The Canadian Association for Civilian Oversight of Law Enforcement's

COMPENDIUM 2010

Canada's Federal, Provincial, and Municipal Models of Civilian Oversight



We are very grateful to all who have contributed to this publication and who continue to contribute to civilian oversight of law enforcement in Canada.

There is a wealth of information available on the Internet on the topic of civilian oversight. Please visit our member agency web sites. Other links of interest can be found at www.cacole.ca.

For additional information about CACOLE or to make a submission to the next edition of the Compendium, please contact:

info@cacole.ca

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INTRODUCTION

The Board of Directors of The Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) is pleased to present the 2010 Compendium of Civilian Oversight Agencies in Canada. The agencies included in the Compendium are a broad cross-section of organizations involved in civilian oversight across the country, but not every municipal, provincial or federal police board, commission or oversight body has yet submitted a profile.

CACOLE receives frequent requests for the Compendium from the media, members of the public and government agencies around the world. It is, perhaps, the only summary of oversight agencies of its kind in Canada. Be sure to check out the agency web sites for the most up-to-date information and copies of Annual Reports, decisions, press releases, notices, etc.

CACOLE is a national body established in 1997 and incorporated as a non-profit organization under the Canada Corporations Act. CACOLE is governed by a set of By Laws and managed by a volunteer Board of Directors representing oversight agencies in each province as well as First Nations and the Federal Government. Members of CACOLE vote annually for the Executive Members of the Board. The part-time Executive Director, who supports the Board, manages the day-to-day operations and organizes the annual conference. The Executive Director is the only individual who receives remuneration.

The primary mandate of CACOLE is to advance the concept, principles and application of civilian oversight of law enforcement in Canada at local, provincial, national and international levels. Interest in civilian oversight remains strong and members of CACOLE's Executive are regular participants in government consultations and international conferences.

CACOLE's operations are sustained by membership fees. Membership is open in various categories and includes the following:

(a) Organizations that have the mandate, by or under law, to provide civilian oversight in Canada.
(b) Organizations and individuals that have a professional, personal or general interest in civilian oversight of law enforcement in Canada.

For membership information and other specifics relating to CACOLE and its operations please contact the Executive Director.

Our main activities during the year encompass the web site, the newsletter – Communiqué, and an annual professional development conference. Please visit the revamped CACOLE web site at www.cacole.ca. You'll find extensive resource materials on current and past conferences, links and other useful information on civilian oversight in Canada and overseas.

CACOLE 2010/2011 BOARD OF DIRECTORS

Authority	Name	Address	Telephone / Fax
Alberta (Provincial)	John E. Phillips CACOLE President	Chair Law Enforcement Review Board City Centre Place, 15th Floor 10025 – 102 A Avenue Edmonton, Alberta T5J 2Z2	Tel: 780-422-9376 Fax:780-422-4782
Alberta (Provincial)	Kimberly Armstrong CACOLE Associate Member Representative	Executive Director of the Law Enforcement and Oversight Branch Alberta Solicitor General and Public Security 10th Floor, 10365-97th Street Edmonton, Alberta T5J 3W7	Tel: 780-422-8318 Fax:780-427-5916
British Columbia (Provincial)	Stan T. Lowe	BC Police Complaint Commissioner 3rd Floor - 756 Fort Street Victoria, British Columbia V8W 9T8	Tel: 250-356-7458 Fax:250-356-6503
Federal	Glen Stannard	Chair Military Police Complaints Commission 10th Floor, 270 Albert Street Ottawa, Ontario K1P 5G8	Tel: 613-947-5625 or 800-632-0566 Fax:613-947-5713 or 877-947-5713
Federal	Ian McPhail	Interim Chair Commission for Public Complaints Against the RCMP Service Bag 1722, Station B Ottawa, Ontario K1P 0B3	Tel: 613-952-8038 Fax:613-952-8045
First Nations	Wellington Staats First Nations Representative	Chairperson Six Nations Police Commission PO Box 758 Ohsweken, Ontario N0A 1M0	Tel: 519-445-4191 Fax:519-445-4894
Manitoba (Provincial)	George V. Wright CACOLE Past President	Commissioner Law Enforcement Review Agency 420 - 155 Carlton Street Winnipeg, Manitoba R3C 3H8	Tel: 204-945-8667 Fax:204-948-1014
New Brunswick (Provincial)	Peter Seheult CACOLE Vice President	Chair New Brunswick Police Commission Suite 202 - 435 King Street Fredericton, New Brunswick E3B 1E5	Tel: 504-453-2069 Fax:506-457-3542
Newfoundland (Provincial)	Lorraine Roche	Manager Royal Newfoundland Constabulary Public Complaints Commission Suite E160, Bally Rou Place 280 Torbay Road St. John's, Newfoundland A1A 3W8	Tel: 709-729-0950 Fax:709-729-1302

Authority	Name	Address	Telephone/Fax
Nova Scotia (Provincial)	Nadine Cooper Mont CACOLE Treasurer	Nova Scotia Police Complaints Commissioner Suite 720 - Sun Towers 1550 Bedford Highway Bedford, Nova Scotia B4A 1E6	Tel: 902-424-3246 Fax:902-424-3919
Ontario (Provincial)	Ian D. Scott CACOLE Secretary	Director Special Investigations Unit 5090 Commerce Blvd., Mississauga, Ontario L4W 5M4	Tel: 416-622-0748 Fax:416-622-2455
Ontario (Provincial)	Gerry McNeilly	Independent Police Review Director 655 Bay Street, 10th Floor Toronto, Ontario M7A 2T4	Tel: 416-246-7071 Fax: 416-327-8332
Toronto, Ontario	Alok Mukherjee CACOLE Associate Member Representative	Chair Toronto Police Services Board 40 College Street Toronto, Ontario M5G 2J3	Tel: 416-808-8080 Fax: 416-808-8082
PEI (Provincial)	Gerard E. Mitchell	Police Commissioner 114 Kent Street PO Box 427 Charlottetown, Prince Edward Island C1A 7K7	Tel: 902-368-7200 or 1-877-541-7204 Fax: 902-368-1123
Quebec (Provincial)	Claude Simard	Commissaire à la déontologie policière 1200, route de l'Église, 1st Floor, RC-20 Ste-Foy (Québec) G1V 4Y9	Tel: 418-643-7897 Fax:418-528-9473
Saskatchewan (Provincial)	Robert Mitchell, QC	Chair Saskatchewan Public Complaints Commission Suite 300 - 1919 Saskatchewan Drive Regina, Saskatchewan S4P 3V7	Tel: 306-787-6519 Fax:306-787-6528
Executive Director	Luauna Selman	CACOLE Box 48941 595 Burrard Street Vancouver, British Columbia V7X 1A8	Tel: 604-660-2385 Fax:604-660-1223

CACOLE Board of Directors elect their Executive at the Annual General Meeting (AGM) each year during the annual professional development conference.



British Columbia

Office of the Police Complaint Commissioner (OPCC)

Organization Head	Stan T. Lowe (Commissioner)
Address	Victoria Office (Head Office) 3rd Floor, 756 Fort Street PO Box 9895, Stn Prov Govt Victoria, BC V8W 9T8 Telephone: 250-356-7458 Toll Free: 1-877-999-8707 Fax: 250-356-6503 Email: info@opcc.bc.ca Web site: www.opcc.bc.ca Vancouver Office 320 – 1111 Melville Street Vancouver, BC V6E 3V6 Telephone: 604-660-2385 Fax: 604-660-1223
Jurisdiction	The Police Complaint Commissioner (PCC) has statutory jurisdiction over complaints lodged against members or former members of municipal police departments and designated tribal police officers or about the services or policies of a municipal police department or designated tribal police service in the Province of British Columbia.
Governing Legislation	*BC Police Act* [RSBC 1996] Chapter 367
Standard of Proof Applied in Police Oversight Hearings	Intermediate civil standard of clear and cogent evidence.
Powers/Duties	The PCC shall: • Establish guidelines with respect to the receiving and handling of police complaints both registered and non-registered; • Establish forms for the receiving of complaints both registered and non-registered; the reporting by departments of death, serious harm and reportable injury; and for external investigations. • Establish and maintain a record of complaints, including the dispositions; compile statistical information; regularly prepare reports of the complaint dispositions made or reached during the reporting period and make those reports available to the public; • Inform, advise, and assist complainants, members or former members, discipline authorities, boards and adjudicators respecting the complaint process and the handling of complaints; • Create an outreach program for the purpose of informing and educating the public in respect of the Act and the powers and duties of the Police Complaint Commissioner; • Establish a list of support groups and neutral dispute resolution service providers and agencies that may assist Complainants with mediation or other informal resolutions; • Periodically conduct reviews of the complaint process and make any recommendations for improvement of that process in the annual report; • Establish procedures for mediation services to assist complainants and respondents in achieving informal resolution of complaints and provide those services to those parties;

The PCC may:

- Prepare and provide informational reports on any matter related to the role of the PCC;
- Engage in or commission research;
- Make recommendations to a board that it examine and reconsider any written policies or procedures that may have been a factor in an act or omission that gave rise to a complaint;
- Make recommendations to the director or the minister that a review, a study or an audit be undertaken to assist police departments in developing training or other programs designed to prevent recurrence of any problems revealed by the complaint process;
- Prepare guidelines respecting the criteria to be applied by a chief constable in determining whether an injury constitutes serious harm for the purposes of reporting the matter for a determination to be made by the police complaint commissioner on the matter; providing for the resolution, by mediation or other informal means, of admissible complaints
- The police complaint commissioner may, at any time, direct a chief constable or the board of a municipal police department to ensure that a record is made, in the form and manner required by the police complaint commissioner, of any oral or written report to the department by a member of the public or any other person that raises a question or concern about the conduct of a member of the municipal police department but that does not result in the making and registration of a complaint;
- Make recommendations to the director or the Solicitor General that a review, study or audit be undertaken to assist police departments or forces, or any designated policing unit or designated law enforcement unit in developing training or other programs designed to prevent recurrence of any problems revealed by the complaint process;
- Make recommendations to the Solicitor General for a public inquiry under the Inquiry Act if there are reasonable grounds to believe that the issues in respect of which the inquiry is recommended are so serious or so widespread that an inquiry is necessary in the public interest that an investigation conducted under this Part, even if followed by a public hearing, would be too limited in scope, and powers granted under the Inquiry Act are needed;
- Refer to Crown counsel a complaint, or one or more of the allegations in a complaint, for possible criminal prosecution;
- Consult with and advise persons who, in other jurisdictions of Canada or within the Royal Canadian Mounted Police, hold the same or a similar position as the Police Complaint Commissioner.

Staffing	The OPCC currently employs a staffing complement of ten full time employees consisting of: a full time commissioner, deputy commissioner, 6 full time & 1 half-time investigative analysts, one manager of information, and 3 support staff.
Budget	$1,459,000.00
Reporting	The PCC is an independent officer of the legislature. He reports, through an annual report, to the Speaker of the Legislative Assembly.
Appointment/Term	The PCC holds office for a term of 5 years and is eligible to be reappointed for a second term.
Review of Legislation	On March 31, 2010, the amendments to Part 9 of the *BC Police Act* came into effect.

Office of the Police Complaint Commissioner (OPCC)

Oversight Agency Role

The Office of the Police Complaint Commissioner provides independent oversight of complaints against municipal police officers in the Province of British Columbia.

Process

A *Police Act* investigation may be initiated in one of 3 ways:

- A chief constable **must** immediately report to the Commissioner if a person dies or suffers serious harm while in the custody and care of the police, or as a result of police conduct. In these cases, a mandatory investigation is conducted by an external police agency.
- If information comes to the attention of the Commissioner, or at the request of the department, the Commissioner may order an investigation into the matter, if it is in the public interest to do so.
- A complaint received from a citizen (registered complaints). Complaints may also be received from 3rd party witnesses to an incident.

Screening of Registered Complaints:

All complaints must be reviewed by the OPCC to determine whether it is admissible pursuant to the *Police Act.* To be admissible, the complaint must: contain allegations of misconduct as defined by the Act; not be frivolous or vexatious; and the incident giving rise to the complaint occurred within 12 months of the filing of the complaint. Complaints that deal with a municipal department's services or policies are processed under a different stream than misconduct complaints.

Once a complaint has been deemed admissible, it is forwarded to the Chief Constable of the subject department. Depending on the circumstances of the complaint, the matter may be suitable for informal resolution or professional mediation, both being avenues of alternative dispute resolution. The Commissioner must approve all informal agreements before they become final and binding. Prior to attempting a formal mediation, the Commissioner must first ensure the nature of the complaint and the parties involved are suitable for mediation and, if so, may direct the complainant to attend. The member is ordered to attend by the Chief Constable. Mediation of police complaints is completely confidential and, if successful, is a final and binding resolution of the complaint. A complaint that is informally resolved or mediated will not appear on a member's Service Record of Discipline unless there were disciplinary or corrective measures agreed to.

If the nature of the complaint is not suitable for alternative dispute resolution, or the attempts were unsuccessful, the allegations are fully investigated by a senior investigator with the department's Professional Standards Section. If it is required in the public interest, the complaint may be investigated by an external police agency. All *Police Act* investigations must be completed within 6 months, with periodic progress reports sent to all parties. An analyst with the OPCC is assigned to contemporaneously oversee the investigation and, where necessary, request investigational steps be taken.

The investigating officer must submit a Final Investigation Report to the

Discipline Authority (usually the Chief Constable or a designated senior member) and to the OPCC. The complainant and the member also receive a copy that may, if necessary be edited pursuant to the BC *Freedom of Information and Protection of Privacy Act.* The Discipline Authority must decide whether the evidence supports the allegations of misconduct and provide the parties with written reasons.

Unsubstantiated Complaints

If the Discipline Authority determines, after reviewing the Final Investigation Report, that the complaint is not supported by the evidence, the Discipline Authority must provide his reasons and notice to the complainant that they may apply to the Commissioner for the appointment of a retired judge as the new Discipline Authority.

The Commissioner will appoint a retired judge as the new Discipline Authority upon such an application or may do so independently if there is a reasonable basis to believe that the decision to not substantiate the complaint was incorrect. The retired judge must be provided a copy of the investigating officer's report and the evidence and records referenced in that report and make his/her own decision on the matter. If the retired judge agrees that the misconduct is not substantiated, the decision is not open to question or review by a court on any ground, and is final and conclusive.

If the retired judge determines that the conduct of the member constitutes misconduct and substantiates the complaint, the retired judge carries on with the role of the Discipline Authority in respect of the matter.

Substantiated Complaints

If the complaint has been substantiated the Discipline Authority must advise the OPCC and member whether a Prehearing Conference will be offered or convene a disciplinary hearing. If the complaint has been substantiated the Complainant has the right to make oral or written submissions to the Discipline Authority regarding the complaint, the adequacy of the investigation; and the appropriate discipline or corrective measures before the disciplinary hearing is convened.

Pre-Hearing Conference

The Discipline Authority may offer a Prehearing Conference to determine whether the member is prepared to admit the misconduct and what discipline the member is prepared to accept. A Prehearing Conference cannot be offered where the member faces dismissal or reduction in rank. The member may have an agent or legal counsel accompany them at a Prehearing Conference. If the proposed discipline or corrective measures are accepted by the member, a report must be provided to all parties, including the OPCC. The Commissioner may approve the resolution or may order a Review on Record or a Public Hearing if dissatisfied. If approved, the matter is final and conclusive.

