issuing updated OIPRD Rules of Procedure to help in the effective day-to-day running of the complaints system. We have begun a restructuring of our case management system and hope to complete this project in the coming year.

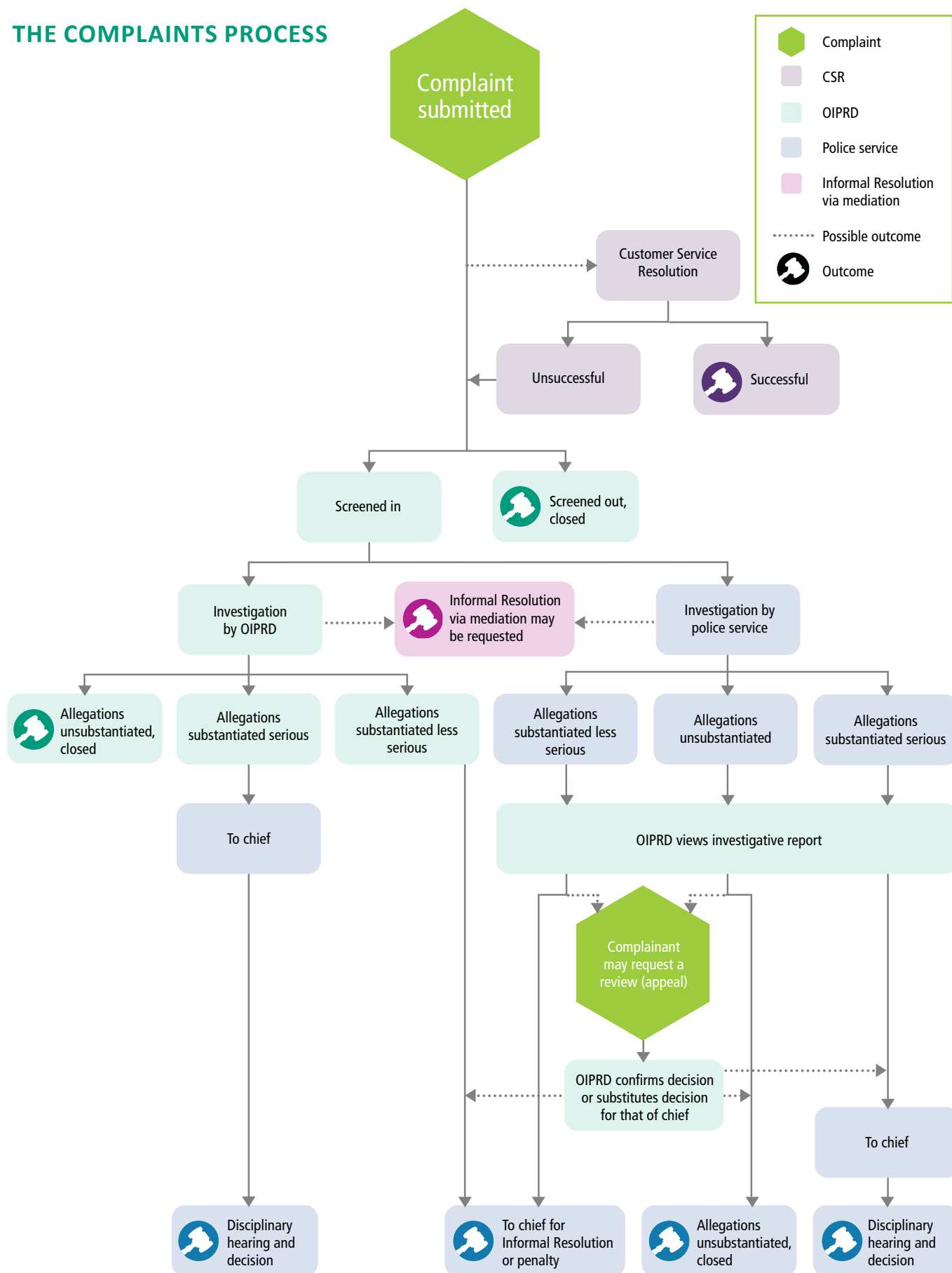
The OIPRD will continue to focus on our vision of managing complaints about police in an effective, accountable and fair manner that builds public confidence in the police complaints system. We continue to work toward removing the obstacles that get in the way of that vision.



