



INFOGUIDE

December 2007

POLICE COMPLAINTS UNDER THE POLICE SERVICES ACT

DISCLAIMER: The following InfoGuide is intended for use as general information and is prepared for purposes of convenience only. It is not to be relied upon as legal advice or legal authority. If you have inquiries as to legal proceedings, or if you would like more detailed information regarding legislation, you should consult a lawyer.

Changes to the Ontario *Police Services Act* will take effect sometime in 2008. Under the new system, an Independent Police Review Director will create and run an office to administer police complaints.

What is a police complaint?

- You can make two types of complaints against the police. The complaints can be about either:
 1. The conduct of a police officer; or
 2. The policies of or services provided by a police service.

Who can make a complaint?

- Only the person “directly affected” by the incident may make a complaint. This means that someone else cannot make a complaint about the way that you were treated by the police, unless they were also involved in the incident.

Is there a time limit for filing a complaint?

- Yes. You must file your complaint within 6 months of the incident, which led to the complaint.

Who should I contact to make a complaint?

- You have two options:
 1. You can make a complaint to any division or department of the police service that the police officer belongs to; or

2. You can make a complaint to the Ontario Civilian Commission on Police Services (OCCPS), an independent, civilian, quasi-judicial agency that reports to the Minister of Community Safety and Correctional Services. Keep in mind that complaints about police officers made to the OCCPS are forwarded to the division or department to which the police officer belongs.

How do I make a complaint?

- Your complaint must be in writing and signed. You may write your own letter or you may use a standard form, which you can get from any police station or the OCCPS.
- If you do not use the standard complaint form, you should be sure to include the following information in your letter of complaint:
 - Your name, address, postal code and home and business telephone numbers with area code;
 - Date, time, and location of the incident;
 - Name, rank and badge number of the officer(s) involved. You can ask the officer(s) for this information although it may not be provided to you. If you do not have this information, try to provide a physical description;
 - Name of the police service to which the complaint relates;
 - A summary of what your complaint is about; and
 - Any other information that might be of assistance during an investigation (e.g. names of witnesses).
- A complaint must be mailed, faxed or delivered to any municipal police station or detachment office of the police service named in the complaint, or to the OCCPS office. The contact information for the OCCPS is:

Ontario Civilian Commission on Police Services
Complaints Bureau
25 Grosvenor Street, 1st Floor
Toronto, Ontario M7A 1Y6
Telephone: (416) 326-1189 or 1-888-515-5005
Fax: 1-888-311-7555
Website: www.occps.ca

Can the police refuse to deal with my complaint?

- Yes. The Chief of Police or the Commissioner of the Ontario Provincial Police (OPP) may decide not to deal with the complaint for one of three reasons:
 1. The complaint was filed late (more than 6 months after the incident that led to the complaint);
 2. The complaint is frivolous, vexatious or made in bad faith; or

3. You were not directly affected by the incident.
- The Chief/Commissioner must notify you of this decision in writing within 30 days. If you disagree with the decision, you may request that OCCPS review it. However, you must send them a written request for review and it must be received by OCCPS within 30 days of you receiving the decision letter. Your request can be sent by mail, fax or delivered in person.

How are complaints processed?

- The Chief/Commissioner must decide what your complaint is about and the type of complaint (i.e. policies/services or conduct). If you disagree with the classification, you may request a review by OCCPS within 30 days of receiving the classification.
- If your complaint is classified as being about the policies/services provided by the police service and you disagree with the outcome, you have the right to request a review. This review is completed by either the police service board or the local detachment/Commissioner of the OPP.
- If the complaint is about conduct, it is investigated and an investigative report is prepared (unless, as mentioned earlier, it has been decided that it will not be reviewed). After the investigative report is completed, the Chief/Commissioner may find:
 - Misconduct or unsatisfactory work performance of a less serious nature and propose that the matter be resolved by way of informal resolution;
 - Misconduct or unsatisfactory work performance of a serious nature and hold a hearing into the matter; or
 - The complaint is unsupported.
- If it is necessary to have a disciplinary hearing, a senior police officer or former police officer will listen to the evidence and decide the outcome. An officer found guilty of misconduct faces a range of penalties ranging from reprimand to dismissal.

Can I ask for a review if I disagree with the outcome of my complaint?

- Yes. You must write or fax OCCPS to request a review within 30 days of receiving the decision and explain why you are requesting the review.

Could my complaint be resolved by way of informal resolution?

- Yes. Less serious complaints about an officer's conduct may be resolved by way of an informal resolution. This involves bringing the complainant and subject officer together to hear each other's concerns. Such a resolution requires the mutual consent of the complainant and subject officer, as well as the approval of the Chief/Commissioner.

- An informal resolution of a complaint is an option that is available at any time during the process.

Can I withdraw my complaint?

- Yes. At any time during the process, you may withdraw your complaint by writing to the relevant police service or OCCPS.
- However, the Chief/Commissioner may continue to deal with the complaint if he or she feels that the matter should be investigated further.

Do I have any other legal options besides making a complaint?

- Yes. If you experience harassment, discrimination or violence by police, you can lay a criminal charge against the police officer(s) or sue the police service for damages.
- For information about your legal rights or the possibility of pursuing legal action, you should consult with a lawyer.

Questions?

- If you have questions, contact your local Patient Advocate or call the central office of the Psychiatric Patient Advocate Office at 1-800-578-2343.