

Office of the Independent Police Review Director, Ontario, Canada

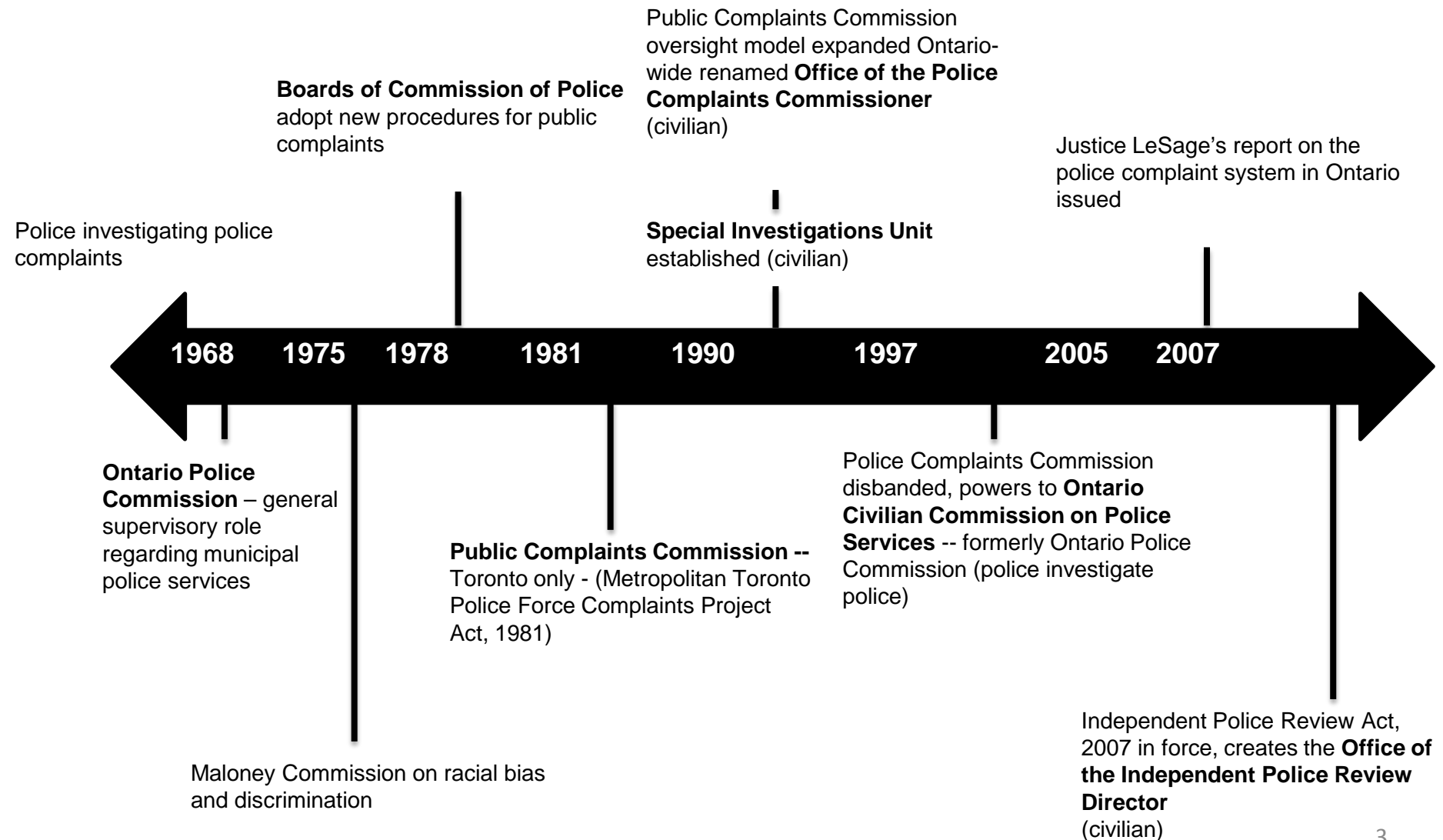
Gerry McNeilly

Independent Police Review Director

OIPRD – Background

- Civilian oversight agency established on October 19, 2009
- Receive, manage and oversee public complaints against the police in Ontario
- Arms-length body of the Ministry of the Attorney General
- Independent, neutral and unbiased

The History of Policing Oversight in Ontario, Canada



Civilian Oversight Models

Civilian Oversight

- Assures the public that investigations of police misconduct are conducted thoroughly and fairly
- Improves public's understanding of police work
- Important to the public
- Builds confidence and trust in police and policing