APPENDIX

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THE COMPLAINTS PROCESS



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SERVICE-BY-SERVICE STATISTICS

Service	Total officers subject to PSA Part V*	Local inquiries**	Local Resolutions**	Total complaints received between April 1, 2013 and March 31, 2014	Total – Customer Service Resolutions resolved ‡	Total complaints received – Conduct	Total complaints received – Policy	Total complaints received – Service	Complaints received in 2012–13 and marked for CSR in 2013–14	Total complaints carried over from prior years – Conduct	Total complaints carried over from prior years – Policy	Total complaints carried over from prior years – Service	Total complaints screened out 2013–14	Total complaints screened in 2013–14	Screened-in complaints carried over from prior years	
Amherstburg	31	2	1	5	–	5	–	–	–	6	–	–	4	1	6	
Aylmer	13	–	–	1	–	1	–	–	–	–	–	–	1	–	–	
Barrie	241	–	2	53	5	49	1	–	2	8	1	–	28	22	6	
Belleville	88	4	–	18	–	17	–	1	–	5	–	–	9	9	5	
Brantford	167	–	–	19	1	17	–	1	–	4	–	–	10	8	3	
Brockville	42	–	–	10	1	8	–	1	–	2	–	–	7	2	2	
Chatham-Kent	165	–	–	29	2	27	–	–	–	6	–	–	17	10	6	
Cobourg	32	2	–	2	–	2	–	–	–	2	–	–	2	–	2	
Cornwall Community	89	8	–	7	–	6	–	1	–	–	–	–	2	5	–	
Deep River	10	–	–	5	–	5	–	–	–	–	–	–	5	–	–	
Dryden	20	–	–	5	–	5	–	–	–	–	–	–	2	3	–	
Durham Regional	880	–	–	101	2	97	–	2	–	29	–	–	43	56	28	
Espanola	12	1	–	8	–	8	–	–	–	–	–	–	6	2	–	
Gananoque	15	–	–	2	–	2	–	–	–	–	–	–	1	1	–	
Guelph	195	–	–	19	1	18	–	–	–	5	–	–	9	9	5	
Halton Regional	656	2	1	65	3	60	–	2	–	16	–	–	32	30	15	
Hamilton	812	5	1	104	5	95	3	1	–	21	–	–	47	52	17	
Hanover	15	–	–	3	–	3	–	–	–	–	–	–	3	–	–	
Kawartha Lakes (City of)	42	11	–	16	–	15	–	1	–	–	–	–	4	12	–	
Kingston	194	28	–	41	–	39	–	2	–	13	–	–	20	21	11	
LaSalle	36	–	–	0	–	–	–	–	–	1	–	–	–	–	1	
London	603	–	–	78	3	72	1	3	1	14	–	–	46	30	12	
Midland	27	–	–	6	–	6	–	–	–	–	–	–	3	3	–	
Niagara Regional	702	–	–	104	5	95	2	2	–	34	–	2	55	44	32	
North Bay	92	–	–	27	–	27	–	–	–	3	–	–	19	8	3	
Ontario Provincial Police	6,220	7														
OPP Central East		–	2	136	4	121	3	9	1	35	–	–	66	67	31	
OPP Central West		–	–	39	3	35	–	1	–	20	–	1	20	16	20	
OPP East		–	2	135	6	126	2	2	1	42	–	–	77	53	39	
OPP North East		–	1	58	3	55	–	–	–	7	–	–	32	23	7	
OPP North West		–	–	52	1	50	–	1	–	5	–	–	23	28	5	
OPP Toronto		–	–	15	1	13	–	1	–	6	–	–	7	7	6	
OPP West		–	–	102	6	94	2	1	1	27	–	1	52	45	27	

