

**Law Enforcement
Complaints Agency**

**LECA
Rules of
Procedure
April 1, 2024**

Complaints made under Part X

Community Safety and Policing Act, 2019 S.O. 2019, c. 1, Sched. 1



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LAW ENFORCEMENT COMPLAINTS AGENCY

RULES OF PROCEDURE

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INTRODUCTION

Pursuant to section 134 of the *Community Safety and Policing Act, 2019*, (the Act) the Complaints Director has the authority to make rules to govern anything related to his or her duties or powers under the Act.

RULE 1: DEFINITIONS

In these Rules:

“Act” means the *Community Safety and Policing Act, 2019*.

“board” means a municipal police services board.

“business day” means any day that is not a “holiday” as defined below.

“chief of police” means a municipal chief of police or the Commissioner of the Ontario Provincial Police and includes an acting chief of police, or a chief of police’s or the Commissioner’s designate or delegate.

“complaint” means a complaint made by a member of the public to the Complaints Director under Part X of the Act about the conduct of a police officer, a special constable employed by the Niagara Parks Commission, a peace officer in the Legislative Protective Service or a First Nations Officer.

“complainant” means the member of the public who makes a complaint to the Complaints Director under Part X of the Act about the conduct of a police officer. Where multiple complainants are listed on a complaint, the first adult listed on the complaint will be deemed to be the complainant for the purpose of these Rules.

“Conduct investigation” means an investigation pursuant to section 152 of the Act.

“deputy chief of police” means a municipal deputy chief of police or a deputy commissioner of the Ontario Provincial Police.

“designated authority” means a designated authority as defined in section 151(1) of the Act.

“document” includes:

- (i) forms, correspondence, memoranda, files, books of account, agreements, reports, charts, graphs or any other written or pictorial communication;
- (ii) a sound recording, videotape, photograph, map, plan, survey or like thing; and,
- (iii) information recorded or stored by means of any device, including electronic or computer files and who is a member of a police service that has opted into the Act pursuant to section 32 of the Act.

“e-notification” is a notification to LECA pursuant to ss. 120(2), 175, 197, and 189 of the Act and s. 35.1 of the *Special Investigations Unit Act 2019*, made through LECA’s designated E-notification Portal.

“holiday” means”:

- (a) any Saturday or Sunday,
- (b) New Year’s Day,
- (c) Family Day,
- (d) Good Friday,
- (e) Easter Monday,
- (f) Victoria Day,
- (g) Canada Day,
- (h) Civic Holiday,
- (i) Labour Day,
- (j) National Day for Truth and Reconciliation,
- (k) Thanksgiving Day,
- (l) Remembrance Day,
- (m) Christmas Day,
- (n) Boxing Day, and
- (o) any special holiday proclaimed by the Governor General or the Lieutenant Governor, and where New Year’s Day, Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a holiday, and where Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays, and where Christmas Day falls on a Friday, the following Monday is a holiday.

“Informal Resolution” refers to informal resolution pursuant to section 169 of the Act.

“LECA” means the Law Enforcement Complaints Agency and includes the Complaints Director and any employees appointed to carry out the functions of the Complaints Director further to section 132(1) of the Act.

“local response” means addressing concerns by members of the public about a potential misconduct outside the formal public complaint process.

“member of the public” means anyone permitted under section 154(1) of the Act to make a Part X complaint.

“Office of the Independent Police Review Director (OIPRD)” refers to the agency established under the *Police Services Act* for the purposes of reviewing public complaints from Oct. 19, 2009 to March 31, 2024.

“party” includes the “designated authority”, including the Complaints Director under 202(5), a complainant and the respondent officer(s), including the chief or deputy chief of police, in the case of a complaint against the chief or deputy chief of police, respectively.

“Police Services Act (PSA)” refers to the *Police Services Act*, R.S.O. 1990, c. P.15.

“police officer” means a member of the police service who is appointed as a police officer, a person who is appointed under the *Interprovincial Policing Act, 2009*, and a First Nations Officer, appointed under section 101 of the Act, and who is a member of a police service that has opted into the Act pursuant to section 32 of the Act.

“public complaint” refers to a complaint filed according to section 154 of the Act.

“public complaint investigation” means an investigation conducted by the Complaints Director or the designated authority under s. 157(2) of the CSPA.

“record” means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:

- i. correspondence;
- ii. a memorandum;
- iii. a book;
- iv. a plan, a map, a drawing, a diagram;
- v. a pictorial or graphic work, a photograph, a film, a microfilm;
- vi. a sound recording, a videotape, a machine readable record; and,
- vii. any other documentary material, regardless of physical form or characteristics, and any copy thereof. “Registrar” means the Registrar of LECA and includes his or her designate.

“respondent or responding officer” means an individual who is the subject of a complaint made by a member of the public under Part X of the Act, and may include a police officer, a special constable employed by the Niagara Parks Commission, a peace officer in the Legislative Protective Service, a chief of police, deputy chief of police, Commissioner of the Ontario Provincial Police or deputy commissioner of the Ontario Provincial Police.

“review” means a request that the Director conduct a review pursuant to his or her powers under subsections 167(3)(4) and (5) of the Act.

“self-initiated investigation” means an investigation initiated by the Complaints Director under s. 161 of the CSPA in the absence of a complaint or notification with respect to the alleged misconduct.

“Systemic Review” means a review of systemic issues pursuant to section 133 of the Act.

“youth” means a person who is under the age of eighteen years.

RULE 2: GENERAL MATTERS

Application and Interpretation of Rules

2.1 These Rules apply to the processing of all complaints under Part X of the Act proclaimed on April 1, 2024. Complaints involving incidents prior to April 1, 2024 will be processed according to the *Police Services Act* and the OIPRD Rules of Procedure shall apply.

2.2 These Rules will be liberally interpreted and applied by the Director to facilitate an accessible process and to ensure the fair, just and expeditious handling of complaints made by members of the public under the Act.

2.3 The Complaints Director may issue guidelines or practice directives at any time as the Complaints Director deems necessary to carry out his or her functions under the Act, or in regards to LECA’s practices and procedures. Where any of these Guidelines conflicts with the Rules, the Rules shall prevail.

2.4 The Complaints Director may exercise any of his or her powers under these Rules on his or her own initiative or at the request of a party.

2.5 Where any of these Rules conflicts with any statute or regulation, the provisions of the statute or regulation shall prevail.

2.6 The Complaints Director may, upon such terms as he or she considers advisable, extend or abridge the time periods set out in these Rules.

2.7 If these Rules do not provide for a matter of procedure, the Complaints Director may do whatever is necessary and permitted by law to enable him or her to carry out any of his or her functions, powers or duties under the Act.

2.8 A technical defect or irregularity is not a breach of these Rules. Where a party or other person fails to comply with these Rules, the Complaints Director may relieve

against the failure to comply, with or without terms, as the Complaints Director considers appropriate in accordance with Rule 2.1.

