



# COMPLAINTS

## PRP-LG-004

Adopted: 1981/10/12  
Amended: 2012/06/22  
Amended: 2015/09/25  
Amended: 2017/09/29

### Policy Statement

*It is the direction of the Regional Municipality of Peel Police Services Board that the policy requirements set out in this document will form part of the Board Policies and the Chief of Police is hereby directed to comply with these requirements in his/her administration and operation of the Peel Regional Police.*

### 1. SUBJECT

This policy provides direction to the Board and the Chief of Police regarding the obligations of both parties with respect to the handling of complaints about policies or services of the Police Service, or about conduct of sworn members of the Police Service including the Chief or a Deputy Chief of Police made under Part V of the *Police Services Act*

### 2. SPECIFIC DEFINITIONS

**Act-** Means the *Police Services Act, R.S.O. 1990, c. 15*, as amended by S.O. 997 c. 8 and Bill 103.

**Board** - Means the Regional Municipality of Peel Police Services Board.

**Business Day** - Means any day that is not a Saturday, Sunday, or a holiday as defined by section 88 of the *Legislation Act, 2006, S.O. 2006, c. 21, Sched. F*.

**Chief** - Means the Chief of Police of the Peel Regional Police.

**Complaint(s)** - Means a complaint made by a member of the public to the Independent Police Review Director under Part V of the Act about the conduct of a police officer or the policies of or the services provided by the Peel Regional Police Service, and does not include a Local Complaint as defined herein.

**Complainant** - Means the member of the public who makes a complaint to the Independent Police Review Director under Part V of the Act about the conduct of a police officer or about the policies or services provided by the Peel Regional Police.

**Deputy Chief** - Means a Deputy Chief of Police of the Peel Regional Police.

**Local Complaint** - Means a complaint that qualifies to be handled in accordance with Regulation 263/09 and without the filing of a formal complaint under Part V of the Act.

**OIPRD** - Means the Office of the Independent Police Review Director and includes the Independent Police Review Director and any employees appointed to carry out the functions of the Independent Police Review Director further to section 26.1 of the Act.

**Service** - Means the Peel Regional Police.

**Youth** - Means a person who is under the age of eighteen years.

### 3. POLICY REQUIREMENTS

#### General

It is the direction of the Board that the Chief of Police shall:

- a) Develop and maintain a directive on Complaint procedures to ensure that Complaints are processed in accordance with the provisions of the *Act*, associated regulations and this policy;
- b) Ensure that the Complaint procedure incorporates a fair and transparent process for the public and members of Peel Regional Police; this includes prompt, professional and thorough handling of all Complaints;
- c) Ensure that the delegation of authority, where appropriate, to officers to administer public Complaint procedure, is in accordance with the requirements of the OIPRD;
- d) Ensure that the Complaint procedure and process refers to and incorporates opportunities to apply informal resolution of complaints where appropriate and in compliance with the *Act*;
- e) Develop and maintain a Local Complaint procedure in accordance with *Ontario Regulation 263/09 Public Complaints- Local Complaints* and section 4 of this Policy;
- f) Ensure the availability of Complaint forms and public information about the Complaint process on the Peel Regional Police website;
- g) Ensure that information about the Public Complaint process is posted or displayed in an area that is readily accessible to the public, and in the form provided by the OIPRD, in every Peel Regional Police office, division and community station;
- h) Ensure the Complaint procedure is accessible for persons with a disability, persons who may not be literate, and persons who do not speak either official language; and
- i) Ensure that the Complainant is made aware of his or her right to make a Complaint to the OIPRD pursuant to Part V of the *Act*, is provided with information on the public Complaint process as provided by the OIPRD, and is provided with assistance in completing the OIPRD form if requested.

If the Board receives a Complaint, the Board shall send it to the OIPRD for screening within three (3) business days. (The OIPRD will determine the type of complaint and will use its discretion in the disposition of the complaint. Complaints filed by the public may be in relation to conduct of an officer and/or policy or service issues).

