

**KINGSTON POLICE SERVICES BOARD  
POLICY RESPECTING THE ADMINISTRATION  
OF THE COMPLAINTS SYSTEM**

**December 15, 2011, Resolution 12-7**

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## POLICY RESPECTING THE ADMINISTRATION OF THE COMPLAINTS SYSTEM

WHEREAS the Kingston Police Services Board is required to establish policies for the effective management of the Kingston Police in accordance with section 31(1)(c) of the *Police Services Act*;

AND WHEREAS Part V of the Act sets out procedures for the handling of complaints about policies or services of the Kingston Police or about the conduct of sworn members of the Kingston Police, including the Chief or Deputy Chief;

AND WHEREAS, pursuant to section 31(1)(i) of the Act, the Board is required to establish guidelines for dealing with complaints under Part V of the Act;

AND WHEREAS Ontario Regulation 263/09 under the Act sets out procedures for handling public complaints as "local complaints";

AND WHEREAS section 31(1)(j) of the Act requires the Board to review the Chief's administration of the complaints system under Part V and receive regular reports from the Chief on the administration of the complaints system;

AND WHEREAS procedures for administering Part V of the Act were amended by Bill 103, an Act to establish an Independent Police Review Director and create a new public complaints process by amending the *Police Services Act*, which procedures became effective on October 19, 2009;

NOW THEREFORE the Kingston Police Services Board enacts as follows.

### 1. DEFINITIONS

1. In this policy:

- (a) "Act" means the *Police Services Act*, RSO 1990, c.P.15 and amendments thereto;
- (b) "Board" means the Kingston Police Services Board, the governing authority for the police force of the city of Kingston, with a majority of the members of the Board constituting a quorum in accordance with section 35(2) of the Act;
- (c) "Chief" means the Chief of the Kingston Police;
- (d) "Commission" means the Ontario Civilian Police Commission;
- (e) "complaint" means an allegation made in writing and signed by a member of the public or the Chief of Police about the policies of or the services provided by the police service or the conduct of a police officer;
- (f) "complainant" means a member of the public who makes a complaint in accordance with the provisions of the Act;

- (g) “complaints procedure” means the internal procedures adopted by the Kingston Police for the handling of complaints;
- (h) “Deputy Chief” means the Deputy Chief of the Kingston Police;
- (i) “the force” refers to the Kingston Police organization;
- (j) “Investigating Chief” means the chief of police of another police service assigned by the Commission to investigate a complaint against the Chief or Deputy Chief;
- (k) “local complaint” means a complaint that qualifies to be handled in accordance with Regulation 263/09 and without the filing of a formal complaint under Part V of the Act;
- (l) “member” means a member of the Kingston Police as defined by the Act;
- (m) “misconduct” means an act or omission on the part of an officer, including the Chief or Deputy Chief, that constitutes an offence under the Act;
- (n) “offence” refers to a violation of a law of Canada or of a province or territory;
- (o) “OIPRD” means the Office of the Independent Police Review Director;
- (p) “old Part V” refers to the Part V of the *Police Services Act* in effect prior to October 19, 2009;
- (q) “police officer” is defined in accordance with the Act;
- (r) “Professional Standards Office” means a unit of the Kingston Police designated by the Chief to deal with complaints; and
- (s) “Professional Standards Officer” means the Chief, a police officer who works in the Professional Standards Office, or any other police officer who has been authorized by the Chief to perform duties of the Chief under Part V pursuant to section 76(4) of the Act.

## 2. APPLICATION

1. This policy provides direction to the Board and to the Chief of Police regarding the obligations of both parties under the *Police Services Act* and associated regulations.
2. It is the direction of the Board that the Chief of Police will:
  - (a) develop and maintain a Kingston Police complaints procedure, to ensure that complaints are processed in accordance with the provisions of the Act, associated regulations, and this policy;
  - (b) ensure that the complaints procedure incorporates a fair and transparent process for both the public and members of the Kingston Police, including a requirement

that, where notice or information is to be provided to a person affected by a complaint (either a complainant or police officer), that notice is prompt, professional, complete, and delivered in accordance with the Act;

