

# LONDON POLICE SERVICES BOARD POLICY

## **LPSB Policy: 112**

**Title:** Public Complaints Policy

**Approved:** November 20, 2003

**Revised:** September 16, 2010

**Revision:** Approved April 18, 2013

## Overview:

In accordance with Part V of the *Police Services Act* (the "*Act*"), this policy of the London Police Services Board deals with the following types of public complaints:

1. Public complaints about a municipal police force policy or service which have been referred to the Chief of Police; and
2. Public complaints about the conduct of:
  - (a) a police officer other than Chief or Deputy Chief; or
  - (b) the Chief or Deputy Chief.

All other complaints which may be received by the Board and/or London Police Service (i.e. internal complaints brought by the Board and/or the Chief, complaints referred to the Chief about the conduct of police officers employed by a different police force) shall be dealt with in accordance with the *Act*. To the extent that a provision of this policy differs from and/or conflicts with the *Act*, as amended from time to time, the provisions of the *Act* and any regulations thereto will prevail.

The London Police Service Board will deal with complaints from the public as follows:

## **1. GENERAL**

### 1.1 Complaint Received by Telephone

If a public complaint is received by telephone, the telephone call will be referred to:

(a) The Supervisor, Headquarters Reception Unit, or in their absence, a supervisor from the Patrol Operations Branch, Uniformed Division;

The complaint section of the London Police Service website: [www.police.london.ca](http://www.police.london.ca); or  
The Office of the Independent Review Director ("OIPRD") website: [www.oiprd.on.ca](http://www.oiprd.on.ca).

## 1.2 Complaint received by electronic mail, regular mail or facsimile transmission

If a public complaint is received by electronic mail, regular mail or facsimile transmission:

- (a) The complaint will be forwarded to the London Police Services Complaints Officer (Deputy Chief – Operations); and
- (b) Receipt of the written complaint will be confirmed in writing to the complainant (sample attached); and
- (c) Complaints will be tracked and statistics will be submitted on the quarterly Complaints/Commendations Report.

## **2. COMPLAINTS ABOUT POLICIES OR SERVICES**

This section of the policy governs the process for dealing with public complaints about the policies of the London Police Service. Upon receipt of a policy related complaint from the OIPRD, the Chief must review it but has discretion to take action or not, as s/he deems appropriate. The Chief must provide the complainant with a written report outlining his/her decision with reasons.

A complaint about the policies of or services provided by the London Police Service that has been referred to the Chief by the Office of Independent Police Review Director ("OIPRD") will be dealt with as follows:

- (a) Chief to review policy complaint: The Chief shall review every complaint that is referred to him/her by the OIPRD and shall take any action, or no action, in response to the complaint as s/he deems appropriate;
- (b) Disposition: The Chief shall, within 60 days (or any extension thereof in accordance with the *Act*) of the referral of the complaint to him/her, notify the complainant in writing of his/her disposition of the complaint, with reasons, and of the complainant's right to request that the board review the complaint if the complainant is not satisfied with its disposition.
- (c) Written report: The Chief shall, upon his or her disposition of the complaint, submit a written report to the Board and to the OIPRD respecting the disposition, with reasons.
- (d) Request for review by board: A complainant may, within 30 days after receiving the notice of the disposition request that the board review the complaint.

# LONDON POLICE SERVICES BOARD POLICY

Upon receiving a written request for review of a complaint previously dealt with by the Chief, the Board shall:

- (i) Advise the Chief of the request;
  - (ii) Review the complaint either:
    - (A) as a whole Board and take any action, or no action, in response to the complaint, as it considers appropriate; or
    - (B) The Board may appoint a committee of not fewer than three members of the Board (quorum of two) to review a complaint and to make recommendations to the Board after the review, and the board shall consider the recommendations and shall take any action, or no action, in response to the complaint as the Board considers appropriate; and
  - (iii) Notify the complainant, the Chief, and the OIPRD in writing of its disposition of the complaint, with reasons.
- (e) Public meeting: In conducting a review described in (d) above, the board or the committee of the board may hold a public meeting respecting the complaint. In determining whether to hold a public meeting, the Board, or the committee of the Board, may consider factors which include, but are not limited to the following:
- whether the complaint raises present, past or potential issues concerning adequate and effective police services in the municipality;
  - whether public input is required to effectively deal with the complaint;
  - whether it is in the public interest to hold such a public meeting; and
  - whether it is necessary to identify the complainant for the purpose of the public meeting, and if so, to determine whether the complainant consents.

Notice of a public meeting may be posted on the London Police Service website and/or published in a newspaper or newspapers that, in the opinion of the Board, are of sufficiently general circulation in the municipality so as to give the public reasonable notice of such meeting.

