



OFFICE OF THE INDEPENDENT  
POLICE REVIEW DIRECTOR

# Annual Report

---

**April 1, 2022 – March 31, 2023**

# Contents

Director’s Message .....	3
Vision, Mission, Values .....	4
Organizational Structure .....	6
Organizational Chart .....	8
Financial Expenditures.....	9
New Legislation: Community Safety and Policing Act Proclamation Impacts .....	10
Accomplishments and Key Priorities .....	11
Making a Complaint .....	17
Complaints Workload.....	19
Alternative Dispute Resolution .....	20
Screening Decisions .....	20
Service and Policy Complaints.....	22
Conduct Complaint Investigations.....	26
Decisions Issued.....	27
Requests for Review.....	28
Disciplinary Hearings .....	29
Performance Measures (PM).....	30

## Director's Message

Over the past year, management and staff have made significant enhancements to the service delivery model that was implemented in 2021-2022, resulting in remarkable improvements in overall performance measures despite the surge in volume and complexity of complaints received in 2022-2023. Through the implementation of a data-driven approach, we have been able to create efficiencies that directly tackle the most frequent and valid criticism of the agency – timeliness. As a result, we are now resolving public complaints with a sixty-percent faster turnaround time.

Equally important, we have improved transparency by making our information and data about police oversight easily accessible. Our easy-to-use [service-by-service page](#) now provides three full years' worth of public complaints data on each police service in Ontario. Additionally, in 2023-2024, we will launch a dedicated page to track the implementation progress of the forty-four recommendations in [Broken Trust: Indigenous People and the Thunder Bay Police Service](#). The [Thunder Bay Progress Tracker](#) provides information on each of the forty-four recommendations, and why it is considered fully implemented, or ongoing.

Timeliness and transparency remain priorities as we continuously improve our service model in advance of the [Community Safety and Policing Act](#) proclamation, which will significantly increase the agency's responsibilities. Expanding our jurisdiction, receiving notification of potential misconduct from police services and other oversight agencies, and self-initiating complaint investigations are important opportunities to enhance public confidence in police oversight. We are committed to continually improving our service model to meet our responsibilities under the new act and responding to evolving issues between the public and the police.

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; and
- 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 2022-23, 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**

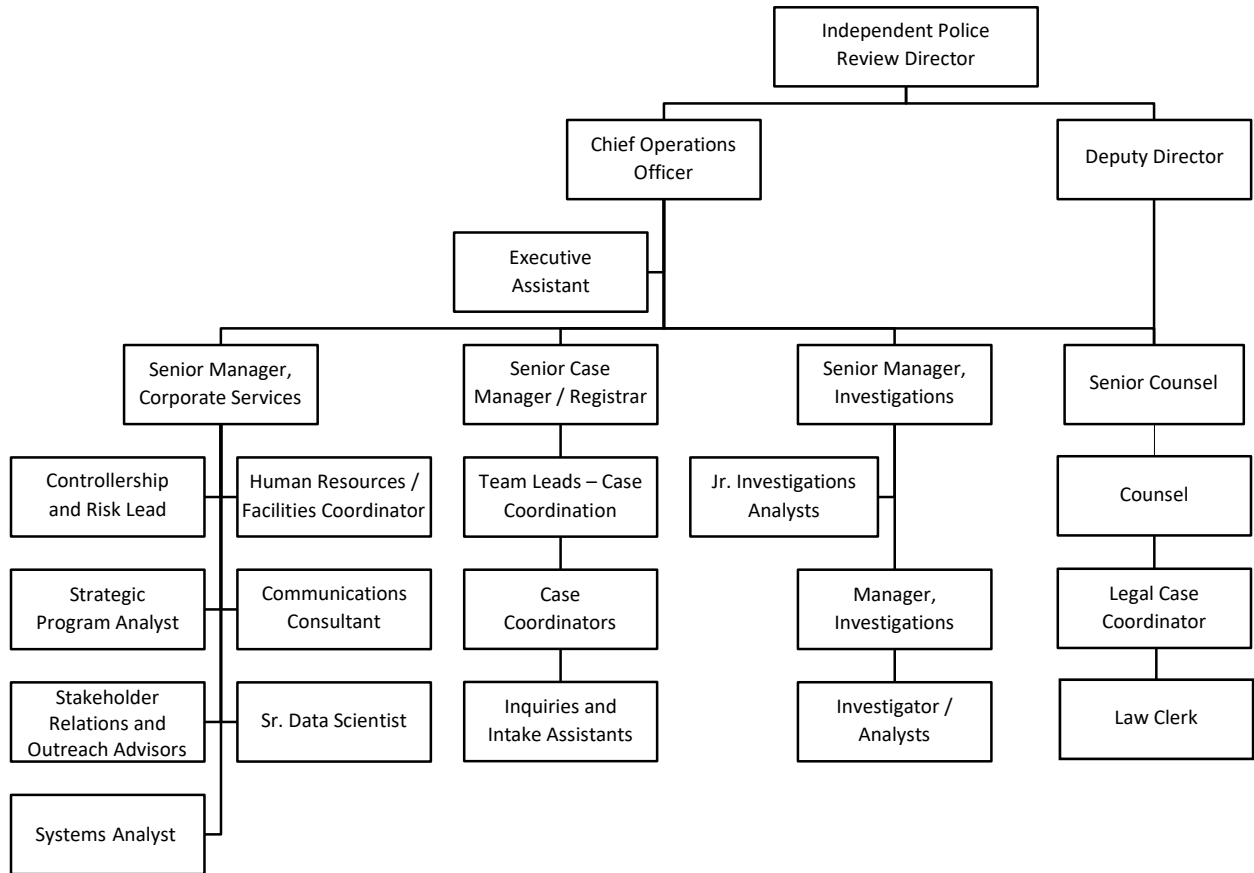
- Provides integrated legal advice and associated services to the Director and other OIPRD staff.

