



OFFICE OF THE INDEPENDENT
POLICE REVIEW DIRECTOR

Annual Report

April 1, 2019 – March 31, 2020

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Director's Message

All but two months of the period covered by this annual report was before I was appointed Director on February 1, 2020. Accordingly, my message is brief and forward looking.

The OIPRD has a significant work backlog resulting in parties to complaints waiting inordinate periods before investigations are completed. Accordingly, I'm leading a restructuring of the OIPRD with the overall goals of eliminating the work backlog and ensuring investigations are completed within 120-days.

Thanks to the dedication, hard work, and innovation of the OIPRD's staff, I'm pleased to report that in just a few weeks of my arrival, significant positive changes are occurring, and the work backlog is being steadily reduced.

Going forward, I'm confident that a restructured OIPRD will not only be more efficient, it will have greater capacity to enhance its role in policing oversight for the benefit of all stakeholders.

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 complaints and overseeing police service complaint investigations.
- Encouraging meaningful resolution of complaints.
- Conducting systemic reviews.
- Delivering education and outreach to the public and police.

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, promote accountability of police services across Ontario and increase confidence in the public complaints system.

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, respecting the privacy and dignity of stakeholders and treating them fairly.
- **Independence:** overseeing investigations by police services in a fair, transparent and effective manner and conduct 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 and access to justice, with MAG's vision of an innovative, sustainable and responsive justice system that inspires public confidence and upholds the rule of law. The OIPRD's mandate also aligns with the ministry's strategic plan priorities, including:

- People can access modernized and streamlined client-centred programs and services supported by technology.
- Support, protect and advocate for people who are victims or vulnerable, including those with mental health and addiction issues.
- Develop and retain a diverse, skilled and engaged workforce.
- Promote 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 recommendation of the Attorney General. The PSA requires that the Director cannot be a former or current police officer.

All OIPRD employees are civilians and cannot be serving police officers.

As of March 31, 2020, there are 52 full-time equivalent (FTE) staff members. Staffing has been reduced by approximately 15% from the previous year due to natural attrition.

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.
 - Liaise with police services boards and the chiefs of police.

- **Case Management**
 - Provides front-counter and electronic access to filing of complaints.
 - Provides public liaison and complaints assistance in English and French.
 - Undertakes intake screening and tracking of complaints through to completion.
 - Creates and maintain records and case management reporting processes.
 - Oversees alternative dispute resolution processes for the agency.

- **Investigations**
 - Undertakes independent investigations of police conduct complaints.
 - Takes over investigations from police services when instructed by the Director.
 - Oversees investigations conducted by an outside police service.
 - Conducts reviews of investigations performed by police services as part of the request for review process.
 - Assists in conducting systemic reviews as required by the Director.

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

- Provides legal support to investigators concerning legal rights, scope of power and statutory interpretation of legislation/regulations.
 - Appears on behalf of the OIPRD at the Ontario Civilian Police Commission, Superior Court of Justice, Divisional Court and other proceedings.
 - Assists with legal/policy work and liaises with MAG and other ministries.
- **Business Operations**
 - Provides financial, human resources, controllership, knowledge management, records management and retention, strategic planning, asset management 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.
- **Communications and Outreach**
 - 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.

Financial Expenditures

The below tables outline the OIPRD budget allocation and financial expenditures for the 2019-20 fiscal year.

Financial expenditures 2019-20	
Initial Allocation	\$6,464,900
Adjusted Allocation*	\$6,780,700
Expenditures	\$6,931,749

*The OIPRD's allocation was increased to accommodate the costs resulting from the winding down of activities after the revocation of the Safer Ontario Act.

In the 2019-20 fiscal year the OIPRD undertook several initiatives to improve efficiency and reduce costs for the agency. These initiatives resulted in significant savings across the agency especially regarding transportation & communication and supplies & equipment.

