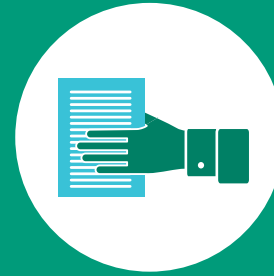


Making a complaint about the police

GUIDE AND COMPLAINT FORM





Making a Complaint About the Police

GUIDE AND COMPLAINT FORM

The Office of the Independent Police Review Director (OIPRD) is responsible for receiving, managing and overseeing all public complaints about the police in Ontario. As a civilian arm's-length agency of the Ontario Ministry of the Attorney General, our decisions are independent from the government, the police, and the public.

Our goal is to provide an independent, effective, transparent and accessible public complaints system that is fair to both the public and the police and builds confidence and trust in the public complaints process.

Our office cannot investigate, recommend or lay criminal charges.



WHO CAN MAKE A COMPLAINT?

Any member of the public can make a complaint; however, the OIPRD screens complaints to ensure that the person complaining is:

- Directly affected by the incident
- A witness to the incident
- A person in a personal relationship with the directly affected person **and** has suffered loss, damage, distress, danger or inconvenience
- A person who has knowledge of the conduct, or has possession or control of anything that the Director feels constitutes evidence that establishes misconduct or unsatisfactory work performance
- Acting on behalf of an individual listed above and has been given written permission to make a complaint on someone else's behalf (this person is known as an agent)

The following people are **not** allowed to make a complaint with the OIPRD:

- The Solicitor General (Minister of Community Safety and Correctional Services)
- An employee of the OIPRD
- A member or employee of the Ontario Civilian Police Commission (OCPC)
- A member or auxiliary (civilian) member of a police service cannot complain about their own service
- An employee of the Ontario Provincial Police (OPP) cannot complain about the OPP
- A member or employee of a police services board cannot complain about their own service



WHO CAN I COMPLAIN ABOUT?

The OIPRD can only deal with complaints about sworn police officers in Ontario. This includes all municipal, regional and provincial (OPP) police officers. The OIPRD does not have jurisdiction over RCMP officers, TTC Special Constables, GO Transit police, First Nations police officers, court officers, corrections officers, campus police, provincial offences officers or special constables.



WHAT CAN I COMPLAIN ABOUT?

The OIPRD accepts complaints about the conduct of officers and the policies or services of a police service.

Conduct: how a police officer behaves

Policies: the rules and standards that guide an officer in delivering police services

Services: how effectively and efficiently a particular police service performs its duties



HOW TO MAKE A COMPLAINT

You may make your complaint in English or French:

- With the OIPRD by e-file on our website: www.oiprd.on.ca, in person, by fax, by sending the form as an email attachment to oiprdcomplaints@ontario.ca or by mailing in the form at the back of this booklet
- At any municipal, regional or provincial police station in Ontario. The police service must forward the complaint to the OIPRD within three business days

If you need accommodation under the Accessibility for Ontarians with Disabilities Act (AODA), including alternative formats of this brochure, please email: oiprd.accommodation@ontario.ca or call toll-free 1-877-411-4773 or 416-246-7071

You do not need a lawyer to make a complaint, but a lawyer or legal clinic may assist with your complaint.



WHAT TO EXPECT WHEN MAKING A COMPLAINT

The OIPRD needs your consent before we can look into your complaint. You must sign the complaint form indicating you consent to the complaints process, otherwise we will be unable to process your complaint. The OIPRD does not accept anonymous complaints.



SCREENING YOUR COMPLAINT

Every complaint is processed and screened by the OIPRD. Each complaint will be classified as a conduct, policy or service complaint and will then be screened to determine if it will go to investigation.

If your complaint has been classified as a conduct complaint and is screened out, meaning it will not be investigated, you will receive a letter outlining the reasons for the decision.

If your complaint is screened in and continues to investigation, the OIPRD will decide who will investigate: the OIPRD, the police service you are complaining about or another police service. Many police services in Ontario have professional standards branches, sections, bureaus or units that investigate complaints referred to them by the OIPRD. You will be notified as to who will conduct the investigation.

The OIPRD is required to forward conduct complaints (whether screened in or out) to the chief of the relevant police service, or the OPP Commissioner and their professional standards units. A complaint about a chief or deputy chief will be sent to the police services board.

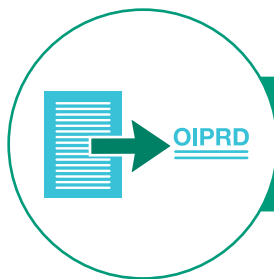
Policy and service complaints are screened by the OIPRD but are not investigated by the OIPRD. If they are screened in, these complaints are sent to the appropriate police service for investigation by the chief or Commissioner. A written report will be sent to you, the police services board and the OIPRD.