- 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 there are reasonable ground to believe that misconduct has been found to have occurred and also monitors 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 toward 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.

# Organizational Chart





# Financial Expenditures

The tables below outline the OIPRD budget allocation and financial expenditures for the 2022-23 fiscal year.

<b>Financial Expenditures 2022-23</b>	
Initial Allocation	\$7,462,900.00
Adjusted Allocation	\$7,213,700.00
Expenditures	\$7,149,658.18

<b>Year-End Expenditures 2022-23</b>	
Salaries and Wages	\$5,683,458.71
Benefits	\$735,053.72
Transportation and Communication	\$44,123.98
Services*	\$668,982.71
Supplies and Equipment	\$18,039.06
<b>Total</b>	<b>\$7,149,658.18</b>

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

## OIPRD Director Remuneration

<b>Appointee Annual Remuneration 2022-23</b>		
<b>Appointee</b>	<b>Total Annual Remuneration</b>	<b>Per Diem Remuneration Rate</b>
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.

Upon the proclamation of CSPA the agency will see an increase in its workload. This will result from three major factors. The expansion of the agency's jurisdiction, the Complaints Director initiating complaint investigations and the implementation of the notifications process as well as potential resulting prosecutions. The jurisdiction expansion will include the special constables of both the Legislative Assembly and the Niagara Parks Commission. There is also the opportunity for First Nations police services to opt-in, further impacting the workload of the agency.

The OIPRD has been preparing for the proclamation of the CSPA since it received Royal Assent. 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, but it is anticipated that the CSPA will be brought into force between the Fall of 2023 to early 2024. 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 Priorities

Over the past year, the OIPRD focused efforts on LECA transition, outreach and engagement, improving timelines, the effectiveness of its complaint procedures, and strategized priorities that fall within its mandate, vision, and values, by detailing a plan for accomplishing the agency's goals over the next 3 years.

Further, the agency focussed on employee training and Mental Health and Well-Being. The list below highlights some of the agency's achievements:

### ◆ LECA Transition

- The agency participated in five townhalls with the Missing and Murdered Indigenous Women and Girls team, led by the Ontario Provincial Police. These community engagements will support the agency in developing relationships with First Nations communities which have First Nations Police Services potentially opting into the new CSPA legislation.
- The agency also met with the First Nation Treaty Three Chief and the OPP First Nation Liaison in the summer and provided a presentation on the OIPRD and the implications of the new CSPA legislation when it is proclaimed.
- The agency also engaged with many other First Nations Community groups and First Nations Police Services, that include:
  - Brantford Regional Friendship Centre
  - CAPG First Nations Police Governance Council Conference
  - Chiefs of Ontario
  - Dryden Native Friendship Centre
  - Fort William First Nation
  - Georgian Bay Indigenous Friendship Centre
  - Grand Council Treaty #3
  - Hiawatha First Nation
  - Indian Friendship Centre
  - Ininew Friendship Centre
  - Matawa First Nation
  - Nee-Chee Friendship Centre
  - Nishnawbe Aski Nation
  - Nishnawbe Aski Police Service
  - Nishnawbe-Gamik Friendship Centre
  - Nogojiwanong Friendship Centre
  - N'Swakamok Native Friendship Centre
  - Ontario Association of Chiefs of Police
  - Ontario Federation of Indigenous Friendship Centres
  - Parry Sound Native Friendship Centre

