



Annual Report

April 1, 2021 – March 31, 2022

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Director's Message

My message in last year's annual report focused on addressing the most common and valid criticism of the OIPRD – timeliness. A fundamental aspect of effective police oversight is resolving public complaints, so that complainants are heard immediately, and appropriate action is taken as soon as possible. We continue to look at ways to improve our service delivery model, by identifying priorities that are supported by key operational goals and performance measures to ensure that progress is made in an effective and efficient manner.

I'm pleased to report that despite the challenges we've all faced due to the global pandemic, OIPRD staff members have been resilient, adaptable, and through continued dedication to their work have eliminated years of backlogs and are currently resolving the vast majority of public complaints within 120 days. As detailed in this report, the OIPRD received the highest number of complaints in its history and resolved them faster than ever before.

Resolving the timeliness issue is of great benefit to the OIPRD's stakeholders, and OIPRD staff because we can focus on continuously evolving and complex issues in policing oversight, which require timely, and effective action.

In closing, I'd like to highlight just one of our initiatives related to timely and effective action – notifications. Notifications go beyond resolving public complaints about individual police officers' conduct by identifying issues, which if not addressed, are likely to become systemic. Simply put, if we see something, we'll say something, and proactively address issues before they become systemic.

As an example, we issued a notification about strip searches, which resulted in new best policing practices, and a dramatic reduction in the number of related public complaints – most importantly, this was achieved quickly and collaboratively.

Stephen Leach

Independent Police Review Director

Vision, Mission, Values

The Office of the Independent Police Review Director (OIPRD) is an independent civilian oversight agency mandated to receive, manage, and oversee all public complaints about the police in Ontario. It provides a system for members of the public to make complaints about the conduct of an officer, the policies of a police service, and the services a police service provides. The OIPRD is an arm's-length regulatory agency of the Ontario Ministry of the Attorney General (MAG). The agency receives its legislative authority from Part II.1 and Part V of the *Police Services Act* (PSA).

The OIPRD ensures that public complaints about police are effectively dealt with in a manner that is transparent and fair to both the public and the police by:

- Overseeing public complaints through to their conclusion;
- Investigating conduct complaints and overseeing police service complaint investigations;
- Conducting detailed reviews of conduct investigations by police services when requested by public complainants;
- Conducting reviews of referred investigations;
- Encouraging and facilitating meaningful resolution of complaints;
- Conducting systemic reviews.

All OIPRD decisions are independent of the government, the police, and the public.

The OIPRD's **vision** is to enhance confidence in the public complaints system through excellence in the independent and impartial oversight of police.

The agency's **mission** is to provide effective management and oversight of public complaints, increase confidence in the public complaints system, and promote accountability of police services across Ontario.

In fulfilling its mandate, the OIPRD is guided by the **principles and values** of:

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

- **Accessibility:** Delivering a modern, accessible system for the public to lodge complaints about police and building public awareness about the complaints system.
- **Diversity and Inclusion:** Being responsive to, and inclusive of diversity in delivering OIPRD services.

The OIPRD's mandate aligns with the government's priority of promoting fairness, providing access to justice, and investigating complaints (conduct, policy, and service). Further, it aligns with MAG's vision of an innovative, sustainable, and responsive justice system that promotes public confidence and upholds the rule of law. The OIPRD's mandate also aligns with the ministry's strategic plan priorities, including:

- Access to modernized and streamlined client-centred programs and services supported by technology.
- Supporting, protecting, and advocating for victims and vulnerable individuals, including those with mental health and addiction issues.
- Developing and retaining a diverse, skilled, and engaged workforce.
- Promoting accountability across justice system partners.

Organizational Structure

The head of the OIPRD, the Independent Police Review Director (IPRD/Director), is appointed by the Lieutenant Governor in Council on the Attorney General's recommendation. The PSA requires that the Director cannot be a former or current police officer.

In fiscal 2021-22, the OIPRD had an allocation of 52 full-time employees. All OIPRD employees are civilians and cannot be serving police officers.

The OIPRD is divided into the following operational units:

◆ Executive Office

- Provides direction and makes decisions in accordance with the OIPRD mandate, powers, and role regarding investigations, public hearings, police policy, and service reviews.
- Acts as the public face of the OIPRD.
- Provides strategic and operational direction for the agency.
- Liaises with police services boards and the chiefs of police.