	Allegation																				
	Allegation – Breach of confidence	Allegation – Consume drugs/ alcohol prejudicial to duty	Allegation – Corrupt practice	Allegation – Deceit	Allegation – Discreditable conduct	Allegation – Damage to clothing or equipment	Allegation – Insubordination	Allegation – Neglect of duty	Allegation – Unlawful/unnecessary exercise of authority	Allegation – Section 79 – Attorney General consent	Allegation – Section 81 – Solicitor General consent	Informal Resolution	Abandoned	Withdrawn	Unsubstantiated	Substantiated – less serious	Substantiated – serious – hearing	No action taken (policy/service)	Action taken (policy/service)	All open investigation files as of March 31, 2014	
	-	-	-	-	13	-	-	-	9	-	-	-	-	-	22	-	-	-	-	1	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	-	-	-	-	2	-	-	4	6	-	-	5	-	11	12	-	-	1	-	8	
	-	-	-	-	5	-	-	2	1	-	-	-	-	3	8	-	-	1	-	6	
	-	-	-	-	12	-	-	4	22	-	-	1	-	-	14	-	24	-	-	5	
	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	2	
	-	-	-	-	7	-	-	-	10	-	-	-	2	4	15	2	-	-	-	9	
	-	-	-	-	2	-	-	3	-	-	-	-	-	-	5	-	-	-	-	-	
	-	-	-	-	3	-	-	3	-	-	-	-	-	-	6	-	-	-	-	2	
	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1	-	-	-	-	2	
	-	-	1	-	27	-	1	23	46	-	-	-	1	10	93	4	1	-	-	23	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	
	-	-	-	1	9	-	-	-	6	-	-	-	-	3	16	-	-	-	-	7	
	-	-	-	6	60	-	-	58	9	-	-	3	-	13	127	6	-	1	1	10	
	1	-	2	-	8	-	-	8	18	-	-	14	2	9	31	4	2	4	-	21	
	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	
	-	-	1	-	19	-	-	21	3	-	-	-	-	-	44	-	-	1	-	8	
	-	-	-	-	29	-	-	3	24	-	-	5	-	3	54	2	-	1	-	14	
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	1	-	1	-	22	-	-	16	26	-	-	1	-	5	61	5	-	-	-	17	
	-	-	-	-	3	-	-	2	1	-	-	-	-	-	6	-	-	-	-	-	
	1	-	-	-	37	-	1	13	35	-	-	1	2	8	85	2	-	4	-	23	
	1	-	-	-	1	-	-	1	3	-	-	3	-	4	6	-	-	-	-	1	
	1	-	2	1	38	-	-	30	20	-	-	1	1	25	85	7	-	1	-	34	
	-	-	1	-	11	-	-	14	11	-	-	-	-	6	30	1	6	1	-	11	
	2	-	-	3	33	-	1	20	34	-	-	6	1	25	88	5	-	2	-	23	
	-	-	-	-	8	-	-	8	7	-	-	-	2	13	18	2	3	-	-	7	
	-	-	-	-	6	-	-	4	8	-	-	4	1	10	17	1	-	1	-	8	
	-	-	1	-	13	-	-	4	8	-	-	-	1	2	26	-	-	1	-	6	
	-	-	1	-	22	-	1	26	22	-	-	2	1	13	55	17	-	1	-	30	

