



OFFICE OF THE INDEPENDENT  
POLICE REVIEW DIRECTOR

# Annual Report

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**April 1, 2023 – March 31, 2024**

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This report covers the period from April 1, 2023 to March 31, 2024 and is the final annual report for the Office of the Independent Review Director (OIPRD) because effective April 1, 2024, the OIPRD became the Law Enforcement Complaints Agency (LECA) under the Community Safety and Policing Act.

## Director's Message

The past year has been a period of significant transformation and progress for the Law Enforcement Complaints Agency (LECA). Our dedicated team has worked diligently to enhance our service delivery, focusing on the timeliness of our processes, the effectiveness of our complaint procedures, and extensive outreach and engagement efforts. These improvements have been essential as we prepared for the proclamation of the Community Safety and Policing Act, 2019 (CSPA) on April 1, 2024.

Since the CSPA was passed in 2019, the agency focused its efforts on operational efficiency and achieved remarkable improvements in performance measures despite the surge in volume and complexity of complaints received. By leveraging a data-driven approach, we have further optimized our processes and created efficiencies that improve our timeliness. Our efforts have led to substantial improvements in our service delivery model, notably:

- Screening of complaints is 54% faster.
- Retained investigations are completed 59% faster.
- Audits are completed 78% faster.
- Requests for Review are completed 69% faster.
- Overall processing time has improved by 47%.
- Providing timely updates on the implementation of the “Broken Trust” recommendations through our [progress tracker](#).

Continuing improvement of our service delivery model is essential, particularly as we undertake new responsibilities under the CSPA. This legislation expands our jurisdiction and mandates us to receive notifications of potential misconduct from police services and other oversight bodies, in addition to self-initiating complaint investigations. These expansions present significant opportunities to further enhance public confidence in police oversight.

Looking ahead, we are dedicated to ongoing development and innovation in our service model. In anticipation of these expanded duties, we have invested extensively in operational readiness. Our iterative approach to service improvement means we continually refine our processes in response to an evolving policing landscape. The path forward is one of continuous improvement, so we can address emerging policing issues and meet our new responsibilities under the CSPA. What won't change under the CSPA is our commitment to timeliness, transparency, and accountability which is due to the dedication and hard work of agency staff.

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 2023-24, 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 conduct investigations from police services when instructed by the Director.
- Oversees conduct 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.
- Coordinates informal resolution processes for the agency.