◆ Case Management

- Receives and processes complaints filed in-person and electronically.
- Provides public services and assistance in English and French.
- Undertakes intake and screening of all complaints.
- Creates and maintains records and case management reporting processes.

◆ Investigations

- In matters of public interest, undertakes independent investigations of police conduct complaints.
- Takes over investigations from police services when instructed by the Director.
- Oversees investigations referred to police services.
- Monitoring of conduct complaints through to completion.
- Conducts reviews of police service investigations as part of the request for review process.
- Assists in conducting systemic reviews as required by the Director.
- Coordinates informal resolution processes for the agency.

◆ Legal Services

- Provides integrated legal advice and associated services to the Director and other OIPRD staff.

- Provides legal support to OIPRD investigators in the course of conduct investigations with respect to the interpretation and application of relevant statutory provisions and regulations.
- Appears on behalf of the OIPRD at the Ontario Civilian Police Commission, Superior Court of Justice, Divisional Court, Court of Appeal, and other proceedings.
- Monitoring policy and service complaints through to completion.
- Assists with the development of internal policies and liaises with MAG and other ministries.
- Conducts reviews of police service investigations as part of the request for review process
- Maintains oversight in post-investigative proceedings where misconduct has been found to have occurred and monitoring the status of disciplinary proceedings.

◆ **Corporate Services**

- Provides financial, human resources, controllership, knowledge management, records management and retention, strategic planning, asset management, communications, data analytics and administrative functions for the agency.
- Provides information technology and management required to support the IT-based case management system, the OIPRD-to-police correspondence system, network-accessible complaint filings, specialized IT for intake call centre, and base infrastructure to support office productivity (including network services, voice/telecom, and desk-side support).
- Manages facilities and safety and security-related matters.
- Leads training, education, risk management, and internal communications.
- Oversees Freedom of Information requests from the MAG and privacy breach-related matters.
- Leads initiatives targeted towards process efficiencies and continuous improvements to enhance service delivery.
- Develops policies and procedures, performance measures, and engagement strategies.
- Raises public and media awareness of the agency through a variety of channels, including evolving web and social media content, media relations, announcements, events, and presentations to a broad range of community organizations. Positions the agency and the Director as a national and international leader in policing oversight.
- Provides timely responses to media enquiries about complaints and investigations.
- Liaises with complainants who have accepted the Early Resolution process or agreement to mediation.

Financial Expenditures

The tables below outline the OIPRD budget allocation and financial expenditures for the 2021-22 fiscal year.

Financial Expenditures 2021-22	
Initial Allocation	\$7,420,600.00
Adjusted Allocation	\$6,368,600.00
Expenditures	\$6,360,775.48

In 2021-22, during the COVID-19 pandemic, the agency maintained a low level of travel to ensure the safety of OIPRD staff as well as the complainants and police officers they would be in contact with.

Year-End Expenditures 2021-22	
Salaries and Wages	\$5,231,350.66
Benefits	\$690,363.88
Transportation and Communication	\$29,911.05
Services*	\$392,972.04
Supplies and Equipment	\$16,177.85
Total	\$6,360,775.48

*Services expenditures include, but are not limited to, information technology, mediation services, and training costs.

Appointee Annual Remuneration 2021-22		
Appointee	Total Annual Remuneration	Per Diem Remuneration Rate
Stephen Leach, Independent Police Review Director	\$224,441.21	N/A

New Legislation: Community Safety and Policing Act Proclamation Impacts

On March 26, 2019, the *Comprehensive Ontario Police Services Act, 2019* (Bill 68) received Royal Assent. Once proclaimed, the *Community Safety and Policing Act* (CSPA), 2019 will replace the PSA, significantly impacting the OIPRD's operations. Under the CSPA, some of the changes that will occur include:

- Upon proclamation of legislation, the OIPRD will be renamed the Law Enforcement Complaints Agency (LECA) and the Independent Police Review Director will be renamed the Complaints Director.
- The agency will receive conduct complaints regarding special constables of Niagara Parks Commission, and Peace Officers of the Legislative Protection Service, as well as municipal and Ontario provincial police officers.
- First Nations Police Services will have the opportunity to opt-into the public complaints system under LECA's jurisdiction.
- The Complaints Director will be able to initiate an investigation into a matter even when there has been no public complaint.
- LECA will be required to publish de-identified summaries of unsubstantiated complaints.
- LECA will retain complaints in the public interest and complaints regarding the Chiefs or Deputy Chiefs. All other conduct complaints may be referred to their respective service or to another service.
- Policy and service complaints will be forwarded to the Inspector General.