Models of Police Oversight Systems

Police investigating police – no civilian involvement

Police services manage the investigation of public complaints internally and there is no civilian review or involvement. Final accountability normally rests with the chief of police

Models of Police Oversight Systems

Completely independent civilian oversight

Civilians conduct all phases of the complaints process, including investigations and decision recommendations. Police would have no formal power in the complaint and review process

Models of Police Oversight Systems

Team model

- Police and civilian investigation/review
- Includes a combination of police and civilians in the investigative and review processes

Oversight Offices in Ontario, Canada

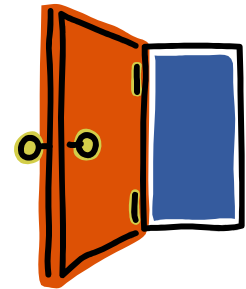
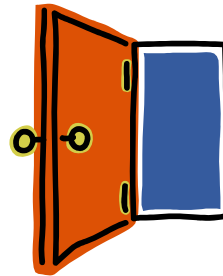
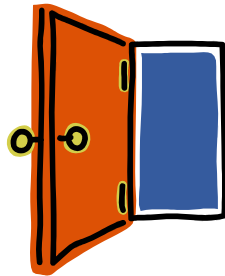
Office of the Independent Police Review Director (OIPRD)	Ontario Civilian Police Commission (OCPC)	Special Investigations Unit (SIU)
Independent civilian oversight agency	Independent quasi-judicial agency	Independent civilian agency
Role is to make sure that public complaints against police in Ontario are dealt with fairly, efficiently and effectively	Carries out duties which are primarily adjudicative or decision-making in nature	Conducts investigations of incidents involving the police that have resulted in death, serious injury, or allegations of sexual assault
Oversees the handling of all public complaints made against the police – from receiving the complaint through to its conclusion	Hearing appeals of police disciplinary penalties; adjudicating disputes between municipal councils and police service boards involving budget matters etc	Has the power to both investigate and charge police officers with a criminal offence