SERVICE-BY-SERVICE STATISTICS – CONTINUED

Service	Total officers subject to PSA Part V*	Local inquiries**	Local Resolutions**	Total complaints received between April 1, 2013 and March 31, 2014	Total – Customer Service Resolutions resolved ‡	Total complaints received – Conduct	Total complaints received – Policy	Total complaints received – Service	Complaints received in 2012–13 and marked for CSR in 2013–14	Total complaints carried over from prior years – Conduct	Total complaints carried over from prior years – Policy	Total complaints carried over from prior years – Service	Total complaints screened out 2013–14	Total complaints screened in 2013–14	Screened-in complaints carried over from prior years	
Orangeville	40	6	–	13	–	10	–	3	–	1	–	–	9	4	–	
Ottawa	1,311	1	–	259	11	236	4	9	1	63	–	2	110	139	59	
Owen Sound	40	1	–	11	–	11	–	–	–	1	–	1	10	1	2	
Peel Regional	1,918	–	23	177	12	163	–	2	–	61	–	–	75	90	57	
Pembroke†	25	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Perth††	14	–	–	–	–	–	–	–	–	1	–	–	–	–	1	
Peterborough Lakefield	129	2	1	20	1	19	–	–	–	8	–	–	9	10	8	
Port Hope	23	–	–	2	1	1	–	–	–	–	–	–	–	1	–	
Sarnia	109	–	–	19	1	17	1	–	–	6	–	1	8	10	7	
Saugeen Shores	22	–	–	2	–	2	–	–	–	1	–	–	1	1	1	
Sault Ste. Marie	137	–	–	14	–	12	1	1	–	6	–	–	9	5	6	
Shelburne	13	–	1	1	–	1	–	–	–	–	–	–	1	–	–	
Smiths Falls	25	–	–	2	–	2	–	–	–	4	–	–	2	–	4	
South Simcoe	76	–	–	6	–	6	–	–	–	5	–	–	3	3	5	
St. Thomas	67	7	–	6	2	4	–	–	–	1	–	–	3	1	1	
Stirling-Rawdon	10	–	–	1	–	1	–	–	–	–	–	–	1	–	–	
Stratford	55	9	–	6	–	6	–	–	–	1	–	–	3	3	1	
Strathroy-Caradoc	31	–	–	2	–	2	–	–	–	–	–	1	1	1	1	
Sudbury Regional	260	–	1	42	–	38	–	4	–	9	–	1	30	12	10	
Thunder Bay	224	1	1	34	–	33	1	–	–	15	–	–	14	20	14	
Timmins	86	7	2	13	–	11	–	2	–	2	–	1	8	5	3	
Toronto	5,443	10	22	756	41	687	7	22	1	336	3	12	409	307	336	
Waterloo Regional	776	–	–	77	2	72	1	2	–	13	–	–	42	33	11	
West Grey	19	–	–	3	–	3	–	–	–	–	–	–	3	–	–	
West Nipissing	22	2	2	4	–	4	–	–	–	2	–	–	3	1	2	
Windsor	453	6	–	43	2	40	–	1	–	14	–	–	20	21	9	
Wingham	7	–	–	1	–	1	–	–	–	1	–	–	–	1	1	
Woodstock	65	–	–	9	1	8	–	–	–	2	–	–	5	3	2	
York Regional	1,509	–	–	126	6	117	1	2	–	29	–	1	62	58	28	
Not about Ontario police service			–	35	–	35	–	–	–	1	–	–	35	–	–	
Not screened			–	165	–	–	–	–	–	–	–	–	–	–	–	
Total	24,308	122	63	3,114	132	2,715	30	80	8	894	4	24	1,528	1,297	858	

*From Statistics Canada Police Resources in Canada 2013.

**Local inquiries and Local Resolutions are outside the formal OIPRD complaints system.

† Pembroke Police Service transitioned to OPP on July 6, 2013.

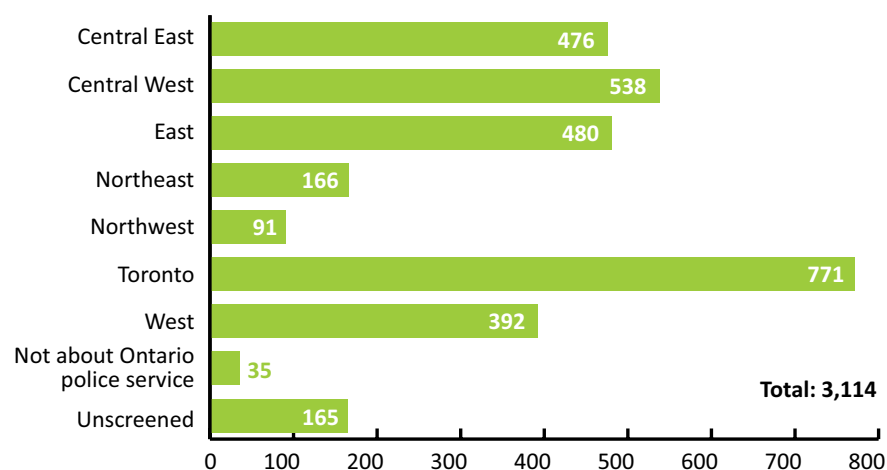
†† Perth Police Service transitioned to OPP on April 6, 2013.

‡ Two complaints withdrawn during the CSR process.