#### 4. LOCAL COMPLAINTS

The Chief shall develop and maintain a Local Complaint procedure in accordance with *Ontario Regulation 263/09 Public Complaints - Local Complaints*.

It is the direction of the Board that the Chief shall ensure the Local Complaint procedure includes the following:

- a) Where a member of the public makes a Local Complaint at a police station, the Service shall provide the complainant with information regarding the Local Complaint procedure pursuant to *Ontario Regulation 263/09*, and about the public Complaint process.
- b) Where the complainant chooses to proceed by way of Local Complaint, the Chief must determine if the matter is appropriate for the Local Complaint process having regard to the criteria established in section 3(4) of *Ontario Regulation 263/09*.
- c) If the Chief determines that the matter is not appropriate for the Local Complaint process having regard to the criteria set out in section 3(4) of *Ontario Regulation 263/09*, the Service 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 OIPRD makes a direction in accordance with its powers under section 61(5) of the *Act*.

#### 5. POLICE LIAISON OFFICERS

It is the direction of the Board that the Chief of Police shall:

- a) Appoint an appropriate member of the Service to act as Police Liaison Officer;
- b) Ensure that the Police Liaison Officer or his or her designate is responsible for responding to any requests and directions made by the OIPRD; and
- c) Ensure that, where additional information is requested by the OIPRD as part of the OIPRD's screening function, the Police Liaison Officer or his or her designate shall supply the additional information within 10 days of the OIPRD's request.

#### 6. YOUTHS

It is the direction of the Board that the Chief of Police shall:

- a) Ensure that all investigative reports prepared by the Service shall omit the full name of any individual who was a Youth at the time of the incident (either as a Complainant or as a witness). 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; and
- b) Ensure that, prior to interviewing a Youth, either as a Complainant or a witness, the investigator shall advise the Youth that he or she may have the support of, or be represented by, an adult during the interview.

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## 7. PUBLIC COMPLAINTS: POLICY AND SERVICE COMPLAINTS

(The OIPRD determines if a Complaint is about a policy or service of the Police Service and will refer the Complaint to the Chief of Police to be dealt with under Section 63 of the Police Services Act.)

It is the direction of the Board that, in accordance with s. 63 of the Police Services Act, the Chief of Police:

- a) Shall ensure that within 60 days of receiving a policy or service Complaint, the Complainant is notified in writing of the disposition of the Complaint (in accordance to, with reasons for the decision, and of their right under section 63(5) of the *Act* to request the Board review the Complaint if they are not satisfied with the disposition);
- b) Shall, upon disposition of the complaint, submit a written report to the Board and to the OIPRD respecting the disposition, with reasons; and
- c) May extend the 60-day period by notifying the Complainant in writing of the extension before the expiry date of the period being extended.

### **COMPLAINANT REQUEST FOR BOARD REVIEW**

- d) Upon receipt of a written request by the Complainant for a review, the Board will notify the Chief in writing of the request, and request a written report to include the following:
  - i. copy of the Complaint;
  - ii. copy of the relevant forms provided to the Complainant;
  - iii. copy of the written disposition provided to the Complainant; and
  - iv. any other documentation or information considered in making any findings in respect of the Complaint.
- e) Where the request for review is made within 30 days of the date on which the Complainant received the disposition, the Board shall review the decision of the Chief. Where the request for review is made more than 30 days after the date of receipt of the disposition, the Board may review the decision of the Chief.
- f) The Board may deal with the Complaint as a whole or pursuant to section 63(7) of the Act, establish a "Complaints Committee" made up of not fewer than three members of the Board (two of whom constitute quorum), to review policy or service Complaints and make recommendations to the Board.
- g) The Board, upon review of the Complaint shall decide if it will take action, or no action, in response to the Complaint, as the Board considers appropriate.
- h) The Board shall endeavor to complete its review of the Chief's disposition within 45 days of receipt of the disposition.
- i) Pursuant to section 63(7) of the Act, and should a Complaints Committee be established, the Committee, within 30 days of receiving the request for review, shall:
  - i. Review the report provided by the Chief; and