Discipline Proceeding

Only the Final Investigation Report and referenced materials, submissions of the complainant and any other relevant written record can be considered. The investigating officer and witnesses requested by the member and approved by the Discipline Authority are the only individuals who may give evidence.

The member is not compellable, but an adverse inference may be drawn

if the member fails to testify. The member, or his/her counsel or agent and the Discipline Authority's representative, may make submissions regarding the complaint; adequacy of the investigation; or discipline or corrective measures.

After the Discipline Proceeding, the Discipline Authority must provide a report containing the findings and discipline and/or corrective measures, with reasons, to the Commissioner, member and the complainant.

Appeal

The complainant or the member may apply to the Commissioner for a Review on Record or a Public Hearing if dissatisfied. If the discipline imposed is a reduction in rank or dismissal, the member is entitled to an automatic right to a Review on the Record or Public Hearing.

Review on the Record

A Review on the Record is conducted by an Adjudicator who is a retired judge or justice from any of the three levels of court from British Columbia. The Adjudicator is selected by the Associate Chief Justice and then formally appointed by the Commissioner to avoid any perception of bias.

The Adjudicator reviews essentially all records related to the investigation and the discipline proceeding. A member is not a compellable witness at the review and the member, the complainant, the Discipline Authority and the Police Complaint Commissioner may all make submissions to the Adjudicator, directly or through their agent or counsel. The Adjudicator decides whether any misconduct has been proven, determines the appropriate disciplinary or corrective measures to be taken and recommends to a Chief or Board any policy or practice changes the adjudicator considers advisable. The decision of the Adjudicator is final and conclusive.

Public Hearing

A Public Hearing is conducted by an Adjudicator, appointed in the same manner as a Review on the Record. A Public Hearing is open to the public and the media

A Public Hearing is conducted in a similar manner to a trial with Commission Counsel calling witnesses and introducing relevant evidence into the proceedings. The member may be represented by legal counsel and the complainant also has standing, although more limited. Depending on the circumstances and issues to be heard, there may also be legal counsel representing the police union's interests as well as counsel for the department itself.

Once the adjudicator has heard all the evidence, he or she makes a decision. They are not bound by the earlier decision of the Discipline Authority, nor the discipline imposed.

An Adjudicator's decision is final and binding and only questions with respect to the interpretation of the statute are appealable to the Court of Appeal.

2. Service or Policy Complaints

Service or Policy complaints are complaints about the policies, procedures and services of a municipal police department. Service or Policy complaints are the responsibility of the police board and the board must advise the PCC and the Complainant of the results; including what course of action if any was taken and must provide a summary of the results of any investigation or study. The PCC cannot require a board to take any

particular course of action regarding a Service or Policy complaint, but may make recommendations to the Board.

3. Internal Discipline Complaints

Internal Discipline complaints are complaints that relate to the acts, omissions or deportment of a respondent that is not a public trust complaint or is a public trust complaint not processed as a public trust complaint.



Alberta

Alberta Serious Incident Response Team (ASIRT)

Organization Head	Clifton G. Purvis (Director)
Address	Suite 1404 9915 - 108 Street Petroleum Plaza, South Tower Edmonton, Alberta T5K 2G8 Telephone: 780-644-1487 Fax: 780-644-1497 Email: clif.purvis@gov.ab.ca Website : www.solgps.alberta.ca/programs_and_services/public_security ASIRT/Pages/default.aspx
Jurisdiction	All sworn police officers in the Province of Alberta
Governing Legislation	*Section 46.1 of the Alberta Police Act*
Powers/Duties	ASIRT shall: • Investigate incidents or complaints involving serious injury or death of any person; and matters of a serious or sensitive nature, that may have resulted from the actions of a police officer.
Staffing	Civilian Director Civilian Assistant Director Two civilian criminal analysts Four civilian investigators 10 sworn police officers (from the Calgary Police Service, Edmonton Police Service and the RCMP) The Director may also engage public overseers from the community to ensure independence in the investigative process.
Budget	$2,973,280.00
Reporting	Alberta Solicitor General and Minister of Public Security
Appointment/Term	Unknown at this time.
Review of Legislation	None at this time.

Alberta Serious Incident Response Team (ASIRT)

Oversight Agency Role	ASIRT's mandate is to investigate incidents or complaints involving serious injury or death of any person, and matters of a serious or sensitive nature, that may have resulted from the actions of a police officer.
Process	The ASIRT Director will assign an investigation to a member of his staff and after the investigation is completed, the ASIRT Director reviews the results of the investigation to ensure completeness and fairness. A report may be forwarded to the office of the Crown Prosecutor requesting an opinion on charges. After the director receives the opinion, he will decide what charges, if any, will result from the investigation.



Alberta

Calgary Police Commission (CPC)

Organization Head	Mike H. Shaikh (Chair)
Address	650-615 Macleod Trail, S.E. Calgary, Alberta T2G 4T8 Telephone: 403-206-8914 Fax: 403-206-5925 Email: cpced@calgarypolicecommission.ca Web site: www.calgarypolicecommission.ca
Jurisdiction	Sworn members and special constables employed by the Calgary Police Service
Governing Legislation	*The Alberta Police Act and Police Service Regulation*
Powers/Duties	A Commission shall: • Establish policies for an efficient and effective police service and issue instructions to the Chief of Police with regard to these policies; • Ensure that sufficient persons are employed within the Calgary Police Service (CPS) for the purpose of carrying out its functions; • Appoint the Chief of Police; • Provide general oversight of the CPS; and, allocate funds provided to the CPS; • Designate a person as a Public Complaint Director. The Public Complaint Director receives complaints against police officers from the public and refers them to the Chief of Police, provides liaison between the Commission and the Chief, and performs the duties assigned by the Commission or in regards to a public complaint. A Commission may: • Conduct an inquiry into any matter respecting the police service or the actions of any police officer or other person employed for the police service.
Staffing	Current Commission Members Chair: Mike H. Shaikh Alderman Diane Colley-Urquhart Alderman John Mar Steven Edwards Brian A.F. Edy Stephanie Felesky Daryl Fridhandler Charles Pratt David Younggren Executive Director: Ellen Wright Public Complaint Director: Shirley Heafey Senior Policy Advisor, Policy and Communications: Jennifer Freund Clerk: Nancy Anderson Admin Assistant: Christine Kaminski
Budget	$1,000,000.00, provided through the municipal government
Reporting	Alberta Minister of Justice.
Appointment/Term	Commissioners are appointed for terms of 2 years, up to 6 years maximum; 7 are citizen appointees and 2 are members of City Council.
Review of Legislation	The Provincial Government is currently consulting with various stakeholders on a law enforcement framework.

Calgary Police Commission (CPC)

Oversight Agency Role

The Calgary Police Commission is responsible for monitoring the Public Complaint process and handling appeals about the Calgary Police Service policies and level of service provided.

Process

Complaints are investigated by the Calgary Police Service Professional Standards Section, except for the most serious or sensitive incidents which are investigated by the Alberta Serious Incident Response Team. Complainants may contact either the police service or the Commission's Public Complaint Director to discuss their complaint or receive information about the complaint process.

The CPC may receive an application from the police service to dismiss a complaint for being frivolous, vexatious and/or made in bad faith. If the Commission agrees to dismiss the complaint the Complainant may apply to the Law Enforcement Review Board for a review of that decision.

Public Complaints

Public Complaints affect the relationship between a police officer and the community and allege specific misconduct on the part of a police officer. A Public Complaint will be resolved in one of three ways:

1. Supervisor Intervention
   An officer's supervisor will speak to the officer about the citizen's concerns in an attempt to resolve the matter. Interventions can be a very effective way for citizens to make their concerns known to the CPS.

2. Mediation
   Mediation allows citizens and police officers to gain insight into each other's concerns and perspectives. The sessions are paid for and arranged by the CPS. Parties meet at a neutral location with an independent mediator who is not a CPS employee. The aim of mediation is to promote understanding rather than to establish fault.

3. Investigation
   If the matter cannot be resolved informally, the Public Complaint must be in writing and signed before it can proceed to a formal investigation. An investigation will be conducted by a member of the CPS who is a senior in rank to the officer(s) named in the complaint.

Once the investigation is concluded, the Chief of Police or his/her designate makes a decision as to disciplinary action. The Chief may dismiss the complaint or impose penalties on the respondent officer(s) ranging from a warning to dismissal from the service.

Disciplinary hearings are open to the public with some exceptions. Written decisions are not public documents and the names of officers or complainants are not made public except at the hearing.

At the conclusion of the complaint, the Commission's Public Complaint Director reviews the complete file and reports to the Commission on the reason for the complaint, the timeliness and quality of the investigation, compliance with law and policy, and the reasonableness of the result.

Calgary Police Commission (CPC)

Service or Policy Complaint

Where a complaint is a complaint as to the policies of or services provided by a police service, the Chief will review the matter. The Chief will take whatever action he or she considers appropriate, if any, or refer the matter to the Commission for it to take whatever action it considers appropriate. When a disposition of a matter has been made by the Chief or the Commission the Chief shall advise the complainant in writing of the outcome and of their right to appeal the matter to the Commission if they are dissatisfied.

Following the review, the Commission may allow the appeal; dismiss the appeal; initiate an inquiry; or take whatever action the Commission considers appropriate, if any. On disposing of an appeal, the Commission shall advise the complainant in writing as to the disposition of the appeal and provide a copy to the Chief of Police.

Appeal

Decisions made by the Chief of Police may be appealed to the CPC when they pertain to police policy or service, or the Alberta Law Enforcement Review Board (LERB) when they pertain to officer conduct. Appeals to the appellant bodies may result in the Chief's decision(s) being confirmed, varied or overturned.

The decisions of the Commission on service or policy appeals are not subject to a further appeal.



Alberta

Edmonton Police Commission (EPC)

Organization Head	Brian Gibson (Chair)
Address	Suite 171, 10235-101 Street Edmonton, Alberta T5J 3E9 Telephone: 780-414-7510 Fax: 780-414-7511 Email: commission@edmontonpolice.ca Web site: www.edmontonpolicecommission.com
Jurisdiction	Edmonton Police Service - all sworn members of the service and special constables.
Governing Legislation	*The Alberta Police Act, Police Service Regulations,* and the City of Edmonton Bylaw.
Powers/Duties	A Commission shall: • Establish policies for an efficient and effective police service and issue instructions to the Chief of Police with regard to these policies; • Ensure that sufficient persons are employed within the Edmonton Police Service (EPS) for the purpose of carrying out its functions; • Appoint the Chief of Police; • Provide general supervision of the EPS; and, allocate funds to the Service; • Designate a person as a Public Complaint Director. The Public Complaint Director receives complaints against police officers from the public and refers them to the Chief of Police, provides liaison between the Commission or policing committee and the Chief, and performs the duties assigned by the Commission or policing committee. A Commission may: • Conduct an inquiry into any matter respecting the police service or the actions of any police officer or other person employed for the police service.
Staffing	Commission Chair: Brian Gibson Vice Chair: Arlene Yakeley Dennis Anderson William Daye Robert Dunster Shami Sandu Gary Sciur, QC Councillor Tony Caterina Councillor Amarjeet Sohi Executive Director: Joe Rodgers Legal Counsel/Public Complaint Director: Bryan Sarabin Communications Director: Sarah Doyle Legal Assistant: Laura Foley Executive Assistant: Chris Skaggs Administrative Assistant: Laura Johnston
Budget	$1,241,000.00
Reporting	Edmonton City Council
Appointment/Term	Commissioners are appointed for terms of 2 or 3 years, up to 6 years maximum; 7 are citizen appointees and 2 are members of City Council
Review of Legislation	The Provincial Government is currently consulting with various stakeholders on a law enforcement framework.

Edmonton Police Commission (EPC)

Oversight Agency Role

The Edmonton Police Commission is responsible for monitoring the Public Complaint process in order to ensure that Public Complaints are being dealt with effectively and efficiently and in a manner which is consistent with the policies established by the Edmonton Police Commission and the *Police Act* and *Police Service Regulation.*

Process

Complaints are investigated by the Edmonton Police Service Professional Standards Section, except for the most serious or sensitive incidents which are investigated by the Alberta Serious Incident Response Team. Complainants may contact either the Edmonton Police Service or the Edmonton Police Commission to discuss their complaint or receive information about the complaint process. The *Police Act* of Alberta states that all Public Complaints must be in writing and signed where practicable.

Public Complaints – Police Officer Conduct

Public Complaints affect the relationship between a police officer and the community and allege specific misconduct on the part of a police officer. A Public Complaint can be dealt with in a number of ways including:

1. Supervisor Intervention
An officer's supervisor may attempt to resolve the matter by speaking to the officer. Interventions of this nature can, in the appropriate circumstances, be a very effective way for a citizen to raise an issue with the Edmonton Police Service.

2. Informal Resolution
With the consent of the citizen and the subject officer, the Chief of Police can attempt to resolve the complaint informally. This may involve an attempt to bring about a mediated resolution to the complaint.

3. Dismissal
If, following the investigation of the complaint, the Chief of Police is of the opinion that the actions of the police officer do not amount to a contravention of the provisions of the *Police Service Regulation*, he may dismiss the complaint.

4. Hearing
If, following the investigation of the complaint, the Chief of Police is of the opinion that the actions of the police officer may amount to misconduct under the provisions of the *Police Service Regulation*, the Chief may direct that a hearing be conducted. Disciplinary hearings are generally conducted in public. Following the hearing, the complaint may be dismissed or punishment may be imposed as provided for under the *Police Service Regulation*. Following the hearing, written decisions are issued and are made available on the Edmonton Police Service website.

5. Disposition Without a Hearing
If, following the investigation of the complaint, the Chief of Police is of the opinion that while the conduct may constitute a contravention of the *Police Service Regulation,* it is not of a serious nature, the Chief of Police may deal with the matter without having to conduct a hearing.

In disposing of complaints, the chief of police may dismiss the complaint or he may impose any type of penalty provided for under the *Police Service Regulation* ranging from a warning to dismissal from the service.

Decisions by the chief of police regarding complaints of conduct may be appealed to the Alberta Law Enforcement Review Board. The Law Enforcement Review Board may take any action it considers proper in the circumstances including allowing or dismissing the appeal, varying the decision being appealed, affirming or varying the punishment imposed, or directing that a hearing be conducted or that the matter be reheard.

Complaints – Police Services or Policies

Where a complaint is a complaint as to the policies of or services provided by the Service, the Chief of Police will review the matter. The Chief of Police will take whatever action he considers appropriate. Alternatively, he may refer the matter to the Edmonton Police Commission for it to take whatever action it considers appropriate.

When the Chief of Police disposes of a complaint as to the policies or services provided by the Service, the complainant may appeal the disposition of the matter to Edmonton Police Commission. Following its review of the matter, the Edmonton Police Commission may take whatever action it considers appropriate.

Appeal

Decisions of the Edmonton Police Commission on police service or policy appeals are not subject to further appeal.

