

**Guidelines and Directives 004 –
Guideline for Investigative Reports**

Effective Date: April 1, 2024

1. Purpose

The overarching purpose this Guideline is to promote an efficient and effective approach in preparing Investigative Reports resulting from public complaints. All investigations must be tailored to the circumstances and issues raised in each complaint. The investigating entity must conduct reasonable investigative steps and produce a report with sufficient reasons which address the issues raised in the complaint in all circumstances.

This Guideline recognizes that an individualized approach is required for investigations and establishes a tailored approach for preparing investigative reports through the establishment of Standard Investigative Reports (SIR) and Comprehensive Investigative Reports (CIR).¹ The Standard Investigative Report is the default approach for investigative reports and appropriate for most public complaints. Some investigations, however, require a more fulsome report through a Comprehensive Investigative Report structure. The CIR is appropriate for discrete instances of public complaints.

2. Application

This Guideline is applicable to all conduct investigations, either retained or referred under, the *Police Services Act* and the *Community Safety and Policing Act* (CSPA) (hereinafter the Acts). Under the Acts, the Chief of Police is required to conduct an investigation into a complaint referred to him or her by the Director in accordance with any requirements specified by the Director and produce an investigative report.²

3. Background

Complainants have a right to have their complaints investigated unless the Director determines that for one or more reasons outlined in the Acts, the complaint should not proceed to an investigation. Under the Act, the Chief of Police is required to conduct an

¹ This Guideline is pursuant to the OIPRD and LECA Rules of Procedure and underlying authorities (*Police Services Act* and *Community Safety and Policing Act*, 2019, respectively). Section 166 of the CSPA provides for a Regulation to prescribe the content of the report. Where any guideline conflicts with the Rules or the Act/Regulation, the Rules and the Act/Regulation shall apply.

² See section 61(7) of the *Police Services Act* and sections 132(1)(a), 158 and 159(1)(a) of the *Community Safety and Policing Act*, 2019.

investigation into a complaint referred to him or her by the Director in accordance with any requirements specified by the Director and produce an investigative report.³

4. Investigations and Investigative Report Formats

All investigations are expected to exhibit a reasonable approach to collecting and examining the available evidence. Further, each investigative report should be tailored to the unique circumstances of each complaint and the available evidence. Depending on the nature of an investigation, the report may follow the format of either a Standard Investigative Report (SIR) or Comprehensive Investigative Report (CIR).

Integral to an investigation is to engage with the Complainant to authenticate the specific details of the allegations. Attempts to contact and interview the Complainant should be reasonable and documented. In instances where Complainant engagement is unattainable or declined, the investigation should progress based on the information formally recorded in the complaint form and other available evidence.⁴

All available evidence that is relevant to the allegations raised in the complaint must be collected and examined. The comprehensive assembly and review of both witness and respondent officer notebook entries. Depending on the context, the acquisition of duty statements or interviews could be deemed necessary to adequately complete the investigation. Expanded investigative measures encompass the accumulation of police service logs, occurrence reports, incident histories, and all pertinent documents linked to the case.

Moreover, diligent efforts should be made to secure any audio or visual evidence germane to the complaint submitted by the Complainant. Lastly, the investigative report must encompass and cite police service policies and any relevant legislative references that support the investigation.

Each investigative report, notwithstanding its format, should include sufficient information to allow:

- (1) The Chief/Commissioner/Director to understand the evidence and decide about the allegations of misconduct;
- (2) The complainant/respondent officers to understand the investigation and the reasons for the findings of the Chief/Commissioner/Director; and
- (3) The Director to conduct a review and determine the reasonableness of the investigation and the Chief's/Commissioner's decision.⁵

³ See section 132(1)(a), Part X and sections 158 and 159(1)(a) of the *Community Safety and Policing Act, 2019*.

⁴ See section 159(1)(6) of the of the *Community Safety and Policing Act, 2019*.

⁵ See section 167(3) of the of the *Community Safety and Policing Act, 2019*.

Standard Investigative Reports (SIR)

The format of a Standard Investigative Report may be used in most circumstances; including matters that have few or discrete allegations of misconduct, investigations that are limited in scope, where the facts of the case are undisputed, or the complainant has expressed unwillingness to participate, or where there is unequivocal independent evidence.

Standard Investigative Reports can include a succinct presentation of the complaint allegations, investigation, relevant evidence, and findings. Depending on the case, the report may omit evidentiary summaries or individualized narratives to the extent that clear audio/video recordings will corroborate or refute an allegation. It is essential to reference relevant legislation, case law and policies, but it need not be reproduced in the report. Additionally, the inclusion of a Confidential Appendix with a Witness List and Exhibit List may be required.

Comprehensive Investigative Reports (CIR)

A Comprehensive Investigative Report is appropriate for discrete instances of public complaints. This type of report is recommended for allegations that involve complex issues, multiple respondent officers, serious allegations of misconduct, incidents with disputed facts, related criminal court proceedings and matters involving sexual assault, serious injuries or death.

This comprehensive report should include a thorough summary of the complainant's statement, summaries of witness statements, along with detailed insights into the involvement of witnesses and respondent officers. The report should also include summaries of any relevant audio or video recordings or transcripts from any related criminal proceeding.

It is essential to reference and summarize relevant legislation, case law and policies, and conducting an in-depth analysis that outlines the investigator's rationale. The report concludes with a precise addressal of the allegation(s) and provides a comprehensive account of the findings. References to relevant legislation, case law and policies should be listed. Additionally, the inclusion of a Confidential Appendix with a Witness List and Exhibit List may be required.