- (c) ensure that the complaints procedure refers to and incorporates opportunities to apply informal resolution of complaints where appropriate and in compliance with the Act, in recognition of the Board's endorsement of the concept of informal resolution and the importance of the role of all members of the force in the resolution of complaints;
- (d) ensure that information about the complaints process and complaint forms in the format provided by the OIPRD are available on the Kingston Police website and in public areas of the Kingston Police Headquarters;
- (e) ensure that the complainant is made aware of the OIPRD, is provided with information on the public complaints process, and is provided with assistance in filling out the OIPRD form;
- (f) regarding complaint intake ensure that:
  - (1) if possible, a written statement is obtained from the complainant and attached to the OIPRD Complaint Against Police form;
  - (2) the complainant is requested to sign the completed OIPRD form and the accompanying written statement;
  - (3) if the complainant is unwilling to sign the completed OIPRD form or the accompanying written statement, an appropriate notation is made in the space provided for signature;
  - (4) all reasonable steps are taken to gather and preserve evidence; and
  - (5) the complainant is photographed, with consent, if injuries are apparent and that the complainant is sent for medical attention if required;
- (g) ensure that the complaints procedure is accessible for persons with a disability, persons who may not be literate, and persons who do not speak English;
- (h) ensure that the complaints procedure includes provisions for the involvement of Human Resources staff, especially in respect of complaints of unsatisfactory work performance, in recognition of the relationship between Part V of the Act and the Human Resources function;
- (i) maintain a working relationship with the OIPRD and ensure that all directions from the OIPRD are complied with in accordance with sections 72(1) and 73(1) of the Act;

- (j) ensure that all members of the Kingston Police have knowledge of the current public complaints process;
- (k) ensure that that all supervisors receive adequate training in the complaints procedure and Part V of the Act and possess the skills necessary to resolve complaints; and
- (l) ensure that appropriate staffing designations are made under sections 26(3) [OIPRD liaison] and 82(1) [prosecutor at hearing] of the Act.

### **3. COMPLAINT WITHDRAWALS**

1. If a complaint is withdrawn by a complainant and the OIPRD has given notice of the withdrawal to the Chief or Board, depending on the type of complaint, the Chief or Board (as the case may be) may continue to deal with the complaint if determined within 30 days of receiving the notice of withdrawal that it is appropriate to do so.

2. In making a decision concerning whether to proceed with a complaint that has been withdrawn, the Board or Chief, as the case may be, shall be guided by the public interest and what is in the best interests of the Kingston Police.

3. In the case of a public complaint about the conduct of a police officer, a complaint continued under section 3.1 herein shall be dealt with as if it had been made by the Chief or by the Board, as the case may be, in accordance with the Act.

4. If the Chief or Board continues to deal with a complaint about the conduct of a police officer after it is withdrawn, the Chief or Board, as the case may be, shall, within 30 days after receiving the notice of withdrawal, notify the complainant and the police officer who is the subject of the complaint of the withdrawal and the continuance of the complaint unless in the Chief's or Board's opinion notifying the police officer might prejudice an investigation into the matter.

### **4. EXTERNAL COMPLAINT INVESTIGATIONS**

1. The Chief shall ensure that every complaint referred to him or her by the OIPRD involving another police service is investigated and that a written report on the investigation is prepared, at the expense of the police service being investigated.

### **5. PUBLICATION OF DECISIONS**

1. The Chief shall ensure that a copy of every decision made as a result of a hearing held under section 66(3) or 68(5) of the Act is provided to the OIPRD and made available to the public in the manner that the Chief considers appropriate in the circumstances. It is acknowledged that the results of disciplinary hearings are posted on the OIPRD website.

## 6. LOCAL COMPLAINTS

1. In accordance with Ontario Regulation 263/09, complaints may be treated as “local complaints” if the complainant has not filed a public complaint and if the issue is a “qualifying matter” as defined in the Regulation.