	Allegation																			
	Allegation – Breach of confidence	Allegation – Consume drugs/alcohol prejudicial to duty	Allegation – Corrupt practice	Allegation – Deceit	Allegation – Discreditable conduct	Allegation – Damage to clothing or equipment	Allegation – Insubordination	Allegation – Neglect of duty	Allegation – Unlawful/unnecessary exercise of authority	Allegation – Section 79 – Attorney General consent	Allegation – Section 81 – Solicitor General consent	Informal Resolution	Abandoned	Withdrawn	Unsubstantiated	Substantiated – less serious	Substantiated – serious – hearing	No action taken (policy/service)	Action taken (policy/service)	All open investigation files as of March 31, 2014
	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	3	–	4
	1	–	4	1	88	–	5	30	53	–	–	5	1	58	166	8	8	2	3	64
	–	–	–	–	4	–	–	–	4	–	–	1	–	–	8	–	–	1	–	–
	–	–	–	–	131	–	1	24	43	–	–	55	5	20	190	9	–	–	–	35
	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	–	–	–	–	19	–	–	13	16	–	–	–	–	–	48	–	–	–	–	8
	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	–	–
	–	–	–	–	3	–	–	–	3	–	–	–	–	8	6	–	–	1	–	5
	–	–	–	–	2	–	–	–	–	–	–	–	–	–	2	–	–	–	–	1
	1	–	–	1	1	–	–	5	2	–	–	–	–	4	6	4	–	1	–	1
	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	–	–	–	2	–	–	–	–	4	–	–	–	–	–	6	–	–	–	–	–
	–	–	–	–	2	–	–	3	3	–	–	3	–	–	8	–	–	–	–	1
	–	–	–	–	–	–	–	–	6	–	–	–	–	–	6	–	–	–	–	1
	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	–	–	–	–	–	–	–	–	2	–	–	–	–	–	2	–	–	–	–	2
	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–
	–	–	–	–	15	–	–	8	7	–	–	–	–	7	30	–	–	5	–	4
	–	–	–	–	40	–	–	6	26	–	–	–	–	2	70	–	2	–	–	13
	–	–	–	–	3	–	–	–	–	–	–	–	–	–	1	2	–	2	1	2
	3	–	10	15	439	–	19	79	284	–	–	68	8	71	821	16	12	17	4	285
	1	–	–	11	50	–	–	9	32	–	–	8	1	7	99	2	2	1	–	13
	–	–	–	–	–	–	–	–	–	–	–	–	–	2	–	–	–	–	–	–
	–	–	1	–	1	–	–	–	–	–	–	1	–	–	–	2	–	–	–	1
	–	–	3	–	8	–	–	2	8	–	–	8	1	5	17	3	1	1	–	9
	–	–	–	–	1	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–
	–	–	–	–	2	–	–	–	4	–	–	–	1	1	6	–	–	–	–	–
	4	–	1	1	62	–	5	12	28	–	–	22	–	11	97	5	11	–	1	25
	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–
	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	17	0	29	42	1,262	0	34	458	855	0	0	218	32	368	2,516	109	72	55	10	755

