



OFFICE OF THE INDEPENDENT  
POLICE REVIEW DIRECTOR

# Annual Report

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**April 1, 2020 – March 31, 2021**

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## Director's Message

All but two months of the period covered by the 2019-2020 annual report was before I began as Director on February 1, 2020. Accordingly, my message in last year's annual report was forward looking and focused on restructuring the agency with the overall goals of eliminating the backlog of complaints in processing and completing investigations in 120 days.

My message for the 2020-2021 annual report remains focused on restructuring because it enhances the agency's capacity to address a fundamental aspect of effective police oversight – timeliness.

In my first year as Director, I am pleased to report that restructuring, although not complete, has been immensely successful. Because complaints are now being processed more than 50% faster, 100% of the backlog was eliminated and the total number of complaints in processing was reduced by more than 70%. This success is because agency staff embraced change and significantly increased their productivity despite working remotely due to the pandemic.

Given the success of restructuring so far, I'm confident that continuing this process will help the agency complete investigations within 120 days.

Stephen Leach

Independent Police Review Director

## Vision, Mission, Values

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

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

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

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

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

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

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

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

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

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

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

# Organizational Structure

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

In fiscal 2020-21, 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.
- Oversees alternative dispute 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.
- Reviews and monitors the investigation into policy and service complaints.
- Maintains oversight in post-investigative proceedings where misconduct has been found to have occurred, monitoring the status of disciplinary proceedings.

#### ❖ **Corporate Services**

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

- Liaises with complainants who have accepted the Early Resolution process or agreement to mediation.

## Financial Expenditures

The below tables outline the OIPRD budget allocation and financial expenditures for the 2020-21 fiscal year.

<b>Financial expenditures 2020-21</b>	
Initial Allocation	\$7,487,600
Adjusted Allocation	\$6,027,900
Expenditures	\$6,016,572

In 2020-21, during the COVID-19 pandemic, the agency took steps to reduce travel to ensure the safety of OIPRD staff as well as the complainants and police officers they would be in contact with. Additionally, the agency implemented several initiatives to improve efficiency and reduce costs. These factors resulted in significant savings across the agency, especially regarding transportation, communication, and supplies and equipment.

<b>Year-end expenditures 2020-21</b>	
Salaries and Wages	\$4,738,128
Benefits	\$676,752
Transportation and Communication	\$27,076
Services*	\$559,845
Supplies and Equipment	\$14,771
<b>Total</b>	<b>\$6,016,572</b>

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

<b>Appointee Annual Remuneration 2020-21</b>		
Appointee	Total Annual Remuneration	Per Diem Remuneration Rate
Stephen Leach, Independent Police Review Director	\$224,441.00	N/A

## New Legislation: Community Safety and Policing Act Proclamation Impacts

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

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

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

## Accomplishments and Key Activities

Over the past year, the OIPRD streamlined its processes to improve the efficiency and efficacy of its complaint processing. The list below highlights some of the agency's achievements:

### ❖ **Caseload Reduction**

- The Case Management Unit began the 2020 calendar year with a backlog of 861 complaints.
- The project goals were to eliminate this backlog and to process incoming complaints within an average of 30 days. The plan was to first identify and correct process inefficiencies, and then “reboot” by pausing the assignment of new complaints and clearing the backlog.
- Case management rebooted on **September 21, 2020** and successfully cleared the backlog on **November 9, 2020**. Since then, the average time to process new complaints has been steadily reduced to the current average of 24 days.
- The average time to process new complaints has decreased by **over 50%** and the number of complaints in processing has been reduced by **over 70%**.

### ❖ **Launching of the OIPRD Statistical Service-by-Service Web Page**

- The OIPRD launched a dynamic web page documenting up-to-date statistics regarding the number of complaints received and managed, the nature, status and outcome of those complaints, and the number of requests for a review received in a year. Including these statistics on our website increases accessibility and transparency.

### ❖ **Process Re-design**

- The OIPRD re-designed key business processes to refine organizational efficiency and improve client service delivery outcomes. The agency also streamlined processes and redistributed responsibilities between the various units. These changes improved the timeliness and efficiency of the complaints process under the PSA and will better prepare the agency for the upcoming proclamation of CSPA.