2. A qualifying matter is:

- (a) a complaint about a policy or service;
- (b) a complaint about the conduct of an officer that does not constitute misconduct; or
- (c) a complaint about misconduct by an officer which falls under any of the following:
  - (1) discreditable conduct by failing to treat or protect a person equally without discrimination;
  - (2) discreditable conduct by using profane, abusive, or insulting language or otherwise being uncivil to a member of the public;
  - (3) discreditable conduct by using profane, abusive, or insulting language to any other member of a police force;
  - (4) discreditable conduct by acting in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force;
  - (5) neglect of duty in that the officer neglected or omitted to perform a duty as a member of the police force promptly and diligently;
  - (6) neglect of duty in that the officer failed to work in accordance with orders or left an area, detachment, detail, or other place of duty, without proper permission or sufficient cause;
  - (7) neglect of duty in that the officer failed to report a matter that it was his or her duty to report;
  - (8) neglect of duty in that the officer failed to make any necessary entry in a record; or
  - (9) the officer dealt with personal property, other than money or a firearm, in a manner that was not consistent with section 132 of the Act.

3. In dealing with local complaints the Chief of Police shall:

- (a) develop a Local Resolution / Local Complaint Procedure in compliance with Ontario Regulation 263/09;

- (b) ensure that the Local Complaint Procedure states that the Professional Standards Officer must refuse to process a complaint as a local complaint if:
  - (1) the involved officer has committed or been charged with a criminal offence;
  - (2) the complaint is against the Chief or Deputy Chief; or
  - (3) the Professional Standards Officer believes that it is in the public interest for the matter to be dealt with as a public complaint (even if the issue fits within a "qualifying matter" category cited in the Regulation);
- (c) ensure that, if the complaint is not a qualifying matter, it is not accepted as a local complaint and that the complainant is advised to make a public complaint. If the complainant refuses to make a public complaint, the Chief shall direct that an internal complaint be forwarded to the Professional Standards Officer for review;
- (d) ensure that, if the local complaint is a qualifying matter, the Professional Standards Officer must accept it and attempt to resolve it by:
  - (1) discussing the matter with the officer involved;
  - (2) facilitating discussion between the complainant and the officer;
  - (3) facilitating an apology by the officer; or
  - (4) consulting the Deputy Chief if a formal mediation or alternative dispute resolution process is required;
- (e) refuse to accept or deal with a local complaint if the complainant has already made a Part V complaint about the same matter; and
- (f) if a complainant refuses to complete or sign the prescribed form approved by the OIPRD, deem that the matter is not a local complaint and:
  - (1) make a record of the matter as a local inquiry; and
  - (2) take no further steps in respect of the matter.

## **7. POLICY AND SERVICE COMPLAINTS**

### **7.1. General**

1. If the OIPRD determines that a complaint is about a policy or service of the Kingston Police, it will refer the complaint to the Chief of Police in accordance with section 63 of the Act. In such cases the Chief of Police:

- (a) shall ensure that, within 60 days of the OIPRD referral, complainants are notified in writing of the disposition of the complaint, with reasons for the decision, and of



their right to request the Board to review the complaint if they are not satisfied with the disposition. The complainant must request a review, in writing, within 30 days of receiving the disposition;

- (b) may extend the 60-day period by notifying the complainant in writing of the extension before the expiry date of the period being extended; and
- (c) shall ensure that, upon disposition of every complaint about a policy or service, a brief written synopsis, including the disposition of the complaint and reasons, is submitted to the Board and to the Independent Police Review Director.

## **7.2. Requests for Review of Policy and Service Complaints**

1. As permitted under section 63(7) of the Act and as required, the Board shall establish a Complaints Committee made up of three members of the Board (two of whom constitute a quorum), to review policy or service complaints and make recommendations to the Board.
2. Upon receipt of a request for a review by a complainant pursuant to section 63(5) of the Act, Board staff shall immediately notify the Chief in writing.
3. Upon notification of a request for a review pursuant to section 63(5) of the Act, the Chief shall submit a written report to the Board's Complaints Committee that includes the following:
  - (a) a copy of the complaint;
  - (b) a copy of the relevant forms provided to the complainant;
  - (c) a copy of the written disposition provided to the complainant; and
  - (d) any other documentation or information considered in making any findings in respect of the complaint.
4. Within 30 days of receiving the request for review pursuant to section 63(5) of the Act, the Board's Complaints Committee shall:
  - (a) review the report of the Chief; and
  - (b) make a written report to the Board with recommendations concerning the disposition of the complaint, including a recommendation as to whether or not to hold a public meeting on the matter.
5. The Board's Complaints Committee may extend the time limit in section 7.2.4 herein upon giving notice to the complainant, the Chief, and the Board.
6. If so requested by the Board, the Board's Complaints Committee shall provide to the Board all documentation and information considered by it in making its recommendation.