Total Complaints Filed: April 1, 2013 – March 31, 2014

Number of complaints by region

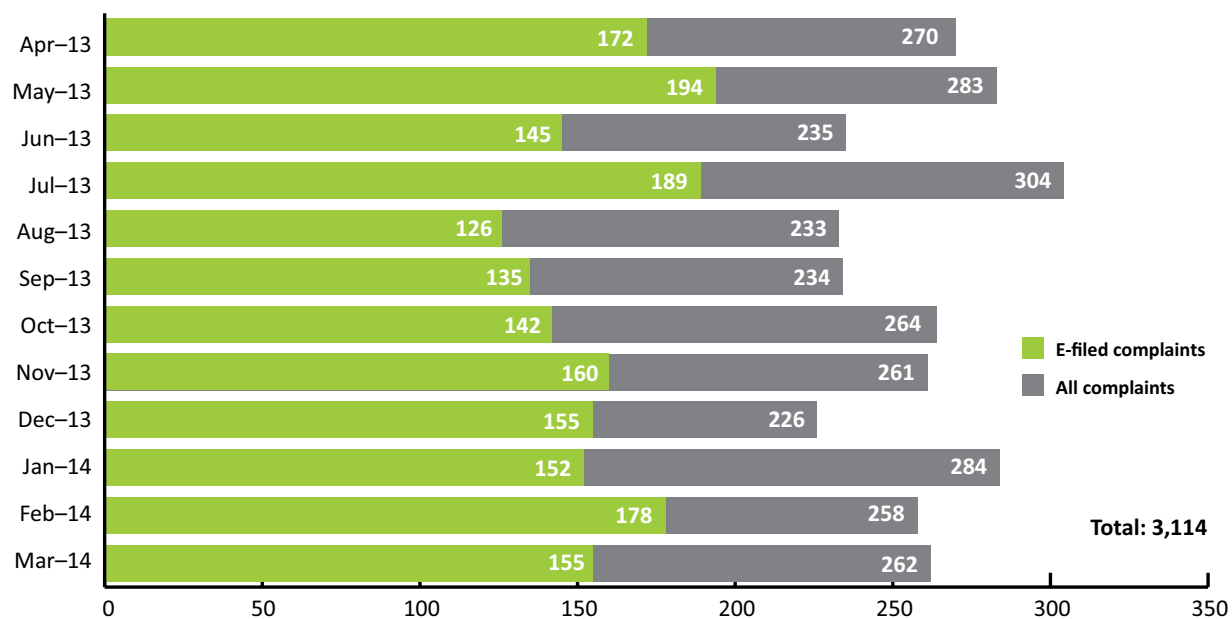


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Total Complaints Filed, Including E-filed Complaints:

April 1, 2013 – March 31, 2014

All complaints by month



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Customer Service Resolution by Service

Service	CSR resolved	CSR withdrawn	CSR in progress
Barrie	5	—	—
Brantford	1	—	—
Brockville	1	—	—
Chatham-Kent	2	—	—
Durham Regional	2	—	—
Guelph	1	—	—
Halton Regional	3	—	—
Hamilton	5	—	1
London	3	—	—
Niagara Regional	5	—	—
OPP Central East	1	—	—
OPP Central West	3	—	—
OPP East	1	—	—
OPP North East	6	—	2
OPP North West	3	—	—
OPP Toronto	6	—	—
OPP West	4	—	1
Ottawa	10	1	—
Peel Regional	12	—	2
Peterborough Lakefield	1	—	—
Port Hope	1	—	—
Sarnia	—	1	1
St. Thomas	2	—	—
Toronto	41	—	4
Waterloo Regional	2	—	—
Windsor	2	—	—
Woodstock	1	—	—
York Regional	6	—	—
Total	130	2	11

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Complaints Screened Out: April 1, 2013 – March 31, 2014	2013–14	From 2012–13	Total
Conduct			
Abandoned	87	21	108
Bad faith	2	–	2
Better dealt with under another act/law	191	2	193
Directly affected party already filed a complaint	17	–	17
Duplicate complaint	57	1	58
Frivolous	164	2	166
No jurisdiction under section 58	91	2	93
Not in the public interest	652	14	666
Over six months and other criteria not met	131	15	146
Prior to proclamation	28	–	28
Third-party criteria not met	29	–	29
Unable to contact complainant	7	2	9
Vexatious	6	–	6
Withdrawn prior to screening	44	4	48
Total	1,506	63	1,569
Policy			
Abandoned	1	–	1
Frivolous	1	–	1
No jurisdiction under section 58	2	–	2
Not in the public interest	3	–	3
Over six months and other criteria not met	1	–	1
Total	8	–	8
Service			
Abandoned	1	–	1
No jurisdiction under section 58	1	–	1
Not in the public interest	9	1	10
Prior to proclamation	1	–	1
Unable to contact complainant	1	–	1
Withdrawn prior to screening	1	–	1
Total	14	1	15
Total screened-out cases in 2013–14	1,528	64	1,592

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Number of Screened-in Conduct Complaints Filed by Region

Region	2013–14	Carried over			
		2012–13	2011–12	2010–11	2009–10
Central East	216	101	4	1	–
Central West	239	139	4	3	–
East	211	113	2	4	–
Northeast	48	26	–	3	–
Northwest	49	16	3	–	–
Toronto	292	199	9	119	1*
West	154	78	5	1	–
Total	1,209	672	27	131	1

*One complaint screened in for investigation in 2009–10 has been carried over into 2013–14. Following the investigation, the matter went to a hearing where the officer was found guilty of misconduct. The officer filed an appeal of the decision with the OCPD. The matter is ongoing as it awaits the results of the OCPD hearing.

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Number of Screened-in Policy/Service Complaints Filed by Region

Region	2013–14	Carried over			
		2012–13	2011–12	2010–11	2009–10
Central East	17	3	–	–	–
Central West	14	2	1	–	–
East	19	2	–	–	–
Northeast	8	1	1	–	–
Northwest	2	–	–	–	–
Toronto	22	13	1	–	–
West	6	3	–	–	–
Total	88	24	3	–	–

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Complaints Sent for Investigation: April 1, 2013 – March 31, 2014

	2013–14	2012–13	Total
Screened in 2013–14	1,297	27 *	1,324
Complaints screened in and referred to a police service for investigation			
Conduct			
Same police service	1,071	20	1,091
Other police service	2	1	3
Policy			
Same police service	22	1	23
Service			
Same police service	66	–	66
Complaints screened in and retained by OIPRD for investigation			
Conduct	131	5 **	136
Complaints about a police chief referred to a police services board			
	5	–	5

*Five of the 27 referred cases were referred in 2012–13 and subsequently referred a second time in 2013–14 by the Director under section 72.