The notice of the public meeting may include the following information:

- a summary of the nature of the complaint
- time and place of the meeting
- address for filing of written submissions
- deadline for filing of such written submission
- the procedure to be followed if a member of the public wishes to make oral submissions, including a time limit in respect of the oral submissions.

### 3. COMPLAINTS ABOUT CONDUCT OF POLICE

#### 3.1 Conduct of Police Officer other than Chief or Deputy Chief:

This section of the policy governs the process of dealing with public complaints about the conduct of police officers.

- I. **Complaint not dealt with by OIPRD:** Should the OIPRD decide not to deal with a complaint and advises the Chief of its decision, the Chief shall promptly notify the police officer who is the subject of the complaint in writing of the substance of the complaint and of the OIPRD's decision not to deal with the complaint, with reasons.
- II. **Complaint referred by OIPRD:** A complaint about the conduct of a police officer, other than the Chief or Deputy Chief, that has been referred to the Chief by the OIPRD will be dealt with as follows:
  - (a) Notice to officer: On receipt of a complaint relating to the conduct of a police officer in the Chief's police force, the Chief shall promptly give notice of the substance of the complaint to the police officer that is the subject of the complaint unless: (i) in the opinion of the Chief, to do so might prejudice an investigation of the matter; or (ii) the OIPRD directs the Chief not to give notice to the police officer;
  - (b) Complaint to be investigated: The Chief shall cause every complaint referred to him or her by the OIPRD to be investigated and the investigation to be reported on in a written report.
  - (c) Notice, no action taken: If at the conclusion of the investigation and on review of the written report, the Chief is of the opinion that the complaint is unsubstantiated, the Chief shall take no action in response to the complaint and shall provide a copy of the written report and notify the complainant, the police officer who is the subject of the complaint and the OIPRD, in writing, of the decision. In addition, the Chief shall notify the above noted individuals of the complainant's right to ask the OPIRD to review the decision which right shall be exercised within thirty days of receiving notice of the decision.
  - (d) Hearing: Subject to paragraph (e) below, if at the conclusion of the investigation and on review of the written report, the Chief believes on reasonable grounds that the conduct that is the subject of the complaint constitutes misconduct (as defined by the Act) or unsatisfactory work performance, s/he shall hold a hearing into the matter.
  - (e) Informal resolution: If at the conclusion of the investigation and on review of the written report, the Chief is of the opinion that there was misconduct or unsatisfactory work performance but that it was not of a serious nature, the Chief may resolve the matter informally without holding a hearing, if the police officer and the complainant consent to the proposed resolution. Such consent may be

## LONDON POLICE SERVICES BOARD POLICY

unilaterally revoked by either party within 12 days of the date on which consent was provided.

In order to obtain the agreement of the parties, the Chief shall provide written notice to the complainant and the police officer that there was misconduct or unsatisfactory work performance that was not of a serious nature.

On receipt of such written notice, the complainant may ask the OIPRD to review the decision within 30 days of receiving such notification. Prior to resolving the matter informally, the Chief shall take no action until the earlier of: (i) the 30-day period in which the complainant may ask for a review has expired; (ii) the OIPRD has completed its review and made a decision; or (iii) the complainant notifies the Chief in writing that s/he will not ask the OIPRD to conduct a review.

(f) If consent to the informal resolution is not given or is revoked:

- (i) The Chief shall provide the police officer with reasonable information concerning the matter and shall give him/her an opportunity to reply, orally or in writing.
- (ii) Subject to paragraph (iii) below, the Chief may impose on the police officer a penalty and/or take other action in accordance with the *Act*. The Chief shall notify the OIPRD of any such penalty and/or action imposed.
- (iii) If the police officer refuses to accept the imposed penalty and/or action, the Chief shall hold a hearing.

**III. Complaint retained by OIPRD:** If the OIPRD concludes that the complaint is unsubstantiated, the Chief will promptly advise the complainant and the police officer who is the subject of the complaint in writing of the decision, together with a copy of the written report provided to the Chief by the OIPRD.

If the OIPRD concludes that the conduct of the police officer constitutes misconduct or unsatisfactory work performance, it shall refer the matter, together with a written report, to the Chief and will be dealt with as follows:

The Chief shall hold a hearing into the matter; or

If on the review of the written report, the Chief is of the opinion that there was misconduct or unsatisfactory work performance but that it was not of a serious nature, the Chief may resolve the matter informally without holding a hearing if the police officer and the Complainant consent to the proposed resolution in accordance with the process outlined in 3.1 (II)(e) of this Policy.