### **Legal Services**

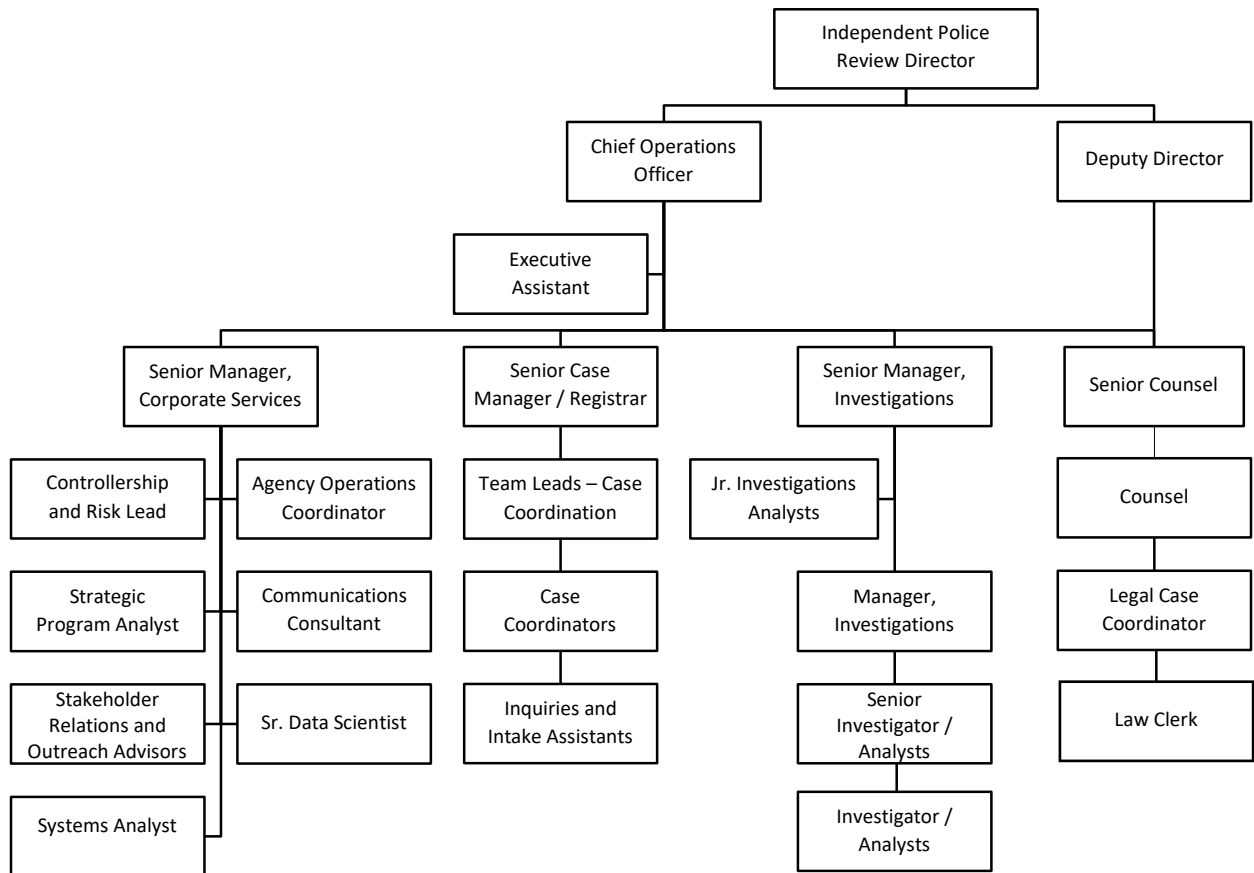
- Provides integrated legal advice and associated services to the Director and OIPRD staff.

- 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.
- Conducts reviews of police service investigations as part of the request for review process.
- Maintains oversight in post-investigative proceedings where there are reasonable grounds to believe that misconduct has been found to have occurred and also monitors the status of disciplinary proceedings.

### **Corporate Services**

- Provides financial, human resources, controllership, knowledge management, records management and retention, strategic planning, asset management, communications, data analytics, 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 toward 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.

# Organizational Chart





## Financial Expenditures

The tables below outline the OIPRD budget allocation and financial expenditures for the 2023-24 fiscal year.

<b>Financial Expenditures 2023-24</b>	
Initial Allocation	\$7,499,600.00
Adjusted Allocation	\$7,314,500.00
Expenditures	\$7,280,936.51

<b>Year-End Expenditures 2023-24</b>	
Salaries and Wages	\$5,962,440.52
Benefits	\$834,601.63
Transportation and Communication	\$55,599.38
Services*	\$413,498.75
Supplies and Equipment	\$14,796.23
<b>Total</b>	<b>\$7,280,936.51</b>

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

### OIPRD Director Remuneration

<b>Appointee Annual Remuneration 2023-24</b>		
<b>Appointee</b>	<b>Total Annual Remuneration</b>	<b>Per Diem Remuneration Rate</b>
Stephen Leach, Independent Police Review Director	\$223,581.28	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.

The proclamation of the CSPA will notably increase the agency's responsibilities due to three key developments: an expanded jurisdiction that now includes special constables from the Legislative Assembly and the Niagara Parks Commission, the authority for the Complaints Director to initiate investigations, and the new notification process that will lead to further retained investigations. There is also the opportunity for First Nations police services to opt-in, further impacting the workload of the agency.

Since the CSPA received Royal Assent, the OIPRD has been strategically preparing for the CSPA's implementation on April 1, 2024. Post-proclamation, the agency will carefully monitor the resource impacts of the new legislation. These impacts and any required resources will be addressed in future business plans.

## Accomplishments and Key Priorities

Over the past year, the OIPRD dedicated its efforts in preparing for LECA readiness, which included the development of new protocols and process, rules, guidelines, and other key transitional materials in anticipation of the agency becoming LECA.