REFERRED INVESTIGATION

When an investigation is referred to a police service, their professional standards unit or a designated officer will investigate your complaint. The investigator will collect evidence and contact relevant parties, including you, the respondent officer and any witnesses. When the investigation is complete, the chief/Commissioner will send you, the respondent officer and the OIPRD the results in an investigative report.

The OIPRD maintains oversight throughout all complaint investigations conducted by a police service and reviews all investigative reports.



OIPRD INVESTIGATION

When the OIPRD retains a conduct complaint, an OIPRD investigator is assigned to investigate your complaint. The investigator will collect evidence and contact relevant parties, including you, the respondent officer and any witnesses. When the investigation is complete, the OIPRD will send you, the respondent officer and the chief or OPP Commissioner the results of the investigation in an investigative report.



WAYS TO RESOLVE A COMPLAINT

There are three avenues to resolve a complaint: Customer Service Resolution, Informal Resolution or Informal Resolution via Mediation. For more information about resolution options please visit www.oiprd.on.ca.



WHAT HAPPENS ONCE YOUR COMPLAINT HAS BEEN INVESTIGATED?

When the OIPRD or police have investigated your complaint, you will be notified of the outcome. The possible outcomes are:

- Your case may be referred for Informal Resolution with your consent.
- The police may take disciplinary action against the officer(s) being complained about without a hearing if misconduct of a less serious nature is substantiated (that means there is enough evidence to believe, on reasonable grounds, that misconduct has occurred).
- The chief must hold a disciplinary hearing when misconduct of a serious nature has been substantiated.
- The complaint may be unsubstantiated if there is not enough evidence to believe, on reasonable grounds, that misconduct has occurred.
- For service and policy complaints, the chief or Commissioner may decide to improve or change the policies and/or services of their police service.



WHAT TO DO IF YOU DISAGREE WITH HOW YOUR COMPLAINT WAS HANDLED

Screening decision: There is no statutory right of appeal from a screening decision of the Director. If you disagree with a screening decision, the only way to review that decision is to bring an application for judicial review in the Ontario Superior Court of Justice.

Investigation referred to a police service: If you disagree with the way that your complaint about an officer's conduct was investigated by a police service, or the result of that investigation, you may request a review of the conduct investigation. A Request for Review should be made within 30 days from the date that you were notified of the results of the police investigation otherwise the OIPRD may not conduct the review.

Investigation conducted by the OIPRD: There is no statutory right of appeal from the findings of the Director after an OIPRD investigation. If you disagree with the outcome of the investigation, the only way to review the Director's decision is to bring an application for judicial review in the Ontario Superior Court of Justice.

Result of a disciplinary hearing: If you disagree with the outcome of a disciplinary hearing you may appeal the result to the OCPC.

Investigation of a policy/service complaint: If you disagree with the chief's decision about a policy or service complaint you may request a review by the police services board. There is no review process of the decision of the OPP Commissioner regarding a provincial OPP policy or service complaint.



IF YOU ARE MAKING A COMPLAINT

All complaints must be submitted on the OIPRD complaint form. The form begins on the next page. Please read all the instructions carefully and fill in all sections of the complaint form. Make sure to include as much relevant detail in your complaint as possible and sign your name at the end.

Please detach the complaint form from this booklet and submit the completed form to:

Office of the Independent Police Review Director
655 Bay Street
10th floor
Toronto, Ontario
M7A 2T4

You may also submit the form by:
Scanning and emailing it to: **oiprdcomplaints@ontario.ca**

Faxing the form to:
Toll-free fax: 1-877-415-4773
Local fax: 416-327-8332

You may contact the OIPRD using:
Toll-free phone: 1-877-411-4773
Local phone: 416-246-7071
TTY: 1-877-414-4773
Email: **oiprd@ontario.ca**

Our brochures are available on our website, at police services and at various public locations throughout the province. For additional information please visit: **www.oiprd.on.ca**.

Complaint About the Police



COMPLETING THE FORM

The OIPRD must have a signed complaint form in order to process your complaint. The OIPRD does not accept anonymous complaints. Please sign the declaration in section six on this form.

Please note that the information on this form will be sent to the police chief or the OPP Commissioner, in care of their professional standards unit, or to the police services board.

If you have questions about filling out this form or about the complaints process, visit our website at: www.oiprd.on.ca or call us at: 1-877-411-4773 or 416-246-7071.

If you need accommodation under the AODA, please call the number above or email: oiprd.accommodation@ontario.ca

Have you made this complaint with another government agency or police service? Yes No

If yes, please specify: _____

Is this matter currently before the courts? Yes No

Is this complaint about something that happened to you? Yes No

How would you like correspondence from the OIPRD to be sent to you? Mail Email

I would consider resolution or mediation for this matter.