### 3. COMPLAINTS ABOUT CONDUCT OF POLICE CONTINUED

#### 3.2 Conduct of Chief or Deputy Chief:

This section of the policy governs the process of dealing with public complaints about the conduct of Chief of Police and/or the Deputy Chief of Police. The process is slightly different than the process set out above in relation to complaints against officers. For example, in the case of a complaint against the Chief or Deputy Chief, the board initially conducts a review of complaint before investigation is commenced.

**I. Complaint referred by OIPRD:** A complaint about the conduct of the Chief or Deputy Chief that has been referred to the Board by the OIPRD will be dealt with as follows:

- (a) Notice to the Chief or Deputy Chief: the board shall give notice of the substance of the complaint to the Chief or Deputy Chief that is the subject of the complaint unless, in the board's opinion, to do so might prejudice an investigation of the matter.
- (b) Board to review complaint: The Board shall review every complaint referred to it by the OIPRD.
- (c) Investigation by OIPRD: If at the conclusion of the review, the Board is of the opinion that the conduct of the Chief or Deputy Chief may constitute an offence under a law of Canada or of a province or territory, or misconduct (as defined by the Act) or unsatisfactory work performance, the Board shall ask the OIPRD to cause the complaint to be investigated and the investigation to be reported on in a written report. The costs of such investigation will be paid for by the Board.
- (d) Notice, no action taken: If at the conclusion of the review, the Board is of the opinion that the conduct of the Chief or Deputy Chief does not contravene the legislation, the Board shall take no action in response to the complaint and shall notify the complainant, the Chief or Deputy Chief and the OIPRD of the decision, with reasons.
- (e) Unsubstantiated complaint: If at the conclusion of the investigation of a complaint under subsection (c), the OIPRD is of the opinion that the complaint is unsubstantiated, it shall report that opinion in writing to the board and the board shall take no action in response to the complaint and shall notify the complainant and the Chief or Deputy Chief in writing of the decision and shall provide a copy of the written report.
- (f) Matter referred to Board: If at the conclusion of the investigation of a complaint under subsection (c), the OIPRD believes on reasonable grounds that the conduct of the Chief or Deputy Chief constitutes misconduct or unsatisfactory

# LONDON POLICE SERVICES BOARD POLICY

work performance, it shall refer the matter, together with the written report, to the Board.

- (g) Board or Commission to hold hearing: The Board shall hold a hearing into a matter referred to it pursuant to subsection (f) above, or may refer the matter to the Commission to hold the hearing.
- (h) Informal resolution: If on a review of the written report the Board is of the opinion that there was misconduct or unsatisfactory work performance but that it was not of a serious nature, the Board may resolve the matter informally without holding a hearing, if Chief or Deputy Chief and the complainant consent to the proposed resolution. Such consent may be unilaterally revoked by either party within 12 days of the date on which consent was provided. If consent is provided, and not subsequently revoked, the Board shall give notice of the resolution to the OIPRD and shall provide to the OIPRD any other information respecting the resolution that the OIPRD may require.
- (i) Disposition without a hearing: If consent to the informal resolution is not given or is revoked, the following rules apply:
  - (i) The Board shall provide the Chief or Deputy Chief with reasonable information concerning the matter and shall give him/her an opportunity to reply, orally or in writing.
  - (ii) Subject to paragraph (iii) below, the Board may impose on the Chief or Deputy Chief a penalty and/or take other action in accordance with the *Act*. The Board shall notify the OIPRD of any such penalty and/or action imposed.
  - (iii) If the Chief or Deputy Chief refuses to accept the imposed penalty and/or action, the Board shall hold a hearing, or refer the matter to the Commission to hold a hearing.

## 4. WITHDRAWAL OF A PUBLIC COMPLAINT

A complainant may withdraw his/her complaint at any time before the commencement of a hearing. If the hearing has commenced, in order to withdraw the complaint, the complainant will need to obtain the consent of the OIPRD, the Chief and/or the Board.

Notice will be given to affected parties (e.g. officer, Chief, Deputy Chief as the case may be).

If the withdrawn complaint relates to the conduct of an officer, the Chief or the Deputy Chief, the Chief or the Board each have the discretion to continue an investigation into the complaint in accordance with the *Act*.

## 5. BOARD REPORTS

The Chief shall make Quarterly written Complaints reports to the Board, as per Board Policy #LPSB: 060 – Reports to the Board.

The reports shall provide cumulative year-to-date information, including, but not limited to:

- a) the number of complaints for current year
- b) the number of complaints for two prior years
- c) the type of complaint, i.e., Policy, Service, Conduct, Local Complaint, Local Inquiry
- d) the nature of the allegations
- e) the resolution of the complaints
- f) the number of pending complaints
- g) the number of complaints referred to another agency
- h) the number of requests for review made to the Board