2.9 The Complaints Director may vary or waive the application of these Rules at any time at her or his own initiative or on the request of a party, with or without terms, as the Complaints Director considers appropriate in accordance with Rule 2.1. These Rules may be modified to comply with accessibility standards required under the *Accessibility for Ontarians with Disabilities Act (AODA)* or the *Human Rights Code*.

Calculation of Time and Service of Documents

2.10 Except where these Rules or the Act otherwise provides, where a direction of the Complaints Director or a Rule refers to a number of days, the reference is to calendar days.

2.11 Where an action is required to be taken within a specified number of days, the days are counted by excluding the first day and including the last day.

2.12 When the time for doing an act expires on a holiday, the act may be done on the next business day.

2.13 Service of documents other than a complaint is deemed to be effective:

- (i) by personal service: on the day of delivery if received by 5:00 p.m., or on the next business day, if received after that time;
- (ii) by mail: on the fifth day after the day of mailing;
- (iii) by fax: on the next business day;
- (iv) by courier: on the second day after the document was given to the courier;
or,
- (v) by email: on the next business day.

Forms

2.14 LECA may establish forms for use in its proceedings and may require the use of those forms. In these Rules, where a form is referred to by name, the reference is to the form with that name as described in the List of Forms in the Appendix to these Rules. The forms are not part of these Rules.

Administrative Corrections

2.15 The Complaints Director may, at any time, correct a typographical error, error of calculation, misstatement, ambiguity, technical error or other similar error made in any determination or decision made by LECA. The Complaints Director, however, shall not reconsider any of his/her/their substantive decisions or determinations.

RULE 3: COMMUNICATIONS WITH LECA

Communications with LECA

- 3.1 LECA provides services in French and English.
- 3.2 Any complainant who requires the assistance of an interpreter in filing a complaint in a language other than French or English must arrange for an interpreter, at his or her own expense, unless otherwise determined by the Director.
- 3.3 A complainant and/or a complainant's agent must notify LECA, in writing, of any change in their contact information as soon as possible.

Agents

- 3.4 A complainant may be self-represented or be assisted by an agent designated by the complainant at any stage of the LECA complaint process.
- 3.5 Any adult, with the exception of the individuals listed in section 154(2) of the Act, can act as an agent. An agent may or may not be a member of the Law Society of Ontario.
- 3.6 Any complainant who wishes to be represented by an agent must submit LECA's Agent Consent Form authorizing LECA to communicate with the agent on the complainant's behalf. Please see Agent Consent Form online.
- 3.7 An agent who ceases to represent a party in a complaint shall notify the Registrar and the relevant police service in writing immediately. The agent shall provide LECA with current contact information for the complainant.
- 3.8 An agent who is not a member of the Law Society of Ontario and who ceases to represent the complainant is required to return any documentation in their possession in relation to the complaint to the complainant.

Support Persons

- 3.9 The complainant may be accompanied by a support person during the complaints process. A support person may not be a witness in the investigation of the complaint.
- 3.10 The support person may be asked to sign a confidentiality agreement in advance.
- 3.11 The support person may assist the complainant in communication but will not be allowed to speak or make decisions on behalf of the complainant or raise new or additional issues outside the scope of the complaint.
- 3.12 A support person is not considered an agent or representative of the complainant.

3.13 The complainant will be responsible for arranging and covering the cost of a support person, if any.

Abusive Actions

3.14 LECA will not accept abusive behaviour towards staff, including threats, vexatious or intimidating conduct, sexual harassment, yelling or screaming, or obscene, racist or discriminatory statements.

3.15 The law requires LECA to protect its staff from abusive behaviour. Repeated conduct of this kind may result in LECA communicating with complainants or members of the public only in writing or otherwise restricting future oral and written communications with complainants or members of the public.

3.16 LECA may terminate an interview with any person if the person unduly hinders or disrupts the interview or acts in an abusive or harassing manner during an interview.

Vexatious Conduct

3.17 The Director may make such directions as he or she deems necessary to prevent an abuse of LECA processes and the public complaints system.

3.18 Where the Director finds that a complainant has persistently instituted vexatious complaints or acted in a vexatious manner in communicating with LECA regarding an existing complaint, the Director may:

- i) find that complainant to be a vexatious complainant and close the complaint pursuant to 158(1)(d)(i) or 164(1); and/or,
- ii) require the complainant found to be a vexatious complainant to obtain permission from LECA before filing a new complaint or taking further steps with respect to an existing complaint.

First Nations Boards

3.19 If the Minister constitutes a First Nation Board pursuant to section 32(1) of the Act, the First Nation Board shall provide LECA a copy of any agreements, memoranda of understanding, or other contractual arrangements relevant to the establishment and operation of that board, and any amendments to those agreements, memoranda of understanding, or other contractual arrangements for the purposes of dealing with any complaint under Part X.

Liaisons

3.20 The liaison officer or designate of a police service, the Niagara Park Commission, the Legislative Protective Service, the Inspector General or the Special Investigations Unit shall be responsible for responding to any requests and directions made by the Complaints Director or his or her staff.

RULE 4: ASSISTANCE TO MEMBERS OF THE PUBLIC

- 4.1 The Complaints Director may implement any programs and services that he or she deems necessary to assist members of the public in making complaints under Part X or participate in the complaint process.
- 4.2 Members of the public may contact LECA for information on the complaint process. Information provided by LECA is solely provided to assist the complainant in making a complaint and is not legal advice.
- 4.3 Any designated authority, or delegate, shall provide members of the public with information about the role of the Complaints Director, upon request. The designated authority shall make reasonable efforts to provide copies of the LECA complaint form to members of the public.
- 4.4 LECA staff shall not provide personal opinions, or any advice, including legal advice about a complaint.
- 4.5 LECA staff cannot provide representation to any party.

RULE 5: ACCOMMODATIONS

- 5.1 A complainant who is seeking accommodation pursuant to the *Human Rights Code* or the *Accessibility for Ontarians with Disabilities Act*, in accessing services from LECA, must notify LECA and complete any required forms, advising of the nature of accommodation. Please see Accommodation Request Form online.
- 5.2 To facilitate the accommodation process, LECA may ask an individual seeking accommodation for additional information on the grounds for accommodation, the barrier to otherwise accessing LECA's process, as well as the type of the accommodation being sought.
- 5.3 Any request for accommodation under the *Human Rights Code* or the *Accessibility for Ontarians with Disabilities Act* for accessing any services from the police services, including but not limited to, investigation, local response, informal resolution, or interviews, must be communicated to the police services directly and as soon as possible.
- 5.4 Any request for accommodation under the *Human Rights Code* or the *Accessibility for Ontarians with Disabilities Act* for participating at a hearing or adjudication under the Act must be brought to the tribunal or the hearing officer, as prescribed within the respective rules of procedures.

RULE 6: YOUTHS

Youth Complaints Received by LECA

6.1 Youth under the age of 12 may only file a complaint with LECA through an adult agent, guardian, or a member of the Law Society of Ontario.