The full impacts of this new legislation will not be known until the proclamation of the legislation and the drafting of the regulations. At this time, no proclamation date has been set for the CSPA. Once proclamation has occurred and the legislation is in effect, the agency will require additional resources to achieve its new mandates. These impacts and any required resources will be addressed in future business plans.

Accomplishments and Key Activities

Over the past couple of years, the OIPRD streamlined its processes to improve the efficiency and efficacy of its complaint procedures. The list below highlights some of the agency's achievements as a result of re-designing key processes:

◆ **LECA Transition**

- Engaged with First Nations Community groups and First Nations Police Services regarding opt-in under LECA.
- Completed mandatory training, a requirement under LECA.
- The agency continues working on transition material in preparation of LECA.

◆ **Continued Data Analytics Improvement**

- The agency continued to undertake steps to ensure processes were in place to develop and maintain reliable data source to support decision making. These steps include:
- Stressing the importance of accurate data collection and input to both management and staff. Greater emphasis on management oversight.
- Creation of comprehensive data analysis tools including dashboards and reports to help monitor real time data and make corrections.
- Creation of staff specific dashboards.
- Creation of management oversight specific dashboards.

◆ **Improved Timelines and Efficiencies**

- Since November 2020, the average time to screen new complaints has been steadily reduced to the current average of 18 days (reduced from 65 days). The average time to process new complaints has decreased by 72 per cent.
- The number of complaints in processing has been reduced by 52 per cent.
- The two-day intake Performance Measure (PM) has increased to 99 per cent. This PM measures the time taken to verify a complaint for completeness and sent for screening.
- Implemented new operational directive for screening and updated the Accommodations procedure.
- Hired a Case Coordinator for OIPRD presence in Thunder Bay in preparation of LECA.
- 84 per cent of complaints were resolved within six months of receiving them.

◆ **Changes to the Delegation of Authority**

- Delegation of Authority adjusted to align with the new the work streams. With these changes, the agency was able to increase the speed in which decisions were made.

◆ **Full Implementation of Guidelines 001 & 002**

- Guidelines 001 and 002 were published on May 15, 2020.
- Guideline 001 states that the Director has determined that it is generally not in the public interest to deal with complaints when there are ongoing criminal and Special Investigation Unit investigations and related court proceedings.
- Guideline 002 states which complaints the Director is likely to retain or refer for investigation and why.
- In the 2021-22 fiscal year, Guideline 001 was implemented 575 times (approximately 12 per cent of total complaints).

◆ **Guideline 003: Publishing Notification Letters**

- This guideline sets out the procedure to be followed when issuing Notification Letters to a chief of police and the chair of the related police services board (“the Board”). The Notification Letters will outline identified policing issues and recommendations for improvement. These letters are published online, along with the response, if any, from the chief and/or the Board.

◆ **Guideline 005: Publishing Disciplinary Hearing Decision**

- This guideline outlines the OIPRD’s procedure in reviewing and publishing the disciplinary hearing decisions on the OIPRD Website.

◆ **Revocation of Rule 17 of the OIPRD Rules of Procedure**

- Rule 17 of the OIPRD Rules Procedure was revoked effective June 14, 2021, which means the Director will deny requests to reconsider decisions arising from classifying and screening complaints, retained investigations, and requests for review. The only means to challenge the Director’s statutory decisions is by way of Judicial Review.

◆ **New Rule of Procedure for Consolidation of Complaints**

- Consolidation Rule 6A will lead to a more efficient oversight process by streamlining procedures, avoiding duplications, and coordinating investigations on the same issue.

◆ **Rule Change for Request for Review**

- Rule 13 of the OIPRD Rules Procedure changed to streamline the request for review process. Through the adoption of the rule change, the agency streamlined processes, resulting in increased efficiency.

◆ **Referred Investigations**

- The standardized “Investigative Plan” templates are adapted to each complaint that has been referred to the police services for investigations and outlines the specific Code of Conduct allegations that require investigation. This has supported the completion of investigations within 120 days.
- Complaints are referred 66 per cent faster and referred Investigations completed 11 per cent faster.
- Complaint referral moved from Case Management to Investigations.

◆ **Informal Resolution Process**

- Informal Resolutions are processed by the police services and are overseen by the Deputy Director and Director. 28.6 per cent of conduct complaint investigations were successfully resolved through informal resolution.