Year-end expenditures 2019-20	
Salaries and Wages	\$5,585,259
Benefits	\$642,988
Transportation & communications	\$81,486
Services**	\$585,512
Supplies & equipment	\$36,504
Total	\$6,931,749

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

New Legislation: Bill 68 Proclamation Impacts

On March 26, 2019 the *Comprehensive Ontario Police Services Act, 2019* (Bill 68) received royal assent. Once proclaimed, Bill 68 will have a significant impact on the operations of the OIPRD. These impacts include, but are not limited to:

- Changing the name of the agency to the Law Enforcement Complaints Agency (LECA) and the title of the Independent Police Review Director to the Complaints Director.
- Receiving conduct complaints regarding police officers, special constables of Niagara Parks Commission and Peace Officers of the Legislative Protection Service.
- First Nations Police Services will have the opportunity to opt-in and be within the purview of 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.
- Shortened timelines for investigations from 180-days to 120-days.
- LECA will retain complaints in the public interest and complaints regarding the Chiefs or Deputy Chiefs. All other conduct complaints will be referred to their respective services or to a third 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 Bill 68. Once the proclamation has occurred and the impacts are in effect, the agency may require additional resources to fully achieve its new mandate. These impacts and any required resources will be addressed in future business plans.

Accomplishments and Key Activities

- ❖ **Onboarding interim and appointed Independent Police Review Director (IPRD/Director)**
 - ✓ In April 2019, OIPRD welcomed the interim Director, the previous Deputy Director, Sylvana Capogreco.
 - ✓ In February 2020, OIPRD welcomed the newly appointed Director, Stephen Leach.
 - ✓ In preparation for onboarding, the Executive Office, Business Operations and the Communications and Outreach Unit took the lead on the following initiatives: drafted internal and external communication, prepared a list of stakeholders to receive personal introductions via email and phone, planned and attended the Director's media training, prepared transition materials and the Director's schedule for the first two weeks.

- ❖ **Development of Regulations under the *Community Safety and Policing Act***
 - ✓ Represented the Director at technical and engagement round table discussions with Solicitor General lawyers and policy advisors, police association lawyers, and police services board representatives for the development of new Code of Conduct regulations and related provisions.

- ❖ **Transition under the *Community Safety and Policing Act***
 - ✓ All units across the agency developed new and improved existing processes and procedures in preparation for the new legislation, in order to enhance program efficiency.
 - ✓ Initiatives include: Revising forms related to the screening process, implementing new and revised strategic and operational plans, streamlining the Alternative Dispute Resolution (ADR) processes, restructuring the investigations process to ensure timely resolution of retained investigations, and refining systems to provide more timely responses to the media.

- ❖ **OIPRD Policies and Procedures**
 - ✓ Created new and updated existing OIPRD policies and procedures to establish clear boundaries, guidelines and best practices that help guide decisions, activities and actions across the agency.

- ❖ **Case Management Triage Pilot**
 - ✓ Worked to develop a streamlined complaint intake process to reduce bottlenecks and decrease case screening turnaround time. Significant

process changes include: forming a triage team of Case Coordinators and Team Leads to make weekly decisions on processing cases files. This initiative will be implemented in the next fiscal year.

❖ **Caseload Reduction Project**

- ✓ The Case Management Unit began the 2020 calendar year with a backlog of 861 complaints. In Q4, we received 560 new complaints which brought the total number of cases to 1421. We were able to screen 807, ending the fiscal year with 614 complaints. This is an overall reduction of 28.7%.
- ✓ Several strategies were implemented to help reduce the backlog, such as: increased support from the Intake and Inquires staff, working overtime hours and streamlining intake and screening processes.

❖ **Request for Review (R4R) Pilot Project**

- ✓ The Request for Review (R4R) process has been streamlined, realizing a massive reduction of backlogged files and the efficient processing of new files as they are received.

❖ **Early Resolution Process**

- ✓ The OIPRD began reviewing and rebranding the early resolution program to fall in line with the provincial standard protocol being developed by police chiefs through the Ontario Association of Chiefs of Police (OACP).