6.2 If a youth under the age of 12 files a complaint with LECA without an adult, agent, guardian, or a member of the Law Society of Ontario, the complaint will be screened out. The youth may re-file the complaint through an adult, agent, guardian, or a member of the Law Society of Ontario and the matter will be considered anew.

6.3 Complaints received from a youth under 12 without an adult agent, guardian or a member of the Law Society of Ontario may be treated as a notification of a potential misconduct for the purpose of the Complaints Director's self initiation of an investigation.

6.4 Youth between the age of 12-18 may file a complaint with LECA without an agent or a member of the Law Society of Ontario.

6.5 Youth between the age of 12-18 do not require the consent of a parent or legal guardian for filing a complaint with LECA.

6.6 Any youth between the age of 12-18 who file a complaint with LECA may have a support person, parent, guardian, agent or a member of the Law Society of Ontario throughout the process.

Investigations Involving Youth Complainants or Witnesses

6.7 All investigative reports, whether prepared by LECA or a police service, shall omit the full name of any individual who was a youth at the time of the incident (either as a complainant or a witness), except as may be provided in a confidential witness list.

6.8 All reports shall omit personal information relating to an individual who was a youth at the time of the incident unless such information is required for the narrative. Initials or other less-specific identifiers are acceptable.

6.9 Prior to interviewing a youth, either as a complainant or a witness, LECA or police investigator shall advise the youth that he or she may have the support of, be represented by, an adult during the interview.

6.10 This section does not supersede or replace any obligation under the Youth Criminal Justice Act and the Criminal Code in dealing with a youth. When required, police investigators shall follow their statutory obligations.

RULE 7: LOCAL RESPONSE

7.1 For the purposes of this section, local response is not a public complaint received under sections 154(1) or 155 of the Act.

7.2 Anyone permitted under section 154 of the Act to make a Part X complaint, may first raise their concerns respecting the conduct of a police officer, to the respective police service, to be addressed in accordance with this section.

7.3 Despite Rule 7.2, no person shall engage in a local response respecting a matter if the person has already made a Part X complaint in respect of the matter and notwithstanding a local response, the Complaints Director may cause an investigation into alleged misconduct.

7.4 Before attempting to initiate a local response, the chief of police shall inform the member of the public that the chief of police is required to send a copy of the local response summary to the Complaints Director.

7.5 The chief of police shall not engage in a local response in the following circumstances:

- a. the concern is in respect of the conduct of the chief of police or deputy chief of police of the police force;
- b. the member of the public instead chooses to file a formal complaint under Part X; or,
- c. in the opinion of the chief of police, it is in the public interest for the matter to be dealt with under Part X rather than as a local response.

7.6 The complainant may stop engaging in a local response at any time during the process.

7.7 The chief of police shall stop dealing with a concern through local response, in the following circumstances:

- a. The concern is in respect of the conduct of the chief of police or deputy chief of police of the police force.
- b. The member of the public instead chooses to file a formal complaint under Part X.
- c. In the opinion of the chief of police, it is in the public interest for the matter to be dealt with under Part X rather than as a local response.
- d. The concern is not resolved, or its resolution is not confirmed under this part within 15 days since the receipt of the concern from the member of the public.

7.8 The 15-day period referred to in Rule 7.7 may be extended if, the member of the public and the chief of police agree.

7.9 If the chief of police refuses or ceases to engage in a local response under Rule 7.5 and 7.7, he or she shall notify the member of the public of his or her decision, and take one of the following steps:

- a. If the concern is in respect of the conduct of the chief of police or deputy chief of police, or the member of the public has expressed a desire to file a formal complaint under Part X, forward the complaint to LECA in accordance with section 155 of the Act.
- b. In any other matter, the chief shall notify the Complaints Director of potential misconduct in accordance with section 197 of the Act.

7.10 As part of the local response, the chief of police shall complete a form prescribed by the Complaints Director and may take one or more of the following steps:

- a. Discuss the matter with the member about whom the complaint was made (the respondent officer) or otherwise communicate with the respondent officer respecting the matter and inform the member of the public of the results of the discussion or communication.
- b. Facilitate a response, discussion or other communication between the member of the public and the respondent officer, if appropriate, and any other member or employee of the police force.

7.11 The chief of police shall confirm the local response in writing in a form prescribed by the Complaints Director. The form should be reviewed and signed by the member of the public, the chief of police and the police officer, if possible, within 15 days of the receipt of the concern by the chief of police, or as agreed by the parties. See Local Response Summary Form online.

7.12 Discussions that occur as part of an unsuccessful local response shall not form part of any investigation or investigative record or any other proceedings. The local response discussions shall not be recorded without the written consent of all parties.

7.13 If the subject of a local response forms the basis for a notification under section 197 of the Act, the chief of police shall send the Local Response Summary Form with the notification.

7.14 If at any time while attempting a local response, in accordance with this section, the chief of police discovers that the member of the public has made a Part X complaint in respect of the matter that is the subject of the local response, the chief of police shall cease dealing with the matter and terminate the local response process.

7.15 The completion of a local response does not bar the complainant from filing a complaint with LECA. If a member of the public files a complaint with LECA under Part X after it was the subject of a local response, the Complaints Director will screen the complaint pursuant to the Act. In reviewing the complaint, the Complaints Director may consider whether:

- a. the issues raised in the complaint have been reasonably dealt with through the local response process;

- b. the member of the public was at any time misled with respect to material facts or subjected to intimidation or coercion in relation to the local complaint;
- c. the chief of police or his or her delegate did not carry out one or more of his or her duties under this part;
- d. the signed local response summary was not provided to the Complaints Director.

7.16 Upon receipt of a notification under section 197 relating to an incident that has been subject of a local response, the Complaints Director will screen the notification pursuant to the Act and any related guideline or directive issued by the Complaints Director. In reviewing the notification, the Complaints Director may consider whether:

- a. the issues raised in the complaint have been reasonably dealt with through the local response process;
- b. the member of the public was at any time misled with respect to material facts or subjected to intimidation or coercion in relation to the local complaint;
- c. the chief of police or his or her delegate did not carry out one or more of his or her duties under this part; and,
- d. the signed local response summary was not provided to the Complaints Director with the notification form.

RULE 8: INTAKE PROCESS FOR COMPLAINTS

8.1 Any member of the public, subject to the exclusions defined in section 154(2) of the Act, may make a complaint with LECA. The complaint may be about the conduct of one or more police officers, special constables employed by the Niagara Parks Commission, or peace officers in the Legislative Protective Service.

8.2 The complaint must be made on the LECA complaint form. See LECA Complaint Form online. A complainant must provide the information requested in every section of the complaint form and must sign the form.

8.3 For greater clarity, a complaint is deemed to be made on:

- (i) the date on which it is electronically submitted to LECA,
- (ii) the date on which it is mailed or couriered to LECA,
- (iii) the date on which it is faxed to LECA,
- (iv) the date on which it is submitted to any of the individuals or entities listed in section 155 of the Act.