◆ **Early Resolution (ER) Process**

- As a result of the rebranding of ER in 2020-21, the agency saw a trending increase of ER requests and was successful in carrying out all ER requests. Approximately 30 per cent of screened in complaints identify a request for ER, and approximately 19 per cent of those that did go to ER were successful and completed within 30 days.

◆ **Diversity and Inclusion Initiatives**

- The OIPRD continues to support and promote diversity and inclusion through all-staff training. As new staff join the agency, training requirements include Anti-Racism Competency and Cultural training, Gender and Diversity training and OHRC Human Rights 101.
- The agency has staff and executive level representation at the Ministry of the Attorney General’s Diversity, Inclusion and Anti-Racism Committees. Having agency representation on these committees shows the agency’s commitment to racial equality and for an inclusive workplace.

◆ **Freedom of Information, Records Management and Privacy Matters**

- The OIPRD updated its corporate policy on the protection of personal information and record-keeping to further enhance privacy breach prevention.
- The agency received and processed 12 freedom of information requests from members of the public. As of March 31, 2022, all matters have been closed with

the exception of one (1) and six (6) appeals to the Information and Privacy Commissioner of Ontario (IPC).

◆ **OIPRD Policies, Procedures and Protocols**

- Continued to update existing OIPRD policies and create new procedures and protocols to establish clear boundaries, guidelines, and best practices that help guide decisions, activities, and actions across the agency.
- Developed and received approval for a new Privacy Breach Protocol (including development of new privacy training for all staff).

◆ **Centralization of Files**

- The Centralization of Files initiative aimed to provide a more consistent file management structure for the agency. The project goal was to conduct an inventory of the agency's current shared drive structure and review duplicate files/folders with an end result creating a logical user-friendly electronic filing system so that files could be located easily and quickly. IT cost savings were also realized.

◆ **I&IT**

- The agency received approval and funding to move forward with a new Case Management System.

◆ **Safety and Security**

- The agency continued its Continuity of Operations Plan in response to the COVID-19 pandemic. All staff members were able to work from home with complete network access and equipped with the proper IT equipment (VPN, cell phones, laptops, monitors and accommodation requests).
- Implemented workplace recovery process (scheduling, health and safety, delivery of all staff return to work orientation sessions).

Making a Complaint

Formal OIPRD Complaint

The OIPRD's jurisdiction includes municipal and regional police services and the Ontario Provincial Police (OPP). Currently, the OIPRD does not have jurisdiction over RCMP officers, First Nations police officers, provincial offences officers, or special constables, including TTC Special Constables, GO Transit police, court officers, and campus police. Under the *Comprehensive Ontario Police Services Act, 2019*, the OIPRD's jurisdiction will expand to include receiving conduct complaints regarding special constables of Niagara Parks Commission, and Peace Officers of the Legislative Protection Service. First Nations Police Services will also have the opportunity to opt-in and be within the purview of LECA's jurisdiction.

The OIPRD accepts complaints about:

- The conduct of an officer: how a police officer behaves;
- Policies of police services: the rules and standards that guide an officer in delivering police services; and
- Services of a police service: how effectively and efficiently a police service performs its duties.

Any member of the public can make a complaint with the OIPRD, with the exception of certain individuals listed under section 58(2) of the PSA. Upon receipt of a complaint, the OIPRD reviews the contents of the complaint on its face, and any subsequent information provided by a public complainant. After reviewing the complaint, the OIPRD may decide to screen out the complaint if the complainant is not:

- The directly affected person;
- A witness who was physically present;
- Someone in a personal relationship with the directly affected person AND suffered loss, damage, distress, danger, or inconvenience; or
- 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.

If a member of the public has a complaint about a police officer and does not wish to pursue the formal OIPRD complaint process they have two options for resolving the matter:

1. Conversation

A complainant can go to a police station and have a conversation directly with the officer in charge to clear up a question or issue. These conversations are not tracked by the OIPRD and are outside the public complaints system.

If the complainant remains unsatisfied with the results of this conversation, they are free to file a complaint with the OIPRD about the underlying incident.

2. Local Resolution

A complainant can go to a police station to have a minor issue addressed. A local resolution will allow the police service to solve, explain, or settle a matter that is considered less serious directly with the complainant.

If a complaint is successfully resolved through local resolution, the complainant cannot make a formal complaint with the OIPRD about the same incident. The police service must send the completed local resolution form, signed by the complainant and the chief or the chief's designate, to the OIPRD. In 2021-22, there were 28 local resolutions completed by police services in Ontario.