7. In deciding whether to hold a public meeting pursuant to section 63(8) of the Act, the Board shall consider at least the following:

- (a) whether the complaint raises significant present, past, or potential issues concerning public safety, law enforcement, and crime prevention in the city of Kingston;
- (b) whether public input could reasonably be required to deal with the complaint effectively; and
- (c) whether it is in the public interest to hold such a public meeting.

8. Notice of a public meeting to be held pursuant to section 63(8) of the Act shall be given by publication in newspapers that, in the opinion of the Board, are of sufficiently general circulation in the city so as to give the public reasonable notice of such meeting, and such notice shall include:

- (a) a summary of the nature of the complaint;
- (b) the time and place of the meeting;
- (c) the address for filing of written submissions;
- (d) the deadline for filing of such written submissions; and
- (e) any other relevant information.

9. The Board shall make a decision pursuant to section 63(6) of the Act—including a decision to hold a public meeting with respect to the complaint—and notify the complainant, the Chief, and the OIPRD of its decision, in writing, within 60 days of receipt of the request for review.

10. The Board may extend the time described in section 7.2.9 herein by giving written notice to the Chief and the complainant.

11. Wherever feasible, the Board shall deal with all issues relating to the complaint in a public meeting of the Board, provided, however, that, in accordance with section 35(4) of the Act, the Board may decide to deal with all or part of a complaint in camera.

12. The Board shall ensure compliance with the *Municipal Freedom of Information and Protection of Privacy Act* and shall not disclose any personal information of complainants or other parties without their consent.

## **8. COMPLAINTS REGARDING CONDUCT OF OFFICERS OTHER THAN CHIEF OR DEPUTY CHIEF**

1. This section is applicable to complaints about the conduct of an officer other than the Chief or Deputy Chief. In dealing with complaints about the conduct of an officer other than the Chief or Deputy Chief, the Chief shall ensure that:

- (a) the complaints procedure regarding the handling of public complaints about the conduct of an officer is compliant with the Act, including all Rules of Procedure and relevant legislation emanating from the Act;
- (b) the Board is kept informed of any serious complaint by way of confidential reports, where practicable;
- (c) all decisions concerning criminal charges are made in consultation with the Crown Attorney's Office and that the Board is notified of these decisions as soon as reasonably possible;
- (d) complainants are given all necessary guidance, support, and protection, including confidentiality of their identity when requested, except for such disclosures as may be required by law;
- (e) complainants are advised of the progress of disciplinary proceedings and their right to participate and are also informed of their right to request anonymity and a closed hearing; and
- (f) no further action is taken with respect to a complaint once the Chief is notified of the resignation of an officer who is the subject of a non-criminal complaint. The Chief shall advise the OIPRD of the resignation if the complaint was made by a member of the public.

2. No member of the Board or the Kingston Police shall enter into any agreement concerning criminal charges that involves the resignation of a member of the Kingston Police or Board.

## **9. COMPLAINTS REGARDING CONDUCT OF CHIEF OR DEPUTY CHIEF**

### **9.1. General**

1. This section relates to conduct complaints about the Chief or Deputy Chief and provides direction to the Board in reviewing conduct complaints generated by the Board itself in accordance with section 77 of the Act and in reviewing public complaints referred to it by the OIPRD under section 61(8) of the Act.

### **9.2. Internal Board Complaints About the Chief or Deputy Chief**

1. In initiating a complaint against the Chief or Deputy Chief, the Board is not a complainant for the purposes of Part V of the Act.

2. The Board shall promptly give notice of the substance of the complaint to the Chief or Deputy Chief unless, in the Board's opinion, to do so might prejudice an investigation into the matter.

3. If the Board is of the opinion that the conduct of the Chief or Deputy Chief may constitute an offence, misconduct, or unsatisfactory work performance, the Board shall ask the Commission to assign the chief of police of another police force to cause the complaint to be investigated promptly and a written report on the investigation to be prepared at the Board's expense.