8.4 Anonymous complaints will not be considered a public complaint under the Act but may be reviewed and considered by LECA for the purposes of self-initiated investigation under section 161(1) of the Act.

8.5 A complaint may be made online, by mail, fax, or in person at LECA.

8.6 LECA will acknowledge the receipt of the complaint within two business days of the date that the complaint is received by LECA.

8.7 LECA may close a complaint if the complainant does not respond to LECA's reasonable efforts to contact them within ten (10) business days.

8.8 The police service shall provide copies of the LECA Complaint Form to members of the public.

RULE 9: CONSOLIDATION OF PUBLIC COMPLAINTS

9.1 The Complaints Director may consolidate two or more complaints if, in his or her opinion, it is appropriate to do so.

9.2 When a complainant files two or more complaints that concern the same incident, the Complaints Director may combine the complaints and deal with them as one complaint. This administrative consolidation results in one primary complaint moving forward while the other complaints are closed. A subsequent investigation would produce one report or response.

9.3 Where multiple complainants file a complaint about the same incident which raise similar issues, the Complaints Director may combine the complaints and cause one investigation or response to be conducted. Unlike an administrative consolidation, this type of consolidation will not result in complaints being closed. All consolidated complaints will move forward; however, the Complaints Director will only require one investigative report or response to be prepared. Each complainant will receive a copy of the investigative report or response.

9.4 The decision to consolidate complaints would not interfere with the ability of complainants to exercise their rights under the Act.

RULE 10: SCREENING OF COMPLAINTS

Jurisdiction

10.1 Upon receipt of a complaint, the Complaints Director will determine whether the complaint relates to the conduct of a chief, deputy chief, police officer, a special constable employed by the Niagara Parks Commission, a peace officer in the Legislative Protective Service, or a First Nations officer.

10.2 Upon receipt of a complaint, the Complaints Director may also identify matters that may fall within the jurisdiction of the Inspector General or the Special Investigations Unit (SIU). The identification of matters that may potentially fall under the Inspector

General or the SIU, has no binding effect on the decision-making authority of those entities.

10.3 If the Complaints Director determines that a complaint received does not come within the jurisdiction of LECA but may instead come within the jurisdiction of the Inspector General, the Complaints Director shall forward the complaint to the Inspector General under s. 155 of the Act. LECA will advise the complainant that the complaint has been forwarded and provide general information about the Inspector General to the complainant.

10.4 If the Complaints Director determines that a complaint received does not meet the requirements of the Act or does not come within the jurisdiction of LECA but may instead come within the jurisdiction of the SIU Director under the *Special Investigations Unit Act, 2019*, the Complaints Director shall forward the complaint to the SIU Director under s. 173 of the Act. LECA will give notice to the complainant, responding officers and the applicable police service that the complaint has been forwarded to the SIU Director

10.5 If the Complaints Director determines that a complaint received may come within the jurisdiction of LECA and within the jurisdiction of the SIU Director under the *Special Investigations Unit Act, 2019*, the Complaints Director shall forward the complaint to the SIU Director and seek information from the SIU to satisfy the requirements of s. 173 of the Act.

Information Considered When Screening a Complaint

10.6 The Complaints Director will screen a complaint based on the information set out on the complaint form. The Complaints Director may consider any additional relevant information provided when screening a complaint at his or her discretion:

- (a) A complainant may submit additional information for the Complaints Director to consider when screening a complaint. To allow for the efficient and timely screening of complaints, any additional information must be limited to 15 pages and submitted with the complaint form or within 5 business days of submitting a complaint. The additional information must be sent to LECAComplaints@ontario.ca and must include the LECA complaint number to which the additional information relates.
- (b) Any information provided by the complainant past 5 business days will not be considered. The complainant will have a right to provide additional information or evidence if the matter proceeds to an investigation.
- (c) When LECA determines that more information is required to screen the complaint or assign it for investigation, LECA will request such other information as required from either the complainant or the police service. This information must also be provided by the complainant within 5 business days of LECA's request. Unless LECA has directed otherwise.

The police service's liaison officer may be required to supply LECA with information to assist in screening or assigning the complaint for investigation.

10.7 The police liaison officer shall supply the additional information within 5 business days of LECA's request, unless otherwise directed by LECA. This request for information constitutes part of the screening function exercised by the Director under sections 157(1) and 158 of the Act and does not constitute notice of a complaint within the meaning of section 157(2) of the Act. The police liaison officer shall take all necessary steps to ensure that the respondent officer(s) and potential witnesses are not directly or indirectly provided with information concerning the complaint until the Director makes a decision in accordance with his or her powers under section 158 of the Act.

10.8 LECA will only accept one complaint from each complainant within a seven (7) day period. Any complaints filed in excess of this quota will automatically be rejected before they can be screened.

Screening Criteria

10.9 In determining whether or not to screen a complaint in for investigation, the Complaints Director shall have regard to the factors set out in sections 153, 154, 157(4) and 158 of the Act and any prescribed guideline or directive issued by the Complaints Director.

10.10 In determining whether or not to screen a complaint in for investigation, the Complaints Director shall have regard to the public interest. Determining the public interest will always involve a balancing of interests and a broad range of considerations. In addition to the factors set out in section 153 of the Act, some of the factors which the Complaints Director may consider may include:

- (i) the number or pattern of complainants or related complaints involved;
- (ii) the seriousness of the complaint, including the seriousness of the harm alleged;
- (iii) if the matter involves vulnerable individuals or communities;
- (iv) if the alleged misconduct undermines the principles of policing, disregards fundamental rights and freedoms, or the key duties of a police officer;
- (v) if the matter or conduct engages a local or broader concern about a particular issue;
- (vi) whether there are issues of systemic importance or broader public interest at stake;
- (vii) the likelihood of interfering with or compromising the integrity of other proceedings; and
- (viii) maintaining the effectiveness and timeliness of the complaints process.

10.11 It is not in the public interest to screen in a complaint that does not, on its face, disclose a breach of the Act or the Code of Conduct.

Notice

10.12 If the Complaints Director causes a complaint to be investigated, the Complaints Director shall provide notice to the respondent officer and the designated authority and provide un-redacted and redacted copies of the complaint to the chief of police, unless it is the opinion of the Complaints Director and/or the chief of police or the Commissioner of the OPP that such notice may prejudice the investigation.

10.13 Notice to the respondent officer will be sent to his/her/their place of employment via the chief of police. The chief of police shall promptly provide the written notice and the redacted copy of the complaint to the respondent officer(s) unless, in the chief of police's opinion, notice to the officer may prejudice the investigation. In such a case, the chief of police shall also notify the Complaints Director in writing of this decision.

10.14 The Complaints Director may also direct the designated authority or chief of police to withhold notice in accordance with s. 157(3) of the Act. In such cases, the Complaints Director will notify the chief of police in writing and the chief of police shall ensure that notice is not provided to the respondent officer(s) and potential witnesses are not directly or indirectly provided with information concerning the complaint.