Alberta

Law Enforcement Review Board (LERB)

Organization Head	John E. Phillips (Chair)
Address	15th Floor – City Centre Place 10025 – 102 A Avenue Edmonton, AB T5J 2Z2 Telephone: 780-422-9376 Fax: 780-422-4782 Email: lerb@gov.ab.ca Web site: www.solgen.gov.ab.ca/lerb/default.aspx
Jurisdiction	The Law Enforcement Review Board has statutory jurisdiction over complaints lodged against approximately 3175 municipal police officers in the Province of Alberta.
Governing Legislation	*The Alberta Police Act (Part 2 – s. 9-20)*
Standard of Proof Applied in Police Oversight Hearings	Balance of probabilities.
Powers/Duties	The Board and each member of the Board have all the powers of a commissioner appointed under the Public Inquiries Act, and the powers given to the Board under the regulations. The Board shall: • Conduct appeals arising from decisions of a chief of police • Conduct reviews of decisions of a Commission referred to the Board; • At the request of the Minister conduct inquiries in respect of any matter respecting policing or police services; • Hear appeals from Private Investigators/Security Guards who have had their license, or their right to retain an existing license, refused. In addition Peace Officers who have had their appointments cancelled may also appeal to the LERB. • If the Board is of the opinion that the actions of a police officer who is the subject of an appeal or an inquiry may constitute an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the Board shall refer the matter to the Minister of Justice and Attorney General. If the Board is of the opinion that those actions also constitute a contravention of the regulations governing the discipline or the performance of duty of police officers, the matter, as it relates to that contravention, may be proceeded with by the Board unless the Minister of Justice and Attorney General directs otherwise. The Board may: • On its own motion, conduct inquiries respecting complaints.
Staffing	Board Members Archie Arcand Linda Black Dennis Callihoo Sam Goresht Kathy Grieve Wayne Jacques Ted Lawson Patricia Mackenzie Beth McKall Lynn Parish Margaret Hughes Robert Johnson David Rolfe Colleen Ryan Board Secretary: Barb Newton Associate Secretary: Sarah Sarich Associate Secretary: Diana Felice

Law Enforcement Review Board (LERB)

Budget	$767,000.00 (2009 – 2010)
Reporting	Alberta Solicitor General
Appointment/Term	LERB members are appointed by the Lieutenant Governor in Council for a term not more than three years. Members are eligible for re-appointment and continue to hold office until re-appointed or a successor is appointed. The Chair of the Board must be an active member of the Law society.
Review of Legislation	The Provincial Government is currently consulting with various stakeholders on a law enforcement framework.

Law Enforcement Review Board (LERB)

Oversight Agency Role

The principal activity of the Law Enforcement Review Board is to hear appeals for both citizens and police officers separate and apart from the police service involved. The principal objective of the board is independent and impartial review.

Process

The citizen must first file a complaint with the police service that employs the officer. The police service will then conduct an investigation to determine whether or not the conduct of the complained about officer constitutes misconduct. The chief of police will issue a decision letter to the citizen advising them of the outcome of the investigation and their right to appeal to the Law Enforcement Review Board if they are not satisfied with the findings.

Public Complaints

Public Complaints affect the relationship between a police officer and the community and allege specific misconduct on the part of a police officer.

Appeal of Dismissal of Complaint

If a Public Complaint is dismissed as being frivolous, vexatious or made in bad faith the Board will either affirm the decision of the Commission, or refer the complaint back to the Commission or the chief with directions that the complaint be investigated.

Appeal of Findings after Investigation

A citizen may appeal the decision of a Chief of Police arising from their complaint regarding officer conduct. A police officer may appeal any findings or action taken against them arising from a complaint.

The Board can impose a variety of dispositions upon the conclusion of an appeal. The disposition rendered by the Board is dependent on whether a disciplinary hearing was conducted by the police service prior to the matter being appealed to the Board. If the police service conducted a hearing the Board can: dismiss or allow the appeal; vary the decision being appealed; direct that the matter be re-heard; affirm or vary the punishment imposed; or take any other action it considers proper in the circumstances.

If the service disposed of the complaint without conducting a hearing the Board has limited authority in its decision making. In those circumstances the Board is unable to impose a penalty and can render one of the following dispositions: affirm the decision of the chief of police; direct the chief to conduct a hearing; direct the chief to the laying of a charge under the Police Service Regulation; direct the chief to have the matter investigated again; or take any other action considered proper in the circumstances.

The Board conducts independent hearings and issues a written decision for each appeal. A copy of the Board's decision is provided to the concerned parties, as well, decisions are posted on the LERB website. On average, appeals take six to eighteen months to complete.

In certain instances the LERB may, with the consent of the parties to the proceeding, decline to hold a de novo hearing in respect of the appeal and base its decision on the record of the proceedings being appealed from and written submissions of the parties to the appeal. This typically occurs in connection with appeals arising from a Presiding Officer's decision in a disciplinary hearing.

Prior to hearings the LERB prepares and issues a news release that identifies what matters have been scheduled. LERB considers its decisions to be public record and so where ever possible holds the hearings in public. In instances where a request is made for a closed hearing, the Board will consider the circumstances surrounding that request. In the event the LERB grants the request, the identity of the affected party in the appeal will not be reflected in the written decision.

Appeal

A decision of the Board may be appealed to the Alberta Court of Appeal on a question of law only within 30 days receipt of decision. Leave of the Court is required for an appeal to the Alberta Court of Appeal.



Saskatchewan

Public Complaints Commission

Organization Head	Robert Mitchell, QC (Chair)
Address	Suite 300 – 1919 Saskatchewan Drive Regina, SK S4P 4H2 Telephone: 306-787-6519 Toll Free: 1-866-256-6194 Fax: 306-787-6528 Email : wmcgough@justice.gov.sk.ca Web site: www.saskjustice.gov.sk.ca/Pol_Complaints
Jurisdiction	The Saskatchewan Public Complaints Commission has statutory jurisdiction over complaints lodged against approximately 930 officers - 10 Municipal Police Services, 3 Rural Municipality Services, and 1 First Nations Police Service
Governing Legislation	*The Saskatchewan Police Act, 1990 and The Municipal Police Discipline Regulations, 1991*
Standard of Proof Applied in Police Oversight Hearings	Balance of probabilities
Powers/Duties	The PCC shall: • Establish and maintain a record of all public complaints received by police services and their dispositions; • Inform, advise and assist complainants; • Advise and assist the chiefs and boards, the hearing officer and the Commission with respect to the handling of public complaints; • Monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; • Inspect annually, or at those times directed by the minister, the records, operations and systems of administration for the handling of public complaints by police services. • Where, after an investigation of a public complaint a chief or the PCC is of the opinion that the actions of a member may constitute an offence the chief or the PCC shall refer the matter to the minister or the Attorney General of Canada as the case may be. The PCC may: • Make recommendations to the Attorney General for a public inquiry under the Inquiry Act if there are reasonable grounds to believe that the issues are so serious or so widespread that an inquiry is necessary in the public interest; an investigation conducted under the Police Act, even if followed by a public hearing, would be too limited in scope, and powers granted under the Inquiry Act are needed.
Staffing	Regina Office Director: John A. Clarke Admin. Assistant: Wendy McGough Investigator: Louise Pirie Saskatoon Office Investigator: Wendell Suwinski Investigator: Sherry Pelletier Receptionist: Ashley Davies
Budget	$689,000.00

Public Complaints Commission

Reporting	Saskatchewan Minister of Justice & Attorney General and Minister of Corrections, Public Safety & Policing
Appointment/Term	The PCC consists of five persons, including a chairperson and vice chairperson, appointed by the Lieutenant Governor in Council on the recommendation of the minister. Of the members of the PCC: at least one member must be a person of First Nations ancestry; at least one member must be a person of Métis ancestry; and at least one member must be a lawyer. Each member of the PCC holds office for a term not to exceed three years and until a successor is appointed. A member of the PCC may be reappointed for a second term, but no member may be appointed to more than two successive terms.
Review of Legislation	These are ongoing with full consultation with First Nations, Métis, Chiefs of Police, Police Associations, Saskatchewan Justice and this office on an annual basis.

Public Complaints Commission

Oversight Agency Role

The Public Complaints Commission (PCC) directs the handling of all public complaints and ensures that public complaints are handled in a manner consistent with the public interest. Complaints must be written on a prescribed form. The PCC has the power to initiate Public Complaints investigations.

Process

The investigator investigating a complaint must report to the PCC and the complainant at each stage of the investigation through progress reports.

Public Complaints

Public Complaints affect the relationship between a police officer and the community and allege specific misconduct on the part of a police officer. A Public Complaint will be resolved in one of three ways:

1. Informal Resolution

The chief may informally resolve a public complaint with the consent of the complainant and the member concerned and provide a copy of the record to the complainant; the member; and the PCC, if the PCC was not directly involved in the informal resolution. The PCC may informally resolve a public complaint with the same requirements of providing copies of the record to the complainant; member; and the member's chief.

2. Dismissal of Complaint

If the Chair of the PCC and the chief are of the opinion that a public complaint is trivial, frivolous, vexatious, unfounded or made in bad faith, the Chair of the PCC may direct that no investigation be undertaken; or an investigation of that complaint be terminated. Decisions of the Chair of the PCC to not proceed with an investigation of a public complaint can be reviewed by the entire PCC at the request of the complainant. The PCC will either confirm the dismissal of the complaint or order that it be investigated.

3. Investigation & Conclusion

A Public Complaint will be investigated if it is not informally resolved or dismissed. The PCC will determine whether investigations should be conducted by: the PCC itself, through its investigative arm; the police service against whose member the complaint was made; the police service with an outside observer; or a separate police service.

The PCC will determine if the allegation is unfounded, unsubstantiated or substantiated and shall provide a written summary of their decision to the ccomplainant, the subject officer, the Chief of Police, Chair of local Police Board of Commissions, and the Ministers of Justice & Attorney General and Corrections, Public Safety & Policing.

Appeal

The decision of the PCC is not subject to appeal except where the Chair, acting on behalf of the PCC, refuses to accept the matter as a public complaint. The complainant may then appeal the chair's decision to the entire PCC.

Service or Policy Complaints

Service or Policy complaints are complaints about the policies, procedures and services provided by a municipal police department and affect the relationship between the police department and the community. Where a public complaint concerns the policies of or the services provided by a police service, the chief shall immediately on receipt of the public complaint forward the public complaint to the local board of Police Commissioners (board) to be dealt with as the board considers appropriate. On the disposition of a matter by the board, the board, within 15 days after the disposition, shall give notice in writing to the complainant as to the disposition of the matter that is the subject of the complaint. The PCC may make any general recommendations to the Commission or to a board respecting the policies of and services provided by a police service that the PCC considers appropriate.

Criminal/Statutory Complaints

If the chief or the Chair of the PCC is of the opinion that the actions of the member may constitute an offence pursuant to an Act or an Act of the Parliament of Canada, the chief shall refer the matter to the minister or the Attorney General of Canada.

Public Complaint Respecting contravention of discipline regulations

Where after an investigation of a public complaint the Chief is of the opinion that the actions of the member constitutes a violation of the regulations, the chief with the consent of the PCC, and the member, may order remedial action to be taken without charging the member. Should the chief determine discipline charges are warranted; charge the member with a major or minor disciplinary offence and order a hearing into the matter.

Internal Discipline Complaints

The chief shall cause an investigation to be conducted. Should the complaint directly relate to a member of the public, the chief shall advise the PCC. The PCC may declare the matter a public complaint if it is in the public interest to do so. A contravention of the regulations governing the discipline of members the chief, subject to the consent of the member, may order remedial action to be taken in accordance with the regulations without charging the member; or the chief shall charge the member with a major or minor disciplinary offence and order a hearing into the matter as it relates to the contravention. Within 30 days after the day on which a member, chief, board or complainant is given notice of a decision of a hearing officer the member, chief, board or complainant may apply to the Commission for permission to appeal that decision to the Commission.

Appeal of Disciplinary Hearing

The Saskatchewan Police Commission (Commission) shall grant permission to appeal where the PCC seeks permission to appeal on the PCC's own behalf or on behalf of a complainant or where the decision affecting the member seeking an appeal was dismissed or received a demotion in rank. On hearing an appeal the Commission may dismiss the appeal, allow the appeal, vary the decision or order a new hearing by the hearing officer. Where a member has been dismissed, the Commission may order that the member be reinstated. Where a chief has been dismissed the Commission

may order that the chief be reinstated and award monetary damages. A decision of the Commission to award damages for unjust dismissal, within 30 days of that decision, may be appealed by the chief or board to Her Majesty's Court of Queen's Bench for Saskatchewan.

Subject to any right of appeal to the Commission, every decision or order of the hearing officer is final, and no order, decision or proceeding of the hearing officer shall be questioned, reviewed, restrained or removed by prohibition, injunction, certiorari, mandamus or any other process or proceeding in any court.

Every decision or order of the Commission is final, and no order, decision or proceeding of the Commission shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari*, *mandamus* or any other process or proceeding in any court.

Death or Serious Injury

If serious injury or death has occurred while a person was in police custody or as a result of a police action, the municipal police service or RCMP detachment concerned must request that the Deputy Minister of Justice appoint an investigation observer from another police service or RCMP detachment. This investigation observer will monitor the investigation and report back to the Deputy Minister.



Manitoba

Law Enforcement Review Agency (LERA)

Organization Head	George V. Wright (Commissioner)
Address	420 - 155 Carlton Street Winnipeg Manitoba R3C 3H8 Telephone: 204-945-8667 Fax: 204-948-1014 Email: lera@gov.mb.ca Web site: www.gov.mb.ca/justice/lera
Jurisdiction	The Law Enforcement Review Agency has statutory jurisdiction over approximately 1480 peace officers employed by municipal police departments in Manitoba. It does not apply to members of the RCMP
Governing Legislation	*The Law Enforcement Review Act*
Standard Of Proof Applied In Police Oversight Hearings	Clear and convincing evidence is required to meet the administrative law standard of proof on a balance of probabilities.
Powers and Duties	The Commissioner has such powers and shall carry out such duties and functions as conferred upon or imposed under *The Law Enforcement Review Act* or as may be required for purposes of the *Act* by the Lieutenant Governor in Council. The Commissioner has all the powers of a Commissioner under Part V of *The Manitoba Evidence Act* when investigating public complaints.
Staffing	Commissioner Registrar/Administrative Officer Clerk Investigators (4)
Budget	$628,400.00
Reporting	The Commissioner files an annual report concerning the performance of his duties and functions to the Minister of Justice and each municipality in the province with an established police department. The Minister tables the report in the Legislature.
Appointment/Term	By Order in Council. Permanent.
Review of Legislation	Ongoing.

Law Enforcement Review Agency (LERA)

Oversight Agency Role

LERA investigates complaints about municipal police performance arising out of the execution of duties. Every complaint must be in writing setting out the particulars of the complaint and must be signed by the complainant.

Process

LERA conducts an investigation into all complaints. The Commissioner screens each complaint to determine whether there is a reason to take no further action. The Commissioner will decide to take no further action on a complaint if the following situations arise:

- The alleged conduct does not fall within the scope of any disciplinary default;
- the complaint is frivolous or vexatious;
- the complaint has been abandoned by the complainant; or
- there is not enough evidence to justify referring the complaint to a provincial judge for a public hearing;

If the Commissioner's decides to proceed with the complaint, the act provides several ways to resolve the complaint.

The Commissioner must try to resolve the complaint through informal mediation. If the complaint is not resolved, and if there is no admission of disciplinary default by the respondent officer, the Commissioner must refer the complaint to a provincial judge for disposition at a public hearing.

Public hearings under *The Law Enforcement Review Act* are held before a provincial judge acting as an administrative tribunal. In conducting a hearing a judge exercises powers under the *Act* as persons designated for this purpose and not as a court. Hearings are open to the public.