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- ii. Provide a written report to the Board with its decision concerning the disposition of the Complaint, including a recommendation as to whether or not to hold a public meeting on the matter.
  - j) The Board and/or Complaints Committee may extend the time limit as set out in 7(g) upon giving notice to the Complainant and the Chief.
  - k) In deciding whether to hold a public meeting pursuant to section 63(8) of the Act, the Board will consider at least the following:
    - i. Whether the Complaint raises significant present, past or potential issues concerning public safety, law enforcement and crime prevention in the Region of Peel; and
    - ii. Whether it is in the public interest to hold such a public meeting.
  - l) The Board will make a decision with respect to the Complaint, including a decision to hold a public meeting, pursuant to section 63(6) of the Act, and notify the Complainant, the Chief and the OIPRD in writing of the Board's disposition with reasons.
  - m) In accordance with section 35(4) of the Act, the Board may decide to deal with all or part of a Complaint In Camera.
  - n) The Board will ensure compliance with the Municipal Freedom of Information and Protection of Privacy Act and will not disclose any personal information of the Complainant or other parties without their consent.

## 8. PUBLIC COMPLAINTS: CONDUCT COMPLAINTS - OFFICER

The OIPRD, upon receiving a Complaint about the conduct of a police officer, other than the Chief of Deputy Chief, will refer it to either the Chief of Police of Peel Regional Police, the Chief of Police of another police service, or, retain and deal with it. It is the direction of the Board that, with respect to a Complaint received about the conduct of an officer, the Chief of Police shall:

- a) Develop and maintain procedures regarding the handling of Public Complaints about the conduct of an officer in compliance with the Act, including all Rules of Procedure and relevant legislation emanating from the Act;
- b) Inform the Board of any serious Complaint by way of confidential reports;
- c) Ensure that Complainants are given all necessary guidance, support and protection, including confidentiality of the Complainant's identity when requested by the Complainant, except for such disclosures as may be required by law;
- d) Ensure that Complainants are advised of their status as a party and of the progress of proceedings and their right to participate in all aspects of the process;
- e) Upon the conclusion of the investigation, unless he or she decides the Complaint is unsubstantiated, has the option to hold a hearing into the matter, or may attempt to resolve the matter informally in specified circumstances; and
- f) Ensure that no further action is taken with respect to a Complaint once the Chief is notified of the resignation of an officer who is the subject of a non-criminal Complaint. The Chief shall advise the OIPRD of the resignation if the Complaint was made by a member of the public.

## 9. PUBLIC COMPLAINTS: CONDUCT COMPLAINTS – CHIEF OR DEPUTY CHIEF

*(This section relates to conduct complaints about the Chief or a Deputy Chief and provides direction to the Board in reviewing conduct complaints generated by the Board itself, and public complaints referred to it by the OIPRD.)*