4. At the conclusion of the investigation, the Investigating Chief may form the opinion that the complaint is unsubstantiated; in such a circumstance, the Investigating Chief shall report that opinion in writing to the Board.

5. If the Board receives a written report from the Investigating Chief with the opinion that the complaint is unsubstantiated, the Board shall take no action in response to the complaint and shall notify the Chief or Deputy Chief who is the subject of the complaint in writing of the decision and provide a copy of the written report from the Investigating Chief.

6. At the conclusion of the investigation, the Investigating Chief may form the opinion, on reasonable grounds, that the conduct of the Chief or Deputy Chief under investigation constitutes misconduct or unsatisfactory work performance. In such a circumstance, the Investigating Chief shall refer the matter to the Board and provide a written report on the investigation.

7. If the Board receives a written report from the Investigating Chief expressing the opinion that there are reasonable grounds to conclude that the conduct of the Chief or Deputy Chief constitutes misconduct or unsatisfactory work performance, the Board must make a decision regarding the seriousness of the misconduct or unsatisfactory work performance. In that respect:

- (a) if the Board is of the opinion that the misconduct or unsatisfactory work performance is serious in nature, the Board shall hold a hearing into the matter or may refer the matter to the Commission to hold the hearing; or
- (b) if the Board is of the opinion that the misconduct or unsatisfactory work performance is not of a serious nature, the Board may resolve the matter informally without holding a hearing, if the Chief or Deputy Chief consents to the proposed resolution. If the Chief or Deputy Chief does not consent to an informal resolution as provided for in sections 77(8) and 93(3), the Board shall hold a hearing in accordance with section 77(7) of the Act.

8. Informal resolutions must be consented to by the Chief or Deputy Chief, and the 12-day period permitted for revocation under section 66(8) of the Act related to public complaints would not apply.

9. If an informal resolution is attempted but not achieved, the following rules will apply:
- (a) the Board shall provide the Chief or Deputy Chief with reasonable information concerning the matter and shall give the Chief or Deputy Chief an opportunity to reply, orally or in writing;
  - (b) subject to section 9.2.9(c) herein, the Board may impose on the Chief or Deputy Chief a penalty described in section 85(2)(d), (e), or (f) of the Act, or any combination thereof, and may take any other action described in section 85(7) of the Act. The Board may also cause an entry concerning the matter, the penalty imposed or action taken, and the Chief's or Deputy Chief's reply to be made in the employment record of the Chief or Deputy Chief; and
  - (c) if the Chief or Deputy Chief refuses to accept the penalty imposed or action taken, the Board shall not impose a penalty or take any other action or cause any entry to be made in the employment record but shall hold a hearing or refer the matter to the Commission to hold a hearing under section 77(7) of the Act.
10. An entry made in the Chief's or Deputy Chief's employment record under 77(9)(2) of the Act shall be expunged from the record two years after being made if, during that time, no other entries concerning misconduct or unsatisfactory work performance have been made in the record under Part V of the Act.
11. In accordance with section 78(1) of the Act, the Commission may, at any stage in the complaints process, direct the Board to deal with the complaint as it specifies.

### **9.3. Public Complaints About the Chief or Deputy Chief**

1. All complaints about a Chief or Deputy Chief must be made to the OIPRD. The Board recognizes that it has no authority to initially receive a complaint and shall forward any public complaint received about the Chief or Deputy Chief to the OIPRD within three days of its receipt.
2. The OIPRD will undertake the preliminary screening of complaints in accordance with section 60 of the Act. The initial screening will consider whether the complaint is made within the statutory six-month time-frame, whether the complaint is frivolous or vexatious, or whether the complainant was directly affected by the conduct.
3. If a complaint passes the preliminary screening, the OIPRD shall refer all complaints about a Chief or Deputy Chief to the Board for review, in accordance with section 61(8) of the Act.
4. When a public complaint is referred to the Board by the OIPRD, the Board shall give notice of the substance of the complaint to the Chief or Deputy Chief in accordance with section 62(5) of the Act, unless in the Board's opinion to do so might prejudice an investigation into the matter.

5. If at the conclusion of its review the Board decides that the conduct does not constitute an offence, misconduct, or unsatisfactory work performance, then the Board shall take no action and shall notify the complainant, the Chief or Deputy Chief, and the OIPRD in writing of the decision, with reasons.

