

DISCIPLINARY HEARING

When a disciplinary hearing is ordered, an officer of equal or higher rank than the officer named in the complaint, or a legal counsel or agent, is appointed by the chief/Commissioner to present the evidence. You will be advised about your participation at the hearing. A senior police officer or former police officer of the rank of inspector or above acts as a hearing officer to consider the evidence and decide the outcome of the complaint.

An officer found guilty of misconduct faces a range of penalties from reprimand to dismissal. An officer may also be directed to undergo specified counselling, treatment or training.

DISSATISFIED WITH HEARING DECISION

If no misconduct or unsatisfactory work performance was found against the officer, you can appeal to OCCPS within 30 days of the decision. If misconduct or unsatisfactory work performance against the officer was found, but you are dissatisfied with the penalty imposed, you must obtain permission from OCCPS to appeal. After holding a hearing, OCCPS may confirm, vary, or revoke the decision and substitute its own decision. You or the police officer may appeal OCCPS' decision to Divisional Court within 30 days.

WITHDRAWING A COMPLAINT

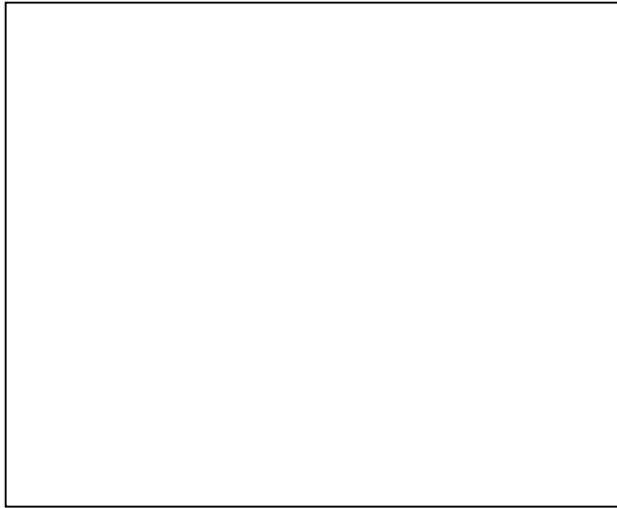
At any time during the complaint process you have the option of withdrawing your complaint by writing to the police service or to OCCPS; however, the chief/Commissioner may continue to deal with the complaint if he/she feels that the matter should be investigated further.



Ontario Civilian Commission on
Police Services

FILING A COMPLAINT

Contact your local police service:



To reach the Ontario Civilian Commission on
Police Services:

In the Greater Toronto area, call:

Telephone: (416) 326-1189

Facsimile: (416) 314-2036

Outside the Greater Toronto area, call:

Toll-free: 1-888-515-5005

Toll-free fax: 1-888-311-7555

Or write to:

Complaints Bureau

Ontario Civilian Commission on Police Services

25 Grosvenor Street

1st Floor

Toronto, Ontario

M7A 1Y6

Website:

www.occps.ca

UNDERSTANDING THE PUBLIC COMPLAINTS PROCESS



Ontario Civilian
Commission on
Police Services

INTRODUCTION

The Ontario Civilian Commission on Police Services (OCCPS) is an independent, civilian, quasi-judicial agency that reports to the Minister of Community Safety & Correctional Services. It is responsible for ensuring the adequacy and effectiveness of policing services. Ultimately, chiefs of police, members of police services and police services boards are accountable to the public through OCCPS.

DEFINING A COMPLAINT

There are three kinds of complaints.

They relate to:

1. The policies of a police service.
2. The services provided by a police service.
3. The conduct of a police officer.

TIME LIMITS

You should make a complaint within 6 months after the event you are complaining about.

MAKING A COMPLAINT

Only the person directly affected by the incident may make a complaint.

A complaint must be in writing and must be signed by the person making the complaint. You may write your complaint in a letter or you may use a standard form, which you can get from any police station or from the OCCPS office in Toronto or www.occps.ca.

If you do not use the standard complaint form you should be sure to include the following details in your complaint letter:

- Your name, address, postal code and home and business telephone numbers with area codes.
- Date, time and location of the incident.
- Name, rank, and badge number of the officer(s) involved. If you do not know the name of the officer, a physical description should be provided.
- Name of the police service to which the complaint relates.
- Summary of the specifics of your complaint. (What is your complaint about?)

WHERE TO SEND YOUR COMPLAINT

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. OCCPS has a toll-free fax number. If you choose to send a complaint to OCCPS, the complaint will be forwarded to the police service whose responsibility it is to process it.

HOW COMPLAINTS ARE PROCESSED

Initially, a chief/Commissioner must decide if the complaint is about the policies or services provided by the police service or the conduct of an officer. If you disagree with the classification of your complaint, you may request a review by OCCPS within 30 days of receiving the classification.

The chief/Commissioner may also decide not to deal with a complaint for one of three reasons:

- The complaint was filed 6 months after the incident that led to the complaint;
- It is frivolous, vexatious or made in bad faith; or,
- The complainant is 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. Your written request for review must be received by OCCPS within 30 days of your receiving the decision letter of the chief/Commissioner. Your request can be sent by mail or fax or delivered in person.

INFORMAL RESOLUTION

Less serious complaints about an officer's conduct may be resolved by way of an informal resolution. This involves considering what the complainant would accept without formal discipline. Such a resolution requires the mutual consent of the complainant and the officer, and the approval of the chief/Commissioner. An informal resolution of a complaint is an option that is available at any time during the process i.e., before, during or after an investigation.

COMPLAINTS ABOUT POLICIES OR SERVICES

If your complaint is classified as being about the policies or services provided by the police service and you disagree with the outcome you have the right to request a review by the local police service board or the local detachment/Commissioner of the OPP as appropriate.

COMPLAINTS ABOUT CONDUCT

A chief/Commissioner must ensure that every conduct complaint is investigated and an investigative report is prepared (unless, as noted earlier, the chief/Commissioner has decided not to deal with it.) After the investigative report is completed, the chief/Commissioner may:

- Find that there is misconduct or unsatisfactory work performance of a less serious nature and propose that the matter be resolved by way of informal resolution.
- Find that there is misconduct or unsatisfactory work performance of a serious nature and hold a hearing into the matter.
- Find that the complaint is unsubstantiated.

REVIEW OF THE DECISION

A complainant may request that OCCPS review the decision of the chief/Commissioner.

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

OCCPS may:

- Uphold the decision of the chief/Commissioner.
- Refer it back for investigation.
- Assign the investigation of the complaint to another police service.
- Find misconduct of a less serious nature.
- Find that there is sufficient evidence to allege misconduct of a serious nature and order a disciplinary hearing.

There is no appeal from OCCPS' decision.