RULE 11: NOTIFICATIONS TO THE INSPECTOR GENERAL

11.1 If when dealing with a complaint, the Complaints Director determines that the complaint or a portion of the complaint, relates to any of the following matters, he/she/they shall notify the Inspector General under s. 108 of the Act:

- a) A misconduct complaint regarding a member of a police service board, an O.P.P. detachment board, or a First Nation O.P.P. board; and
- b) the adequacy and effectiveness of policing provided under the Act or the regulations, including policing provided by a prescribed policing provider, special constable employer or prescribed entity;
- c) a failure of a police service board, O.P.P. detachment board, First Nation O.P.P. board, chief of police, special constable employer, police service, or prescribed policing provider to comply with this Act or the regulations, other than misconduct, including a systemic failure.
- d) the policies of a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or the Minister; or
- e) the procedures established by a chief of police.

11.2 If when dealing with a complaint, the Complaints Director determines that the conduct of the responding officer may constitute criminal conduct that does not fall under the jurisdiction of the SIU Director pursuant to the *Special Investigations Unit Act, 2019*, the Complaints Director may notify the Inspector General pursuant to s. 174(2) of the Act.

11.3 After notifying the Inspector General pursuant to this rule, the Complaints Director may continue to deal with or investigate any complaint or portion of a complaint that comes within his or her jurisdiction under the Act.

RULE 12: NOTIFICATIONS TO THE SPECIAL INVESTIGATIONS UNIT

12.1 If a chief of police determines that the subject matter of an investigation conducted by the chief of police may constitute a matter that may be investigated by the SIU Director under the *Special Investigations Unit Act, 2019*, the chief of police shall notify the Complaints Director promptly, in a manner prescribed by the Complaints Director.

12.2 If while dealing with a complaint or at any time during an investigation, the Complaints Director determines, or becomes aware by the chief of police under Rule 12.1, that the subject matter of the complaint or investigation may constitute a matter that may be investigated by the SIU Director under the *Special Investigations Unit Act, 2019*, the Complaints Director shall notify the SIU Director in any form prescribed by the Complaints Director.

12.3. Upon receipt of the notification under Rule 12.2 and s. 173(1) of the Act, the SIU Director shall advise the Complaints Director, in writing and in the manner prescribed, whether the SIU Director will invoke his or her mandate to conduct an investigation, and whether the SIU Director consents to the Complaints Director continue to deal with a complaint under Part X, and any condition that may apply.

12.4 If the Complaints Director believes that there is a risk that dealing with a public complaint under Part X may interfere with or be delayed by an SIU investigation, the Director may decide not to deal with a complaint in accordance with the Act.

RULE 13: NOTICE OF INVESTIGATION OF AN OFFENCE OR PROCEEDINGS

13.1 If the designated authority becomes aware that a complaint or investigation under Part X is the subject of an investigation or prosecution of an offence under a law of Canada, a province, or territory, or the subject of a related proceeding including but not limited to an SIU Investigation, the designated authority shall notify the Complaints Director promptly in a manner prescribed by the Complaints Director. The designated authority shall also provide the name and contact information of any investigator, prosecutor or Crown Attorney assigned to the investigation or prosecution.

13.2 If a misconduct investigation under Part X is suspended, stayed, or postponed, because it is or becomes the subject of an investigation, prosecution, or related proceeding referenced in Rule 13.1, the designated authority shall provide an update on the relevant investigation or prosecution to the Complaints Director and the complainant every 90 days, unless otherwise directed by the Complaints Director.

13.3 Compliance with Rule 13.2 as it relates to the complainant is not required where the designated authority reasonably believes that such notice will prejudice the investigation, prosecution, or related proceeding.

13.4 If a misconduct investigation under Part X is discontinued because it becomes the subject of an investigation, prosecution, or related proceeding referenced in Rule 13.1, the designated authority shall notify the Complaints Director and the complainant of the completion of the relevant investigation, prosecution, or related proceeding in the manner prescribed by the Complaints Director, unless directed otherwise by the Complaints Director.

13.5 Even where a Crown Attorney has not advised the Complaints Director that investigating the incident will interfere with the investigation or prosecution of an offence, the Complaints Director may nonetheless screen out a complaint, suspend, postpone, or terminate an investigation until the conclusion of the investigation or prosecution if the Complaints Director determines that doing so would be in the public interest.

RULE 14: NOTIFICATIONS OF MISCONDUCT TO THE COMPLAINTS DIRECTOR

14.1 If a chief of police becomes aware that a member of his or her police service who is a police officer, other than a deputy chief of police, may have engaged in conduct that constitutes misconduct, the chief shall, provide notice of the misconduct to the Complaints Director in a prescribed form and in accordance with any guideline issued by the Complaints Director.

14.2 The chief of police or designate shall promptly respond to any inquiry or request for information by LECA that may assist the Complaints Director in determining whether to initiate an investigation into the conduct of an officer.

14.3 If a police services board becomes aware that a chief of police or deputy chief of police of a police service maintained by the board, may have engaged in conduct that constitutes misconduct, the Board shall, provide notice of the misconduct to the Complaints Director in a prescribed form and in accordance with any guideline issued by the Complaints Director.

14.4 The police services board shall promptly respond to any inquiry or request for information by LECA that may assist the Complaints Director in determining whether to initiate an investigation into the conduct of a chief or deputy chief of police.

14.5 If the Minister becomes aware that the Commissioner or a deputy Commissioner may have engaged in conduct that constitutes misconduct, the Minister shall provide notice of the misconduct to the Complaints Director in a prescribed form and in accordance with any guideline issued by the Complaints Director.

14.6 The Minister shall promptly respond to any inquiry or request for information by LECA that may assist the Complaints Director in determining whether to initiate an investigation into the conduct of the Commissioner or a deputy commissioner.

14.7 If, during an investigation under the *Special Investigations Unit Act, 2019*, a complaint or issue respecting the conduct of a person against whom a complaint may be brought under Part X of the Act is raised and the conduct may constitute misconduct as defined in that Act, the SIU Director shall notify the Complaints Director in a prescribed form and in accordance with any guideline issued by the Complaints Director.

14.8 The SIU shall promptly respond to any inquiry or request for information by LECA that may assist the Complaints Director in determining whether to initiate an investigation into the conduct of an officer or special constable.

14.9 If, in the course of an inspection under the Act, or through a disclosure by a member of the police service or a special constable, the Inspector General becomes aware, that a police officer, special constable employed by the Niagara Parks Commission, or a peace officer in the Legislative Protective Service may have engaged in conduct that constitutes misconduct, the Inspector shall notify the Complaints Director in a prescribed form and in accordance with any guideline issued by the Complaints Director.

14.10 The Inspector General shall promptly respond to any inquiry or request for information by LECA that may assist the Complaints Director in determining whether to initiate an investigation into the conduct of an officer or special constable.