The agency continued engaging with stakeholders, with its primary focus on the impacts of the CSPA, and further improving timelines and the effectiveness of its complaint processes.

The list below showcases the agency's achievements and key priorities accomplished throughout the year:

### ◆ LECA Readiness

- The agency developed new guidelines on key transitional items:
  - [LECA Rules of Procedure](#)
  - [001-Guideline for Reviewing Complaints](#)
  - [002-Guideline for Retaining/Referring Complaints](#)
  - [003-Guideline for Issuing Notice of Inquiry and Examination](#)
  - [004-Guideline for Investigative Reports](#)
  - [005-Guideline for LECA Prosecutions](#)
  - [006-Guideline for Notifications from the Ministry of the Solicitor General](#)
  - [007-Guideline for Notifications from Chiefs of Police & Commissioner](#)
  - [008-Guideline for Notifications from Police Services Boards](#)
  - [009-Guideline for Notifications from the Inspector General \(IG\)](#)
  - [010-Guideline for Notifications from the Special Investigations Unit \(SIU\)](#)
- Notification portal developed for incoming notifications.
- Consulted with stakeholders and the public on the new LECA Rules of Procedure under the CSPA.
- New processes, process maps, forms and protocols developed as a result of many consultations and working group discussions.
- Management conducted trial runs of LECA operations to evaluate the procedures prior to proclamation.
- Agency staff underwent LECA training to review the new procedures and protocols.
- Successful info sharing sessions with the other entities discussing the impacts and new mutual responsibilities under the CSPA.
- Two productive Townhalls held in the Fall and Spring discussing the CSPA and its impacts on agency staff.

#### ◆ **LECA Readiness - Outreach and Engagement Efforts**

- The Director, COO, and agency staff listened, and learned from members of First Nations communities, First Nations police services, and Indigenous community organizations in order to adapt our service model should First Nations police services opt-in under the CSPA. Some of the organizations we listened to and events we attended included:
  - Ontario Provincial Police & Advisory Council
  - Nishnawbe Aski Nation (NAN) with NAN Deputy Grand Chief, Anna Betty Achneepineskum
  - NAN Justice and Policy Department
  - NAN Legal Department
  - NAN Women's Council and NAN Oshkaatisak Council
  - Chief Renae Vanbuskirk from Brunswick House First Nation
  - Treaty Three Police, including Police Chief, members, and board members
  - Nishnawbe Aski Nation 40th Keewaywin Conference
  - Fort William First Nation Pow Wow
  - Chiefs of Ontario Fall Chiefs Assembly
  - Special Chiefs Assembly & National Chief Election
  - NAN Chiefs Winter Assembly
  - Family Day Powwow (Thunder Bay and Matawa Tribal Council)

#### ◆ **Outreach and Engagement**

- Investigations unit presented the OIPRD 101 Investigators course for new Professional Standards Branch (PSB) Officers with approximately twenty-five participants from police services across the province.
- Investigations unit delivered the OIPRD 101 Investigators course for cadets attending the Ontario Police College Police (OPC).
- Basic Constable Training (BCT) training was held for 500 new recruits at OPC in Aylmer, Ontario.
- The Director presented at the CSPA summit in February 2024 regarding the OIPRD transition to LECA and the impact on police services and boards.

#### ◆ **Race-Based Data Collection**

- In 2020, LECA began collecting race-based data from a member of the public who makes a complaint to the Complaints Director, under the authority of the *Anti-Racism Act, 2017*. The collection of race-based data will allow LECA to identify racial inequities, inform the development of policies and procedures, and ensure our investigations and decisions are bias-free. LECA has completed the analysis of 3 years' worth of data and is preparing to publish the data set.