With the proclamation of *The Cross Border Policing Act*, *The Law Enforcement Review Act* now applies to the conduct of police officers from other provinces or territories who have been appointed as police officers in Manitoba. Complaints involving police officers from outside of Manitoba's jurisdiction can result in recommendations by a judge, but no penalty can be imposed. The *Act* also applies to the conduct of Manitoba police officers appointed as police officers in other provinces.

When a matter before the Commissioner discloses evidence that a member may have committed a criminal offence, the Commissioner shall report the possible criminal offence to the Attorney General.

Where the Commissioner identifies any organizational or administrative practices of a police department which may have caused or contributed to an alleged disciplinary default, the Commissioner may recommend appropriate changes to the Chief of Police and to the municipal authority which governs the department.

Penalties set out in *The Law Enforcement Review Act* range from an admonition to dismissal.

Complainants and police officers are entitled to legal representation during the process.

Complainants must arrange for legal services. If an application for legal aid is declined, the complainant can, in exceptional circumstances, make a

request for the Minister of Justice to appoint a lawyer to represent the complainant at the hearing. Respondent police officers are generally provided representation by a lawyer under their employment contracts.

Appeal

An appeal of a decision of a provincial judge lies to the Court of Queen's Bench upon any question involving the jurisdiction of the provincial judge or upon any question of law alone. The appellant shall file a notice of appeal in writing within 30 days after the decision of the provincial judge, unless the court, in the exercise of its discretion, grants an extension of time for the appeal. An appeal may be launched by the complainant or the respondent; and the complainant and the respondent are parties to the appeal.

There is also a mechanism for reviewing a decision by the Commissioner to take no further action on a complaint. The complainant has 30 days after receiving the Commissioner's decision to ask the Commissioner to refer the matter to a provincial judge for a review.

A provincial judge, if satisfied that the Commissioner erred in declining to take further action on the complaint, shall order the Commissioner to:

- refer the complaint for a hearing; or
- take such other action as the provincial judge directs.



Ontario

Independent Police Review Office (IPRD)

Organization Head	Gerry McNeilly Independent Police Review Director
Address	655 Bay Street, 10th Floor Toronto, Ontario M7A 2T4 Telephone: 416-246-7071 Toll-free phone: 1-877-411-4773 TTY: 1-877-414-4773 Fax: 416-327-8332 Toll-free fax: 1-877-415-4773 Email: OIPRD@ontario.ca Website: www.oiprd.on.ca/cms/
Jurisdiction	The Independent Police Review Office has statutory jurisdiction over approximately 24,000 municipal police officers and Ontario Provincial Police officers.
Governing Legislation	*Police Services Act*, R.S.O. 1990, c.P.15, as amended by the *Independent Police Review Act, 2007*, S.O. 2007, c. 5.
Standard of Proof Applied in Police Oversight Hearings	Some support for balance of probabilities on clear and convincing evidence, however, more decisions have held clear and convincing evidence to be the standard of proof.
Powers/Duties	The statute vests powers/duties related to complaints in the IPRD, but those powers may be delegated to officials in the IPRO. IPRD/IPRO powers include: • Intake and screening of public complaints. • Investigation of public complaints or assigning investigation back to the police. • Review of certain decision made by chiefs of police in the complaints process. • Create any procedural rules or guidelines for the handling of public complaints. • Establish procedural rules for anything related to the powers, duties or functions of the Independent Police Review Director. • Provide guidance to assist chiefs of police and police services boards in the handling of complaints made by members of the public. • Provide publicly accessible information about the public complaints system and l arrange for the provision of assistance to members of the public in making a complaint. • Systemic reviews of issues that are the subject of, or that give rise to, complaints made by members of the public under this Part and may make recommendations respecting such issues to the Solicitor General, the Attorney General, chiefs of police, boards, or any other person or body.

Independent Police Review Office (IPRD)

Investigative powers:

- The IPRD and appointed investigators will have the powers of a commission under Part II of the *Public Inquiries Act*—primarily the power to summon witnesses to give testimony under oath and the ability to require production of documents or other things;
- Search and seizure powers: Search and seizure in relation to police premises without judicial order, but on notice to the chief of police. Search and seizure in relation to other premises will be available with a judicial order.
- Require that a police services board submit to him or her a performance audit, conducted by an independent auditor at the board's expense, of the board's administration of complaints by members of the public.
- Conduct a performance audit of any aspect of the administration of complaints by members of the public and make the results of the audit publicly available.

Staffing

N/A

Budget

N/A

Reporting

The OIPRD is an arms-length agency of the Ontario Ministry of the Attorney General, staffed entirely by civilians. The OIPRD is accountable to the Attorney General, but the Independent Police Review Director is responsible for the day-to-day decisions.

Appointment/Term

The IPRD is appointed by the Lieutenant Governor in Council on recommendation of the Attorney General. The IPRD can not be a police officer or former police officer. There is no fixed term for the appointment; the term is fixed by Order-in-Council and length of term is in keeping with Ontario government standards for public appointments.

Employees of the IPRD are appointed under the *Public Service Act* and cannot be serving police officers.

Review of Legislation

In 2007, the Ontario legislature passed *The Independent Police Review Act, 2007,* to create the Office of the Independent Police Review Director (OIPRD). The act amended the *Police Services Act.* The amendments came into force on October 19, 2009.

Independent Police Review Office (IPRD)

Oversight Agency Role

The IPRD/IPRO is responsible for the intake and initial screening of public complaints about the police. The IPRD/IPRO has the ability to screen out complaints (see details below). After the screening process, the IPRD/IPRO shall refer conduct complaints for investigation by the police service the complaint relates to or to another police service or the IPRD/IPRO shall conduct the investigation. Following investigations, reports are provided to chiefs of police. Where the chief is of the opinion that misconduct has occurred a disciplinary hearing shall be convened. Matters that are less serious are not required to go to disciplinary hearings and may be resolved informally. Disciplinary hearing results may be appealed to the Ontario Civilian Police Commission.

Process

Public Complaints

A Public Complaint affects the relationship between a police officer and the community and alleges specific misconduct on the part of a police officer or pertains to policy of or service provided by a police force.

1. Screening

   On receiving a complaint, the IPRD/IPRO reviews the complaint and may decide not to deal further with the complaint, for example, if the complaint is frivolous, vexatious or made in bad faith, or if it is made more than six months after the facts on which it is based occurred. Complaints made by “third parties” may be declined. A complaint may also be declined if it would not be in the public interest to deal with the complaint or if it could be dealt with more appropriately under another law or statute.

   If the Independent Police Review Director decides not to deal with a complaint, he or she shall notify the complainant and the Chief of Police of the police force to which the matter relates in writing of the decision, with reasons, and in the case of the Chief of Police, shall also give notice of the substance of the complaint.

2. Investigation

   Unless a Public Complaint about conduct is dismissed after initial review, the complaint must either be retained for IPRO investigation or referred to police for investigation (the police service the complaint relates to or another service). Decisions to retain or refer must consider the nature of the complaint and the public interest. On the conclusion of an investigation a report goes to the Chief of Police.

   If at the conclusion of the investigation the opinion is that the complaint is unsubstantiated, the Chief of Police shall take no action in response to the complaint and shall notify the complainant, the police officer who is the subject of the complaint and the IPRD, in writing, together with a copy of the written report, of the decision and of the complainant's right to ask the IPRD to review the unsubstantiated decision within 30 days of receiving the notice.

   Upon completion of the review of a decision, the IPRD/IPRO may, confirm the decision; direct the Chief of Police to deal with the complaint as the IPRD/IPRO specifies; assign the investigation of the complaint or the conduct of a hearing in respect of the complaint to a police force other than the police force to which the complaint relates; take over the investigation of the complaint; or take or require to be taken any other action with respect to the complaint that the IPRD/IPRO considers necessary in the circumstances.

If at the conclusion of the investigation and on review of the written report submitted to him or her, the Chief of Police believes on reasonable grounds that the police officer's conduct constitutes misconduct or unsatisfactory work performance, he or she shall hold a hearing into the matter. If the misconduct is proven, the Chief may impose a disciplinary measure that can range from a verbal reprimand to dismissal and depends on the severity of misconduct.

3. Informal Resolution

Less serious complaints about an officer's conduct may be resolved by way of an informal resolution.

Prior to the conclusion of an investigation, such a resolution requires the mutual consent of the complainant, the subject officer, and the Chief of Police and the approval of the IPRD/IPRO. If a police officer and complainant consent to the informal resolution of a matter and the consent is not revoked by the police officer or the complainant, the Chief of Police shall give notice of the resolution to the IPRD/IPRO, and shall provide to the IPRD/IPRO with any other information respecting the resolution that is required.

After an investigation is concluded, informal resolution may still occur if the Chief of Police is of the opinion that misconduct occurred, but that the misconduct was not of a serious nature. A complainant may request an IPRD/IPRO review if the Chief determines a matter is unsubstantiated or not serious. Successful informal resolution requires consent of the officer and complainant. Where informal resolution fails, the matter does not have to proceed to a hearing as the Chief may impose a penalty under the “disposition without a hearing” option. Penalties imposed under this option include up to 30 days/240 hours suspension without pay.

4. Service or Policy Complaints

Complaints about a municipal police force policy or service or about the local policies of the Ontario Provincial Police are forwarded to the Chief of Police or detachment commander, as the case may be. The Chief of Police or detachment commander must review the complaint and take any action, or no action, in response to the complaint as he or she considers appropriate. His or her decision may be reviewed by the relevant police services board. Reasons for decisions must be provided to the complainant and to the IPRD/IPRO.

Complaints about a provincial policy or service of the Ontario Provincial Police are forwarded to the Commissioner of the Ontario Provincial Police. The Commissioner of the Ontario Provincial Police must review the complaint and take any action, or no action, in response to the complaint as he or she considers appropriate, and must provide reasons for his or her decision to the complainant and the IPRD/IPRO.



Ontario

Ontario Civilian Police Commission

Organization Head	Murray W. Chitra Chair
Address	250 Dundas Street West 6th Floor, Suite 605 Toronto, Ontario, M7A 2T3 Telephone: 416-314-3004 Fax: 416-314-0198 Email: cathy.boxer@ontario.ca Web site: www.ocpc.ca
Jurisdiction	The Ontario Civilian Police Commission has statutory jurisdiction over approximately 23,000 municipal police officers in the Province of Ontario.
Governing Legislation	*Ontario Police Services Act, R.S.O. 1990, c.P.15*
Standard of Proof Applied in Police Oversight Hearings	Some support for balance of probabilities on clear and convincing evidence, however, more decisions have held clear and convincing evidence to be the standard of proof.
Powers/Duties	The Ontario Civilian Police Commission may: • If the Solicitor General advises the Commission that a board or municipal police force is not complying with prescribed standards of police services the Commission may direct the board or police force to comply; • Conduct investigations with respect to municipal police matters; • Conduct inquiries into matters relating to crime and law enforcement; • Make recommendations with respect to the policies of or services provided by a police force by sending the recommendations, with any supporting documents, to the Solicitor General, the chief of police, the association, if any, and, in the case of a municipal police force, the board; • Hear and dispose of matters referred to it by boards and appealed to it by police officers and complainants • If the Commission is of the opinion, after holding a hearing, that a board or municipal police force has flagrantly or repeatedly failed to comply with prescribed standards of police services, the Commission may take any of the following measures or any combination of them: suspend the chief of police, one or more members of the board, or the whole board, for a specified period; remove the chief of police, one or more members of the board, or the whole board from office; disband the police force and require the Ontario Provincial Police to provide police services for the municipality; or appoint an administrator to perform specified functions with respect to police matters in the municipality for a specified period of time.
Staffing	Chair; Commission Counsel; Senior Advisor; Senior Investigator; Registrar/Manager of Administration; Case Managers; Admin Assistants.
Budget	$1,684,000.00

Ontario Civilian Police Commission

Reporting	Ontario Solicitor General
Appointment/Term	Members of the Commission are initially appointed for a 2 year period with an opportunity for a further 3 year and subsequent 5 year renewal.
Review of Legislation	In 2007, the Ontario legislature passed *The Independent Police Review Act, 2007,* to create the Office of the Independent Police Review Director (OIPRD). The act amended the *Police Services Act.* The amendments came into force on October 19, 2009.

Oversight Agency Role

The Commission may, on its own motion or at the request of the Solicitor General, the Independent Police Review Director, a municipal council or a board investigate, inquire into and report on the conduct or the performance of duties of a police officer, a municipal chief of police, an auxiliary member of a police force, a special constable, a municipal law enforcement officer or a member of a board; the administration of a municipal police force; the manner in which police services are provided for a municipality; the police needs of a municipality.

Process

The Commission shall communicate its report of an investigation to the Solicitor General at his or her request or the Independent Police Review Director and to the board or council at its request, and may communicate the report to any other person as the Commission considers advisable.

Appeal

A police officer or complainant, if any, may, within 30 days of receiving notice of the decision made after a hearing held by the chief of police or by the board, appeal the decision to the Commission by serving on the Commission a written notice stating the grounds on which the appeal is based. The Commission must hold a hearing upon receiving a notice from a police officer who was the subject of the discipline hearing. The Commission must hold a hearing if the complainant's appeal is from the finding that misconduct or unsatisfactory work performance was not proved on clear and convincing evidence.

The Solicitor General and the Independent Police Review Director are entitled to be heard on the argument of the appeal of a decision made in respect of a complaint made by a member of the public.

After holding a hearing on an appeal, the Commission may, confirm, vary or revoke the decision being appealed; substitute its own decision for that of the chief of police or the board, as the case may be; in the case of an appeal from a decision of a chief of police, order a new hearing before the chief of police; or in the case of an appeal from a decision of a board, order a new hearing before the board as the case may be.

If the Commission concludes, after a hearing, that the conduct of a police officer or municipal chief of police is proved on clear and convincing evidence to be misconduct or unsatisfactory work performance, it may direct that any action, as specified by the Commission, be taken with respect to the police officer or municipal chief of police or it may direct that the police officer or municipal chief of police be retired if he or she is entitled to retire.

Auxiliary Member, Special Constable, Municipal Law Enforcement Officer

If the Commission concludes, after a hearing, that an auxiliary member of a police force, a special constable or a municipal law enforcement officer is not performing or is incapable of performing the duties of his or her position in a satisfactory manner, it may direct that, the person be demoted as the Commission specifies, permanently or for a specified period; the person be dismissed; the person be retired, if the person is entitled to retire; or the person's appointment be suspended or revoked.

If the Commission concludes, after a hearing, that a member of a board is guilty of misconduct or is not performing or is incapable of performing the duties of his or her position in a satisfactory manner, it may remove or suspend the member.

A member of a police force or of a board on whom a penalty is imposed may appeal to the Divisional Court within thirty days of receiving notice of the Commission's decision. An appeal may be made on a question that is not a question of fact alone, or from a penalty, or both.

Internal Complaints

A chief of police or board may make an internal complaint about a police officer (other than the Commissioner or a deputy Commissioner of the Ontario Provincial Police). Such a complaint must be investigated and, unless it is determined to be unsubstantiated following the investigation, the chief of police or board, as the case may be, may hold a hearing into the matter or may attempt to resolve the matter informally (in specified circumstances). The Ontario Civilian Police Commission may direct the handling of an internal complaint by the chief of police or board.