1

YOUR DETAILS (COMPLAINANT)

Title (e.g., Mr./Mrs./Ms.):

First (given) name:

Last (family) name:

Date of birth: Day Month Year

Street address:

City:

Province: Postal code:

Main phone number:

Alternate phone number:

Email:

2

POLICE DETAILS

➤ Name of police service your complaint is about: _____

➤ What police station/division/detachment does the officer(s) work at? (If known)

➤ Who is your complaint about [specific officer(s)]?

Name: _____

Rank: _____ Badge #: _____

Any other identifier (e.g., age, height, weight, hair colour) _____

Name: _____

Rank: _____ Badge #: _____

Any other identifier (e.g., age, height, weight, hair colour) _____

If there are more than two officers involved, please include that information in your complaint details in section three.

3

YOUR COMPLAINT DETAILS

Where did the incident(s) that led to your complaint happen? If you do not know the address or street names please include landmarks etc.

Street address: _____

Nearest intersection: _____

City: _____

Any other details: _____

When did the incident(s) happen? If there is more than one incident, include each date.

Day [] [] Month [] [] Year [] [] [] [] Time [] [] : [] [] AM PM

Day [] [] Month [] [] Year [] [] [] [] Time [] [] : [] [] AM PM

If there are many incidents that happened over a period of time include that information.

From: Day [] [] Month [] [] Year [] [] [] []

To: Day [] [] Month [] [] Year [] [] [] []



What is your complaint about?

Describe in detail what specifically happened to cause you to make a complaint. Consider the following:

- What did the officer(s) do, say or did not do that has caused you to make this complaint?
- Based on your complaint, what do you think the officer(s) should have done or said?
- Describe any injury or damage as a result of what the officer(s) did or didn't do. (A complaint with the OIPRD cannot result in financial compensation).
- If you are not the directly affected person, outline how you were affected (e.g., loss, damage, distress, and/or inconvenience).
- Identify any evidence of the incident(s) you have (e.g., photo, audio, video, medical records).
- If this happened to someone else and you are a witness to the incident, please include the name and contact information of the person this happened to (if known).

Complaints may be screened out if they are made more than six months after the incident. If the incident you are complaining about happened more than six months ago, please indicate if you are under the age of 16, if you are a person with a disability, if there is a criminal case in relation to this incident and/or if there is any other reason for your delay in making the complaint.

You may attach additional information or documents if necessary.

4

TRANSLATOR'S DECLARATION

I, (print name) _____

declare that I have accurately translated the content of this form for the complainant from English to (insert language) _____

I am proficient in both languages and was able to communicate fully with the complainant. The complainant has indicated that s/he fully understands the content and answers provided.

Signature: _____ Day Month Year

I used a translator to fill out this form and I will need to arrange for a translator in the event of an interview. Yes No

5

ACCOMMODATION

Do you require accommodation under the Accessibility for Ontarians with Disabilities Act (AODA)? Yes No

Please indicate how we may accommodate you: _____

Do you require a telephone typewriter service for interviews over the phone? Yes No

Do you require an ASL or LSQ interpreter? Yes No

For more information about accommodation under the AODA please email: oiprd.accommodation@ontario.ca or call 1-877-411-4773 or 416-246-7071

6

DECLARATION

I certify that the information provided on this form is true. I understand that the information on this form will be provided to the police chief or the OPP Commissioner, in care of their professional standards unit, or the police services board, and that this complaint may be investigated by the professional standards unit of the service I am complaining about, with oversight by the OIPRD.

Name (please print): _____

Signature: _____ Day [] [] Month [] [] Year [] [] [] []

Are you represented by an agent? Yes No

Name of agent: _____

Agent contact details: _____

Correspondence will be sent to your agent. Anyone can act as an agent on your behalf.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

The personal information that you have provided on this complaint form is collected by the OIPRD under the Police Services Act. The information will be used to investigate your complaint. As an agency of the government, the OIPRD must adhere to the Freedom of Information and Protection of Privacy Act (FIPPA). If you have any questions about privacy protection, please contact the Freedom of Information and Privacy Office at the Ministry of the Attorney General at 416-326-4300.

INTAKE AT A POLICE STATION (FOR POLICE)

Intake Officer Name: _____

Badge #: _____ Date received: Day [] [] Month [] [] Year [] [] [] []

This complaint form and additional information provided by the complainant must be sent to the OIPRD for processing within three business days of receipt by a scanned copy to: **oiprdcomplaints@ontario.ca**, by mail, or by fax at 1-877-415-4773.