❖ **I&IT Needs Assessment Project**

- ✓ To streamline processes between units and external stakeholders, the OIPRD has begun to create process-maps of all the phases of the complaint process to determine IT needs. With the assistance from a third-party consultant, the OIPRD will endeavour to procure a more effective and efficient case management file system. This work will continue to the new fiscal year.

❖ **One-Year Report Back of Thunder Bay Broken Trust Systemic Review**

- ✓ In February 2020, OIPRD released the [One Year After Broken Trust: Report on Implementation](#). This report gives an update on the work completed by the Thunder Bay Police Service to implement the recommendations made in [Broken Trust: Indigenous People and the Thunder Bay Police Service](#).

❖ **Race-Based Data Collection Program**

- ✓ As of April 1, 2020, the [Anti-Racism Act, 2017 \(ARA\)](#) and the [Ontario Regulation 267/18](#) authorizes the OIPRD to collect self-identified race and

identity based information from members of the public who make a complaint. Race and identity questions include: 1) Indigenous identity, 2) ethnic origin 3) race and, 4) religion.

- ✓ In preparation for the race-based data collection, the agency implemented requirements under the [Data Standards](#), operational tasks included: community engagement and stakeholder consultations, developed collection, use and management policies and procedures, developed a data analysis guide, implemented training for front-line staff, updated online and paper-based complaint forms, and released a public announcement.

❖ **Stakeholder Relations**

- ✓ The OIPRD looked for new ways to reach Ontarians. The agency held public presentations at local libraries, connected with service providers through online communities, and hosted information booths at stakeholder conferences, including Nishnawbe Aski Nation Community Justice Symposium.
- ✓ The Communications and Outreach Unit reached out to youth organizations, 2SLGBTQ+ organizations, and Indigenous organizations, to offer in-person presentations to staff and the communities they serve. OIPRD staff and senior leadership delivered more than 115 presentations.
- ✓ The Investigations Unit continued to improve working relationships with police services with the following planned presentations by the Senior Manager of Investigations:
 - Presentation at the Ontario Police College Recruit Course*
 - Presentation at the OACP Professional Standards Conference*

**Postponed due to COVID-19 pandemic.*

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

- ✓ The OIPRD updated the corporate policy on protection of personal information and record-keeping to further enhance privacy breach prevention and unit protocols on protection of personal information.
- ✓ The agency received and processed 15 freedom of information requests from the Ministry of the Attorney General. As of March 31, 2020, all matters have been closed with the exception of two (2) in-year requests that are currently under appeal to the IPC and one (1) request carried over from 2018 that is currently under appeal to the IPC.

❖ **Diversity and Inclusion Initiatives**

- ✓ Continue to support and promote diversity and inclusion through all-staff training, such as: Anti-Racism Competency and Cultural training,

Indigenous Justice training, 2SLGBTQ+ Gender Neutral Language training, and Ontario Human Rights Commission (OHRC) Racial Profiling training.

- ✓ Updated OIPRD Accommodation Policy and Procedures as part of the agency's commitment to meet the accessibility requirements under both the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act (AODA).

❖ **Safety and Security**

- ✓ Updated office security systems and emergency safety protocols to improve the safety of OIPRD employees.
- ✓ The agency activated 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.

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 police officers, 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 a police service: the rules and standards that guide an officer in delivering police services
- 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; however, the OIPRD can screen out a 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
- 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, they have two options for resolving the matter outside the formal OIPRD complaint process.

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.

2. Local Resolution

A complainant can go to a police station to have a minor issue addressed. A local resolution allows 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 2018 – 19, there were 63 local resolutions completed by police services in Ontario.

Complaints Workload

The OIPRD had a total complaints workload of 4,964 complaints in 2019 – 20, which included 3,756 complaints received between April 1, 2019, and March 31, 2020, and 1,208 complaints carried over the previous year.