- Provincial Advisory Committee Meeting
- Red Lake Indian Friendship Centre
- Sarnia Lambton Native Friendship Centre
- Six Nations of Grand River
- Thunder Bay Ontario Federation of Indigenous Friendship Centre
- Thunderbird Indigenous Friendship Centre
- United Native Friendship Centre
- In addition, the agency presented on the OIPRD and LECA to the following groups:
  - Canadian Association for Civilian Oversight of Law Enforcement
  - Ontario Association of Chiefs of Police
  - Ministry of Attorney General - Indigenous Justice Division
  - Ministry of Solicitor General - Indigenous Policing Unit
- The agency developed new processes on key transitional items and continued working on transition material, and mandatory training in its preparation to become LECA.

#### ◆ **Outreach and Engagement Efforts**

- The agency hosted its fourth Citizenship Ceremony after a three-year hiatus. During the ceremony, 100 individuals were given their new citizenship, representing 35 countries. This outreach activity was well received and offered new citizens insights into policing and police oversight in Ontario.
- Investigations unit attended and successfully presented to ten classes of Basic Constable Training recruits at the Ontario Police College.
- Submitted a story to the Information and Privacy Commissioner Transparency challenge by providing examples on how the OIPRD has modernized and improved transparency, identifying the importance of evidence-based decision making which has resulted in more timely service delivery.

#### ◆ **Broken Trust Working Group**

- The Broken Trust Working Group has been monitoring updates by the Thunder Bay Police Service (TBPS) to the Thunder Bay Police Services Board. The Working Group also requested and reviewed pertinent documents related to the recommendations including policies, procedures, and training materials. An advisory document was created and updated as needed to ensure the Director was kept apprised of TBPS updates to the Board. The purpose of the advisory document is to determine whether recommendations have been met, or ongoing.

#### ◆ **Strategic Plan**

- The priorities identified in the OIPRD Strategic Plan are supported by six themes:
  - Program Delivery
  - Modernization and Innovation
  - Human Capital Plan

- Financial Planning
- Facilities Renewal
- Diversity and Inclusion
- Collectively, these will ensure that each identified priority is supported by key operational goals and performance measures to ensure that progress is made in an effective and efficient manner.

#### ◆ **Improved Timelines, Efficiencies and Transparency**

- Improved transparency and evidence-based decision-making have resulted in more timely service delivery, which includes:
  - A streamlined Early Resolution process that resolves complaints on average 109 days faster than a full investigation.
  - The Informal Resolution process resolves complaints on average 60 days faster.
  - Screening processes reduced by 89 percent (compared to October 2020) – (72 days to 8 days).
  - The number of complaints awaiting screening has reduced by 74 percent (594 down to 155).
  - Investigations are being referred to police services 60 percent faster (compared to Jan 2021), 15 days reduced to six days.
  - 93 percent of complaints are resolved within six months of receipt and 98 percent were completed within 12 months.
  - A new Request for Review (R4R) process was developed to ensure that the process was streamlined and efficient for both the complainant and the OIPRD.

#### ◆ **Informal Resolution Process**

- Informal Resolutions are processed by the police services and are overseen by the Deputy Director and Director. 21 percent of conduct complaint investigations were successfully resolved through informal resolution.

#### ◆ **Early Resolution (ER) Process**

- Approximately 28 percent of screened-in complaints identifies a request for ER, and approximately 40 percent of those that did go to ER were successful and 100 percent completed within 45 days.

#### ◆ **OIPRD Stats Dashboard**

- To further improve service delivery and agency transparency, the statistical data is now updated quarterly (previously updated annually). The figures may not align with the police services due to the following factors:
  - Timing

- Data reported by calendar year
- Different classification/definition of a complaint

#### ◆ **Publishing Notification Letters**

- Published [Knock and Announce Dynamic Entry](#) Notification Letter. The Notification recommends the police services examine their search and seizure policies and revise the protocols surrounding No-Knocks or Dynamic Entries.