Ontario

Special Investigations Unit (SIU)

Organization Head	Ian D. Scott (Director)
Address	5090 Commerce Boulevard Mississauga, Ontario, L4W 5M4 Telephone: 416-622-0748 Toll Free: 1-800-787-8529 Fax: 416-622-2455 Email: Communications Coordinator at monica.hudon@ontario.ca Web site: www.siu.on.ca
Jurisdiction	Approximately 27,400 sworn police officers across Ontario, plus non-police officers who are otherwise members of police services in the province (e.g., auxiliary officers, special constables and other civilians employed by police services. OPP civilian members excepted)
Governing Legislation	Section 113 of the Ontario Police Services Act Regulation 673/98 Ontario Police Services Act
Powers/Duties	Where at the conclusion of the SIU's investigation the Director is of the opinion that there are reasonable grounds to believe an offence has been committed by a police officer or officers in relation to the matters investigated, The Director shall: Cause a charge or charges to be laid and refer the matter to the Crown Attorney for prosecution. The Director may: Cause investigations to be conducted of serious injuries (including allegations of sexual assault) or deaths that occur in circumstances involving the police.
Staffing	The SIU is led by the Director and comprised of upwards of 40 civilian investigators (i.e., non-serving police officers). Of this investigative staff, 14 are full-time investigators who work out of the SIU's headquarters, with the remainder stationed across the province and deployed on an as-needed basis. This arrangement ensures prompt response times regardless of where in the province an incident occurs. The SIU also has its own Forensic Identification section, led by 2 full-time Forensic Identification Supervisors, with capacity to assist in all manner of forensic identification work.
Budget	$6,700,000.00
Reporting	The SIU is an arm's length agency of the Ministry of the Attorney General. While the SIU is independent of the Ministry in its day-to-day operations and in the discharge of its statutory mandate, the Director of the SIU is statutorily obliged to report the results of SIU investigations to the Attorney General.
Appointment/Term	Typically, the term of the Director is five years
Review of Legislation	Not at this time.

Special Investigations Unit (SIU)

Process

Any incident of death or serious injury which may reasonably fall within the SIU's jurisdiction must be reported to the SIU by the police service involved and/or may be reported by anyone else.

If the information available at the time of the report leaves any question regarding the SIU's jurisdiction, a review is done of the reported facts. When this preliminary step, which is part of the investigative process, confirms the facts, a complete investigation is undertaken and reported upon to the Attorney General. If, on the other hand, there continues to be a question about jurisdiction, the Director is consulted and may, if appropriate, exercise his/her discretion to either terminate or continue with the investigation.

The investigative process begins with the assignment of a lead investigator and as many additional investigators as required. An investigator shall not participate in an investigation that relates to members of a police force of which he or she was a member. Investigations typically involve: examining the scene and securing all physical evidence; seeking out and securing the co-operation of witnesses; notifying next of kin, monitoring the medical condition of those who have been injured, and keeping the families informed on how the investigation is progressing; consulting with the coroner if there has been a death; securing police equipment for forensic examination; and submitting an investigative report, which is reviewed by the Investigative Supervisor, the Executive Officer and ultimately, the Director.

At the conclusion of a full investigation all of the evidence gathered is carefully considered. If the evidence supports a reasonable belief that a criminal offence was committed, the Director will cause a charge(s) to be laid. If the Director’s decision is that no such grounds exist, the Attorney General is notified in a written report and the case is closed. In cases where a charge is laid, the SIU refers the matter to Justice Prosecutions of the Criminal Law Division of the Ministry of the Attorney General .which prosecutes the charge.



Québec

Police Ethics Commissioner

Organization Head	Claude Simard (Commissioner)
Address	Québec 1200, route de l'Église, bur. 1-40 Québec (Québec) G1V 4Y9 Telephone: 418 643-7897 Toll-free: 1 877 237-7897 Fax: 418 528-9473 Email: deontologie-policière.quebec@msp.gouv.qc.ca Web site: www.deontologie-policiere.gouv.qc.ca/qui_commissaire_en.asp Montréal 454, place Jacques-Cartier, 5th floor Montréal (Québec) H2Y 3B3 Telephone: 514 864-1784 Fax: 514 864-3552
Jurisdiction	Approximately 15,000 municipal police officers and special constables made up from the members of the Sûreté du Québec and the aboriginal police forces
Governing Legislation	The Quebec Police Act, chapter 1, section 2 (2000) oversees the roles and powers of the Commissioner in sections 128 and following.
Standard of Proof Applied in Police Oversight Hearings	Preponderance of the evidence, balance of probabilities.
Powers/Duties	The Police Ethics Commissioner shall: • Receive and examine any complaint lodged against a police officer by any person. • Exercise the functions with respect to applications for a remission for a transgression of the Code of ethics filed by a police officer • File applications for revocation of previously granted remissions • Call to the attention of the Minister or to the attention of the director general of a police force such matters as he deems to be of public interest. The Police Ethics Commissioner may: • If an offence appears to have been committed, the Commissioner can refer the case to the appropriate police force for a criminal investigation. Finally, when the ethics investigation has been completed, the Commissioner can also forward his file to the Attorney General
Staff	Deputy Commissioner Me Réjean Gauthier Legal Branch Me Maurice Clouthier Secretariat Me Robert Deshaye Investigations Branch Me André Senécal Admin Services Mme Mona Lord
Term	The Commissioner shall be appointed for a specified term not exceeding five years. His term may be renewed.
Review of Legislation	Not at this time.

Police Ethics Commissioner

Oversight Agency Role

The Commissioner has a decisive mission within the police ethics system. In fact, after providing assistance to citizens to file their complaint, after a preliminary examination of the complaints, after conciliation has taken place between the parties, after the complainants' allegations have been investigated, and the evidence is considered sufficient to cite a police officer before the Police Ethics Committee, the Commissioner deals with over 90% of the volume of complaints referred to the ethics system. Moreover, after a citation is issued, the Commissioner makes representations before the Police Ethics Committee, and if an appeal is filed, before the Court of Quebec.

However, the Commissioner may not submit the case on his own. The Commissioner can only act when there is: a complaint from a person; a request for investigation from the Minister of Public Security; a final decision from a Canadian court declaring a police officer guilty of a criminal offence which also constitutes a breach of the Code of Ethics.

Process

After reviewing the complaint and taking into account all the circumstances, including the nature and gravity of the related facts, the Police Ethics Commissioner (the Commissioner) must decide whether or not to submit the complaint to conciliation; for investigation; or dismiss the complaint.

The Commissioner may dismiss a complaint or terminate an investigation if, in his opinion, the complaint is frivolous, vexatious or made in bad faith, the complainant without valid reasons refuses to participate in the conciliation procedure or refuses to cooperate in the investigation, or having regard to all circumstances, investigation or further investigation is not necessary.

Where the Commissioner makes a decision to dismiss the complaint, he shall notify the complainant, the director of the police force concerned and the police officer whose conduct is the subject-matter of the complaint, and state the reasons for his decision. He shall also inform the complainant of his right to obtain a review of the decision by submitting new facts or elements to the Commissioner, within 15 days. The Commissioner shall make his decision upon the review within 10 days and the decision is final.

Conciliation

The law provides that all complaints must be submitted to conciliation, except for reasons of public interest determined by the Police Ethics Commissioner, such as: death; serious injuries; criminal offences; or repeated offences.

Conciliation is mandatory for police officers, special constables or highway controllers. If the complainant believes that in his case conciliation is inappropriate, he has a 30-day period to put forward his reasons. Once these reasons have been presented, the Commissioner may: allow the application and entrust the complaint to an investigator; reject the reasons, and maintain the file in conciliation and appoint a conciliator (the conciliation procedure then becomes mandatory); or decide to dismiss the complaint following the complainant's refusal to participate in the conciliation. This last measure, authorized by law, is only used as a last

resort after the Commissioner has tried to convince the complainant that conciliation is appropriate in his case.

To hold a conciliation session, the presence of the parties is mandatory and it is an opportunity for them to express their opinion frankly and freely so that the dispute can be resolved through a settlement acceptable to both parties.

When the parties reach a satisfactory agreement it is recorded in writing. Both parties must sign the agreement, which must then be approved by the Commissioner. A copy of the agreement is forwarded to both parties.

A conciliation settlement is not an admission of guilt by either party. In order to promote a harmonious climate for candid discussions, the law provides that the answers given by the complainant or the police officer, special constable or highway controller may not be used and are not admissible as evidence during criminal, civil or administrative proceedings.

Following this settlement, the law provides that the complaint is deemed to be withdrawn. The personal file of the affected police officer, special constable or highway controller does not refer either to the complaint or to the settlement. However, the Commissioner must maintain the complaint and the action taken in connection therewith.

If the conciliator terminates a conciliation session or finds that the parties cannot reach an agreement, the Commissioner conducts a new analysis of the complaint and decides what should be done as a result, i.e., either dismiss the complaint or hold an investigation.

Investigation

Failing a conciliation settlement, the Commissioner may decide to hold an investigation, which does not mean that the conciliation procedure cannot be resumed if the parties agree to it. However, the investigation is adjourned during the conciliation period. The investigation can be resumed if the conciliation procedure fails.

A police ethics investigation is an exceptional measure. The Commissioner's decision to investigate a case concerns complaints which he considers of public interest, especially those involving: death or serious injuries to a person; situations in which the public's confidence in police officers could be seriously compromised; criminal offences; repeat offences or other serious cases. The purpose of an investigation is to allow the Commissioner to establish whether a citation before the Police Ethics Committee is warranted.

After the investigation report has been examined, the Commissioner may cite the police officer, special constable or highway controller to appear before the Police Ethics Committee or explain why he dismissed the complaint.

Moreover, the Commissioner can make recommendations to remedy any detrimental situation observed or prevent its reoccurrence, and formulate observations to improve the conduct of a police officer, special constable or highway controller.

Appeal

The Commissioner's decisions to close a file are rendered in writing, with reasons, at the complainant's request, and subject to a review procedure that is either internal (the Commissioner himself) or external (the Police Ethics Committee), according to the stage of the decision. In matters of review, the Committee's decision is final and without appeal.



Québec

Police Ethics Committee

Organization Head	Pierre Gagné (President)
Address	Québec 2525, boul. Laurier 2nd floor, bur. A-200 Québec (Québec) G1V 4Z6 Telephone : 418 646-1936 Fax : 418 528-0987 Email: comite.deontologie@msp.gouv.qc.ca Web site: www.deontologie-policiere.gouv.qc.ca/index.php?id=13&L=1 Montréal 500, boul. René-Lévesque Ouest 6th floor, bur. 6.100 Montréal (Québec) H2Z 1W7 Telephone : 514 864-1991 Fax : 514 864-2471
Jurisdiction	The Committee exercises its jurisdiction over police officers, special constables and highway controllers who must answer to the Committee for breaches and omissions charged against them when investigations from the Commissioner warrants such action.
Legislation	The Police Act, chapter 1, section III (2000) oversees the roles and powers of the Comité de déontologie policière in sections 194 and following.
Standard of Proof Applied in Police Oversight Hearings	Preponderance of the evidence, balance of probabilities.
Powers/Duties	The Ethics Committee may: • Confirm or quash the decision submitted to it. • Where the Ethics Committee quashes a decision, it may order the Commissioner to hold a new investigation, to resume the investigation within the time it indicates or to cite the police officer to appear before it within 15 days of its decision.
Staff	Members Me Mario Bilodeau Me Michèle Cohen Me Pierre Drouin Me Richard W. Iuticone Me Louise Rivard Part-Time Members Me Martha Montour Me Hélène (Sioui) Trudel
Term	The ethics committee shall be composed of advocates who have been members of the Barreau for not less than 10 years in the case of full-time members, and for not less than five years in the case of part-time members. The members shall be appointed by the Government, in such number as the Government determines, as full-time members, for a term not exceeding five years. Their term may be renewed. The Government shall also appoint, for a fixed term of not more than five years, part-time members who are members of a Native community to act where a complaint relates to a Native police officer. Their term may be renewed.
Review of Legislation	None at this time.

Police Ethics Committee

Oversight Agency Role

The Police Ethics Committee is the administrative tribunal that sees to the integrity of the relations between police officers and the public in Quebec. It is separate and independent from the Police Ethics Commissioner, which is the agency receiving the complaints.

The Committee holds and sits at hearings to determine if a police officer has committed a breach of the Code of Ethics of Québec Police Officers; and hears review applications that are filed when a citizen's complaint is dismissed by the Police Ethics Commissioner.

Process

Police officers, special constables and highway controllers are cited before the Police Ethics Committee (administrative tribunal) for alleged breaches or omissions: when, at the end of his investigation, the Police Ethics Commissioner considers that the evidence warrants it; or if, following an application for review, the Committee orders that the Commissioner file a citation.

The Commissioner also refers to the Committee, by citation, any final decision rendered by a Canadian court which finds a police officer guilty of a criminal offence that also constitutes a breach of the Code of Ethics. The Committee decides whether the police officer has violated the Code of Ethics of Québec police officers and, if such is the case, he imposes a penalty.

In processing citations and reviews, the Committee holds a public hearing and hands down a reasoned written decision. If the Commissioner has dismissed the complaint following the investigation, the citizen can submit an application review to the Committee. The latter can then confirm or quash the Commissioner's decision.

Public Hearing

When police officers, special constables or highway controllers are held accountable for alleged breaches and omissions, the Police Ethics Committee holds a public hearing. At the hearing, the Commissioner must prove the alleged conduct of the police officer, special constable or highway controller.

All hearings are held in public unless the Committee orders that it should be held in camera.

When the conduct of a police officer, special constable or highway controller is considered derogatory, the Committee allows the parties to be heard. A penalty is then imposed on the police officer, special constable or highway controller.

In determining the penalty, the Committee considers the seriousness of the conduct considered derogatory by taking into account all the circumstances and the content of the ethical file of the police officer, special constable or highway controller. For each of the derogatory acts, the Committee imposes a penalty ranging from a warning up to a dismissal depending on how derogatory the conduct was. When the police officer, special constable or highway controller has resigned, has been dismissed or has retired a period, not to exceed 5 years, can be

imposed wherein the party is unable to perform peace officer duties.

The decision is forwarded to the complainant, the Commissioner, the police officer, special constable or highway controller, and to the director of the police force or the employer affected. It is also released to the public.

Appeal

An appeal may be brought before a judge of the Court of Québec from a final decision of the Ethics Committee subsequent to the filing of a citation. However, where a penalty is to be imposed under the decision, the decision shall not be appealed from until the penalty has been imposed.

Application for remission

The Committee also rules on application for remission allowing any police officer, special constable or highway controller who has been penalized for breach of the Code of Ethics of Québec Police officers (except for destitution or dismissal), to submit an application for remission for their actions.

New Brunswick

The New Brunswick Police Commission

Organization Head	Peter Seheult (Chair)
Address	Fredericton City Centre 435 King Street, Suite 202 Fredericton, NewBrunswick E3B1E5 Telephone: 506-453-2069 Fax: 506-457-3542 Email: nbpc@gnb.ca Website: www.gnb.ca/policecommission
Jurisdiction	Approximately 469 municipal and regional police officers.
Governing Legislation	*Police Act of New Brunswick, Chapter P-9.2*
Standard of Proof Applied in Police Oversight Hearings	Balance of probabilities. The degree of proof required to establish a fact by that standard may vary in individual cases to allow for degrees of probability.
Duties/Powers	The Commission shall: • At the direction of the Minister, and may on its own motion, in response to a complaint by a person, or at the request of a board or council, investigate any matter relating to any aspect of the policing of any area of the Province. • The Commission shall file a report of every investigation and hearing under this section with the Minister and shall provide to the Minister access to all files prepared and all exhibits, depositions and other evidence presented or acquired during the course of an investigation or hearing. The Commission may: • Assess the adequacy of each police force and the Royal Canadian Mounted Police and whether each municipality and the Province are discharging its responsibility for the maintenance of an adequate level of policing. • The Commission may maintain, for as long as the Commission determines necessary, a repository of disciplinary and corrective measures.
Staffing	Commission Peter Seheult - Chair Donald R. Butler - Vice Chair Anne-Marie Mullin - Member Aubin Albert - Member Bill Grimmer – Member James Allison Laventure – Member Executive Director – Pierre C. Beaudoin Associate Director - Pauline Philibert
Budget	$357,000
Reporting	The Minister of Public Safety
Term/Appointment	A chair, vice-chair and as many members the Lieutenant-Governor in Council sees fit are appointed to the Commission for a term not to exceed ten years.
Review of Legislation	None at this time.