- a) The Board will forward any Complaint received with respect to the Chief or Deputy Chief as specified in the Act to the OIPRD within 3 days of its receipt as all Complaints about a Chief or Deputy Chief must be made to the OIPRD. (The OIPRD will undertake the preliminary screening of the complaint. The initial screening will consider whether the Complaint is made within the statutory six month time frame **(refer to Section 10 of this policy for further clarification on the six month limitation period)**, whether the Complaint is frivolous or vexatious, and whether the Complainant was directly affected by the conduct.)
- b) When a Public Complaint is referred to the Board by the OIPRD, the Board will give notice of the substance of the Complaint to the Chief or Deputy Chief in accordance with section 62(5) of the Act, unless in the Board's opinion, to do so might prejudice an investigation into the matter.
- c) The Board shall, within 14 days of the receipt of a Complaint about the conduct of the Chief or Deputy Chief, review the Complaint and the OIPRD's screening decision to determine whether the alleged conduct complained of may constitute an offence under a law of Canada or of a province or territory, or misconduct as defined in section 80 of the Act, or unsatisfactory work performance, and report its determination to the OIPRD.
- d) The Board may make a written request to the OIPRD for an extension of time in which to review a Complaint about the conduct of the Chief or Deputy Chief. This request will set out the reason for the need for the extension.
- e) The Board shall not invite, nor receive, submissions from any party other than the Complainant during its review, nor shall the Board investigate the Complaint during its review.
- f) If at the conclusion of the investigation, the Board disagrees with the OIPRD's screening decision, the Board shall, within seven days of the conclusion of its review, provide written reasons to the Complainant, the Chief or Deputy Chief, and the OIPRD.
- g) If following its review, the Board is of the opinion that the Complaint does not constitute an offence under a law of Canada or of a province or territory, misconduct as defined in section 80 of the Act, or unsatisfactory work performance, the Board will take no action and will notify the Complainant, the Chief or Deputy Chief and the OIPRD in writing of the decision, with reasons.
- h) If following its review, the Board is of the opinion that the Complaint may constitute an offence under a law of Canada or of a province or territory, misconduct as defined in section 80 of the Act, or unsatisfactory work performance, the Board will ask the OIPRD to investigate and provide a written report, at the Board's expense.
- i) If at the conclusion of the investigation, the OIPRD is of the opinion that the Complaint is unsubstantiated, the OIPRD will report this conclusion in writing to the Board and the Board will take no action regarding the Complaint. The Board will notify the

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Complainant and the Chief or Deputy Chief in writing of the decision and provide a copy of the OIPRD report.

- j) If at the conclusion of the investigation, the OIPRD is of the opinion, on reasonable grounds, that the conduct constitutes misconduct or unsatisfactory work performance, the substantiated complaint is referred to the Board together with a copy of the OIPRD written report. If the OIPRD is of the opinion that the conduct of the Chief or Deputy is not of a serious nature, the OIPRD can advise the Board when it submits the Complaint to the Board.
- k) If the Board receives a written report from the OIPRD under section 69(6) substantiating the Complaint, the Board must assess whether the conduct is of a serious nature.
- l) If the Board views the Complaint as serious, it may hold a hearing into the matter or refer the matter to the Ontario Civilian Police Commission for a hearing.
- m) A hearing held by the Board will be in accordance with the provisions of the Statutory Powers and Procedures Act, R.S.O 1990.
- n) If the Board considers the matter not to be of a serious nature, the Board may resolve the matter informally without holding a hearing if the Chief or Deputy Chief and the Complainant consent to the proposed resolution. An Informal Resolution Agreement must be signed by the Chief or Deputy Chief and the Complainant. The Board will advise the OIPRD of any penalty imposed or action taken.
- o) The Chief or Deputy Chief and the Complainant who consent to a proposed resolution may revoke the consent by notifying the Board in writing of the revocation no later than 12 business days after the day on which the consent is given.
- p) If an informal resolution is attempted but not achieved, the Board shall refer to Section 69 (12) of the Act for further disposition.

### **INTERNAL COMPLAINT – CHIEF OR DEPUTY CHIEF**

The Board may initiate a Complaint against the Chief or Deputy Chief on its own motion and in accordance with section 77 of the *Act*.

- q) The Board will promptly give notice of the substance of the Complaint to the Chief or Deputy Chief unless, in the Board's opinion, to do so might prejudice an investigation into the matter.
- r) If the Board is of the opinion that the Chief or Deputy Chief's conduct may constitute an offence under a law of Canada or of a province or territory, misconduct as defined in section 80 of the Act, or unsatisfactory work performance, the Board will ask the Ontario Civilian Police Commission to assign the chief of police of another police service to cause the Complaint to be investigated promptly, and the investigation to be reported on in a written report at the Board's expense.
- s) If the Board receives a written report from the Investigating Chief with the opinion that the Complaint is unsubstantiated, the Board will take no action in response to the Complaint and will notify the Chief or Deputy Chief who is the subject of the Complaint in writing of the decision, together with a copy of the written report.
- t) If following the investigation, the Investigating Chief is of the opinion, on reasonable grounds, that the conduct of the Chief or Deputy Chief under investigation constitutes

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misconduct or unsatisfactory work performance, the Investigating Chief will refer the matter to the Board together with a written report.