### ❖ **Introduction of Guidelines 001 & 002**

- Guidelines 001 and 002 were published on May 15, 2020 to establish which complaints the Director is likely to retain or refer for investigation and why.
- Based on a review of past complaints, the Director determined that it is generally not in the public interest to deal with complaints when there are ongoing criminal, Special Investigation Unit investigations and court proceedings, because there is

a possibility of interfering with or compromising other proceedings, and a likelihood that the OIPRD is unable to deal with the complaints promptly.

#### ❖ **Referred Investigations**

- The creation of Investigation Plans was newly established this year to provide direction and support for police services in the investigation of a public complaint.
- The agency standardized “Investigative Plan” templates which are adapted to each complaint that has been referred for investigation and outlines the specific Code of Conduct allegations that require investigation. It is anticipated that this will support the completion of investigations within 120 days.
- Along with the Investigative Plans, the agency has created a standardized “Audit Review” process. Once a copy of the final investigative report produced by a police service is provided to the OIPRD, the “Audit Review” process is initiated whereby an OIPRD investigator reviews the report and flags any potential issues to the Manager of Investigations. This process has streamlined investigations.

#### ❖ **Implementation of Notification Letters**

- Notification Letters are issued to police services for systemic issues identified by the Director, so that they can be addressed by the Chiefs and the Commissioner on a timely basis.
- Publishing Notification Letters and responses on the OIPRD website increases transparency and fosters greater public confidence in policing and policing oversight. Additionally, other police services are made aware of responses to the identified issues and are encouraged to proactively review their own policies or practices.

#### ❖ **Race-Based Data Collection Program**

- As of April 1, 2020, the [Anti-Racism Act, 2017 \(ARA\)](#) and the [Ontario Regulation 267/18](#) authorize the OIPRD to collect self-identified race and identity-based information from members of the public who make a complaint. The race and identity questions noted on the OIPRD complaint form ask complainants to self-identify 1) Indigenous identity, 2) ethnic origin, 3) race and, 4) religion.
- The agency continues to collect self-identified race and identity.

#### ❖ **Early Resolution Process Rebranding**

- The OIPRD has made significant changes to the Early Resolution program to make it faster and more effective. Changes include the consolidation of forms and transfer to an e-platform.

#### ❖ **Diversity and Inclusion Initiatives**

- Continue to support and promote diversity and inclusion through all-staff training, such as, Indigenous Justice training, and Ontario Human Rights Commission (OHRC) Call it Out training. As new staff join the agency, training requirements include those above, but also encompass Anti-Racism Competency and Cultural training, LGBTQ+ Gender Neutral Language training and OHRC Human Rights 101.
- The agency created a road map to racial equality, which includes initiatives such as Build Anti-Racism Competency and Capacity, Diversify the Talent Pipeline and Foster and be Accountable for an Anti-Racist and Inclusive Workplace.

#### ❖ **E-Status Page**

- The page on the external website where complainants can check the current status of their complaint has been updated. In addition to the new design, it estimates when new complaints are assigned to a screening coordinator. Currently, new complaints are assigned to a screening coordinator within the same week they are received.

#### ❖ **Complaint Form Changes**

- The online complaint form was updated extensively with new sections and features. The changes were meant to ensure we capture the information we need and remove fields that no longer serve a valuable purpose. It is now simplified, and forms are centralized. It is now simplified, user friendly and accessible. The forms used by police services are in a centralized repository.

#### ❖ **Request for Review (R4R) Enhancements**

- Through the adoption of the streamlined process, the backlog has been eliminated. Processing Request for Reviews is now more efficient and effective.

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

- The OIPRD updated its corporate policy on the protection of personal information and record-keeping to further enhance privacy breach prevention.
- The agency received and processed 17 freedom of information requests from members of the public. As of March 31, 2021, all matters have been closed with the exception of two (2) and (4) appeals to the IPC.

#### ❖ **OIPRD Policies and Procedures**

- Continue to update existing OIPRD policies and create new procedures to establish clear boundaries, guidelines, and best practices that help guide decisions, activities, and actions across the agency.

❖ **Paperless Initiative**

- Finalized the OIPRD Paperless Initiative to document OIPRD's commitment to going green and reducing waste in the office.
- Modernized offsite working capabilities since March 2020 – no physical folders; everything is now electronic and will continue to operate this way.