The New Brunswick Police Commission

Oversight Agency Role

The New Brunswick Police Commission is responsible for the investigation and determination of complaints by any person relating to the conduct of a member of a municipal or regional police force. A complaint may be withdrawn at any time. It also has the authority to entertain complaints relating to service or policy matters with respect to police forces.

Process

Conduct Complaints

Conduct complaints affect the relationship between a police officer and the community and allege specific misconduct on the part of a police officer. A conduct complaint will be resolved in one of three ways:

1. Informal Resolution
   If the chief of police decides to attempt to resolve the conduct complaint informally, the chief shall give the complainant and the police officer notice in writing of his or her decision. When a complaint is resolved informally, the details of the results of the informal resolution will be set out in writing, and the chief of police will give the complainant and the Commission notice in writing of the results of the informal resolution. A conduct complaint that is resolved by informal resolution shall not be entered in a service record of discipline or personnel file of a police officer. Within fourteen days after receiving the results of the informal resolution, the complainant may request the Commission to review the results of the informal resolution. The Commission will review the informal resolution and either confirms it or orders that the complaint be investigated.

2. Summary Dismissal of the Complaint
   The chief of police may summarily dismiss a conduct complaint, in whole or in part if, in the opinion of the chief of police, the complaint or part of the complaint is frivolous, vexatious or not made in good faith. If the chief of police decides to summarily dismiss a conduct complaint or part of a conduct complaint, the chief of police shall give the complainant and the Commission notice in writing of the decision, including the reasons for the decision.

   The Commission will review the decision of the chief of police to summarily dismiss the conduct complaint and will confirm the decision and give the chief of police notice in writing of its decision, or rescind the decision, order the chief of police to proceed with processing the conduct complaint and give the complainant and the police officer notice in writing of its decision.

   If the chief of police or civic authority receives new information relating to a conduct complaint that has been summarily dismissed, the chief of police or civic authority, as the case may be, will immediately forward such information to the Commission and if, in the opinion of the Commission, such information requires the matter to be reviewed, the Commission may order the chief of police to proceed with processing the conduct complaint.

3. Investigation & Conclusion
   A conduct complaint will be investigated if it is not informally resolved or summarily dismissed. The complaint will be investigated by the police force involved or may be referred by the police force to another police

force to investigate or an investigator provided by the Commission may be chosen. The Commission shall, at the direction of the Minister, and may
a) on its own motion,
b) in response to a complaint by a person, or
c) at the request of a board or council
investigate any matter relating to any aspect of the policing of any area of the Province.

A summary of the investigation report will be provided in writing to the officer and to the complainant. The complainant may request the Commission to review the final decision of the chief of police to take no further action.

The Commission will confirm the decision, rescind the decision and order the chief of police to conduct a settlement conference.

Arbitration Hearings

4. Settlement Conference

If the parties to a settlement conference reach a settlement, the parties shall sign a letter setting out the disciplinary and corrective measures agreed to by the parties and the civic authority shall immediately serve the letter of settlement on the Commission and provide copies of the letter of settlement to the complainant and chief of police. Within fourteen days after receiving the letter of settlement the complainant may request the Commission to review the settlement. The Commission will confirm the settlement; rescind the settlement and refer the matter back to the civic authority for settlement with recommendations, or serve a notice of arbitration hearing.

Upon completion of the presentation of evidence and representations, the arbitrator shall accept the recommendation of the chief of police or civic authority and immediately dismiss or demote the member of a police force, or reject the recommendation of the chief of police or civic authority and shall not impose a remedial measure, or impose any remedial measure he or she considers appropriate.

The arbitrator shall give the parties, the Commission and the complainant, if any, notice in writing of his or her decision within fifteen days after the completion of the arbitration hearing.

Appeal

The decision of the arbitrator is final and binding on the parties.

Service or Policy Complaints

If the Commission characterizes a complaint as a service or policy complaint or reviews the decision of a chief of police or civic authority on characterization and determines the complaint is a service or policy complaint, the Commission shall immediately refer the service or policy complaint to the appropriate chief of police and civic authority to process the complaint.

If the civic authority receives a service or policy complaint it shall:
(a) refer the complaint to the chief of police responsible for overseeing the operation of the police force against which the complaint is filed to process the complaint, or

(b) process the complaint in consultation with the chief of police responsible for overseeing the operation of the police force against which the complaint is filed.

If the chief of police processes a service or policy complaint, he shall immediately give the complainant, civic authority and Commission notice in writing of the disposition of the complaint.

If the civic authority, in consultation with the chief of police, processes a service or policy complaint, it shall immediately give the complainant and the Commission notice in writing of the disposition of the complaint.

The Commission or the chief of police shall immediately give the complainant, civic authority and Commission notice in writing of the disposition of the service or policy complaint. If the civic authority, in consultation with the chief of police, processes a service or policy, the civic authority shall immediately give the complainant and the Commission notice in writing of the disposition of the complaint.

Newfoundland & Labrador

The Royal Newfoundland Constabulary Public Complaints Commission

Organization Head	Vacant (Commissioner)
Address	Suite E160, Bally Rou Place 280 Torbay Road St. John's, Newfoundland A1A 3W8 Telephone: 709-729-0950 Fax: 709-729-1302 Email: RNCComplaintsCommission@gov.nl.ca Web Site: www.gov.nf.ca/RNCPCC
Jurisdiction	Approximately 400 members of the RNC in St. John's, Corner Brook and western Labrador. Others areas of the province are policed by RCMP.
Governing Legislation	*The Royal Newfoundland Constabulary Act, 1992*
Standard of Proof Applied in Police Oversight Hearings	Balance of probabilities. The more serious the allegation, the more cogent evidence required to prove misconduct on a balance of probabilities.
Duties/Functions	The Commissioner shall: • Act as a registrar of complaints received and ensure that complaints are dealt with in accordance with the Act. The Commissioner may: • Make recommendations respecting matters of concern or interest to the public relating to police services by sending the recommendations, with supporting documents, to the chief and a copy to the minister.
Staffing	Manager Secretary Contract investigators
Budget	$250,000.00
Reporting	The Commission is independent of both the police and of government, reporting to the House of Assembly.
Appointment/Term	The Lieutenant-Governor in Council appoints a Commissioner who serves for 5 years and continues in office until he or she is reappointed or replaced.
Review of Legislation	None at this time.

The Royal Newfoundland Constabulary Public Complaints Commission

Oversight Agency Role

Anyone who has concerns regarding the conduct of a member of the Constabulary or the service provided by them may file a public complaint. A complaint must be in writing on the appropriate form and be made within six months of the alleged misconduct, or of the date the policy or procedure complained of affected the complainant. A complaint can be withdrawn at any time by way of signing a withdrawal form.

Process

Public Complaint

Public complaints affect the relationship between a police officer and the community and allege specific misconduct on the part of a police officer. A complaint can be resolved by way of:

1. Informal Resolution
   If the Commissioner feels it is appropriate he or she may consult with the complainant, the police officer against whom the complaint has been made, and the chief for the purpose of resolving the complaint informally.

2. Dismissal
   Where the Commissioner is satisfied that the subject matter of a Public Complaint is frivolous or vexatious, occurred more than six months after facts on which it is based occurred, that the complainant was not directly affected by the policy or procedure that is the subject of the complaint the Commissioner shall decline to take further action on the complaint.

3. Investigation and Conclusion
   Unless it is a complaint against the Chief, all public complaints will be investigated by a designate of the Chief. A complaint against the Chief will be taken up by the Commissioner who will assign an investigator to investigate the matter. If a complaint is not resolved informally, a summary of the investigation report will be provided to the complainant.

Appeal

A complainant who is not satisfied with this decision of the chief or deputy chief may, within 15 days of his or her receipt of that decision appeal the decision by filing an appeal with the Commissioner. Where a police officer is disciplined under this section, that police officer may, within 15 days of his or her receipt of that discipline decision, appeal that decision by filing an appeal with the Commissioner.

Public Hearings

A commission investigator will be assigned to investigate the matter. Following the investigation, the Commissioner can uphold the decision of the Chief of Police; effect a settlement between the parties; or refer the matter to an adjudicator to conduct a public hearing.

The adjudicator must decide if the alleged misconduct has been proven on the “civil standard of proof”, that is, on the balance of probabilities. The more serious the allegation, the more cogent evidence required to prove misconduct on a balance of probabilities. If the misconduct is proven, the adjudicator may impose a disciplinary or corrective measure, or may confirm, increase or reduce the disciplinary or corrective measures already proposed by the Chief. Discipline can range from a verbal reprimand to dismissal and depends on the severity of misconduct. In the event that a public hearing is required and the Adjudicator decides the complainant's allegations were unfounded, the Adjudicator may order the complainant to

pay the reasonable costs incurred by the Commission in conducting an investigation, a hearing, or both. The hearing will be open to the public unless the adjudicator otherwise determines. All parties will receive a copy of the Adjudicator's Decision.

The complainant or the police officer who is the subject of the complaint may appeal an order or decision of the Commissioner or of the adjudicator by way of application to the Trial Division of the Supreme Court of Newfoundland and Labrador. An application for leave to appeal shall be made within 15 days of the receipt of the order of the adjudicator.

Policy or Procedure Complaints

Policy or Procedure Complaints are complaints about the policies, procedures and services provided by the Constabulary.

Where the complaint concerns the policies or procedures of the constabulary, the chief may take whatever action is considered appropriate. Where a complainant who is not satisfied with a decision of the chief appeals that decision to the Commissioner, the Commissioner will consider the appeal accordingly.



Nova Scotia

Office of the Police Complaints Commissioner (NSPCC)

Organization Head	Nadine Cooper Mont (Commissioner)
Address	Suite 720 – Sun Towers 1550 Bedford Highway Bedford, Nova Scotia B4A 1E6 Telephone: 902-424-3246 Fax: 902-424-3919 Web site: N/A Email: uarb.polcom@gov.ns.ca
Jurisdiction	Approximately 754 municipal police officers throughout the Province of Nova Scotia
Governing Legislation	*Nova Scotia Police Act*
Standard of Proof Applied in Police Oversight Hearings	Clear and convincing evidence may be required. The law recognizes degrees of probability.
Duties/Functions	The Complaints Commissioner shall: • Investigate and attempt to resolve complaints referred to the Complaints Commissioner; • Perform the duties assigned to the Complaints Commissioner by this Act, the regulations, the Minister or the Governor in Council. • The Complaints Commissioner is a member of the Review Board. For greater certainty, the Complaints Commissioner shall not sit as a member of a panel of the Review Board conducting a hearing into a complaint that has been dealt with by the Complaints Commissioner under this Act.
Staffing	Director, Administrator, Secretary and 4 contract investigators. 1 Commissioner and 10 Review Board members, all part time.
Budget	$343,000.00
Reporting	NSPCC is an at arms length from government agency but ultimately is responsible to the Minister of Justice.
Term	The Commissioner and Review Board members are Order in Council appointm Appointments are for a period not exceeding 3 years and may be renewed.
Review of Legislation	On-going.

Office of the Police Complaints Commissioner (NSPCC)

Oversight Agency Role

The Complaints Commissioner shall investigate and attempt to resolve police complaints referred to the Complaints Commissioner.

Process

Public Complaints

Public Complaints affect the relationship between a police officer and the community and allege specific misconduct on the part of a police officer.

A public complaint is initially investigated by the relevant police department. Where a complaint is satisfactorily resolved by the chief officer, a copy of the complaint and a notice of the manner of the final disposition will be forwarded to the Review Board and the Review Board may publish statistics showing the nature and resolution of such complaints.

Where a complaint is not satisfactorily resolved by the chief officer and where the person making the complaint or the member of a municipal police force has requested a review of that decision by the Review Board, the complaint shall be referred to the Complaints Commissioner.

1. Dismissal of Complaint
   If the Commissioner deems the complaint to be frivolous or vexatious, without merit or an abuse of process the Commissioner can refuse to forward the complaint to the Police Review Board. In this situation, the complainant can appeal to the Chair of Review Board for an order to refer the complaint to the Review Board.

2. Investigation
   The Complaints Commissioner may decide to investigate or appoint a person to conduct an investigation into the complaint. A person conducting the investigation is a special constable and has all the powers and immunities of a peace officer during the investigation and any proceeding relating to the matter under investigation.

   If a complaint is satisfactorily resolved by the Complaints Commissioner, a copy of the complaint and a notice of the manner of the final disposition shall be forwarded to the Review Board and the Review Board may publish statistics showing the nature and resolution of such complaints.

Review Board

If the Commissioner finds the complaint has merit, the matter is referred to the Police Review Board for a hearing.

A hearing by the Review Board shall be a hearing de novo and is open to the public unless the Review Board is of the opinion that it is in the best interests of the public, the maintenance of order or the proper administration of justice to exclude members of the public for all or part of the proceedings.

The Review Board may make findings of fact; dismiss the matter; find that the matter under review has validity and recommend to the body responsible for the member of the municipal police department what should be done in the circumstances; vary any penalty imposed including, notwithstanding any contract or collective agreement to the contrary, the dismissal of the member of the municipal police department or the suspension of the member with or without pay; affirm the penalty imposed;

substitute a finding that in its opinion should have been reached; award or fix costs where appropriate, including ordering costs against the person making the complaint, where the complaint is without merit; supersede a disciplinary procedure or provision in a contract or collective agreement.

Appeal

The decision of the Review Board is final.

When a decision of the Review Board awards costs against any party, the decision is enforceable in the same manner as any order or judgment of the Supreme Court of Nova Scotia. The Review Board shall forward the decision so endorsed to the prothonotary of the Supreme Court who shall, on receiving it, enter the same as a record and it shall thereupon be enforceable in the same manner as an order or judgment of that Court.

Internal Discipline Complaints

Internal Discipline complaints means a complaint that relates to the acts, omissions or deportment of a respondent that is not a public complaint or is a public complaint not processed as a public complaint.

After a disciplinary decision has been made in accordance with this Act and the regulations, a police officer who is the subject of the disciplinary decision may initiate a review of the decision by filing a notice of review with the Review Board in accordance with the regulations.

Upon receipt of a notice of review, the Review Board shall conduct a hearing.