#### ◆ **Investigation Plan**

- The Investigation Plan that is forwarded to the police services at time of complaint referral has been updated. The new plan identifies those issues that have been deficient in the past reporting and will give the police services more focused directions in completing investigations.

#### ◆ **Data Analytics**

- The agency continued to undertake steps to ensure processes were in place to develop and maintain reliable data sources to support decision making.
- Continued to create staff specific dashboards to help monitor real time data and make corrections.

#### ◆ **Diversity and Inclusion Initiatives**

- The OIPRD continues to support and promote diversity and inclusion through all-staff training. As part of the agency's roadmap to racial equity, all staff are made aware and encouraged to attend and or participate in diversity and inclusion, anti-racism training/seminars.
- The OIPRD is part of the Mentoring for Career and Inclusion Program. This program offers participants the opportunity to obtain guidance on career development and planning, while sharing experiences related to diversity and inclusion in the workplace. It provides a way for employees to take action on progressing their career and professional development.
- Roadmap developed for agency succession planning and professional development.
- The agency provided input into the 2022 Annual Progress Report on Ontario's Anti-Racism Strategic Plan.

#### ◆ **Mental Health and Employee Well-Being**

- The agency proactively shared and encouraged all staff take part in mental health seminars/presentations to help build mental health literacy for continuing the agency's mental health journey and building healthy habits.

- The agency focused on promoting mental health and well-being, and several training and wellness resources and supports were introduced over the last year to address mental health concerns.
- The Annual training plan identified mental health learning courses for all staff which included:
  - Mental Health Foundation for Employees
  - Mental Health: Address Your Stress
  - Internet-based cognitive behavioural therapy
  - Building your resiliency training modules
  - Introduction to mindfulness
  - Managers also participated in several leadership mental health training webinars that were offered, including Managing in the Grey: Leading through a Crisis with Compassion and Empathy; Managing Stress; and Overcoming Overwhelm
- The agency procured facilitators to deliver all staff training on:
  - Mental Health First Aid (MHFA) – staff learned the initial signs of a mental health crisis, practiced applying immediate MHFA interventions, and staff learned how they can encourage the use of professional supports/resources
  - Work Life Balance – the Importance of Unplugging seminar discussed the impact of being connected 24/7 and the benefits of unplugging. Tips were shared on how to take action to unplug from work and reconnect to life
  - De-escalating training – staff learned how to de-escalate emotionally heightened situations
  - Standard First Aid CPR-C & AED (CSA Basic)

#### ◆ **Other Training**

##### In-House Training:

- Procedural Lessons after Judicial Reviews
- Threshold on additional Information, Tags and the Legal Filing System
- Third Party Criteria & Complaints
- Legal Unit lead agency training in the fall on various legal issues to improve practices and processes at the OIPRD
- Trauma-Based Interview and Investigative techniques workshop
- Writing: Sufficiency of reasons, listing and identifying all allegations

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

- The agency received and processed 12 freedom of information requests from members of the public and consulted on 26 requests as of March 31, 2023. All matters have been closed, however there are six appeals to the Information and Privacy Commissioner of Ontario (IPC).

### ◆ OIPRD Policies, Procedures and Protocols

- Continued to review 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.
- The Records and Information Management Terms of Reference was updated, and a guide was developed for the purposes of assisting OIPRD staff with proper archiving processes.
- Updated the Serious Occurrence, At-Risk-Complainants (ARC) and Youth Protocols.

### ◆ Safety and Security

- Submitted OIPRD's COVID-19 Fall 2022 Preparedness to Ministry of the Attorney General.
- Delivered workplace recovery sessions to all staff in advance of returning to the physical workplace.

### ◆ I&IT

- The agency is working with Justice Technology Services for the new case management system that will meet the evolving needs of the agency through transition and anticipate go-live early 2024.
- The website has recently been reformatted to be more user friendly, and more functional for public accessibility (main landing page updated and new features added such as career and agency organizational structure now publicly shared).
- The e-status, which is where complainants can check their complaint status, has been redesigned to be more efficient. The public can follow their complaint through the various stages of the complaints review process received to a screening coordinator.
- Newly updated complaint form which includes the option for complainants to request Early Resolution on the first page, is more simplified, mobile friendly and accessible to the public.
- Upgraded the complaints form and integrated the postal code look up feature with Canada post. The feature will assist complainants with an auto-look up of their address. This feature also allows the agency to verify and ensure valid addresses are being used.
- Procured a new redaction software, entitled Audacity to help eliminate risks associated with confidential or sensitive information without compromising on security.
- The agency refreshed over 20 laptops.