6. If at the conclusion of its review the Board decides that the conduct constitutes an offence, misconduct, or unsatisfactory work performance, then the Board must ask the OIPRD to investigate and provide a written report, at the Board's expense.

7. If at the conclusion of the investigation the OIPRD is of the opinion that the complaint is unsubstantiated, the OIPRD shall report this conclusion in writing to the Board, and the Board shall take no action regarding the complaint. The Board shall notify the complainant and the Chief or Deputy Chief in writing of the decision and provide a copy of the OIPRD report.

8. If at the conclusion of the investigation the OIPRD is of the opinion, on reasonable grounds, that the conduct constitutes misconduct or unsatisfactory work performance, the substantiated complaint is referred to the Board, together with a copy of the OIPRD written report. If the OIPRD is of the opinion that the conduct of the Chief or Deputy is not of a serious nature, the OIPRD can advise the Board when it submits its written report.

9. If the Board receives a written report from the OIPRD pursuant to section 9.3.8 herein, the Board must assess whether the conduct is of a serious nature. In that respect:

- (a) if the Board views the complaint as serious, it shall hold a hearing into the matter or refer it to the Commission for a hearing; or
- (b) if the Board considers the matter not to be of a serious nature, the Board may resolve the matter informally without holding a hearing if the Chief or Deputy Chief and the complainant consent to the proposed resolution.

10. For informal resolutions:

- (a) the Chief or Deputy Chief and the complainant who consent to a proposed resolution may revoke the consent by notifying the Board in writing of the revocation no later than 12 business days after the day on which the consent is given; and
- (b) if consent is not revoked by the Chief or Deputy Chief or complainant, the Board shall give notice of the resolution to the OIPRD and shall provide the OIPRD with any other information respecting the resolution that the OIPRD may require.

11. If consent to the informal resolution of a matter is not given or is revoked, the following rules apply:

- (a) the Board shall provide the Chief or Deputy Chief with reasonable information concerning the matter and shall give the Chief or Deputy Chief, as the case may be, an opportunity to reply, orally or in writing;

- (b) subject to section 9.3.11(c) herein, the Board may impose on the Chief or Deputy Chief a penalty described in section 85(2)(d), (e), or (f) of the Act, or any combination thereof, and may take any other action described in section 85(7) of the Act. The Board may also cause an entry concerning the matter, the penalty imposed or action taken, and the Chief's or Deputy Chief's reply to be made in the employment record of the Chief or Deputy Chief; and
- (c) if the Chief or Deputy Chief refuses to accept the penalty imposed or action taken, the Board shall not impose a penalty or take any other action or cause any entry to be made in the employment record but shall hold a hearing or refer the matter to the Commission to hold a hearing under subsection 77(7) of the Act.

12. An entry made in the Chief's or Deputy Chief's employment record under 69(12) of the Act shall be expunged from the record two years after being made if, during that time, no other entries concerning misconduct or unsatisfactory work performance have been made in the record under Part V of the Act.

13. Section 69(15) of the Act authorizes the Board and Chief or Deputy Chief to enter into an agreement to permit penalties or actions other than those permitted by section 69, if the Chief or Deputy Chief consents, without a hearing.

14. In accordance with section 72(3) of the Act, the OIPRD has the power, at any time after a public complaint has been made and before a hearing is commenced, to:

- (a) direct the Board to deal with the complaint as the OIRPD specifies;
- (b) assign the conduct of a hearing to the Commission; or
- (c) take or require to be taken by the Board any other action with respect to the complaint that it considers necessary under the circumstances.

15. A hearing held by the Board shall be in accordance with the provisions of the *Statutory Powers and Procedures Act*.

#### **9.4. Resignation**

1. If, at any time after a complaint about the conduct of the Chief or Deputy Chief is made by the Board or a public complainant, the Chief or Deputy Chief resigns before the final disposition of the complaint, the Board shall take no further action.

2. If the complaint was made by a member of the public, the Board shall promptly notify the OIPRD and the complainant of the resignation of the Chief or Deputy Chief.

3. If the complaint was initiated by the Board, the Board shall promptly notify the Commission of the resignation of the Chief or Deputy Chief.