Prince Edward Island

Office of the Police Commissioner

Organization Head	Gerard E. Mitchell Police Commissioner
Address	114 Kent Street PO Box 427 Charlottetown, PE C1A 7K7 Telephone: (902) 368-7200 or 1-877-541-7204 Fax: (902) 368-1123 Website: www.policecommissioner.pe.ca/
Jurisdiction	The Office of the Police Commissioner has statutory jurisdiction over all municipal police officers; the Director and instructing officers of the Atlantic Police Academy; and UPEI security police officers.
Governing Legislation	*Prince Edward Island Police Act*
Standard of Proof Applied in Police Oversight Hearings	Some support for balance of probabilities on clear and convincing evidence, however, more decisions have held clear and convincing evidence to be the standard of proof.
Powers/Duties	The Police Commissioner shall perform the functions assigned to the Police Commissioner by this Act or the regulations, or by the Lieutenant Governor in Council or the Minister. There shall be a Deputy Police Commissioner who shall perform the duties of the Police Commissioner when he or she is unable to do so. The Police Commissioner has, in relation to any matter before the Police Commissioner under this Act, the power • to summon any person before the Police Commissioner and to require that person to give oral or written evidence on oath and to produce such documents and things under that person's control as the Police Commissioner considers necessary to the full review of that matter; • to administer oaths and solemn affirmations; • and to receive and accept on oath or solemn affirmation, or by affidavit, such evidence and other information as the Police Commissioner considers appropriate, whether or not such evidence or information would be admissible in a court of law. The Police Commissioner may find a person who • fails or refuses to appear before the Police Commissioner; • refuses to be sworn as a witness; • fails or refuses without just cause to answer any relevant question or to produce documents or things in his or her control; or • disrupts or otherwise obstructs a hearing before the Police Commissioner, to be in contempt and may certify the contempt to the Supreme Court by issuing a certificate describing the contempt and causing it to be filed with

	the Registrar of the Supreme Court. The Police Commissioner may hold hearings anywhere in the province relating to the performance of the functions assigned to the Police Commissioner. The Police Commissioner shall make rules respecting practice and procedure before the Police Commissioner and may prescribe forms for that purpose. The Police Commissioner shall, within six months after the end of each calendar year, file with the Minister an annual report for the preceding calendar year.
Staffing	N/A
Budget	N/A
Reporting	N/A
Appointment/Term	The Police Commissioner shall hold office for a term not exceeding five years, but shall continue in office until a successor is appointed, and may be re-appointed.
Review of Legislation	*The Prince Edward Island Police Act* was proclaimed on March 13, 2010.

Office of the Police Commissioner

Oversight Agency Role

The Office of the Police Commissioner is independent, and provides an appeal process for a Complainant or a police officer whose conduct is the subject of a complaint, if either is dissatisfied with a decision made by a Chief Officer.

The Office of the Police Commissioner provides an appeal process for a Complainant or an Atlantic Police Academy instructor whose conduct is the subject of a complaint, if either is dissatisfied with a decision made by the Director.

The Office of the Police Commissioner investigates complaints against Chiefs of Police, the Director of the Atlantic Police Academy and UPEI security police officers.

Process

Complaints Against Police Officers

A complaint must be filed, in writing, with the Chief of Police of the municipal police force involved in the complaint and must be received within six months of the incident.

Investigation

The Chief of Police will have the complaint investigated and his or her investigator will interview the Complainant, the police officer concerned and any other relevant witnesses.

The investigator has approximately 90 days to complete the investigation. If further time is required to complete the investigation, the Complainant will be notified of the revised completion date of the investigation. At the end of the investigation, the investigator will submit a report to the Chief of Police.

The Chief of Police will review the investigation report and may dismiss the complaint if the complaint is found to be unsubstantiated, trivial, frivolous, vexatious, unfounded or made in bad faith; or the Complainant refuses to accept a fair and reasonable resolution of complaint. If the Chief of Police deems the complaint substantiated then he or she will initiate such disciplinary proceedings as considered appropriate against the Respondent in respect of the conduct that is the subject matter of the complaint.

Appeal

The Complainant and the Respondent will be informed in writing of the final decision by the Chief of Police. If the Complainant or Respondent is not satisfied with the final complaint disposition, he or she may contact the Manager/Senior Investigator of the Office of the Police Commissioner to request an independent review.

After receiving a review request, the Manager/Senior Investigator of the Office of the Police Commissioner will review the decision, the request and the complaint. The Manager/Senior Investigator may attempt an informal resolution; dismiss the complaint if the Chief's decision is deemed appropriate or the Complainant or Respondent have refused a reasonable resolution; or refer the matter to the Police Commissioner for a hearing.

The Police Commissioner conducts the hearing and may dismiss the complaint, overturn the Police Chief's decision and find the Respondent in

breach of the Code and impose a disciplinary penalty for the breach; overturn the Police Chief's decision and find the Respondent did not breach the Code; vary any discipline imposed by the Chief on the Respondent and may order a party to the complaint to pay the costs incurred by the other party.

The Police Commissioner's decision is final and binding and open to review only on a question of law.

Informal Resolution

The Chief of Police or his or her delegate will consider whether a complaint can be resolved informally, but only with the Complainant's consent and the consent of the police officer(s) concerned.

Withdrawal of Complaint

Should a Complainant wish to withdraw a complaint, he or she must deliver a signed, written notice to the Chief of Police. The Complainant will receive written confirmation of the withdrawal. However, if the Chief of Police has commenced disciplinary proceedings against the respondent(s), the Chief of Police may refuse to consent to the withdrawal of the complaint. A Complainant will be notified of the refusal to withdraw his or her complaint in writing within 15 days of the receipt of the withdrawal.

Complaints Involving Instructing Officers of the Atlantic Police Academy

A complaint must be filed, in writing, with the Director of the Atlantic Police Academy and be received within six months of the incident.

Investigation

The Director will have the complaint investigated and his or her investigator will interview the Complainant, the instructor concerned and any other relevant witnesses.

The investigator has approximately 90 days to complete the investigation. If further time is required to complete the investigation, the Complainant will be notified of the revised completion date of the investigation. The investigator will submit a report to the Director.

The Director will review the investigation report and may dismiss the complaint if the complaint is found to be unsubstantiated, trivial, frivolous, vexatious, unfounded or made in bad faith; or the Complainant has refused to accept a fair and reasonable resolution of complaint. If the Director deems the complaint substantiated, then he or she will initiate such disciplinary proceedings considered appropriate against the instructor in respect of the conduct that is the subject matter of the complaint.

The Complainant and the instructor will be informed in writing of the final decision made by the Director. If the Complainant or instructor is not satisfied with the complaint disposition by the Director, he or she may contact the Manage/Senior Investigator of the Office of the Police Commissioner to request an independent review of the decision.

After receiving a review request, the Manager of the Office of the Police Commissioner will review the request, the decision and the complaint. The Manager/Senior Investigator may attempt an informal resolution; dismiss the complaint if the Director's decision is deemed appropriate or the Complainant or Respondent have refused a reasonable resolution; or refer the matter to the Police Commissioner for a hearing.

The Police Commissioner will conduct a hearing and may dismiss the complaint, overturn the Director's decision and find the instructor in breach of the Code and impose a disciplinary penalty for the breach; overturn the Director's decision and find the instructor did not breach the Code; vary any discipline imposed by the Director on the instructor and may order a party to the complaint to pay the costs incurred by the other party.

Informal Resolution

The Director or his or her delegate will consider whether a complaint can be resolved informally, but only with the Complainant's consent and the consent of the instructor(s) concerned.

Withdrawal of Complaint

Should a Complainant wish to withdraw a complaint, he or she must deliver a signed, written notice to the Director. The Complainant will receive written confirmation of the withdrawal. However, if the Director has commenced disciplinary proceedings against the respondent(s), the Director may refuse to consent to the withdrawal of the complaint. A Complainant will be notified of the refusal to withdraw his or her complaint in writing within 15 days of the receipt of the withdrawal.

Complaints Involving a Chief of Police, Director of the Atlantic Police Academy or UPEI Security Police Officers.

A complaint must be filed, in writing, with the Manager/Senior Investigator, Office of the Police Commissioner, within six months of the incident. The Manager/Senior Investigator will provide a copy of the complaint to the person whose conduct is the subject of complaint.

The Manager/Senior Investigator or his or her ad-hoc investigator may dismiss the complaint if the complaint is found to be unsubstantiated, trivial, frivolous, vexatious, unfounded or made in bad faith; or the Complainant has refused to accept a fair and reasonable resolution of complaint. If the complaint is dismissed or informally resolved, a report shall be prepared and provided to the Police Commissioner.

Where the Manager/Senior Investigator or ad-hoc investigator determines that the complaint should be the subject of a hearing, the Police Commissioner will conduct the hearing and either impose a disciplinary penalty, dismiss the complaint, and/or order one party pay the costs incurred by another party.

The Police Commissioner's decision is final and binding and open to review only on a question of law.

Federal

Military Police Complaints Commission (MPCC)

Organization Head	Glenn Stannard (Chairperson)
Address	270 Albert Street, 10th Floor Ottawa, Ontario K1P 5G8 Telephone: 613-947-5625 Toll Free: 800-632-0566 Fax: 877-947-5713 or (613) 947-5713 Email: commission@mpcc-cppm.gc.ca Web site: www.mpcc-cppm.gc.ca
Jurisdiction	The Commission has jurisdiction over the Military Police within the Canadian Forces.
Governing Legislation	*National Defence Act (Part IV) and related regulations*
Standard of Proof Applied in Police Oversight Hearings	The standard is based on the civil standard that of, balance of probabilities.
Powers/Duties	The Chair has the power to: • Initiate an investigation into either a conduct or an interference complaint; • Convene public hearings and administer oaths, subpoena witnesses, compel them to give evidence under oath and produce documents; and, • Report its findings and make recommendations based on those findings.
Staffing	As the Deputy Head, the Chairperson oversees the Commission and is supported by an Administrative Assistant. The Commission has two main functional areas; Complaints Resolution is directed by the General Counsel and supported by personnel in operations and a pool of investigators. Corporate Services is directed by the Chief of Staff and supported by nine employees. Currently, the Commission has three part-time Commission members appointed by Governor-in-Council.
Budget	The FY 08/09 Annual Reference Level for the Commission is $3.4M consisting of salary and operating budgets.
Reporting	The Commission is a Defence Portfolio in the Department of National Defence though, reports to Parliament through the Minister of National Defence. The Commission submits an Annual Report and other reports to central agencies including the Department Performance Report (DPR), Report on Plans and Priorities (RPP), etc.
Term	The Commission consists of a Chairperson and not more than six other members appointed as the Governor in Council appointees. The Chairperson holds office on a full-time basis while the members are part-time. Each member is appointed for a term not exceeding five years and are eligible to be re-appointed on the expiration of a first or subsequent term of office.
Review of Legislation	A review of the *National Defence Act* is anticipated sometime in 2009.

Military Police Complaints Commission (MPCC)

Oversight Agency Role

Under the *National Defence Act,* the Commission monitors the Provost Marshal's handling and disposition of conduct complaints. The Provost Marshal is responsible for dealing with conduct complaints in the first instance. If the complainant is dissatisfied with the Provost Marshal's handling of his/her complaint, s/he may request a review by the Commission.

Any member of the Military Police who conducts or supervises a Military Police investigation and believes that any member of the Canadian Forces or a senior official of the Department of National Defence has interfered with or attempted to influence a police investigation may file a complaint with the Commission. The Commission has exclusive authority to deal with interference complaints, which will be pursued vigorously.

If the Chairperson deems a complaint in the public interest, then the Chairperson may cause the Commission to conduct an investigation and, if warranted, to hold a hearing into the complaint.

Process

Conduct Complaint

Conduct complaints are complaints against the Military Police in the performance of policing duties and functions as set out in the *Complaints About the Conduct of Members of the Military Police Regulations*.

1. Conduct Complaints Process
   Anyone, including civilians, may file a complaint about Military Police conduct. A Conduct Complaint may be filed either verbally or in writing using the complaint form available on the MPCC website www.mpcc-cppm.gc.ca to the Chairperson of the Commission, The Canadian Forces Provost Marshal (CFPM), the Judge Advocate General or any member of the Military Police.

2. Complaint Investigated by the Provost Marshal
   The CFPM has primary responsibility for the investigation of complaints about the conduct of Military Police. The Commission monitors the investigation and disposition of the complaints by the CFPM.

   The CFPM attempts to resolve conduct complaints in an informal manner. If a complaint is resolved informally, the CFPM is required to prepare a written report of the details of its resolution signed by both the complainant and subject of the complaint, and notifies the Chairperson of the Commission of the informal resolution.

   Upon receipt of a conduct complaint, the CFPM shall investigate a conduct complaint as soon as practicable if the matter cannot be resolved informally.

   The CFPM may direct that no investigation of a conduct complaint be started or that an investigation be ended if, in the opinion of the Provost Marshal, the complaint is frivolous, vexatious or made in bad faith; the complaint is one that could more appropriately be dealt with under another part of the *National Defence Act* or under any other Act of Parliament; or if investigation or further investigation is not necessary or reasonably practicable.

   The CFPM must inform the complainant and the subject of the complaint,

setting out the direction, the reasons why the decision was made, a summary of the complaint and the findings of the investigation. Further, the Complainant must be informed of their right to request a review of that decision by the Commission if not satisfied.

3. Request for Review
   If a complainant is not satisfied with the results of the CFPM investigation, a complainant can ask the Commission to review the complaint. In conducting a review of a complaint, the Chairperson may investigate any matter relating to the complaint.

4. Commission Reviews Complaint
   At a minimum, this process involves a review of documentation related to the CFPM's investigation. Most cases also include interviews with the complainant, the subject of the complaint, and witnesses, as well as review of relevant legislation, and police policies and procedures.

5. Commission Releases Interim Report
   Once a review or investigation of a complaint has been completed by the Commission, the Chairperson is required to prepare a Interim Report including all findings and recommendations. This Interim Report is submitted to the Minister of National Defence, the Chief of the Defence Staff or the Deputy Minister, depending on the circumstances, the Judge Advocate General, and the CFPM.

6. Notice of Action
   The interim report is reviewed by the CFPM who then notifies both the Chairperson and the Minister of any action that has been taken or will be taken with respect to the complaint. (If the CFPM is the subject of the complaint, the review shall be conducted by the Chief of the Defence Staff.)

   The Notice of Action, the official response to the Interim Report, outlines what action, if any, has been or will be taken in response to the Commission's recommendations.

   The person who reviews the Notice of Action shall notify in writing the Minister and the Chairperson of any action that has been or will be taken with respect to the complaint. If the person decides not to act on any findings or recommendations set out in the report, the reasons for not taking action must be included in the notice.

7. Commission Releases Final Report
   After considering the official written response to the Interim Report (Notice of Action), the Chairperson prepares a final written report setting out the Chairperson's findings and recommendations with respect to the complaint. Copies of the Final Report are provided to the complainant and the subject(s) of the complaint, among others.

   Copies of the Final Report are given to the following:
   - the Minister of National Defence;
   - the Chief of the Defence Staff;
   - the Provost Marshal;
   - the complainant;

- the person who is the subject of the complaint; and
- all persons who have satisfied the Commission that they have a substantial and direct interest in the complaint.

Interference Complaints

Interference Complaints are complaints by any member of the Military Police who conducts or supervises a Military Police investigation and believes that any member of the Canadian Forces or a senior official of the Department of National Defence has improperly interfered with, or attempted to influence, a police investigation.

The Commission has the exclusive authority to deal with interference complaints.

1. Interference Complaint Filed
   Members of the Military Police who conduct or supervise investigations may complain about interference in their investigations. Members may file a complaint either verbally or in writing using the on-line form on the MPCC website; www.mpcc-cppm.gc.ca.

   Upon initial review, the Chairperson may direct that no investigation of an interference complaint be started or that an investigation be ended if, in the Chairperson's opinion, the complaint is frivolous, vexatious or made in bad faith; the complaint is one that could more appropriately be dealt with according to a procedure provided under another Part of this Act or under any other Act of Parliament; or having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

2. Complaints Commission Investigates
   After the Chairperson has determined to proceed, the Chairperson assigns Counsel and an investigator to review and investigate the complaint.