# 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 *Community Safety and Policing 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 police services: 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 2022-23, there were 29 local resolutions completed by police services in Ontario.

## Complaints Workload

The OIPRD had a total complaints workload of 5,475 complaints in 2022-23, which included 4,650 complaints received between April 1, 2022, and March 31, 2023, and 825 complaints carried over the previous year.

<b>Complaints Workload in 2022-23</b>	
Carried Over from a Prior Fiscal Year	825
Received During the Fiscal Year	4650
<b>Total Complaints Workload</b>	<b>5475</b>
Conduct Complaints	4606
Screened ER	119
Service Complaints	403
Policy Complaints	30
Withdrawn Prior to Screening	71
Not Yet Screened	246

<b>Complaints Received in 2022-23</b>	
Paper Files	692
E-File Complaints	3958
<b>Total Complaints Received</b>	<b>4650</b>

Note: 85 percent 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 2022-23, 542 complaints were considered for ER.

Early Resolutions by Outcome	
Withdrawn During ER	24
ER Unsuccessful	147
Declined	230
Successful	119
In Progress, Carried into Next Fiscal Year	22
<b>Total</b>	<b>542</b>

## Screening Decisions

The OIPRD screened in a total of 4,595 complaints in 2022-23. 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 2022-23			
	Screened In	Screened Out	Total
Conduct Complaints	1475	2787	4262
Service Complaints	264	40	304
Policy Complaints	24	5	29
<b>Total</b>	<b>1763</b>	<b>2832</b>	<b>4595</b>

Conduct Complaints Screened Out	
Better Dealt with Under Another Act/Law	106
Consolidated Complaint	103

Duplicate Complaint	6
Frivolous	332
Not in the Public Interest / Guideline 001	659
Lost Jurisdiction	5
No Jurisdiction Under Section 58	159
No Jurisdiction Under Section 90	3
Not in the Public Interest	1145
Over Six Months	72
Prior to Proclamation	16
Third-Party Criteria Not Met	135
Vexatious	41
Other	5
<b>Total</b>	<b>2787</b>

## 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

<b>Service Complaint Outcomes 2022-23</b>	
Withdrawn	97
Action Taken	11
No Action Taken	127
Informally Resolved	12
Screened Out	40
Open and Carried into the Next Fiscal Year	116
<b>Total</b>	<b>403</b>

<b>Service Complaints Screened Out Reasons</b>	
Frivolous	6
Not in the Public Interest	31
Third Party Criteria Not Met	3
<b>Total</b>	<b>40</b>

### Policy Complaints

<b>Policy Complaint Outcomes</b>	
Withdrawn	8
Action Taken	2
No Action Taken	10
Informally Resolved	2
Screened Out	5
Open and Carried into the Next Fiscal Year	3
<b>Total</b>	<b>30</b>

<b>Policy Complaints Screened Out Reasons</b>	
Not in the Public Interest	4
Third Party Criteria Not Met	1
<b>Total</b>	<b>5</b>

## **Explanatory Notes**

The OIPRD has the legislative discretion to screen out complaints for the reasons outlined under the PSA:

### **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.

### **Duplicate Complaint**

Where a complainant intentionally or unintentionally files a duplicate complaint for the exact same allegations covering the exact same period of time.

### **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.

### **Informally Resolved**

Informal Resolution is a way to resolve less serious complaints and can be attempted at any time during the OIPRD complaint process. The complainant, the respondent officer and the police chief or OPP Commissioner must all agree.

### **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 is 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 and 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.

### **Not in the Public Interest / 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.

### **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 has no merit and 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. Vexatious complaints may be repetitive (filing the same complaint numerous times after a previous complaint was addressed or filing repeated complaints about the same person).

**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. The Director has discretion in determining who should conduct the investigation. The 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

Investigations are conducted by the OIPRD investigators at the direction of the Director, in consultation with the Manager of Investigations and Legal Counsel. Ultimately, the Director determines whether the investigative report discloses reasonable grounds to believe misconduct occurred or not.

<b>Total Conduct Complaints Sent for Investigation in 2022-23</b>	
Referred to the Same Police Service	1316
Referred to a Different Police Service	46
Retained by the OIPRD for Investigation	7
<b>Total</b>	<b>1369</b>

## 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 was investigated by a police service and it 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.