## ◆ Diversity and Inclusion Initiatives

- The OIPRD has been a leader in creating a diverse and inclusive work environment by actively identifying and addressing bias and systemic barriers within the recruitment process. The agency utilizes a diverse hiring panel to promote fairness, and shares job opportunities with other Ontario Public Service (OPS) network groups and they include:
  - Black OPS Employee network.
  - East Asian network
  - South Asian network
  - Francophone Employee network
  - Organization for Hispanic and Latin American OPS
  - Nation to Nation, OPS Employee network
  - OPS Pride
  - Disability Advisory Council
- In addition, when posting job opportunities externally, the agency posts job ads on various platforms such as:
  - Aboriginal job board
  - Indigenous careers
  - First Nations jobs online
- The OIPRD continues to support and promote diversity and inclusion through all-staff training. As part of the agency's roadmap to racial equity, agency staff are made aware and encouraged to attend and or participate in diversity and inclusion, anti-racism training/seminars.
- The OIPRD continues to be a part of the Mentoring for Career and Inclusion Program. This program offers participants the opportunity to obtain guidance on career development and planning, while sharing experiences related to diversity and inclusion in the workplace. It provides a way for employees to take action on progressing their career and professional development.

## ◆ Improved Timelines and Efficiencies

- Evidence-based decision-making and continuous process improvements have resulted in more timely service delivery, which includes:
  - The Early Resolution process resolves complaints on average 109 days faster than a full investigation. Thirty-six per cent (36%) of screened-in complaints identifies a request for ER. Forty-one per cent (41%) of those that proceeded with ER were successful and ninety-nine (99%) completed within 45 days.
  - The Informal Resolution process resolves complaints on average 60 days faster than a full investigation.

- Ninety-seven per cent (97%) of complaints were resolved within 12 months.  
Further enhancements made to the Request for Review (R4R) process ensures the efficiency for both the complainant and the OIPRD. The average days to complete an R4R has reduced by ten per cent (10%) (77 days to 69 days).

#### ◆ **New Case Management System (CMS)**

- A new case management system was developed to eliminate the redundancies in the legacy system, streamline complaints processing, and improve efficiency in responding to requests for information. The CMS has the capabilities to:
  - Create, screen, relate/un-relate and group complaints,
  - Import data from the OIPRD e-File into the new CMS,
  - Stream complaints into the appropriate path for resolution (investigation, early resolution, mediations, etc.),
  - Create and manage documents for/related to complaints within the CMS.
  - Produce reports, and
  - Manage access and authorization on a role-based permissions.

#### ◆ **Notification Letters**

- Notification letters are highly effective in bringing about timely and tangible transformations in policing because they are quick, collaborative, and have successfully mitigated the need for systemic reviews, which take a long time, and can be quite expensive. The [Notification Letter on Knock and Announce Rule \(Dynamic Entries\)](#) was updated. This notification letter advises that the Toronto Police Service Procedure 02-18 “Executing a Search Warrant” reflects the intentions and goals of the OIPRD’s Notification and more closely aligns with the current case law. Police services are recommended to consider adopting the Toronto Police Service Procedure, in accordance with their specific context and operational needs.
- The agency also published a [Summary of Jurisprudence on the Knock and Announce Rule](#), which contains summaries of case summaries that address the fundamental principles of the knock and announce rule, as well as the obligations of the police when they deviate from this rule.

#### ◆ **Broken Trust Tracker**

- The [Broken Trust Tracker](#) provides the public with the latest information about the implementation of recommendations in Broken Trust. The Director’s [final update on Broken Trust](#) and [letter to the Inspector General](#) were also published on our website.

#### ◆ **Agency Recognition – Eagle Award Recipient**

- The Eagle Awards celebrates the achievements of an outstanding individual and or team contributions in the finance community across the Ontario Public Service.
- The OIPRD was nominated in two categories at the Eagle Awards, the Innovator, and the Unsung Hero Award.
- OIPRD won the “Innovator” Eagle Award. The financial trailblazer who envisions big, bold ideas. The implementation of inventive processes and initiatives resulted in:
  - The success of the data Quality Assurance Project (QAP)
  - Dashboards
  - OIPRD early resolution infographic
  - Police service by service statistical webpage
  - Improved complaint forms

#### ◆ **Training**

- Access and Privacy training: provided the agency with basic information on privacy, and how to respond to privacy breaches, and information that will help the agency comply with the privacy law and best practices to protect personal information.
- Case Management System training: User Acceptance Testing (UAT). The team was established to become the change champions and provide training to all agency staff in a sandbox testing environment on how to navigate the new CMS in various stages of the complaint process (i.e., intake, ER, screening, investigations).
- Inclusive and unbiased writing training: learning how to make content accessible for all audiences.
- Investigators and legal staff attended the 2023 Charter Essentials for Investigators training course.