3. Commission Releases Interim Report
   The Interim Report includes a summary of the Commission's investigation, as well as its findings and recommendations. This report goes to the appropriate senior officials in the Canadian Forces and the Department of National Defence.

   Depending on the nature of the complaint, the report is generally reviewed by the Chief of Defence Staff who in turn notifies both the Chairperson and the Minister of any action that has been taken or will be taken with respect to the complaint.

4. Notice of Action
   The official response to the Interim Report indicates the actions, if any, that have been or will be taken in order to implement the Commissions' recommendations.

   While the Chairperson's report is not binding, if there is a refusal to act on any of the findings or recommendations, the response to the Chairperson and the Minister must provide an explanation.

The Minister and the Chairperson will be notified in writing of any action that has been or will be taken with respect to the complaint.

5. Commission Releases Final Report

After receiving and considering the Notice of Action, the Chairperson prepares a final report in writing setting out the Chairperson's findings and recommendations with respect to the complaint.

Copies of the Final Report are given to the following:

- the Minister of National Defence;
- the Deputy Minister of National Defence;
- the Chief of the Defence Staff in the case of a complaint against an officer or a non commission member;
- the Judge Advocate General;
- the Provost Marshal;
- the complainant;
- the person who is the subject of the complaint; and
- all persons who have satisfied the Commission that they have a substantial and direct interest in the complaint.

The Final Report is released to the complainant, the subject of the complaint, and to the Minister; the Chief of the Defence Staff, in the case of a complaint against an officer or a non-commissioned member; the Deputy Minister, in the case of a complaint against a senior official of the Department; the Judge Advocate General; and the CFPM.

Public Interest Investigation / Hearing

When the Chairperson determines it is in the public interest, the Commission can exercise its power to assume immediate responsibility for the investigation of a conduct complaints and, if warranted, to hold a public interest hearing.

A hearing is held in public unless the Commission is of the opinion that during the course of the hearing information could be disclosed that could be injurious to the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive or hostile activities; could be expected to be injurious to the administration of justice, including law enforcement; or affect a person's privacy or security interest, if that interest outweighs the public's interest in the information.

On completion of a hearing, the Complaints Commission will prepare and send to the Minister, the Chief of the Defence Staff or the Deputy Minister, as the case may be, the Judge Advocate General and the CFPM a report in writing setting out its findings and recommendations with respect to the complaint. Once the Notice of Action is received, the Chairperson prepares a final report.



Federal

Commission for Public Complaints Against the RCMP (CPC)

Organization Head	Ian McPhail (Interim Chair)
Address	Service Bag 1722, Station B Ottawa, Ontario K1P 0B3 Telephone: From anywhere in Canada: 1 800-665-6878 TTY: 1 866-432-5837 Email: General Enquiries: org@cpc-cpp.gc.ca Reviews: reviews@cpc-cpp.gc.ca Complaints: complaints@cpc-cpp.gc.ca Web Site: www.cpc-cpp.gc.ca
Jurisdiction	Approx. 21,000 sworn members of the Royal Canadian Mounted Police (RCMP) and civilian members hired under Section 10 (2) of the Royal Canadian Mounted Police Act (RCMP Act) (as of April 2008).
Standard of Proof Applied in Police Oversight Hearings	Balance of probabilities (preponderance of evidence).
Duties/Functions	The CPC is mandated to: • Receive complaints from the public regarding the conduct of members of the RCMP; • Conduct reviews when complainants are not satisfied with the RCMP's handling of their complaints; • Conduct investigations; • Hold hearings; • Report findings; • Make recommendations for changes in national policing policy and practice.
Governing Legislation	Part VI ("Royal Canadian Mounted Police Public Complaints Commission") and Part VII ("Public Complaints") of the *RCMP Act*.
Staffing	Forty (40) full-time equivalents (FTEs) plus 19 additional FTEs with interim funding.
Budget	For the Fiscal Year 2009-2010: $8,500,000.00 (ongoing plus interim funding)
Reporting	Directly to Parliament through the Minister of Public Safety
Term	The CPC consists of a Chair (Currently Vacant), a Vice-Chair, a member for each contracting province, and not more than three other members, to be appointed by order of the Governor in Council (currently, no other members have been appointed). Members may be appointed as part-time or full-time members. Each member of the CPC shall be appointed to hold office for a term not exceeding five years, but is eligible for re-appointment on the expiration of the member's term of office.
Review of Legislation	The federal government has committed to creating a new civilian independent complaints commission with enhanced oversight powers.

Commission for Public Complaints Against the RCMP (CPC)

Oversight Agency Role

The CPC is an independent agency, created by Parliament, to ensure that complaints made by the public about the conduct of RCMP members are examined fairly and impartially.

Process

Anyone, including a non-citizen, who has a concern about the conduct of a RCMP member, can make a complaint. Once a complaint has been received by the CPC, it is documented and forwarded to the RCMP for the initial investigation. The law under which the CPC operates generally requires that the RCMP conduct the first investigation into complaints, after which the CPC is involved in its capacity as a review body – when requested by a complainant who is dissatisfied with the RCMP's report of its investigation into the complaint. However, at the discretion of the Chair, the CPC may also conduct its own investigation in the public interest or conduct a public interest hearing.

Complaint Dispositions

1. Informal Resolution

The *RCMP Act* permits the RCMP to attempt to resolve a complaint informally (an "informal disposition"), which requires the complainant's consent and the consent of the RCMP member(s) involved. If the complaint is resolved informally and both parties are satisfied, the RCMP will prepare a summary of the complaint and how it was resolved, and will ensure that the complainant agrees with the summary before signing the summary document. It is important to note that RCMP policy prohibits certain complaints (i.e. those involving allegations of serious misconduct) from being resolved informally.

2. Dismissal.of.Complaint

The RCMP has the authority to refuse to investigate complaints under the following circumstances: if the complaint is considered trivial, frivolous, or vexatious; if it can be better dealt with under another Act of Parliament; or if the RCMP deems that an investigation is not necessary or reasonably practicable under the circumstances. However, if the RCMP refuses to investigate the complaint, the RCMP must provide the complainant with an explanation and the complainant is entitled to ask the CPC to conduct a review of the RCMP decision.

3 Investigation

The RCMP conducts an investigation into the complaint and sends reports to the complainant on a regular basis providing updates on the status of the investigation. When the investigation is complete, the RCMP will send the complainant a letter (a "Final Report") that summarizes the results of the investigation. This letter will also detail what action, if any, the RCMP has taken or plans to take to address the complaint. If the complainant is satisfied, this will be the final step in dealing with the complaint.

The RCMP must advise the complainant of his or her right to ask the CPC to review the complaint if the complainant is not satisfied.

4 Withdrawal

The complainant may also withdraw the complaint. RCMP policy and guidelines emphasize that there must be "unequivocal evidence of the complainant's wish to withdraw." A complainant's belief that the RCMP is corrupt or that nothing good will come out of the complaint does not constitute a valid reason to withdraw the complaint. The reason for the withdrawal must be clearly documented in the RCMP withdrawal form.

Appeal

If a review request is received from a complainant, a CPC Reviewer/Analyst will thoroughly review the complaint, the RCMP's response, and all materials relevant to the complaint. Following this review the CPC may decide to investigate the complaint further; request that the RCMP conduct a further investigation; or the CPC may call a public hearing. However, public hearings are rare and are usually reserved for complaints where the CPC determines that important details will surface only through a hearing. Public hearings normally take place before a panel of CPC members, whose findings and recommendations are transmitted by the Chair to the Commissioner of the RCMP, the Minister of Public Safety, the complainant, other interested parties, and are made available to the public through the CPC's website. The Commissioner of the RCMP is obliged to respond to the panel's recommendations through the same process used for recommendations flowing from the review of complaints by the Chair of the CPC.

If after reviewing the case the CPC is satisfied with the results of the RCMP investigation and treatment of the complaint, the Chair sends a final report to all parties involved, including the complainant, the member(s) of the RCMP subject to the complaint, the Commissioner of the RCMP and the Minister of Public Safety.

If the CPC does not agree with the results of the RCMP investigation, then the Chair sends an interim report to the RCMP Commissioner and the Minister of Public Safety. The interim report will provide an explanation of the facts of the case, the findings of the CPC and the recommendations for avoiding similar problems in the future.

The Commissioner of the RCMP must respond to the interim report and clearly indicate whether he accepts or rejects the CPC's recommendations. In instances where the Commissioner rejects the recommendations, the legislation requires him to provide detailed and compelling reasons for so doing. In cases where the Commissioner accepts the recommendations, he indicates how and when the recommendations will be implemented.

The CPC then prepares a final report, taking into account the response of the RCMP. This report is sent to the Minister of Public Safety and the Commissioner of the RCMP. Copies of the final report are also sent to the complainant and the RCMP member(s) against whom the complaint was laid.

At the CPC's discretion, final reports may be made available to the public, ensuring that their publication respects the requirements of the federal *Access to Information* and *Privacy Acts*.

Chair-Initiated Complaints

A Chair-initiated complaint can be made under Part VII of the *RCMP Act*. The Chair may initiate a complaint if he/she is satisfied that there are reasonable grounds to do so. This can occur when the Chair becomes aware of the conduct of any RCMP member and, based on the information available, considers there are reasonable grounds to investigate that conduct.

Such cases could involve allegations of a severe or traumatic nature; allegations made by multiple complainants; or allegations involving an issue

of particular interest to the public, such as those related to in-custody deaths and the use of the Conducted Energy Weapon (CEW), for example the Chair-initiated complaint and public interest investigation launched January 15, 2009.

In such circumstances, the Chair of the CPC can also call a public interest investigation. Once an investigation is called, the CPC sends its own investigator to collect information and make a report to the Chair. The Chair's final report is then made public at the CPC's discretion.

IOPP

The Canadian public expressed concerns regarding the issue of transparency and accountability in relation to RCMP investigations of their own members in cases of serious injury or death. In order to enhance public confidence, the CPC began to assess the impartiality of RCMP investigations in an objective and timely manner. In March of 2007, it established the Independent Observer Pilot Project (IOPP) in British Columbia, RCMP's "E" Division.

Today a fully developed program, the IOP assesses the impartiality of RCMP investigations against four criteria: line management, appropriate level of response, timeliness of response and conduct. In December 2008, an Independent Observer was deployed outside British Columbia for the first time at the request of Yukon's "M" Division. As of May, 2010, the IOP was involved in 20 investigations and found no concerns with RCMP impartiality.

Federal

RCMP External Review Committee

Organization Head	Catherine Ebbs (Chair)
Address	P.O. Box 1159 Station B Ottawa, Ontario K1P 5R2 Telephone: 613-998-2134 Fax: 613-990-8969 Email: org@erc-cee.gc.ca Web Site: www.erc-cee.gc.ca
Jurisdiction	Regular and civilian members of the RCMP
Governing Legislation	The Royal Canadian Mounted Police Act
Powers/Duties	The ERC may, as per subsection 24.1(3) of the Act: • hold hearings, summon witnesses, administer oaths and receive and accept such evidence as it sees fit. It is rare for the ERC to initiate hearings; however, the ERC has a right to do so.
Staffing	The RCMP Act (s.25) creates the ERC, consisting of a Chairperson and up to 4 other members, all appointed by order of the Governor in Council. Members hold office during good behaviour for terms not exceeding 5 years. At present, the ERC has one Governor-in-Council appointee, the Chair. Five (5) full time staff (in addition to the members) includes one (1) Executive Director, (1) Office Manager, and three (3) Counsel
Budget	$1,800,000.00
Reporting	The agency reports and submits an annual report to the Parliament of Canada through the Minister of Public Safety (Public Safety and Emergency Preparedness Canada)
Term	The Royal Canadian Mounted Police External Review Committee consists of a Chairman, a Vice-Chairman and not more than three other members, to be appointed by order of the Governor in Council. The ERC Chairman is a full-time member of the ERC and the other members may be appointed as full-time or part-time members of the ERC. Each member of the ERC shall be appointed for a term not exceeding five years but may be removed for cause at any time by order of the Governor in Council. A member of the ERC is eligible for re-appointment on the expiration of the member's term of office.
Review of Legislation	None at this time.

RCMP External Review Committee

Oversight Agency Role

The ERC does not deal with complaints from the public. It acts as an independent and impartial, quasi-judicial body to review appeals of formal discipline, appeals of discharge or demotion, and certain types of grievances involving regular and civilian members of the RCMP.

The intervention of the ERC in this labour relations system promotes the transparency of the decision-making process in the RCMP as it ensures a neutral and impartial review of cases. In addition to recommendations on specific cases, the ERC may make recommendations of a general nature on aspects relating to its mandate.

In the exercise of its mandate, the ERC is supported by legal advisors who provide research and analysis to the Chair.

Process

The ERC independently reviews certain types of grievances, discipline and discharge and demotion appeals and submits recommendations to the RCMP Commissioner, who is the final level in the RCMP grievance/appeal procedure. In its review, the ERC may hold hearings, summon witnesses, administer oaths and receive and accept such evidence as it sees fit. It is rare for the ERC to initiate hearings; however, the ERC has a right to do so.

Grievances

A member who is not satisfied with the Level I decision of the RCMP Adjudicator can ask that his grievance be referred to Level II. For subject matters defined in section 36 of the Regulations, the RCMP Commissioner constitutes Level II. Grievances that are not in these categories are reviewed through the internal RCMP processes.

For those grievances referable to the ERC, the grievance is referred to the ERC, unless the member requests that the matter proceed directly to the RCMP Commissioner. This rarely happens. The RCMP Commissioner may refer the matter to the ERC despite the member's request to the contrary (subsection 33(2)).

Prior to making a decision, the RCMP Commissioner is required to refer the matter to the ERC, which studies the case and makes findings and recommendations. The RCMP Commissioner is not bound by the recommendations; however, if he rejects them, he must provide reasons as required by subsection 32(2) of the RCMP Act.

Disciplinary Appeals

If the member or the Appropriate Officer is dissatisfied with the decision of the Adjudication Board, either may appeal the decision to the RCMP Commissioner.

There is no limitation on the type of disciplinary matters that can be reviewed by the ERC. The appeal is referred to the ERC, unless the member requests that the matter proceed directly to the RCMP Commissioner. This rarely happens.

Prior to making a decision, the RCMP Commissioner is required to refer the matter to the ERC, which studies the case and makes findings and recommendations. The RCMP Commissioner is not bound by the recommendations; however, if he rejects them, he must provide reasons as required by subsection 45.16(6) of the RCMP Act.

Appeal

Discharge and Demotion Appeals

If the member or the Commanding Officer is dissatisfied with the decision of the Discharge and Demotion Board, either may appeal the decision to the

RCMP Commissioner.

Appeal submissions are made in writing and the appeal is then referred to the ERC unless the member requests that the matter proceed directly to the RCMP Commissioner. This rarely happens.

Prior to making a decision, the RCMP Commissioner is required to refer the matter to the ERC, which studies the case and makes findings and recommendations. The RCMP Commissioner is not bound by the recommendations; however, if he rejects them, he must provide reasons as required by subsection 45.26(5) of the RCMP Act.

The RCMP Commissioner's decision in grievances, disciplinary appeals and discharge and demotion appeals is final, although it is subject to Judicial Review by the Federal Court.