❖ **I&IT Needs Assessment Project**

- An assessment of the OIPRD and unit responsibilities was conducted in February 2020, including an ongoing IT needs assessment project to develop process maps and streamline OIPRD processes. Based on that assessment, significant changes were made to each unit in the agency.

❖ **Safety and Security**

- Updated office security systems and emergency safety protocols to enhance the safety of OIPRD employees.
- The agency continued its Continuity of Operations Plan in response to the COVID-19 pandemic. All staff members were able to work from home with complete network access and equipped with the proper IT equipment (VPN, cell phones, laptops, monitors and accommodation requests).

# Making a Complaint

## Formal OIPRD Complaint

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

The OIPRD accepts complaints about:

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

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

- The directly affected person;
- A witness who was physically present;
- Someone in a personal relationship with the directly affected person AND suffered loss, damage, distress, danger, or inconvenience; or
- A person who has knowledge of the conduct or has possession of something that the Director feels is compelling evidence establishing misconduct or unsatisfactory work performance.

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

## **1. Conversation**

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

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

## **2. Local Resolution**

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

If a complaint is successfully resolved through local resolution, the complainant cannot make a formal complaint with the OIPRD about the same incident. The police service must send the completed local resolution form, signed by the complainant and the chief or the chief's designate, to the OIPRD. In 2020-21, there were 38 local resolutions completed by police services in Ontario.

## Complaints Workload

The OIPRD had a total complaints workload of 5503 complaints in 2020-21, which included 4200 complaints received between April 1, 2020, and March 31, 2021, and 1303 complaints carried over the previous year.

<b>Complaints Workload in 2020-21</b>	
Carried Over from a Prior Fiscal Year	1303
Received During the Fiscal Year	4200
<b>Total Complaints Workload</b>	<b>5503</b>
Conduct Complaints	4683
Screened ER	130
Service Complaints	164
Policy Complaints	37
Withdrawn Prior to Screening	87
Not Yet Screened	402

<b>Complaints Received in 2020-21</b>	
Paper Files	567
E-File Complaints	3633
<b>Total Complaints Received</b>	<b>4200</b>

Note: Almost 87% 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 2020-21, 205 complaints were considered for ER.

Early Resolutions by Outcome	
Withdrawn During ER	10
ER Unsuccessful	58
Successful	130
In Progress, Carried into Next Fiscal Year	7
<b>Total</b>	<b>205</b>

## Mediation

In 2020-21, 5 complaints were successfully resolved by mediation. Mediation is an effective means to resolve public complaints about police conduct, and it provides an opportunity for the complainant and the police officer to discuss and learn from their interactions. With the help of a trained mediator, the parties explore resolution options and may be able to avoid a potentially lengthy investigation process.

Complaints Considered for Mediation	
Successfully Resolved	5
Terminated/Unsuccessful	12
<b>Total</b>	<b>17</b>

## Screening Decisions

The OIPRD screened in a total of 1585 complaints in 2020-21. 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.

<b>Complaints Screened In 2020-21</b>			
	<b>Screened In</b>	<b>Screened Out</b>	<b>Total</b>
Conduct Complaints	1475	2716	4191
Service Complaints	88	61	149
Policy Complaints	22	12	34
<b>Total</b>	<b>1585</b>	<b>2789</b>	<b>4374</b>

<b>Conduct Complaints Screened Out</b>	
Bad Faith	1
Better Dealt with Under Another Act/Law	255
Consolidated Complaint	147
Duplicate Complaint	37
Frivolous	272
Guideline 001	148
Lost Jurisdiction	7
No Jurisdiction Under Section 58	154
Not in the Public Interest	1309
Over Six Months and Other Criteria	100
Prior to Proclamation	23
Third-Party Criteria Not Met	199
Vexatious	64
<b>Total</b>	<b>2716</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 2020-21</b>	
Withdrawn	40
Action Taken	8
No Action Taken	42
Informally Resolved	2
Screened Out	61
Open and Carried into the Next Fiscal Year	11
<b>Total</b>	<b>164</b>

<b>Service Complaints Screened Out Reasons</b>	
Consolidated Complaint	2
Duplicate Complaint	1
Frivolous	6
No Jurisdiction Under Section 58	1
Not in the Public Interest	45
Third-Party Criteria Not Met	6
<b>Total</b>	<b>61</b>