The Public Complaints Process Under the OIPRD

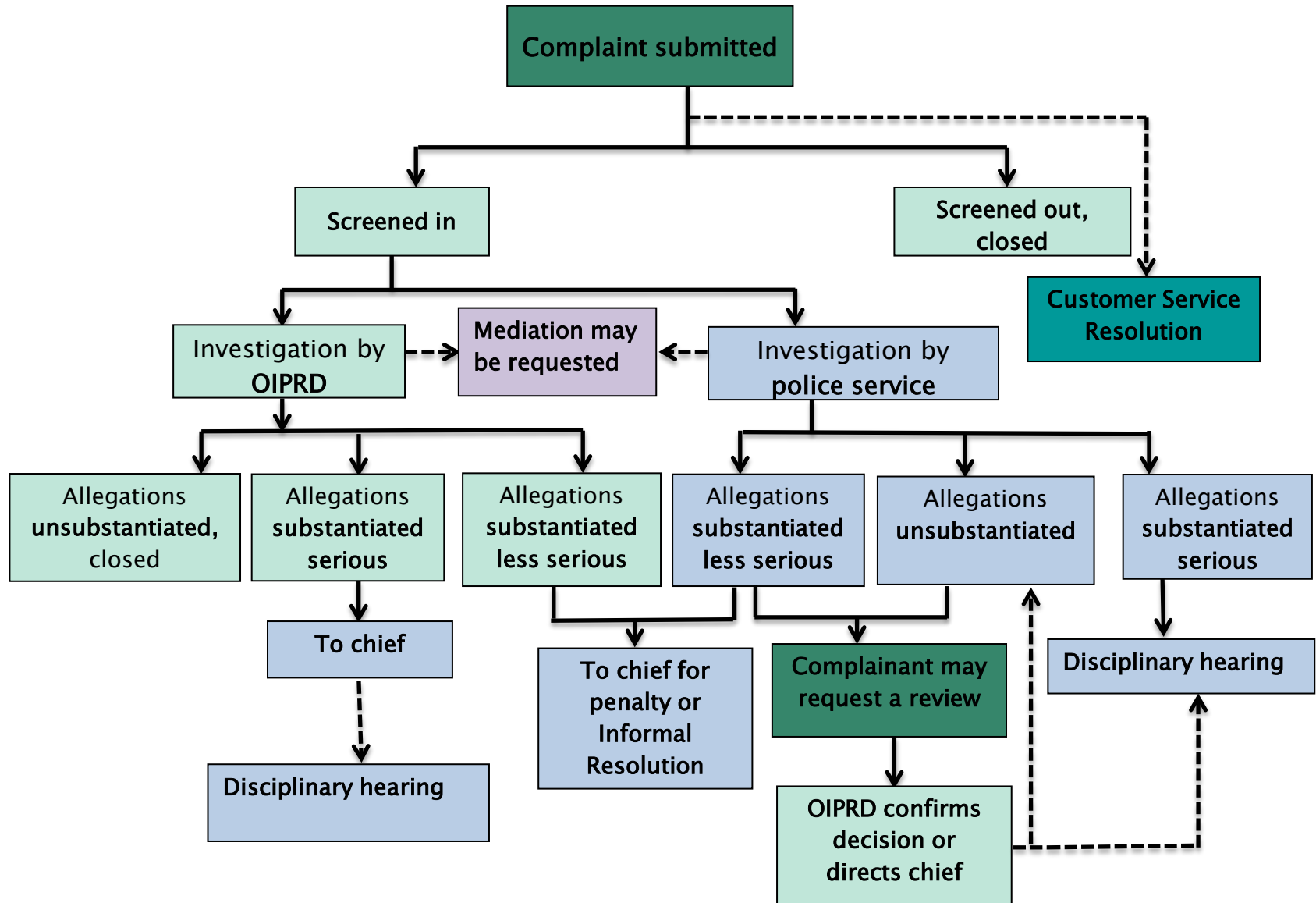
3 Ways to Deal with a Complaint

There are three ways public complaints can be dealt with:

1. Conversation
2. Local Resolution
3. Formal Complaint



Public Complaints Process



The First Four Years

- More than 15,000 complaints – approx. 3,300 per year
- 3,114 complaints received in 2013-2014 fiscal year
- Major themes include:
 - incivility
 - unlawful or unnecessary exercise of authority or force
 - neglect of duty

Investigations

- Generally, a complaint takes about 120 days to investigate. More complex cases may be longer
- OIPRD maintains oversight throughout, checking the status at 45 days and 120 days
- As part of oversight, the OIPRD will ensure:
 - Investigative reports have all information required and reporting is consistent throughout Ontario
 - All steps have been taken to make sure a thorough investigation has occurred
- OIPRD has the power to take back investigations

Review Powers

- Confirm the decision;
- Vary decision of the chief of police, board
- Further investigation by the same service
 - Misconduct or unsatisfactory work performance that is NOT of a serious nature
 - Misconduct or unsatisfactory work performance that IS of a serious nature
- Direct chief of police to deal with the complaint as the IPRD specifies
- Assign investigation of the complaint or the conduct of a hearing to another police force
- Take over the investigation
- Take or require any other action considered necessary by the IPRD

No appeal from any decision of the IPRD

Hearings

- Chief or the Commissioner of the Ontario Provincial Police are generally responsible for the disciplinary hearings
 - Appointment of the adjudicator and prosecutor
 - Imposition of discipline
- IPRD can order a hearing or direct the appointment of an adjudicator or prosecutor
- The officer in question and the complainant both have standing at hearings
- The OIPRD must be notified of hearing dates and hearing decisions are posted on the OIPRD's website

Other OIPRD Powers

Directions – s.72

- Can direct the chief or board to deal with complaint as specified
- Assign the investigation to a different force
- Take over the investigation
- Direct the chief or board to take other actions as he/she deems necessary or take the action independently

Other OIPRD Powers

Searches

- Search police premises and vehicles with or without a warrant
- Search other places with a warrant
- Obtain materials from SIU and police without intervention from the court
- Summons persons or documents under the *Public Inquiries Act*

New Offences Provision

- Harassment, coercion, intimidation, providing false information or intentional obstruction

Audits and Systemic Reviews

Performance Audit:

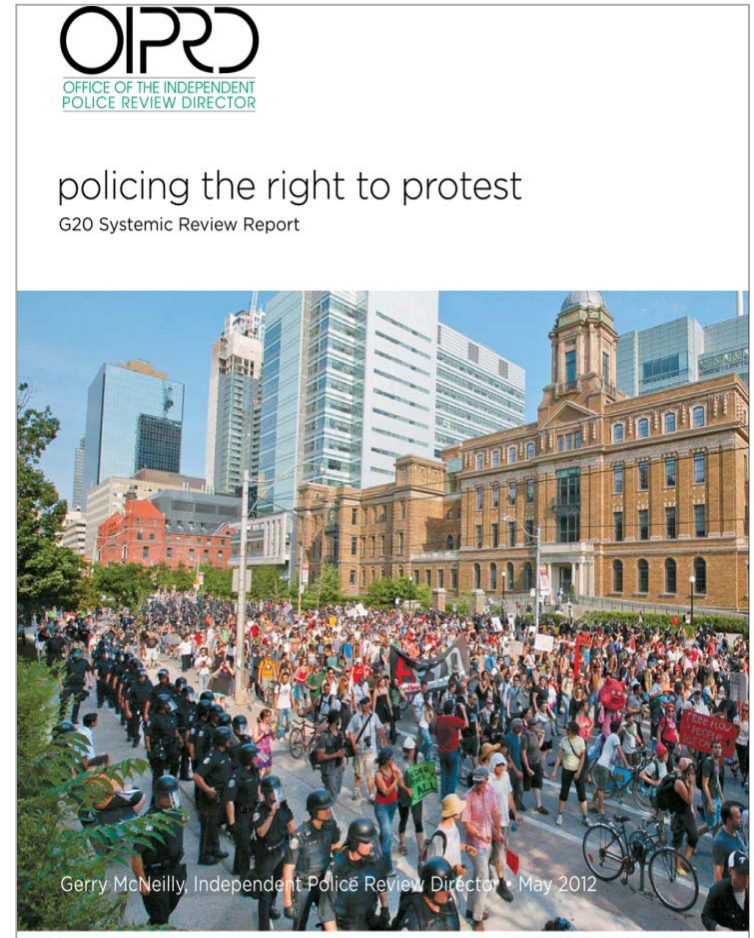
An audit of how a police service is dealing with public complaints and is conducted, at the board's expense, by an independent auditor and may be under the direction of the OIPRD.

Systemic Review:

An examination of the systems (policies, procedures and practices) and the root causes that promote or perpetuate systemic issues within a police service

Systemic Reviews

- *Policing the Right to Protest: G20 Systemic Review Report*
 - G20 Summit in Toronto, June 2010



G20 Report released May 2012

The OIPRD and the G20 Summit

- The OIPRD received 356 complaints
- Allegations of:
 - Police brutality
 - Unlawful searches and arrests
 - Arbitrary detentions
 - Issues related to the Prisoner Processing Centre
- Systemic review called to provide an overall analysis of police practices during the G20 and recommendations for improvement.
- Cases are still being adjudicated

New Systemic Reviews in 2014

- Review OPP Practices for Obtaining Voluntary DNA Samples
Announced: Mar. 3, 2014
- Review Toronto Police Service's Use of Force
Announced: Feb. 24, 2014

Alternative Dispute Resolution and the OIPRD

Customer Service Resolution

A program for handling less serious complaints prior to engaging Part V of the *Police Services Act*—that is prior to the OIPRD screening the complaint.

Mediation

A voluntary and confidential process where the complainant and respondent officer meet together with the assistance of a neutral mediator to resolve the complaint.

Benefits of ADR

- **Respondent officers**
 - Have an opportunity to explain their actions
 - Gain a better understanding of their interactions with civilians
 - Learn from their behaviour
- **Complainants**
 - Opportunity to express how an officer's conduct affected them
 - Receive an explanation or an acknowledgment
 - Gain a better understanding of policing
- **Public**
 - Resolutions completed in a timely manner
 - Potential cost savings
 - Higher success rate

Trends in Policing and Civilian Oversight

Video Cameras Everywhere



Lapel Cameras

- Give another view of an incident
- Contribute to accountability
- Guidelines are needed for:
 - Officer articulation about turning cameras on and off
 - Disclosure
 - “Buffer zone” for public to video police

Social Media

- Social media websites are necessary for outreach and education
- Which social media websites are appropriate?
- What can we address on social media while retaining confidentiality, neutrality and the appearance of independence

Accountability & Transparency

Accountable

Required or expected to justify actions or decisions; responsible

Transparent

(Of an organization or its activities) open to public scrutiny

The Oxford Dictionary

The OIPRD ensures public complaints against police are **dealt with in a manner that is effective, transparent, accountable** and fair to both the public and the police