Complaints Workload

The OIPRD had a total complaints workload of 6049 complaints in 2021-22, which included 5,114 complaints received between April 1, 2021, and March 31, 2022, and 935 complaints carried over from the previous year.

Complaints Workload in 2021-22	
Carried Over from a Prior Fiscal Year	935
Received During the Fiscal Year	5,114
Total Complaints Workload	6,049
Conduct Complaints	5,074
Screened ER	93
Service Complaints	351
Policy Complaints	36
Withdrawn Prior to Screening	100
Not Yet Screened	395

Complaints Received in 2021-22	
Paper Files	780
E-File Complaints	4,334
Total Complaints Received	5,114

Note: Almost 85 per cent of complaints were filed electronically.

Alternative Dispute Resolution

The OIPRD offers several ways to resolve complaints throughout the complaints process.

Early Resolution (ER)

ER provides an opportunity for complainants and respondent officers to voluntarily resolve complaints before the complaint is sent for investigation. Complainants can simply check off the ER box in the complaints form to initiate the ER process.

In 2021-22, 493 complaints were considered for ER.

Early Resolutions by Outcome	
Withdrawn During ER	37
ER Unsuccessful	106
Declined	238
Successful	93
Referred to Mediation	1
In Progress, Carried into Next Fiscal Year	18
Total	493

Mediation

In 2021-22, two (2) complaints were successfully resolved by mediation. Mediation is an effective means to resolve public complaints about police conduct, and it provides an opportunity for the complainant and the police officer to discuss and learn from their interactions. With the help of a trained mediator, the parties explore resolution options and may be able to avoid a potentially lengthy investigation process.

Complaints Considered for Mediation	
Successfully Resolved	2
Terminated/Unsuccessful	2
Total	4

Screening Decisions

The OIPRD screened in a total of 4949 complaints in 2021-22. Complaints are presumed to be screened in for investigation, provided there is no reason to screen out the complaint under section 60 of the PSA. The Director can exercise their discretion to screen out a complaint based on the criteria in the PSA. When a complaint is screened out, the matter is closed, and a letter is sent to the complainant and the police chief or Commissioner with reasons why the matter was not sent to investigation.

Complaints Screened In 2021-22			
	Screened In	Screened Out	Total
Conduct Complaints	1,561	3,017	4,578
Service Complaints	273	68	341
Policy Complaints	16	14	30
Total	1,850	3,099	4,949

Conduct Complaints Screened Out	
Abandoned	4
Bad Faith	3
Better Dealt with Under Another Act/Law	175
Consolidated Complaint	109
Frivolous	297
Guideline 001	575
Lost Jurisdiction	6
No Jurisdiction Under Section 58	145
No Jurisdiction Under Section 90	97
Not in the Public Interest	1,208
Over Six Months and Other Criteria	49
Prior to Proclamation	14
Third-Party Criteria Not Met	311
Vexatious	24
Total	3,017

Service and Policy Complaints

The OIPRD receives and screens complaints about the services and policies of a police organization but does not investigate them. The PSA requires that all policy and service complaints be sent to the appropriate chief or the OPP Commissioner for a response. If a complainant is not satisfied with the outcome of a policy or service complaint, a request for review may be made to the appropriate police services board.

Service Complaints

Service Complaint Outcomes 2021-22	
Withdrawn	55
Action Taken	9
No Action Taken	97
Informally Resolved	18
Screened Out	68
Open and Carried into the Next Fiscal Year	104
Total	351

Service Complaints Screened Out Reasons	
Better Dealt with Under Another Act/Law	4
Consolidated Complaint	5
Frivolous	7
No Jurisdiction Under Section 58	4
No Jurisdiction Under Section 90	1
Not in the Public Interest	34
Third-Party Criteria Not Met	13
Total	68

Policy Complaints

Policy Complaint Outcomes	
Withdrawn	6
Action Taken	1
No Action Taken	13
Screened Out	14
Open and Carried into the Next Fiscal Year	2
Total	36

Policy Complaints Screened Out Reasons	
Better Dealt with Under Another Act/Law	1
Frivolous	2
No Jurisdiction Under Section 58	1
Not in the Public Interest	3
Third-Party Criteria Not Met	7
Total	14

Explanatory Notes

The OIPRD has the legislative discretion to screen out complaints for any reason outlined under section 60 of the PSA:

Bad Faith: Complaints where there is clear evidence that they were made for an improper purpose or with an improper motive.