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

- The agency received and processed 12 freedom of information requests from members of the public and consulted on 33 requests between April 1, 2023 to March 31, 2024. All matters have been closed, however there are currently four appeals in progress to the Information and Privacy Commissioner of Ontario (IPC).

#### ◆ **OIPRD Policies, Procedures and Protocols**

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

- Updated the Freedom of Information (FOI) request and Appeals protocol, which now includes process for data entry into the case management system for tracking purposes.
- Developed a Privacy Breach Attestation form for onboarding, whereby new staff are instructed to review the OIPRD privacy breach protocol and attest to have reviewed and understand the agency's policy on privacy breaches.
- Streamlined the retained investigations process by implementation of a project management process in managing investigations to monitor and document the status of the investigation.
- Developed an Administrative Policy to set out the roles, responsibilities, and obligations of OIPRD staff to ensure the proper reporting of any loss, damage, or theft of OPS government/OIPRD owned assets.

#### ◆ **Safety and Security**

- Completed a Health and Safety inspection of the OIPRD head office and installed two (2) new AEDs and eighteen (18) new fire extinguishers with a 2023 tamper seal and inspection card.

#### ◆ **I&IT**

- Procured an AI-powered tool designed to accurately transcribe meetings, interviews, and more. This will significantly contribute to the work environment, fostering better communication, documentation, and overall efficiency.
- Microsoft Teams Transcription & Recording was enabled to the transcription and recording feature for all staff within Microsoft Teams. This tool will support transcription needs and accommodation requirements, to assist in complaint documentation accurately and efficiently.
- Updated the complaint form by removing the title field and multiple incident dates (replaced by a from/to date range), deployment of an auto clear feature, as well as simplified language for the public.
- To enhance accessibility, a video tutorial was posted on YouTube offering visual guidance on completing the complaint form.
- Launch of the OIPRD Insider. This platform is a significant step towards enhancing workplace communication and creating a more engaged and connected team environment.



# 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 *Community Safety and Policing 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 police services: 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 2023-24, there were 35 local resolutions completed by police services in Ontario.

## Complaints Workload

The OIPRD had a total complaints workload of 6,656 complaints in 2023-24, which included 5,894 complaints received between April 1, 2023, and March 31, 2024, and 762 complaints carried over from the previous year.

<b>Complaints Workload in 2023-24</b>	
Carried Over from a Prior Fiscal Year	762
Received During the Fiscal Year	5,894
<b>Total Complaints Workload</b>	<b>6,656</b>
Conduct Complaints	5,265
Screened Early Resolution (ER)	105
Service Complaints	533
Policy Complaints	46
Withdrawn Prior to Screening	108
Not Yet Screened	599

<b>Complaints Received in 2023-24</b>	
Paper Files	852
E-File Complaints	5,042
<b>Total Complaints Received</b>	<b>5,894</b>

Note: Eighty-Six per cent 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 2023-24, 492 complaints were considered for ER.

<b>Early Resolutions by Outcome</b>	
Withdrawn During ER	55
ER Unsuccessful	97
Declined	213
Successful	105
In Progress, Carried into Next Fiscal Year	22
<b>Total</b>	<b>492</b>

## Screening Decisions

The OIPRD screened a total of 5,331 complaints in 2023-24. 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 2023-24</b>			
	<b>Screened In</b>	<b>Screened Out</b>	<b>Total</b>
Conduct Complaints	1,561	3,308	4,869
Service Complaints	342	77	419
Policy Complaints	31	12	43
<b>Total</b>	<b>1,934</b>	<b>3,397</b>	<b>5,331</b>