<b>Conduct Complaints Decisions Issued, by Main Finding 2022-23</b>	
Unsubstantiated	595
Substantiated Less Serious	66
Substantiated Serious	9
<b>Total</b>	<b>670</b>

<b>Conduct Complaints Sent for Investigation – Closed for Other Reasons</b>	
Informally Resolved	300
Withdrawn	386
<b>Total</b>	<b>686</b>

## 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 investigative file is reviewed and evaluated.

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 or send it to another police service for investigation. The Director's decisions are final, subject to an application for judicial review in the Ontario Superior Court.

<b>Requests for Review 2022-23</b>	
<b>Requests for Review Received</b>	
Received During 2022-23	172
Received During a Prior Fiscal Year	55
<b>Total Managed</b>	<b>227</b>
<b>Requests for Review Withdrawn</b>	
	<b>1</b>
<b>R4R Decisions</b>	
Assign Second Investigation to Same Police Service	20
Chief's Decision Confirmed	148
OIPRD Takes Over Investigation	1
Director Varied Decision	12
<b>Total Decisions</b>	<b>181</b>
<b>Outcomes</b>	
Unsubstantiated	139
Substantiated Less Serious	28
Substantiated Serious	4
<b>Total Outcomes</b>	<b>171</b>
<b>Total R4R's Open and Carried Over Into 2023-24</b>	<b>45</b>

## 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 2022-23, the OIPRD received a total of nine disciplinary hearing decisions from the police services. For more information on the hearing results, please refer to the [OIPRD website](#).

## Performance Measures (PM)

The agency tracks performance measures (PM) for both the agency and police services for activities relating to the public complaints process. Listed below are several of the performance measures and targets, as well as a comparison to 2021-22 achievement results.

### Police Service Performance Measures

Performance Measure	Target	2021-22 Achieved	2022-23 Achieved
Seven-day local resolution	75%	97%	83%
45-day early resolution	80%	96%	100%
*60-day report for policy/service complaints	60%	79%	41%
120-day conduct complaint investigation - referred	65%	70%	67%

\*There were a large number of policy and service complaints received at the end of the 2021-22 fiscal year due to the Ottawa Trucker Protest. As a result, the complexity of some of those investigations exceeded the 60-day timeline resulting in the decrease of the performance measure as seen in the prior year.

#### 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 agency. The form must be signed, dated, and include a description of the resolution. The agency’s case management system tracks this process electronically.

#### 45-day early resolution

The early resolution 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 the complaint enters to early resolution process to the date that the early resolution process is completed. Only complaints where all parties agree to proceed to early resolution are included in this PM. This PM captures early resolution 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 agency. The agency’s case management system tracks receipt of the 60-day report and alerts the assigned law clerk of upcoming due dates. This PM includes reports that were due within the fiscal year. As the CSPA is implemented the management of policy/service complaints will be transferred to the Inspectorate General.

### **120-day conduct complaint investigation - referred**

Investigators endeavour to ensure that conduct complaint investigations are concluded within 120-days of commencement. To ensure compliance with the 120-day investigation report completion, the agency'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 complaints where the deadline date falls within the fiscal year.

### **OIPRD Performance Measures**

<b>Performance Measure</b>	<b>Target</b>	<b>2021-22 Achieved</b>	<b>2022-23 Achieved</b>
Two-day intake	90%	99%	99%
15-day audit	75%	94%	88%
30-day case management analysis	80%	92%	96%
47-day request for review	60%	7%	34%
120-day conduct complaint investigation - retained	50%	50%	17%
12-month end to end complaint processing	90%	98%	98%

#### **Two-day intake**

OIPRD endeavours to complete the intake process for new complaints within two (2) business days. This is measured from the time that an official complaint form is received to the date the intake process is completed.

#### **15-day audit**

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

#### **30-day case management analysis**

Once a complaint is received by the agency, the case coordinators endeavour to complete a full review of the 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 complaints 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 the review within 47 calendar days. This PM includes complaints where the 47-day deadline date falls within the fiscal year.

### **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 investigation report due dates. Occurrences of non-compliance are escalated to the Director.

Complaints retained by the agency are often more complex. As a result, investigations take longer to complete because investigators must receive disclosure from the police service.

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

### **12-month complaint processing**

The agency endeavours to fully process all complaints within 12 months of the date they are received. This includes all processes that a complaint 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 complaint where the 12-month deadline falls within the fiscal year.





## 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](http://www.oiprd.on.ca)  
Twitter: @OIPRD\_BDIEP