RULE 15: PUBLIC INTEREST INVESTIGATIONS

15.1 In exercising his/her/their discretion whether to retain a complaint for investigation pursuant to s. 159(1)(c) and (2) of the Act or initiates an investigation in the absence of a complaint under s. 161(1), the Complaints Director shall have regard to the public interest. Determining the public interest will always involve a balancing of interests. Some of the factors which the Complaints Director may consider include:

- (i) the nature of the allegations that form the subject of the complaint or notification;
- (ii) whether the complaint or notification raises issues of systemic importance or deals with issues that are sensitive in nature or involves vulnerable individuals or communities;

- (iii) the capacity of the police service to conduct a full investigation, having regard to the size of the service, resources available, competing demands and anticipated complexity or length of the investigation;
- (iv) any particular challenges presented by the investigation which may require the exercise of the investigative powers as set out in s. 137 to 140 of the Act;
- (v) any potential conflict of interest or risk of perception of conflict of interest if the complaint is investigated by a police service;
- (vi) whether the matter involves more than one police service or cross-border issues;
- (vii) whether the matter is the subject of an SIU investigation or related criminal proceeding;
- (x) the geographic location where the complaint arose, having regard to the availability of investigators and accessibility of witnesses;
- (xi) whether the respondent officer is one to whom the *Interprovincial Policing Act, 2009* applies;
- (xii) whether a decision to not retain an investigation would negatively impact public confidence in policing; and,
- (xiii) the public interest in ensuring that investigations of public complaints are thorough, independent and accountable.

Self-Initiated Investigations

15.2 If, after the Complaints Director has initiated an investigation in the absence of a complaint under s. 161(1), a complaint about the conduct that is the subject of that investigation is received under s. 154(1), the Complaints Director may, if it is in the public interest, terminate the self-initiated investigation and cause the complaint to be investigated as a public complaint investigation.

15.3 The application of Rule 15.2 is subject to the following terms:

- i) The Complaints Director may use and share all evidence previously gathered to the extent it remains relevant to the allegation(s);
- ii) The recommended 120-day timeline prescribed by the CSPA will begin at the commencement of the public complaint;
- iii) The Complaints Director may refer the matter to the designated authority for investigation, in which case, LECA may provide full disclosure of the investigative file to the designated investigating authority;
- iv) The Complaints Director shall provide notice, with reasons, of its decision to terminate the self-initiated investigation and initiate a public complaint investigation to the complainant, the police officer(s), special constable(s) employed by the Niagara Parks Commission, or peace officer(s) in the Legislative Protective Service, and the designated authority.

15.4 When determining whether it is in the public interest to give primacy to a public complaint, once a self-initiated investigation is underway, the following factors may be considered:

- i) The timing of the receipt of the complaint relative to the progress of the self-initiated investigation;
- ii) The extent to which the complainant appears to have been affected by the alleged misconduct;
- iii) The need to safeguard the privacy of any civilian witnesses vis-à-vis the complainant.

Complaints Involving Legislative Protective Services (LPS):

15.5 The Complaints Director shall, subject to s. 159(3), give notice to both the senior representative of the Office of the Assembly designated to act as liaison under s. 142(3) (the 'Liaison') and the person who is alleged to have committed misconduct, when it initiates an investigation into a matter pertaining to one or more peace officers in the LPS.

15.6 Complaints Director may request any records required to investigate the matter. The Office of the Assembly designated Liaison shall provide the Complaints Director with all requested records within 14 days of the request and shall highlight any records or portions of records that may be subject to parliamentary privilege.

15.7 The Complaints Director shall not disclose to the public, including the public complainant, any records determined to attract parliamentary privilege, unless required to fulfill its duties under the Act or by legal order.

RULE 16: REFERRED INVESTIGATIONS

Monitoring Investigations

16.1 During the course of an investigation the Complaints Director may direct the police service conducting the investigation to take any action, including:

- i) directing the chief of police to deal with the complaint as the Complaints Director specifies;
- ii) direct the investigation of the complaint by a different chief of police; or
- iii) cause the complaint to be investigated by an investigator instead.

16.2 During the course of an investigation the Complaints Director may direct the police service conducting the investigation to make available to LECA the investigative file and any other information, document or thing the Complaints Director considers necessary to investigate the complaint, in the manner and form that the Complaints Director directs.

Timelines of Investigations

16.3 The designated authority to which an investigation has been referred shall endeavour to complete the investigation and report into the conduct of a responding officer within 120 days of the date that the investigation is commenced.

16.4 If the investigation is not complete with 120 days and timing requirements of s. 165(1) of the Act are not met, the designated authority investigating the complaint shall complete the prescribed form, LECA Status Report Form, by the 120-day deadline and provide the mandatory status report under s. 165(2), to include:

- i) Information about what steps have been taken so far in the investigation;
- ii) Reason(s) as to why the timing requirements are not met;
- iii) A projected timeline for the completion of the investigation based on its current status.

16.5 A status report pursuant to section 165(2) and rule 16.4 shall be provided to LECA every 30 days. See LECA Status Report Form online.

RULE 17: DUTY TO COMPLY

17.1 Pursuant to s. 178 of the Act, when the Complaints Director has retained the investigation of a complaint pursuant to section 159(2) or initiated an investigation pursuant to section 161(1) of the Act, the chief of police shall, upon receipt of the request by LECA, provide all evidence, any investigative file, as well as any other document or information requested within 14 days of the receipt of the request.

17.2 Pursuant to s. 178 of the Act, when the Complaints Director has retained the investigation of a complaint, a respondent officer or witness officer, shall provide any response or requested information, within 30 days of the commencement of the investigation, or as otherwise directed by the Complaints Director.

17.3 Respondent officers and witness officers shall not consult with other witness officers or respondent officers in the preparation of statements or duty reports required in response to any investigation under Part X of the Act.

17.4 The chief of police shall immediately notify the Complaints Director when a respondent officer returns from a leave of absence, which includes a medical leave, and shall take any other action as directed.

Representation During an Interview

17.5 During an interview conducted by either LECA or a designated authority, the person being interviewed may have the support of or be represented by an agent. The support person or the agent shall not unduly hinder or disrupt the interview. LECA or a

designated authority may terminate an interview if the support person unduly hinders or disrupts the interview.

17.6 No agent shall represent both a respondent officer and a witness officer.

Rule 18: POSTPONEMENT, SUSPENSION OR DISCONTINUANCE OF AN INVESTIGATION

18.1 The Complaints Director may postpone or suspend an investigation for as long as it is necessary in the Complaints Director's opinion.

18.2 The Complaints Director may discontinue an investigation when, having regard to all the circumstances, continuing the investigation is not in the public interest.