Complaints Workload in 2019 – 20	
Carried over from a prior fiscal year	1,208
Received during the fiscal year	3,756
Total complaints workload	4,964
Conduct complaints	3,845
CSR	116
Service complaints	161
Policy complaints	47
Not yet screened	795

Complaints received in 2019 – 20	
Paper files	696
E-File complaints	3,060
Total Complaints Received	3,756

Alternative Dispute Resolution

The OIPRD offers several ways to resolve complaints, usually less serious, throughout the complaints process.

Customer Service Resolution (CSR)

CSR provides an opportunity for complainants and respondent officers to voluntarily resolve complaints before the complaint has been screened. Case coordinators review complaints and recommend appropriate complaints for CSR. In 2019 – 2020, 547 complaints were considered for CSR.

Customer service resolutions by outcome	
Withdrawn during CSR	26
CSR Declined	39
CSR Unsuccessful	260
Not suitable for CSR	31
Sent to screening	30
IPRD deemed resolved	20
Resolved	95
In progress, carried into next fiscal year	46
Total	547

Mediation

In 2019 – 20, 5 complaints were successfully resolved by mediation. Mediation is an effective means to resolve public complaints about police conduct. 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	5
Terminated/unsuccessful	6
Abandoned	0
Other (declined or withdrawn)	3
Open cases	6
Total	20

Enhanced Mediation Program (EMP)

In 2019 – 20, the OIPRD continued to offer EMP, initially piloted in 2017. The program aimed to encourage informal resolution through mediation after a complaint has been screened in, but before the start of the investigation.

In the EMP process, the OIPRD recommends cases for mediation to the police service and offers complainants and respondent officers the opportunity to participate. Participation in the program is voluntary.

This fiscal year, 10 complaints were successfully resolved through EMP.

Enhanced mediation program	
Successfully resolved	10
Terminated/unsuccessful	8
Open cases (carried into 2020 – 21)	3
Total	21

Screening Decisions

The OIPRD screened in a total of 1,596 complaints in 2019 – 20. 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 2019 – 20			
	Screened In	Screened Out	Total
Conduct complaints	1,467	1,937	3,404
Service complaints	107	34	141
Policy complaints	22	18	40
Total	1,596	1,989	3,585

Conduct complaints screened out	
Bad faith	0
Better dealt with under another act/law	243
Frivolous	312
No jurisdiction under section 58	162
Not in the public interest	862
Over six months and other criteria	120
Prior to proclamation	51
Third-party criteria not met	42
Vexatious	20
Other	125
Total	1,937

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 2019 – 20	
Withdrawn	38
Action taken	15
No action taken	51
Informally resolved	4
Screened out	34
Open and carried into the next fiscal year	19
Total	161

Service complaints screened out reasons	
Bad Faith	0
Better dealt with under another act/law	0
Frivolous	4
No jurisdiction under section 58	0
Not in the public interest	20
Over six months and other criteria	2
Prior to proclamation	0
Third-part criteria not met	3
Vexatious	0
Other	5
Total	34

Policy Complaints

Policy complaint outcomes	
Withdrawn	5
Action taken	5
No action taken	13
Informally resolved	3
Screened out	18
Open and carried into the next fiscal year	3
Total	47

Service policy screened out reasons	
Bad Faith	0
Better Dealt with under another act/law	0
Frivolous	3
No jurisdiction under section 58	7
Not in the public interest	7
Over six months	0
Prior to proclamation	0
Third-part criteria not met	0
Vexatious	0
Other (i.e. duplicate complaint)	1
Total	18

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 it was 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).

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

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.

Not in the public interest: A broad range of factors are considered. 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. This list is not exhaustive.

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 final 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 may exercise her discretion and 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 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.

Other: Includes the following:

- Consolidated complaint: If we receive more than one complaint from different complainants about the same incident, we will consolidate the complaints if they are being screened in. When the complaints are investigated, only one investigation report will be issued, and each complainant will receive a copy.
- Duplicate complaint: A complaint made by the same complainant for the same incident more than once.