Better Dealt with Under Another Act or Law: Complaints that should clearly be dealt with by another legal authority (e.g., a complaint about the validity of a traffic ticket for speeding).

Consolidated Complaint: Complaints that concern the same incident as another complaint filed by the same individual, against the same service. One complaint would remain as the primary complaint and the other complaints would be closed and consolidated with the primary complaint and added as additional information.

Frivolous: A complaint that does not reveal any allegation of misconduct or breach of the Code of Conduct, is trivial, or lacks substance or an objective air of reality.

Guideline 001: A procedure set out by the OIPRD which provides guidance related to complaints where there are outstanding or ongoing criminal charges, SIU investigations or other court matters. Under this guideline, complaints may be screened out until the other proceedings are complete. The Guideline allows complainants to resubmit the complaint after proceedings conclude. The Guideline is available on the OIPRD website.

Lost Jurisdiction: The PSA legislates OIPRD to investigate sworn police officers within the province of Ontario. When a complaint is against an officer who has now retired or no longer a member of a police service in Ontario, or it is found the complaint does not involve a sworn police officer under the PSA, then jurisdiction is lost.

No Jurisdiction Under Section 58: The complaint is not about a policy, service, or the conduct of a police officer. The person whose conduct is complained of does not fall under the jurisdiction of the OIPRD, or the complainant is not someone who is permitted to make a complaint.

No Jurisdiction Under Section 90: If at any time after a complaint about the conduct of a police officer is made under this Part and before the complaint is finally disposed of the police officer resigns, no further action shall be taken under this Part in respect of the complaint after the date of resignation.

Not in the Public Interest: As outlined in the OIPRD Rules of Procedure, a broad range of factors are considered when determining whether it would be in the public interest to proceed with an investigation. The Director may consider the nature of the misconduct alleged, whether the action appears to be a proper exercise of police discretion, the circumstances under which the conduct occurred, whether the conduct could bring the police service into disrepute, the effect of the decision to investigate a complaint, or not, on the public's confidence in the accountability and integrity of the complaints system, whether issues are of systemic importance and/or there is a broader public interest at stake. The Director's decision to retain or refer a particular complaint is made on a case-by-case basis which is guided by Guideline 002.

Over Six Months and Other Criteria: The Director may decide not to deal with a complaint if it is made more than six months after the occurrence of the underlying incident cited in the complaint or when the incident was discovered by the complainant. In determining whether to deal with a complaint older than six months, the Director must consider:

- Whether the complainant is a minor or a person with a disability within the meaning of the Accessibility for Ontarians with Disabilities Act
- 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 screened-in if a complaint is received after six months, the OIPRD may ask the complainant to provide a reason for the delay in filing. The Director will consider all the circumstances, including when the complainant first learned of the alleged misconduct, the reason for the delay, and the severity of the allegations contained in the complaint.

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 must fit into one of the categories outlined under section 60(6) of the PSA.

Vexatious: A vexatious complaint may be one that was made out of anger or the desire to merely seek retribution. These complaints may lack a reasonable purpose or be made with the intention to harass or annoy.

Withdrawn Complaints: A complainant can withdraw their complaint at any time prior to a disciplinary hearing. If a complainant wants to withdraw their complaint after a hearing has begun, they must receive consent from the Director and the police chief or Commissioner, otherwise, the hearing will continue.

Conduct Complaint Investigations

Conduct complaints may be investigated by the OIPRD, the police service in question, or another police service. It is the Director's decision who will investigate, but OIPRD oversight continues throughout the process.

Referred

The Director can refer a complaint to the same police service or to a different police service for investigation. When a complaint is referred to a service, it is investigated by an officer from the service's professional standards branch or by an officer designated by the police chief.

The OIPRD oversees investigations conducted by police services. Following an investigation, the investigative report, along with the chief's decision is sent to the complainant, the respondent officer, and the OIPRD. The OIPRD reviews the investigative report, and if issues are identified, the Director will instruct the police service appropriately.

Retained

When the OIPRD retains a complaint for investigation, an OIPRD investigator informs the complainant about the investigative process. Investigations are reviewed by a Manager of Investigations as well as the Deputy Director and Director. Ultimately, the Director determines whether the investigative report generated discloses reasonable grounds to believe misconduct occurred or not.

