



WOODSTOCK POLICE SERVICE BOARD POLICY

Subject:	Complaints of Misconduct
Policy Number:	AI-023
Effective Date:	October 8, 2024
Reviewed:	November 5, 2024
Amended:	January 13, 2025

Authority/Legislative References

S. 38 of the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1

Ontario Regulation 406/23 Discipline

Ontario Regulation 411/23 Complaints about Special Constables

Policy Statement

The Woodstock Police Service Board (the “Board”) acknowledges that sustaining the trust and confidence of the community is crucial for adequate and effective policing. To foster and safeguard public trust, it is essential that the community perceives the Woodstock Police Service (the “Service”) as accountable and upholding the highest standards of conduct for all its members. The Board is committed to implementing a thorough, impartial, and transparent complaints process to ensure that allegations of misconduct are addressed with due diligence, thereby guaranteeing that both members of the Service and the community are treated with fairness and respect.

Policy Application

1. Definitions

- 1.1. The "Complaints Director" under the *Community Safety and Policing Act (the "Act")*, handles public complaints about police officer conduct in Ontario. As head of the Law Enforcement Complaints Agency (LECA), they ensure an independent and fair complaints system, oversee investigations into senior police officials, and review systemic issues.

2. General

- 2.1. The Chief of Police (the "Chief") shall ensure that procedures are in place to maintain an effective and efficient complaint system and to adhere to all requirements under the *Act* and associated Regulations. The procedures shall provide that:
 - a. the Deputy Chief of Police shall liaise with the Complaints Director, and receive and investigate public complaints in accordance with *the Act*;
 - b. well defined and comprehensive processes exist for the purpose of investigating public complaints into alleged misconduct by sworn members and Special Constables;
 - c. adequate training is provided to all members of the Service in respect of the complaints procedures of the Service and relevant parts of *the Act*;
 - d. the Deputy Chief shall co-operate and follow the direction of the Complaints Director in respect of all public complaints;
 - e. a mechanism is developed and implemented to provide assistance for public complaints who may not be literate, or who may not be fluent in English.
- 2.2. Any complaint received by a Board member against a police officer or Special Constable shall be forwarded to the Deputy Chief. Complaints against police

officers will be sent by the Deputy Chief to the Complaints Director, and the complainant will be notified in writing with information about the Complaints Director's role. Complaints about Special Constables will be referred to the Deputy Chief and the complainant will be notified accordingly.

- 2.3. If the Board receives a report from an authority responsible for handling complaints about police officers in another province or territory, regarding a complaint against an Ontario police officer assigned to that jurisdiction, the Board shall forward the report to the Complaints Director.
- 2.4. If a person makes a complaint to the Board, a Board member, the Chief, or any member of the Service about the conduct of a Board member, the person or entity in receipt of the complaint shall forward the complaint to the Inspector General, inform the person who made the complaint that the complaint has been forwarded, and provide the person with information about the role of the Inspector General.

3. Policy and Procedure Complaints

- 3.1. If a person makes a complaint to the Board, a Board member, the Chief, or any member of the Service about:
 - a. the adequacy and effectiveness of policing provided;
 - b. a failure of the Board, the Chief, the Service, or a prescribed policing provider to comply with the *Act* or its regulations, other than misconduct, including a systemic failure;
 - c. the policies of the Board or the procedures of the Chief,

the complaint shall be forwarded to the Inspector General. The person who made the complaint shall be informed that the complaint has been forwarded, and the person shall be provided with information about the role of the Inspector General.

- 3.2. If the Inspector General refers a complaint to the Board about the Board's policies or the procedures of the Chief, the Board shall:
 - a. review the complaint as it relates to the policies and procedures referred to;
 - b. report back to the Inspector General within the time specified by the Inspector General, if any, about any steps taken in response to the complaint; and
 - c. report to the Minister about any steps taken in response to the complaint.

4. Complaints about Board Members

- 4.1. If a complaint is made to the Board, the Chief, or a member of the Service regarding the conduct of a Board member, the recipient shall forward the complaint to the Inspector General for assessment and possible investigation.
- 4.2. The complainant shall be informed in writing that the complaint has been forwarded to the Inspector General, along with an explanation of the Inspector General's role in reviewing Board member conduct complaints.