### Policy Complaints

<b>Policy Complaint Outcomes</b>	
Withdrawn	8
Action Taken	1
No Action Taken	8
Screened Out	12
Open and Carried into the Next Fiscal Year	8
<b>Total</b>	<b>37</b>

<b>Policy Complaints Screened Out Reasons</b>	
Frivolous	1

No Jurisdiction Under Section 58	1
Not in the Public Interest	8
Third-Party Criteria Not Met	2
<b>Total</b>	<b>12</b>

## Explanatory Notes

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

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

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

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

**Duplicate Complaint:** A complaint that is an exact duplicate of a complaint that was previously submitted.

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

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

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

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

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

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

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

**Prior to Proclamation:** The OIPRD can only deal with complaints about incidents that happened on or after October 19, 2009.

**Third-Party Criteria Not Met:** The complainant is too remote from the incident. A complainant must fit into one of the categories outlined under section 60(6) of the PSA.

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

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

## Referred

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

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

## Retained

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

<b>Total Conduct Complaints Sent for Investigation in 2020-21</b>	
Referred to the Same Police Service	1428
Referred to a Different Police Service	46
Retained by the OIPRD for Investigation	12
<b>Total</b>	<b>1486</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 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 2020-21</b>	
Unsubstantiated	2247
Substantiated Less Serious	103
Substantiated Serious	36
<b>Total</b>	<b>2386</b>
<b>Conduct Complaints Sent for Investigation – Closed for Other Reasons</b>	
Informally Resolved	362
Mediation Successful	4
Section 72	30
Withdrawn/Abandoned	429
<b>Total</b>	<b>825</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, 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 investigation or the OIPRD can take over the investigation. The Director's decisions are final, subject to an application for judicial review in the Ontario Superior Court.

<b>Requests for Review 2020-21</b>	
<b>Requests for Review Received</b>	
Received During 2020-21	117
Received During a Prior Fiscal Year	43
<b>Total Managed</b>	<b>160</b>
<b>Requests for Review Criteria Not Met</b>	
<b>4</b>	
<b>Requests for Review Withdrawn</b>	
<b>2</b>	
<b>Completed and Closed</b>	
Assign Second Investigation to Same Police Service	18
Chief's Decision Confirmed	95
Director Varied Decision	5
<b>Total Completed and Closed</b>	<b>118</b>
<b>Outcomes</b>	
Unsubstantiated	104
Substantiated Less Serious	10
Substantiated Serious	4
<b>Total Outcomes</b>	<b>118</b>
<b>Total R4R's Open and Carried Over Into 2021-22</b>	
<b>36</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 2020-21, the OIPRD received a total of 7 disciplinary hearing decisions from the police services. For more information on the hearing results, please refer to the [OIPRD website](#).

## Performance Measures (PM)

Performance Measures	Percentage That Achieved Target 2020-21
7-Day Local Resolution	90%
45-Day Early Resolution	76%
60-Day Report for Policy/Service Complaints	77%
120-Day Investigative Report – Referred	50%
2-Day Intake	97%
45-Day Screening	52%
47-Day Requests for Review	96%
120-Day Investigative Report – Retained	42%
15 Day Audit	45%

### 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 Early Resolution (ER):** The ER 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 ER is completed. This PM captures ER 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 days 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.

**2-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 complaint information is inputted into our internal system and assigned to a Case Coordinator.

**45-Day Screening:** Once a complaint file is received by the agency, the case coordinators endeavour to complete a full screening of a complaint within 45 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, such as the Legal Unit. If a complaint is missing information, this will require staff to contact the complainant, and the period of time it takes to gather this information is excluded from the 45-day screening period. This PM includes files where the 45-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. Further, 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 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 OIPRD generally only investigate complaints that disclose serious and complex allegations that involve public interest considerations. For example, the OIPRD may retain a complaint that discloses allegations of negligent investigation in homicide or sexual assault matters. The investigation of these complaints require the review of a significant amount of material. The Director's decision to retain or refer a particular complaint is made on a case by case basis guided by Guideline 002.

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.

**15 Day Audit:** The 15 Day Audit is an Investigative Report Review done following receipt of an Investigative Report. Before a file can be closed, it is audited for compliance, to ensure an adequate and reasonable investigation was undertaken by the service.



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