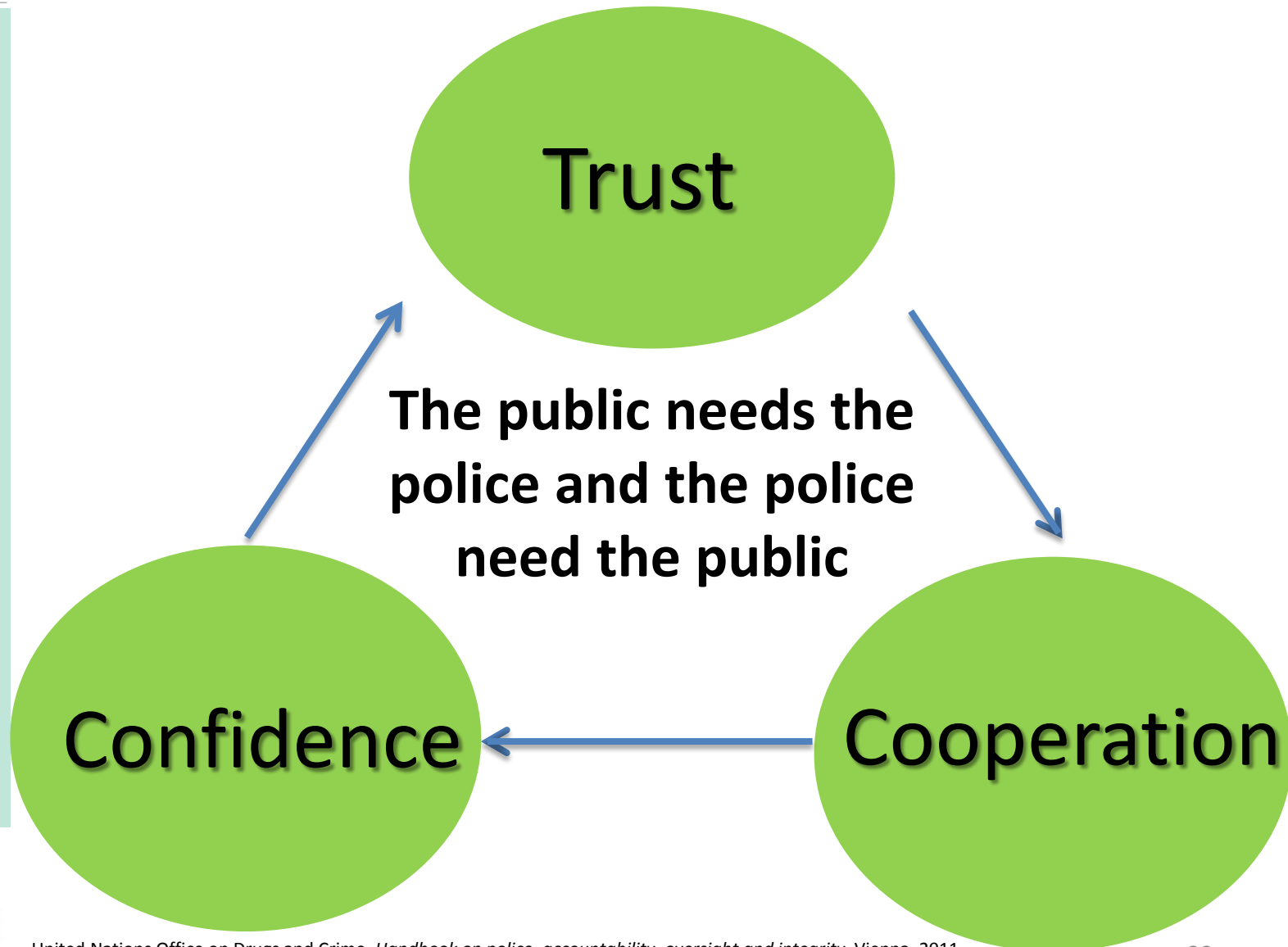
Police Acceptance of Civilian Oversight



Ethical Leadership

- Supervisors and senior police service leaders must display ethical leadership
- Inspire officers to have the courage to “do the right thing”
- Positive duty on all officers to disclose potential evidence of police misconduct and to assist with investigations of police conduct

Community Engagement



Legal Cases

- Judicial review seeking to quash summons issues by the OIPRD
 - *Ramos and Kharbar v the IPRD*
- Judicial review seeking to quash the decision of the Director – screening issues
 - *Wall v. OIPRD*
 - *Endicott v. OIPRD*
- Other exercises of Power by the IPRD
 - *Stewart and Schneider v. OIPRD*
- Standing
 - *Figueiras v. YRP Police & Police Services Board*
- Standard of review – Reasonableness
 - *Philippe Vincent*

Questions