



**Guidelines and Directives 002 –  
Guideline for Retaining/Referring Complaints**

Effective Date: May 15, 2020

## 1. Purpose

The purpose of this guideline is to set out which complaints the Director is likely to retain or refer for investigation and why.

Pursuant, to Rule 2.2 of the OIPRD Rules of Procedure, the Director may issue guidelines or practice directives at any time as the Director deems necessary to carry out his or her functions under the Act, or in regard to the OIPRD's practices and procedures. Where any guideline conflicts with the Rules, the Rules shall apply.

## 2. Guideline for Retaining/Referring Complaints

### **RULE 10 OIPRD RETAINED INVESTIGATIONS**

Rule 10 sets out the procedures for OIPRD retained investigations.

The Director's decision to retain or refer a particular complaint is made on a case by case basis guided by the following considerations:

- Seriousness of the conduct alleged in the complaint and the apparent harm to the complainant
- Whether the conduct alleged in the complaint raises questions about the integrity of the police service as a whole
- Whether the Director's decision would maintain or enhance public confidence in policing and police oversight

The following are examples of complaints the Director **may** retain or refer:

#### Retain

- Allegations of substandard police investigation of sexual assaults and suspicious sudden deaths, where effective oversight cannot be achieved by referring the complaint to a different police service than the one that undertook the original investigation
- Complaints against Chiefs and Deputy Chiefs (required by the OIPRD's governing statute) or another senior officer
- Complaints where either the complainant or the police service request the OIPRD retain the complaint and the Director finds such requests reasonable

and there are compelling reasons why the police service should not conduct the investigation

Refer

- Complaints where the complainant identifies themselves as a confidential informant or participant in the witness protection program
- Complaints involving a youth as defined in the [Youth Criminal Justice Act](#)

**3. References**

- [OIPRD Rules of Procedure](#)
- [Part V of the Police Services Act, 1990](#)