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 that are screened in 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 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 an investigation's manager.

Total conduct complaints sent for investigation in 2019 – 20	
Referred to the same police service	1,307
Referred to a different police service	26
Retained by the OIPRD for investigation	52
Total	1,385

Decisions Issued

The Code of Conduct for police officers, contained in Ontario Regulation 268/10, identifies 10 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 Police Services Act 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 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 2019 – 20	
Unsubstantiated	1927
Substantiated less serious	97
Substantiated serious	41
Total	2,065

Conduct complaints sent for investigation – closed for other reasons	
Informally resolved	289
Mediation successful	5
Withdrawn	434
Total	728

Requests for Review

Where a conduct complaint was referred to a police service for investigation and the chief 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, the investigative file is reviewed and evaluated by an internal review panel that includes the Director or the Deputy Director, an investigations manager and legal counsel.

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 investigative steps, or the OIPRD can take over the investigation. There is no request for review process for investigations conducted by the OIPRD. The Director's decisions are final, subject to an application for judicial review in the Ontario Superior Court.

Requests for Review 2019 – 20	
Requests for review received	
Received during 2019 – 20	132
Received during a prior fiscal year	113
Total managed	245
Requests for review criteria not met	5
Requests for review withdrawn	3
Completed and closed	
Assign second investigation to same police service	7
Chief's decision confirmed	183
OIPRD takes over investigation	3
Panel varied decision	7
Total completed and closed	200
Outcomes	
Unsubstantiated	164
Substantiated less serious	22
Substantiated serious	4
Total outcomes	190
Total R4R's open and carried over into 2020 – 21	37

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 2019 – 20, the OIPRD received a total of 16 disciplinary hearing decisions from the police services, involving a total of 22 officers. For further information on the hearing results please refer to the [OIPRD website](#).

Performance Measures

Police service performance measures 2019 – 20	
Performance measures	Percentage that achieved target
7-day local resolution	56%
45-day customer service resolution	46%
60-day report for policy/service complaints	53%
120-day investigative report – referred	41%

Explanatory Notes

7-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 customer service resolution (CSR)

The CSR process is intended to provide a timely resolution to complainants and should be completed in 45 days. This PM is measured from the date that all parties have agreed to participate to the date that the CSR is completed. This PM captures CSR files whose 45-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 day of referral from the OIPRD. The OIPRD case management system tracks receipt of the 60-day report and alerts the case coordinator of upcoming due dates. 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 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.

OIPRD performance measures 2019 – 20	
Performance measures	Percentage that achieved target
2-day intake	41%
30-day screening	55%
47-day requests for review	45%
120-day investigative report – retained	10%

Explanatory Notes

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 completed.

30-day screening

Once a complaint file received is by the agency, the case coordinators endeavour to complete a full screening of a complaint within 30 calendar days of its receipt. This measures the time the file spends with the Case Coordinator until the file is screened in or out, it excludes the time the file spends for review with other units in the agency. If a complaint is missing information which requires staff to contact the complainant, the period of time it takes to gather 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

The complainants have a right to request OIPRD for a review of Chief of Police decision related conduct complaints that were investigated by police services. Once the OIPRD receives a Request for Review, the agency endeavours to complete a review in a timely manner. All Requests for Review are to be ready for presentation to the review panel within 47 calendar days of the file being assigned to the investigator. This PM includes files where the 47-day deadline date falls within the fiscal year.

120-day conduct complaint investigation – Retained

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, the case management system measures from when the office retains the file for investigation, until the Director signs off on the decision. Occurrences of non-compliance are escalated to the Independent Police Review Director. The PM includes files whose 120-day deadline date falls within the fiscal year.

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 nature and complexity of the complaint, for example allegations of negligent investigation in homicide or sexual assault matters, where there is a large amount of material to review as part of the investigation.
- OIPRD investigators also review all investigative reports prepared by police services, review police service investigative files for requests for reviews and conduct systemic review investigations, when required.



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