<b>Conduct Complaints Screened Out</b>	
Better Dealt with Under Another Act/Law	83
Consolidated Complaint	113
Duplicate Complaint	16
Frivolous	322
Not in the Public Interest / Guideline 001	727
Lost Jurisdiction	9
No Jurisdiction Under Section 58	161
No Jurisdiction Under Section 90	3
Not in the Public Interest	1,352
Over Six Months	52
Prior to Proclamation	19
Third-Party Criteria Not Met	102
Vexatious	347
Other	2
<b>Total</b>	<b>3,308</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 2023-24</b>	
Withdrawn	137
Action Taken	87
No Action Taken	170
Informally Resolved	21
Screened Out	77
Open and Carried into the Next Fiscal Year	41
<b>Total</b>	<b>533</b>

<b>Service Complaints Screened Out Reasons</b>	
Better dealt with under another act/law	2
<b>Consolidated</b> complaints	5
Frivolous	5
<b>No Jurisdiction S.58</b>	4
Not in the Public Interest	56
Third Party Criteria Not Met	5
<b>Total</b>	<b>77</b>

### Policy Complaints

<b>Policy Complaint Outcomes</b>	
Withdrawn	11
Action Taken	2
No Action Taken	12
Informally Resolved	2
Screened Out	12
Open and Carried into the Next Fiscal Year	7
<b>Total</b>	<b>46</b>

<b>Policy Complaints Screened Out Reasons</b>	
<b>No jurisdiction S.58</b>	1
Not in the Public Interest	5
Third Party Criteria Not Met	6
<b>Total</b>	<b>12</b>

## **Explanatory Notes**

The OIPRD has the legislative discretion to screen out complaints for the reasons outlined under the PSA:

### **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**

Where a complainant intentionally or unintentionally files a duplicate complaint for the exact same allegations covering the exact same period of time.

### **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.

### **Informally Resolved**

Informal Resolution is a way to resolve less serious complaints and can be attempted at any time during the OIPRD complaint process. The complainant, the respondent officer and the police chief or OPP Commissioner must all agree.

### **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 is 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.

### **No Jurisdiction Under Section 90**

If at any time after a complaint about the conduct of a police officer is made under this Part and before the complaint is finally disposed of, the police officer resigns, no further action shall be taken under this Part in respect of the complaint after the date of resignation.

### **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 and 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.

### **Not in the Public Interest / 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.

### **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 has no merit and 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. Vexatious complaints may be repetitive (filing the same complaint numerous times after a previous complaint was addressed or filing repeated complaints about the same person).

### **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. The Director has discretion in determining who should conduct the investigation. The 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

Investigations are conducted by the OIPRD investigators at the direction of the Director, in consultation with the Manager of Investigations and Legal Counsel. Ultimately, the Director determines whether the investigative report discloses reasonable grounds to believe misconduct occurred or not.

<b>Total Conduct Complaints Sent for Investigation in 2023-24</b>	
Referred to the Same Police Service	1,526
Referred to a Different Police Service	41
Retained by the OIPRD for Investigation	8
<b>Total</b>	<b>1,575</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 was investigated by a police service and it 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 2023-24</b>	
Unsubstantiated	715
Substantiated Less Serious	69
Substantiated Serious	5
<b>Total</b>	<b>789</b>

<b>Conduct Complaints Sent for Investigation – Closed for Other Reasons</b>	
Informally Resolved	293
Withdrawn	369
<b>Total</b>	<b>662</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, submissions are sought from both the complainant and the Police Service, and the investigative file is reviewed and evaluated.

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 or send it to another police service for investigation. The Director's decisions are final, subject to an application for judicial review in the Ontario Superior Court.

<b>Requests for Review 2023-24</b>	
<b>Requests for Review Received</b>	
Received During 2023-24	190
Received During a Prior Fiscal Year	70
<b>Total Managed</b>	<b>260</b>
<b>Requests for Review Withdrawn</b>	
	<b>0</b>
<b>R4R Decisions</b>	
Assign Second Investigation to Same Police Service	30
Chief's Decision Confirmed	170
OIPRD Takes Over Investigation	0
Director Varied Decision	10
<b>Total Decisions</b>	<b>210</b>
<b>Outcomes</b>	
Unsubstantiated	169
Substantiated Less Serious	24
Substantiated Serious	8
<b>Total Outcomes</b>	<b>201</b>
<b>In Reinvestigation</b>	<b>9</b>
<b>Total R4R's Open and Carried Over Into 2024-25</b>	<b>50</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 2023-24, the OIPRD received a total of seven (7) disciplinary hearing decisions from the police services. For more information on the hearing results, please refer to the [website](#).