5. Complaints about Civilian Members

- 5.1. If a complaint is made regarding the conduct of a civilian staff member, the complaint shall be forwarded to the Uniform Inspector, who will review the complaint and prepare a report for the Deputy Chief.
- 5.2. Disciplinary action will be conducted in accordance with the levels outlined in the Service's Civilian Member's Code of Conduct.

6. Complaints about Sworn Members

- 6.1. The Chief shall investigate all complaints referred to the Chief by the Complaints Director, in the manner directed by the Complaints Director and in accordance with the requirements of *the Act* and associated regulations.

- 6.2. In conducting an investigation, the Chief shall endeavour to ensure that the investigation is concluded within 120 days of its commencement, not including any period during which an investigation is postponed or suspended in accordance with *the Act*.
- 6.3. If the timing requirements above are not met in respect of an investigation, the Chief of Police shall give notice of the status of the investigation to the complainant, the person who is the subject of the investigation, the applicable designated authority and the Complaints Director every 30 days until the investigation is concluded unless, in the opinion of the Chief of Police, doing so might prejudice the investigation.
- 6.4. On concluding an investigation, the Chief shall cause the investigation to be reported on in a written report. The Chief shall promptly give a copy of the report to the Complaints Director. A copy of the report shall be provided to the complainant, the person who was subject of the investigation, and any applicable designated authority, after the Complaints Director determines that providing a copy of the report will not interfere with a criminal investigation or proceeding.
- 6.5. The Chief may conduct an investigation of a police officer employed by the Service, other than a Deputy Chief of Police, and shall cause the investigation to be reported on in a written report.
- 6.6. The Chief shall promptly give notice of the substance of the reason for the investigation to the police officer, unless in the opinion of the Chief, to do so might prejudice an investigation into the matter.
- 6.7. In finally resolving the complaint, the Chief shall take no action, resolve the matter informally, or order a hearing, as appropriate, in accordance with the requirements of *the Act* and the Service's Public Complaints Directive.

7. Complaints about Special Constables

- 7.1. If the Chief or designate receive a complaint about a Special Constable, the

Chief or designate shall:

- a. provide the complainant with written acknowledgement that the complaint has been received;
 - b. ensure that the complaint is investigated to determine whether the Special Constable's conduct constitutes misconduct, contravened the terms and conditions of the Special Constable's certificate of appointment or contravened any provision of *the Act* or the regulations;
 - c. ensure that any allegations in the complaint of conduct that may constitute criminal conduct are investigated by a member of the Service or of another police service;
 - d. advise the complainant of the outcome of the investigation of the complaint and report on the outcome of the investigation to the Board; and
 - e. endeavour to complete any investigation of a Special Constable under this section within 120 days after receiving the complaint, not including any period during which the investigation is postponed or suspended.
- 7.2. If the timing requirements above are not met in respect of an investigation, the Chief or designate shall give notice of the status of the investigation to the complainant and to the person being investigated every 30 days until the investigation is concluded unless, in the opinion of the Chief or designate, doing so might prejudice the investigation.
- 7.3. If the Special Constable is found to have engaged in conduct that constitutes misconduct, contravened the terms and conditions of their certificate of appointment or contravened any provision of *the Act* or the regulations, the Chief shall take appropriate action to remedy the contravention.
- 7.4. Notice to the public about how to make a complaint against a Special Constable shall be published on the Service's website.

8. Complaints Against the Chief of Police or a Deputy Chief of Police

- 8.1. If the Board receives a complaint about the Chief of Police or a Deputy Chief of Police, the Board shall:
- a. forward the complaint to the Complaints Director in accordance with *the Act* and associated regulations;
 - b. adhere to all requirements of *the Act* and associated regulations in executing its responsibilities under this section;
 - c. seek legal counsel as required.

9. Reporting

- 9.1. The Chief shall submit annual reports to the Board, which shall include comparative data for the previous reporting period. This data should cover the total number of complaints against the Chief, total public complaints, as well as the different categories and numbers of allegations and resolutions.