Total Conduct Complaints Sent for Investigation in 2021-22	
Referred to the Same Police Service	1,525
Referred to a Different Police Service	43
Retained by the OIPRD for Investigation	6
Total	1,574

The agency began the 2021-22 fiscal with 60 open retained investigations. The investigations unit was able to administratively close 50 of those investigations. Additionally, the agency retained six new investigations and resolved 11 retained investigations. The remaining five retained investigations were carried over into the 2022-23 fiscal year. This results in a 92 per cent clearance rate for retained investigations in 2021-22.

Decisions Issued

The Code of Conduct for police officers, contained in Ontario Regulation 268/10, identifies ten classes of misconduct 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

Substantiated and Unsubstantiated

At the end of an investigation, the allegations in a complaint are determined to be substantiated or unsubstantiated. The PSA states that in order to substantiate, there must be reasonable grounds to believe that misconduct occurred.

If the complaint is substantiated, it will be classified as serious or less serious.

Section 85 of the PSA includes prescribed outcomes for discipline of violations of the Code of Conduct. If the complaint is unsubstantiated because there are no reasonable grounds to conclude a violation of the police Code of Conduct occurred, the complaint is closed, subject to a request for a review of the chief's or Commissioner's decision. If the OIPRD investigates the complaint, the only means to review the decision is by a judicial review.

Conduct Complaints Decisions Issued, by Main Finding 2021-22	
Unsubstantiated	704
Substantiated Less Serious	67
Substantiated Serious	21
Total	792
Conduct Complaints Sent for Investigation – Closed for Other Reasons	
Informally Resolved	487
Mediation Successful	2
Withdrawn/Abandoned	423
Total	912

Requests for Review

If a conduct complaint was referred to a police service for investigation and the chief or Commissioner has either found no misconduct or less serious misconduct, the complainant has 30 days to submit a request for review to the OIPRD.

Once the request for review is received, submissions are sought from both the Complainant and the Police Service and the overall investigative file is reviewed and evaluated, with recommendations made to the Director.

Upon completion of the review, the Director may confirm the chief's decision, or overturn or vary the misconduct decision and direct that a disciplinary hearing be held if the misconduct is deemed serious. If deficiencies are found in the way the investigation was conducted, the Director may send the matter back to the police service with directions to the chief for further investigation or the OIPRD can take over the investigation. The Director's decisions are final, subject to an application for judicial review in the Ontario Superior Court.

Requests for Review 2021-22	
Requests for Review Received	
Received During 2021-22	184
Received During a Prior Fiscal Year	37
Total Managed	221
Requests for Review Withdrawn	
	1
Completed and Closed	
Assign Re-Investigation to Same Police Service	4
Chief's Decision Confirmed	146
Director Varied Decision	7
Total Completed and Closed	157
Outcomes	
Unsubstantiated	135
Substantiated Less Serious	18
Substantiated Serious	4
Total Outcomes	157
Total R4R's Open and Carried Over Into 2022-23	63

Disciplinary Hearings

Under the PSA, disciplinary hearings are conducted by police services. The prosecutor and the hearing officer are both designates of the chief. The complainant is a party at the hearing, but the Director is not.

At a disciplinary hearing, the hearing officer must decide whether the allegations of misconduct have been proven on clear and convincing evidence. This is a higher threshold than that of reasonable grounds, which is the threshold required to substantiate misconduct at the investigative stage.

In 2021-22, the OIPRD received a total of 22 disciplinary hearing decisions from the police services. For more information on the hearing results, please refer to the [OIPRD website](#).

Performance Measures (PM)

Performance Measures	Target	Percentage That Achieved Target 2020-21	Percentage That Achieved Target 2021-22
Seven-Day Local Resolution	75%	90%	97%
45-Day Early Resolution	80%	76%	96%
60-Day Report for Policy/Service Complaints	60%	77%	79%
120-Day Investigative Report – Referred	65%	50%	70%
Two-Day Intake	85%	97%	99%
30-Day Case Management Analysis	80%	*52%	92%
47-Day Requests for Review	60%	96%	7%
120-Day Investigative Report – Retained	50%	42%	50%
15-Day Audit	75%	45%	94%
12-Month End to End	90%	**N/A	98%

*30-Day Case Management Analysis was formerly known as 45-Day Screening in 2020-21.