# Performance Measures (PM)

The agency tracks performance measures (PM) for both the agency and police services for activities relating to the public complaints process. Listed below are several of the performance measures and targets, as well as a comparison to 2022-23 achievement results.

## Police Service Performance Measures

Performance Measure	Target	2022-23 Achieved	2023-24 Achieved
Seven-day local resolution	75%	83%	89%
45-day early resolution	80%	100%	99%
60-day report for policy/service complaints	60%	41%	60%
120-day conduct complaint investigation - referred	65%	67%	65%

### Seven-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 agency. The form must be signed, dated, and include a description of the resolution. The agency’s case management system tracks this process electronically.

### 45-day early resolution

The early resolution process is intended to provide a timely resolution to complainants and should be completed in 45-business days. This PM is measured from the date the complaint enters to early resolution process to the date that the early resolution process is completed. Only complaints where all parties agree to proceed to early resolution are included in this PM. This PM captures early resolution files whose 45-business 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 agency. The agency’s case management system tracks receipt of the 60-day report and alerts the assigned law clerk of upcoming due dates. This PM includes reports that were due within the fiscal year. As the CSPA is implemented the management of policy/service complaints will be transferred to the Inspectorate General.

### 120-day conduct complaint investigation - referred

Investigators endeavour to ensure that conduct complaint investigations are concluded within 120-days of commencement. To ensure compliance with the 120-day investigation report completion, the agency’s 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 complaints where the deadline date falls within the fiscal year.

**OIPRD Performance Measures**

<b>Performance Measure</b>	<b>Target</b>	<b>2022-23 Achieved</b>	<b>2023-24 Achieved</b>
Two-day intake	90%	99%	99%
15-day audit	75%	88%	94%
30-day case management analysis	80%	96%	95%
47-day request for review	60%	34%	33%
120-day conduct complaint investigation - retained	50%	17%	38%
12-month end to end complaint processing	90%	98%	97%

**Two-day intake**

OIPRD endeavours to complete the intake process for new complaints within two (2) business days. This is measured from the time that an official complaint form is received to the date the intake process is completed.

**15-day audit**

Upon the completion of a referred investigation, police services send a copy of the investigation report to the agency for review. OIPRD investigators endeavour to complete an audit of these reports within 15 business days of receipt of the report. This PM includes all complaints where the 15-day deadline date falls within the fiscal year.

**30-day case management analysis**

Once a complaint is received by the agency, the case coordinators endeavour to complete a full review of the complaint within 30 business days. If a complaint is missing information which requires staff to contact the complainant, the period the agency is waiting for this information is excluded from the 30-day screening period. This PM includes complaints where the 30-day screening deadline falls within the fiscal year.

**47-day request for review**

Complainants have a right to request a review of Chief of Police decisions related to conduct complaints investigated by police services. When the agency receives a Request for Review, the agency endeavours to complete the review within 47 calendar days. This PM includes complaints where the 47-day deadline date falls within the fiscal year.

**120-day conduct complaint investigation - retained**

Investigators endeavour to ensure that conduct complaint investigations are concluded within 120 calendar days. To ensure compliance with the 120-day investigation report, the case management system tracks investigation report due dates. Occurrences of non-compliance are escalated to the Director.

Complaints retained by the agency are often more complex. As a result, investigations take longer to complete because investigators must receive disclosure from the police service.

This PM is measured from the date a complaint was retained by the agency until the date the Director issues a decision. The PM includes complaints whose 120-day deadline date falls within the fiscal year.

**12-month complaint processing**

The agency endeavours to fully process all complaints within 12 months of the date they are received. This includes all processes that a complaint may enter during its lifecycle (Screening, Investigation, Request for Review, Early Resolution, etc.). This is measured from the date the complaint is received to the date the file is fully closed. This measure includes any complaint where the 12-month deadline falls within the fiscal year.





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