## 10. MONITORING REQUIREMENTS

1. On a semi-annual basis, the Chief shall provide the Board with a report outlining the analysis of complaints, to ensure the efficiency and effectiveness of the administration of the complaints system.
2. The Chief shall, from time to time, review the complaints system with a view to determining the adequacy of resources directed to administer complaints.

## 11. REPORTING REQUIREMENTS

1. The Chief shall submit semi-annual and year-end written reports on the administration of the complaints system to the Board at regularly scheduled Board meetings in July and January, respectively. These reports shall include annual cumulative information and the following details.

- (a) For policy and service complaints, the reports shall include:
  - (1) the total number of complaints referred to the Kingston Police from the OIPRD pursuant to section 61(2) of the Act;
  - (2) a summary of the action taken, if any, for each complaint;
  - (3) the number of requests for review made to the Board concerning which the Board took action, a summary of the action taken, and the force's response to the Board's action;
  - (4) the average time to complete the complaint process from the date complaints were received to the date of final disposition; and
  - (5) the number of time extensions made in respect of complaints.
- (b) For conduct complaints (except those against the Chief or Deputy Chief) the reports shall include:
  - (1) the number of complaints referred to the Kingston Police from the OIPRD pursuant to section 61(5)(a) of the Act;
  - (2) as applicable, the number of complaints about other police services referred to the Kingston Police from the OIPRD pursuant to section 61(5)(b) of the Act, as well as an estimate of the cost of such referrals;
  - (3) the number of complaints determined to be unsubstantiated pursuant to section 66(2) of the Act;
  - (4) the number of requests for OIPRD review pursuant to section 71(1) of the Act and the results of those reviews;



- (5) the number of hearings held pursuant to section 66(3) of the Act and the findings of the hearings;
- (6) the number of complaints dealt with informally pursuant to section 66(4) of the Act;
- (7) the number of complaints resolved or dealt with pursuant to section 66(10) of the Act;
- (8) the number of complaints dealt with as local complaints, the number that were successfully concluded, and the number that became public complaints;
- (9) a summary of the penalties imposed pursuant section 85(1) of the Act;
- (10) the number of outstanding complaints as at the end of the reporting period;
- (11) the average time to complete the complaint process from the date complaints were received to the date of final disposition;
- (12) the number of time extensions made in respect of complaints; and
- (13) the number of appeals pursuant to section 87 of the Act and the results.

2. The Chief shall also:

- (a) deliver to the OIPRD required year-end reports, hearing decisions, quarterly reports on Local Inquiries pursuant to Ontario Regulation 263/09, and other reports if so requested by the OIPRD;
- (b) include in the annual report of the Kingston Police information on public complaints that includes:
  - (1) the number of complaints against the policies and services of the force;
  - (2) the number of complaints against the conduct of police officers;
  - (3) the process by which policy, service, and conduct complaints were handled;
  - (4) the final disposition of policy, service, and conduct complaints; and
  - (5) a comparison of policy, service, and conduct complaints with statistics from the previous year; and
- (c) include in the annual report to the Board on the administration of public complaints an analysis of the frequency, nature, and substance of policy and service and conduct complaints (excluding complaints against the Chief or Deputy Chief) and the opinion of the Chief as to whether such frequency, nature,

or substance of the complaints requires some form of remedial or other training or additional resources to process the complaints.

## **12. AMENDMENT AND REPEAL**

1. This policy supersedes that passed by the Kingston Police Services Board on May 20, 1999, by Resolution No. 99-41, provided, however, that if a complaint about a policy of or service provided by the force or the conduct of a police officer is made on or after the repeal of the old Part V on October 19, 2009, but the event to which the complaint relates occurred before the repeal of the old Part V, the complaint shall be dealt with in accordance with the old Part V.
2. This policy shall not be amended or repealed except by a majority of the whole Board.
3. No amendment or repeal of this policy shall be considered at any meeting of the Board unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Board, and the Board may not waive such notice.

## **13. COMMENCEMENT**

1. This policy comes into force and effect on the day that it is passed.

ADOPTED AND PASSED by the Kingston Police Services Board this 15th day of December, 2011, by Resolution No. 12-7.

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Chair

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Secretary