18.3 In determining whether an investigation should be discontinued, the Complaints Director may consider various criteria in the public interest, including but not limited to whether:

- i) there is a risk that the misconduct investigation would interfere with or be delayed by a related proceeding, investigation or a law enforcement matter;
- ii) the investigation may result in a breach of a court order;
- iii) there is risk of harm to the safety of an officer(s) or a member(s) of the public;
- iv) the subject of the investigation cannot be identified;
- v) the subject of the investigation is no longer governed by the Act;
- vi) the complainant, subject of the investigations or relevant witnesses are not able to participate in the investigation;
- vii) the subject the complaint has been dealt with through another avenue;
- viii) the investigation is no longer practical given the loss of evidence;
- ix) continuation of the investigation may result in procedural unfairness or abuse of process;
- x) the continuation of the investigation may undermine the effectiveness and timeliness of the complaints process;
- xi) a decision to not continue an investigation would negatively impact public confidence in policing;
- xii) continuing an investigation is not reasonably practicable, having regard to the information or evidence available; and,
- xiii) having regard to all the circumstances, continuing the investigation is not in the public interest.

RULE 19: INFORMAL RESOLUTION

19.1 The Complaints Director may set out process for an informal resolution of a complaint under s. 169 of the Act.

19.2 Where Informal Resolution is proposed, the designated authority, the person who is the subject of the complaint and the complainant must each consent to the complaint being resolved by Informal Resolution.

19.3 Before attempting to resolve a complaint informally, the designated authority shall inform the complainant and the person who is subject of the complaint, of the right

- i) to revoke their consent in writing within 12 business days;
- ii) to consult with counsel or seek independent legal advice;
- iii) have an agent, representative, a member of the Law Society of Ontario, or support person present.

19.4 An informal resolution agreement must be in the form prescribed by the Complaints Director. See Informal Resolution Agreement Form online.

19.5 The designated authority shall not implement any terms or conditions of the Informal Resolution until 12 business days from the date that parties signed the Informal Resolution Agreement, unless a written waiver of the 12 day time period has been received.

19.6 When a complainant signs an Informal Resolution Agreement Form, the designated authority shall forthwith provide a copy of the form to the complainant. A copy of the final form, signed by all parties, shall thereafter be provided forthwith to the complainant, the person who is the subject of the investigation and to the Complaints Director within three business days.

19.7 Discussions that occur as part of an attempt at Informal Resolution shall not form part of any investigation or investigative record or any other proceedings. The Informal Resolution discussions shall not be recorded without the written consent of all parties.

19.8 The investigation of a complaint shall continue while attempts at Informal Resolution are ongoing. For greater clarity, attempts at informal resolution will not extend the time for completing an investigation report beyond 120 days.

19.9 No attempt for informal resolution should take place if the complainant is under 18, unless the youth's parent, guardian, agent or a member of the Law Society of Ontario is present.

19.10 An informal resolution agreement is binding on the parties, unless

- i) the complainant or the person that was subject of an investigation are at any time during any process under this part misled or subjected to intimidation or coercion in relation to the complaint;

- ii) the designated authority does not carry out one or more of his or her duties under this part; or
- iii) the agreement has not been approved by the Complaints Director.

19.11. This section will apply to Early Resolution Program with any necessary modification.

RULE 20: INVESTIGATIVE REPORTS & FINDINGS

Investigative Reports

20.1 Investigations must be tailored to the circumstances of each complaint. All necessary evidence should be collected and the report should provide sufficient reasons to address the issues raised in the complaint.

20.2 The Complaints Director may direct the designated authority investigating a complaint to submit an Investigative Report in the manner and format prescribed by the Complaints Director.

20.3 The designated authority shall adhere to the Guideline for Investigative Reports or any directives provided by the Complaints Director regarding the content or substance of an investigative report. See Guideline for Investigative Reports online.

20.4 The investigative report shall not contain the name(s) of any complainant(s) who was a youth at the time of the incident or any civilian witness(es) except as may be provided in a confidential appendix.

20.5 The Complaints Director may also direct the designated authority or chief of police to delay the investigative report in accordance with s. 166(5) of the Act. In such cases, the Complaints Director will notify the chief of police in writing and the chief of police shall ensure that the respondent officer(s) and potential witnesses are not directly or indirectly provided with information concerning the investigative report.

Investigative Findings

20.6 Once an investigation has been concluded, the designated authority shall provide the investigative report and a notice of determination specifying whether or not misconduct is found. Where misconduct is found, the notice of determination shall clearly state whether a hearing shall be requested. The investigative report and notice shall be provided to the respondent officer, the chief of police, Complaints Director and the complainant.

Misconduct Found – Notice of Discipline

20.7 When providing written notice of discipline arising out of a public complaint pursuant to 168(2)(b), the designated authority must notify the Complaints Director and the complainant of any discipline imposed within 14 days of the imposition of the discipline.

No Misconduct Found

20.8 For investigations conducted by the police service, the chief of police shall prepare a de-identified summary of the investigation where no misconduct was found, in the manner and form prescribed by LECA. The de-identified summary shall not contain the names of any individual, including the public complainants or the individuals who are the subject of the investigation or the personal information of any individual. See De-Identified Summary Form online.

20.9 The de-identified summary of an investigation that did not find misconduct shall be provided to LECA at the time the investigative report is provided to the Complaints Director.

20.10 Where no misconduct is found, the letter shall clearly advise the complainant of the right to make a request to the Complaints Director within 30 days to review the decision of the designated authority. Where misconduct with respect to only part of a complaint is found, no discipline shall be imposed by a police service until LECA advises the police service that the matter is closed because no request for review was received.

RULE 21: COMPLAINTS DIRECTOR'S POWERS OF REVIEW

21.1 Where an investigation was referred to a police service and a complainant has been notified that the investigation did not reveal reasonable grounds to believe that the conduct of the respondent officer constitutes misconduct, the complainant may apply to the Complaints Director for review of the determination of the chief of police, on the prescribed form. See Request for Review Form online.

21.2 An application for a review shall be made no later than 30 days after notice of the determination of the chief of police. The Complaints Director will not accept an application for a review that is made more than 30 days after notice of the determination has been provided to the complainant.

21.3 The Complaints Director will not accept a request for review which does not provide the information on the Request for Review Form or exceeds 15 pages. LECA will notify the complainant if their application needs to be amended to comply with this rule before it can be accepted by LECA.

21.4 The request for review shall include all relevant information and submissions relied on by the complainant. No information and submissions received after the request for a review is submitted to the Complaints Director will be considered.

21.5 When a request for a review has been received by LECA, LECA will provide notice of the application for review and a copy of the materials supplied by the complainant in support of the review to the chief of police and the respondent officer (via the chief of police), on behalf of the complainant.

21.6 The chief of police shall provide the Complaints Director with the complete investigative file and any other document or information requested by the Complaints Director, within 14 days of the receipt of the notice of the review.

21.7 The chief of police and the respondent officer will also have 14 days of the receipt of the notice of the review to provide written submissions. Written submissions should be no more than 15 pages in length.