- u) If the Board receives a written report from the Investigating Chief with the opinion that there are reasonable grounds to conclude that the conduct of the Chief or Deputy Chief constitutes misconduct or unsatisfactory work performance, the Board must make a decision regarding the seriousness of the misconduct or unsatisfactory work performance.
- v) If the Board is of the opinion that the misconduct or unsatisfactory work performance is serious in nature, the Board will hold a hearing into the matter or may refer the matter to the Ontario Civilian Police Commission to hold the hearing in accordance with section 77(6) and (7) of the Act.
- w) If the Board is of the opinion that the misconduct or unsatisfactory work performance is not of a serious nature, the Board may resolve the matter with an informal resolution with the consent of the Chief or Deputy Chief in accordance with section 77(8) and (9) of the Act.
- x) If the Chief or Deputy Chief does not consent to an informal resolution as provided for in section 77(8) and 93(3) of the Act, the Board will hold a hearing in accordance with section 77(7) of the Act.
- y) If an informal resolution is attempted but not achieved, the following rules will apply:
  - i. The Board will provide the Chief or Deputy Chief with reasonable information concerning the matter and will give him or her opportunity to reply, verbally or in writing.
  - ii. Subject to subsection (iii) below, the Board may impose on the Chief or Deputy Chief a penalty described in section 85(2)(d), (e) or (f) of the Act or any combination thereof, and may take any other action described in subsection 85(7) of the Act, and may cause an entry concerning the matter, the penalty imposed or action taken and the Chief's or Deputy Chief's reply to be made in his or her employment record.
  - iii. If the Chief or Deputy Chief refuses to accept the penalty imposed or action taken, the Board will not impose a penalty or take any other action or cause any entry to be made in the employment record, but will hold a hearing, or refer the matter to the Ontario Civilian Police Commission to hold a hearing, under subsection 85(7) of the Act.
- z) An entry made in the Chief's or Deputy Chief's employment record under 77(9)(2) of the Act will be expunged from the record two years after being made if, during that time, no other entries concerning misconduct or unsatisfactory work performance have been made in the record under Part V of the Act.

## **10. EXCEPTION TO SIX-MONTH LIMITATION PERIOD AND DELAY OR EXTENSION APPLICATIONS**

- a) Section 83 (17) provides for a limitation with respect to a notice of hearing. A limitation period exists that prohibits a notice of hearing to be served if more than six (6) months has lapsed since the day that:



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- i. The Chief of Police received the conduct Complaint referred to her/him by the OIPRD;
  - ii. That day on which the conduct Complaint was retained by the OIPRD;
  - iii. The day which the Board received the Complaint about the conduct of the Chief of Police or a Deputy Chief; and
  - iv. Where the Complaint was made by a Chief or the Board, the day on which the facts on which the Complaint is based first came to the attention of the Chief or the Board.
- b) The Board has the authority to allow the serving of notice if it is of the opinion that it was reasonable, under the circumstances, for the Chief of Police to delay serving the notice of hearing. The request for exceptions to the limitation period is commonly referred to as a “delay” or “extension” application.
  - c) The Chief, in requesting a delay application shall provide the Board with a copy of his or her report which is to include:
    - i. Chronology of the investigation; and
    - ii. Any submissions, including the reason for the delay from the date upon which the limitation period commenced in accordance with Section 83(17) of the Act; until the date upon which he/she made a delay application to the Board.
  - d) A copy of the Chief’s report and any submissions to the Board shall be provided to (i) the Complainant(s), (ii) the respondent officer(s) and (iii) the OIPRD.
  - e) Upon receiving an application for an extension of time to serve a notice of hearing pursuant to section 83(17) of the Act, the Board shall forthwith notify (i) the respondent officer(s), and if applicable, (ii) the Complainant(s), and (iii) the OIPRD, of the request for an extension and the date upon which the matter will be heard by the Board.
  - f) The Board shall provide the following parties the opportunity to make written submissions with respect to the extension application: (i) the Chief, (ii) the respondent officer(s) and, if applicable, (iii) the Complainant(s), and (iv) the OIPRD. Where applicable, the Board shall forward to the OIPRD, within three business days, the submissions of the Complainant(s) and the respondent officer(s).
  - g) In making its determination, the Board shall consider the submissions of the parties in addition to the investigative report.
  - h) The Board shall provide written reasons for its decision and shall provide a copy of those reasons to the Chief, the respondent officer(s), and, if applicable, the Complainant(s) and the OIPRD within seven days of the decision.
  - i) Where the OIPRD investigation has substantiated misconduct against the Chief following a Board-directed investigation, and where the investigation has exceeded the six-month period prescribed in section 83(17), the Independent Police Review Director shall have standing to bring the extension application before the Board. The Chief, as the respondent officer, is entitled to make submissions to the Board as is the Complainant.

