



# Sarnia Police Service Board Policy

Issue Number:  AI-022
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Subject: <b>Complaints of Misconduct – Police Officers</b>	Effective Date:
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Approved By:  <b>Board Chair</b>	Signature:

## A Legislative Authority

**Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1**, provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by **Section 10** of the **CSPA**.

**O. Reg. 392/23: Adequacy and Effective Policing (General)** prescribes standards for adequacy and effectiveness of police services.

**Parts X, XI and XII** of the **CSPA** set out in detail the requirements of the Board, the Chief and the Complaints Director regarding public complaints made against police officers, including Chiefs of Police and Deputy Chiefs of Police, including procedures for addressing those complaints

**O. Reg. 406/23: Discipline** requires that a Chief of Police shall establish procedures for the investigation of misconduct, including reports to the Complaints Director of conduct the Chief reasonably suspects constitutes misconduct.

**O. Reg. 404/23: Adjudication Hearings** prescribes procedures for discipline hearings conducted under **Sections 201, 202 and 210** of the **CSPA**.

## B Policy Statement

1. The Sarnia Police Service Board recognizes and adheres to the principle that fair, open,

prompt, thorough and efficient response to Public Complaints is a cornerstone to establishing and maintaining a positive community-police relationship, and it is therefore the policy of the Board that such complaints be dealt with in a professional and thorough manner in accordance with **Parts X, XI and XII** of the **CSPA, O. Reg. 406/23: Discipline, O. Reg 404/23 Adjudication Hearings**, policies and guidelines received from the Law Enforcement Complaints Agency (LECA), and procedures established by the Chief as directed in this By-law.

### **C Board Policy**

1. The Chief of Police shall develop and maintain a procedure to ensure that internal complaints are processed in accordance with the provisions of **Part XI, XII** and the **Regulations** of the **CSPA**, and shall provide a copy of the procedure to the Board.
2. The Chief shall maintain a Professional Standards Unit, adequately staffed and trained, to liaise with the LECA, to receive, investigate and where appropriate, prosecute or assist in the prosecution of Public Complaints against police officers in accordance with **Part X, XI and XII** of the **Act** and **Regulations 406/23 and 404/23**.
3. If a Board Member or the Chief receives a report from a person or body responsible for reviewing complaints about police officers in another province about the conduct of an Ontario Police Officer, the Board Member or Chief shall give the report to the Complaints Director in accordance with **Section 156** of the **CSPA**.
4. The Chief shall ensure that the procedure includes the following provisions:
  - (a) That Public Complaint process information, including Public Complaint forms provided by the LECA, be posted and made available in an area accessible to the public;
  - (b) That Public Complaints received by any member of the Service be forwarded immediately to the Chief to be dealt with in accordance with **Part X** of the **CSPA**;
  - (c) That when the Service is accepting a complaint it will ensure that notice of the complaint is not provided to the respondent officer or any other officer until the Complaints Director makes a direction in accordance with its powers under **Section 157 (3)** of the **CSPA**;
  - (d) That adequate training is provided to all Members of the Service in respect of the complaints procedures of the Service and **Parts X, XI and XII** of the **CSPA** and **Ontario Regulations 406/23 and 404/23**;
  - (e) That the Chief and the Professional Standards Unit Manager or their designee cooperate and follow the direction of the Complaints Director in respect of all Public Complaints, including but not limited to providing the Complaints Director

with information to assist in screening or assigning the complaint to investigation, investigating the complaint, reporting on the investigation, and prosecuting or assisting the Complaints Director in the prosecution of the complaint when appropriate;

- (f) That the procedures developed by the Chief include a mechanism to provide assistance for Public Complainants who may not be literate, or who may not be fluent in English;
  - (g) That all notices to the Complainant, the police officer who is the subject of the Complaint, the Complaint Director and the Board be given as required by the **CSPA**.
5. The Chief shall make a confidential written report in respect of any Conduct Complaint which involves allegations of criminal misconduct by a police officer, or which involves allegations of misconduct described in **Part X, XI or XII** of the **CSPA** or **Regulation 407/23: Code of Conduct**, either of which are of such a serious nature that, if proven, are likely to call into question the reputation or integrity of the Service, or which involve the public interest.
  6. The Chief shall not make this confidential written report to the Board without the prior consent of the Complaint Director.
  7. The said reports shall contain information as to the nature of the conduct alleged, the action being taken regarding the complaint, and any other information which the Chief feels is relevant, but shall not include the name of the police officer who is the subject of the report.
  8. The Chief shall make quarterly written reports to the Board on the administration of the Public Complaints process.
  9. The reports shall include the following information in respect of conduct complaints, except for those complaints against the Chief or the Deputy Chief:
    - (a) The total number of conduct complaints made;
    - (b) The number of referrals to the Complaint Director;
    - (c) The number of conduct complaints determined to be unsubstantiated after investigation, or not acted upon pursuant to **Section 158** of the **CSPA**;
    - (d) The number of hearings and findings from the hearings held pursuant to **Sections 201 and 202** of the **CSPA**;
    - (e) The number of complaints dealt with informally pursuant to **Section 169** of the **CSPA**, together with a summary of the nature of the complaints dealt with

informally and the informal resolutions achieved;

- (f) The number of complaints resolved or dealt with pursuant to **Section 215**;
- (g) A summary of the penalties imposed pursuant to **Sections 200, 201 and 202** of the **CSPA**;
- (h) The number of outstanding complaints as at the end of the reporting period; and
- (i) The time to complete each complaints process from the date the complaint is received to the date it is disposed of.