21.8 The Complaints Director will endeavour to complete the review 60 days after the application is completed.

21.9 Pursuant to s. 167(4) of the Act, the review process will commence once the application for review is completed and all of the required information, submissions and evidence has been received by the Complaints Director. This includes: the complainant's request for review and materials in support of the application, the complete investigative file from the chief of police; any submissions filed by the chief of police and the respondent officer, and any other record deemed to be required by the Complaints Director.

21.10 In conducting the review, the Complaints Director will review all of the relevant portions of the investigative file, and consider the written submissions made by the complainant, the chief of police and the person who is the subject of the investigation.

21.11 Upon completion of the review, the Complaints Director may,

- (i) confirm the decision;
- (ii) direct the chief of police who conducted the investigation to conduct a new investigation as the Complaints Director specifies;
- (iii) direct the investigation of the matter by a different chief of police;
- (iv) cause the matter to be investigated by a LECA investigator; or take or require to be taken any other action with respect to the matter that the Complaints Director considers necessary in the circumstances.

RULE 22: WITHDRAWAL OF COMPLAINTS

22.1 A complainant must complete the form prescribed by the Complaints Director to withdraw a complaint. See Withdrawal of a Public Complaint Against the Police Form online.

22.2 Where a complainant provides the Withdrawal Form directly to the police service, the police service shall, within three business days of the receipt of the withdrawal, provide a copy of the withdrawal to LECA.

22.3 When a complaint is withdrawn, the complainant is not entitled to receive any further notice regarding the complaint except for the notice set out in Rule 22.5.

Withdrawal of a Complaint Prior to the Conclusion of an Investigation

22.4 If a complaint is withdrawn prior to the conclusion of an investigation, the Complaints Director will review the withdrawal. Pursuant to s. 160(3) of the Act, if the Complaints Director believes it is in the public interest to continue to deal with or investigate the complaint, the Complaints Director shall do so. Where the Complaints Director determines that it is not in the public interest to continue to deal with or investigate the complaint, the Complaints Director shall cease to deal with or investigate the complaint.

22.5 The Complaints Director shall give notice to the complainant, the respondent officer and the applicable designated authority of:

- a) The withdrawal of the complaint; and,
- b) if applicable, his/her/their decision with reasons to continue to deal with or investigate the complaint.

Where the Complaints Director decides to continue to deal with or investigate a complaint

22.6 The Complaints Director may dispense with the requirement to provide notice of the withdrawal of the complaint to the responding officer if he or she determines that to do so would prejudice the investigation.

Withdrawal of a Complaint after the Conclusion of an Investigation

22.7 If a complaint is withdrawn after the conclusion of an investigation, the complaints process in Part X of the Act continues to apply despite the withdrawal.

22.8 Where there has been a determination of misconduct any disciplinary action or measures, required by s. 168 of the Act, may be imposed or taken.

RULE 23: POST-INVESTIGATION & PROSECUTIONS

23.1 Where a hearing is directed following a public interest investigation, the production of the LECA investigative brief will be provided to the chief of police's prosecutor. LECA is not responsible for the transcription of audio-recorded interviews of any person interviewed for purposes of the investigation.

23.2 The Prosecutor shall prepare the investigative brief for the purposes of providing disclosure and satisfying any requirements under relevant regulation. This includes the review, vetting and redacting of documents, if applicable.

23.3 If the chief declines to participate in a hearing resulting from a public interest investigation, the chief shall immediately provide notice to the Complaints Director, as prescribed.

23.4 The chief's decision to decline to participate in a hearing is final and can not be rescinded.

23.5 Where the Complaints Director becomes the prosecutor and is a party to the hearing, pursuant to s. 202(5) of the Act, any prescribed guideline or directive issued by the Complaints Director shall apply. See Guideline 005: Guideline for LECA Prosecutions.

RULE 24: SYSTEMIC ISSUES

Notice of Inquiry and Examination

24.1 Pursuant to s. 132 of the Act, the Complaints Director may, at his/her/their discretion, issue a Notice of Inquiry or Examination to a designated authority or police service. A Notice of Inquiry or Examination will be conducted in accordance with any guideline or directive issued by the Complaints Director. See Guideline 003: LECA's Guideline for Inquiries and Examinations online.

24.2 Prior to issuing a Notice of Inquiry & Examination, the Complaints Director may apprise and consult with the designated authority of the issues of concerns.

24.3 The Complaints Director may consider delaying issuing a Notice of Inquiry & Examination, if doing so might otherwise prejudice or interfere with on-going investigation and/or proceeding.

24.4 The Complaints Director will publish the Notice of Inquiry & Examination on the LECA website. The Notice of Inquiry & Examination may outline issues of concern, request responses, and provide proposed recommendations for improvement, in accordance with any guideline or directive prescribed by the Complaints Director.

24.5 Upon receipt of a Notice of Inquiry & Examination, the designated authority shall provide a response, as requested by the Complaints Director.

24.6 The Complaints Director will publish any response received on LECA website.

Systemic Reviews

24.7 Pursuant to s. 133 of the Act, the Complaints Director may, at his/her/their own discretion, initiate a systemic review.

24.8 Before commencing a systemic review, the Complaints Director shall notify the Inspector General in writing and in a manner prescribed by the Complaints Director.

24.9 Upon being notified of the Complaints Director's intention to initiate a systemic review, the Inspector General shall advise the Complaints Director of any considerations that may be applicable to the systemic review in writing, within 30 days.

24.10 A systemic review shall be conducted in accordance with any guideline or directive issued by the Complaints Director. Any information or evidence to inform the systemic review will be collected pursuant to s. 137-139 of the Act.

24.11 If the Complaints Director determines that a matter being reviewed under this section may constitute an incident that a designated authority would have a duty to report under section 16 of the *Special Investigations Unit Act, 2019*, the Complaints Director shall notify the SIU Director unless the Complaints Director believes that the SIU Director has already been notified in a manner prescribed by the Complaints Director.

24.12 If the Complaints Director determines that a matter being reviewed under this section may constitute criminal conduct and is not an incident that a designated authority would have a duty to report under section 16 of the *Special Investigations Unit Act, 2019*, the Complaints Director may notify the Inspector General in a manner prescribed by the Complaints Director.

24.13 The Complaints Director will publish the systemic review report on the LECA website.

RULE 25: CONFIDENTIALITY & ACCESS TO INFORMATION:

25.1 Pursuant to s. 145 of the Act, the Complaints Director and every LECA employee shall maintain the confidentiality of the complaints process.

25.2 LECA will publish, on its website, all de-identified summaries of complaints with findings of no misconduct after an investigation have been completed and the request for review timeline has lapsed.

25.3 LECA will provide parties with access to LECA records, as required under the Act and in accordance with any prescribed guideline or directive issued by the Complaints Director. Requests for records prepared by police services should be made directly to the respective police service.

25.4 General requests to access LECA records, must be made through a Freedom of Information (FOI) request pursuant to the *Freedom of Information and Privacy Act* (FIPPA). Please see FOI Request Form online.

25.5 LECA will respond to all FOI requests, in accordance with FIPPA and any prescribed guideline or directive issued by the Complaints Director.

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