**12-Month End to End is a new Performance Measure for 2021-22.

Explanatory Notes

Seven-Day Local Resolution: Police services have seven days after the completion of a Local Resolution to send the completed “Local Resolution Complaint Summary and Local Resolution Agreement” form to the OIPRD. The form must be signed, dated, and include a description of the resolution. The OIPRD case management system tracks this process electronically.

45-Day Early Resolution (ER): The ER process is intended to provide a timely resolution to complainants and should be completed in 45 business days. This PM is measured from the date that all parties have agreed to participate to the date that the ER process is completed. This PM captures ER files whose 45-business day deadline falls within the fiscal year.

60-Day Report for Policy/Service Complaints: Police Chiefs are required to complete a report responding to policy and service complaints within 60 days of referral from the OIPRD. The OIPRD’s case management system tracks receipt of the 60-day report and

alerts the case coordinator of upcoming due dates. This PM includes reports that were due within the fiscal year.

120-Day Conduct Complaint Investigation – Referred: Investigators endeavour to ensure that the investigation of a conduct complaint is concluded within 120 days of its commencement. To ensure compliance with the 120-day investigation report completion, the OIPRD's case management system tracks investigation report due dates.

This PM is measured from the date a complaint file was referred to the police service until the date the chief makes their decision. The PM includes files where the deadline date falls within the fiscal year.

Two-Day Intake: The OIPRD endeavours to complete the intake process for new complaints within two business days. This is measured from the time that an official complaint form is received to the date the intake process is complete.

30-Day Case Management Analysis: Once a complaint file is received by the agency, the case coordinators endeavour to complete a full screening of a complaint within 30 business days. If a complaint is missing information which requires staff to contact the complainant, the period the agency is waiting for this information is excluded from the 30-day screening period. This PM includes files where the 30-day screening deadline falls within the fiscal year.

47-Day Request for Review: Complainants have a right to request a review of Chief of Police decisions related to conduct complaints investigated by police services. When the agency receives a request for review, the agency endeavours to complete a review within 47 calendar days. This PM includes files where the 47-day deadline date falls within the fiscal year. In 2021-22, there was a 58 per cent increase in the request for review caseload. The trending increase in number of cases had impacted the performance measure. As a result, the agency continues to work towards streamlining and implementing new policies and procedures to manage the trending increase in 2022-23.

120-Day Conduct Complaint Investigation – Retained: Investigators endeavour to ensure that conduct complaint investigations are concluded within 120 calendar days. To ensure compliance with the 120-day investigation report, the case management system tracks investigations report due dates. Occurrences of non-compliance are escalated to the Director.

Complaints retained by the OIPRD are often more complex. As a result, investigations take longer to complete for a number of reasons, including:

- Reliance on third parties and parties to the complaint for disclosure of information necessary to begin investigations may cause unavoidable delays.
- The requirement to pause investigations until related criminal investigations or proceedings are concluded, including police and Special Investigations Unit investigations.
- The OIPRD generally only investigate complaints that disclose serious and complex allegations that involve public interest considerations. For example, the OIPRD may retain a complaint that discloses allegations of negligent investigation in homicide or sexual assault matters. The investigation of these complaints requires the review of a significant amount of material. The Director's decision to retain or refer a particular complaint is made on a case-by-case basis guided by Guideline 002.

This PM is measured from the date a complaint file was retained by the agency until the date the Director issues a decision. The PM includes files whose 120-day deadline date falls within the fiscal year.

15-Day Audit: Upon the completion of a referred investigations, police services send a copy of the investigation report to the agency for review. OIPRD investigators endeavour to complete an audit of there reports within 15 business days of receipt of the report. This PM includes all files where the 15-day deadline date falls within the fiscal year.

12-Month End to End: The agency endeavours to fully process all complaints within 12 months of the date they are received. This includes all processes that a complaint file may enter during its lifecycle (Screening, Investigation, Request for Review, Early Resolution, etc.). This is measured from the date the complaint is received to the date the file is fully closed. This measure includes any file where the 12-month deadline falls within the fiscal year. In the 2021-22 fiscal year 84 per cent of files were closed within six months of receipt.



Office of the Independent Police Review Director

655 Bay Street, 10th Floor
Toronto, Ontario
M7A 2T4

Toll-free: 1-877-411-4773
Local phone: 416-246-7071
TTY: 1-877-414-4773
Toll-free fax: 1-877-415-4773
Local fax: 416-327-8332
Website: www.oiprd.on.ca
Twitter: @OIPRD_BDIEP