**11. REPORTING**

The Chief of Police shall:

1. Submit quarterly written Complaints Reports to the Board at regularly scheduled Board meetings that include cumulative year-to-date information, comparative data for the same time period in the immediately preceding calendar year, and the following:
  - a. For Policy and Service Complaints
    - i. the total number of Local Complaints and the total number of Complaints referred to the Peel Police Service from the OIPRD;
    - ii. a summary of the action taken, if any, for each Local Complaint and Complaint;
    - iii. the number of requests for review made to the Board concerning which the Board took action, a summary of the action taken, and the Service's response to the Board's action;
    - iv. the date the Local Complaint or Complaint is received and the date it is finally disposed of; and
    - v. the number of times extensions were made in respect of Local Complaints and Complaints.
  - b. For Conduct Complaints (except those against the Chief or Deputy Chief)
    - i. the number of Complaints referred to the Peel Police Service from the OIPRD;
    - ii. the number of Complaints about other police services referred to the Peel Police Service from the OIPRD pursuant to section 61(5)(b) of the Act, and an estimate of the cost of such referrals;
    - iii. the number of Complaints determined to be unsubstantiated pursuant to section 66(2) of the Act;
    - iv. the number of reviews requested pursuant to section 71(1) of the Act and the results of those reviews;
    - v. the number of hearings held pursuant to section 66(3) of the Act and the findings of the hearings;
    - vi. the number of Complaints dealt with informally pursuant to section 66(4) of the Act;
    - vii. the number of Complaints resolved or dealt with pursuant to section 66(10) of the Act;
    - viii. a summary of the penalties imposed pursuant section 85(1) of the Act;
    - ix. the number of outstanding Complaints as at the end of the reporting period;
    - x. the date the Complaint is received and the date it is finally disposed of;
    - xi. the number of times extensions were made with respect to Complaints; and

- xii. the number of appeals pursuant to section 87 of the Act and the results.
2. Submit to the Board an Annual Report providing an analysis of the frequency, nature and substance of the policy and service and conduct Complaints, (excluding Complaints against the Chief or a Deputy Chief), and the opinion of the Chief as to whether such frequency, nature and substance of the Complaints requires some form of remedial or other training or additional resources to process the Complaints.
3. Report to the Board on an exception basis. This applies to a complaint received that has resulted in an exceptional circumstance, or a circumstance which may be detrimental to the police service; and/or resulted in significant issues of potential liability to the Board and the police service.

## **12. AUTHORITY / LEGISLATIVE REFERENCE**

Police Services Act, R.S.O 1990, as amended, s. 31(1)(c), Part V  
Ontario Regulation 263/09 – Local Complaints

Supercedes: Complaints – Adopted 1981/10/12 (*Pages II-D-1*)

Repeals : By Law Number 77- Adopted 1981/10/12

Board Minute: #61/12

Board Minute: # 60/15

Board Minute: #85/17

## **13. LINKAGE TO APPROPRIATE POLICE SERVICE PROCEDURE / DIRECTIVE**

I-B-101 (O) Complaints Against Police