**Four of the five retained cases were referred in 2012–13 and subsequently retained in 2013–14 following requests for review.

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Complaints Sent for Investigation – Closed with Reasons: April 1, 2013 – March 31, 2014

	Carried over				
	2013–14	2012–13	2011–12	2010–11	Total
Abandoned	10	1	–	–	11
Closed after appeal to OCPC	–	–	1	1	2
Closed after investigation	282	394	11	6	693
Closed during investigation for reasons under section 60	28	2	–	–	30
Closed after request for review	22	99	6	–	127
Informally resolved after investigation	1	1	–	–	2
Informally resolved during investigation	146	69	1	–	216
Mediation successful	2	–	–	–	2
Withdrawn after investigation	1	1	1	–	3
Withdrawn during investigation	244	70	–	–	314
Total cases sent for investigation and closed	736	637	20	7	1,400

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Case Load at Year-End

Cases from previous years carried over into 2013–14	930
Cases received in 2013–14	3,114
Total number of cases active in 2013–14	4,044
Cases screened in from previous years carried over into 2013–14	858
Cases screened in during 2013–14	1,297
Total number of screened-in cases in 2013–14	2,155
Cases screened out during 2013–14	1,592
Cases closed in 2013–14 including cases from previous years	3,124
Cases awaiting screening as of March 31, 2014	165
Cases carried over from 2013–14 into 2014–15	920

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Decisions Issued/Received in 2013–14 – Conduct Complaint Allegations

	Total number of allegations*	Unsubstantiated	Substantiated – Less serious	Substantiated – Serious
	2,697	2,516	109	72

*A single complaint may contain more than one allegation.

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Decisions Issued/Received in 2013–14 – Policy/Service Complaint Allegations

	Total number of allegations	No action taken (policy/service)	Action taken (policy/service)
	65	55	10

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Requests for Review

	2013–14	2012–13	2011–12	Total
Requests for Review carried over into 2013–14	–	34	3	37
Requests for Review received in 2013–14	72	85	1	158
Total Requests for Review open during 2013–14	72	119	4	195
No right of review	8	1	–	9
Request for Review filed late	2	1	–	3
Withdrawn	–	1	–	1
Total Requests for Review closed – no review by panel – file closed	10	3	–	13
Initial Request for Review				
Assign second investigation to same service	–	15	–	15
Chief's decision confirmed	24	84	1	109
OIPRD takes over investigation	3	5	–	8
Panel varied decision	–	5	1	6
Second Request for Review				
Chief's decision confirmed	–	6	2	8
Total Requests for Review completed and closed	27	115	4	146
Initial Request for Review				
Awaiting Request for Review materials	5	–	–	5
Examining investigative file	16	–	–	16
Ready for panel review	10	–	–	10
Second Request for Review				
Examining investigative file	–	–	–	–
Awaiting Request for Review materials	–	1	–	1
Total Requests for Review open and carried over into 2014–15	31	1	–	32
Requests for Review not reviewed as of March 31, 2014	4	–	–	4

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Performance Measures

Performance Measures	Percentage that achieved target in 2013–14
7-day Local Resolution	80%
10-day screening	79%
60-day report for policy/service complaints*	26%
120-day investigation – referred*	66%
14 days for provision of investigative file from service when review requested	78%
45-day CSR process completed	80%

*Complaints that have been granted an extension are excluded from the calculation of these PMs.

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Human Resources

Unit	Number	Percentage
Executive Office	4	8
Case Management	15	29
Investigations	15	29
Legal Services	4	8
Communications and Outreach	5	10
Business Operations	8	16
Total	51	100

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FINANCIAL EXPENDITURES

Original budget	\$7,337,600
Revised budget	\$6,080,900
Expenditures	\$5,592,828

2013–14 Year-End Expenditures

Salaries and Wages	\$4,055,925
Employee Benefits	497,369
Transportation and Communications	157,824
Services	782,090
Supplies and Equipment	99,619
Total	\$5,592,828

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