



13-03 Uniform Internal Complaint Intake / Management

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Rationale

This Procedure outlines the process for the intake and management of internal complaints involving police officers.

Procedure

This Procedure outlines the process for the intake and management of internal conduct complaints involving police officers. Professional Standards (PRS) – Complaints Administration will determine which unit will investigate an internal complaint.

Members of the Toronto Police Service (Service) may initiate a conduct complaint about a police officer in the following manner:

- civilian members in general and police officers of equal or lesser rank by way of a TPS 649 to the subject officer's supervisor
- a civilian supervisor that directly manages a police officer by way of a TPS 901
- a supervisory officer of higher rank than a police officer by way of a TPS 901

In circumstances where a complaint is made against a Senior Officer, the applicable Deputy Chief of Police (Deputy Chief) shall delegate a supervisor to investigate and report on the matter. The Deputy Chief shall fulfil the role of a Unit Commander in adjudicating and/or directing the resolution of these complaints.

Unit Commanders shall forward the completed file, including the adjudication/disposition, to PRS – Complaints Administration within 120 days.

The Toronto Police Services Board (Board) and the Service are committed to providing all members a workplace that is safe and free of discrimination and harassment.

Human Rights

Discriminatory and harassing behaviour is offensive, degrading and illegal under the Ontario *Human Rights Code (Human Rights Code)*.

Section 1.9 entitled "Fairness, Discrimination and Harassment" of the Standards of Conduct prohibits discriminatory behaviour.

Members shall refer to Procedure 13-14 for what constitutes an alleged violation of a prohibited ground under the *Human Rights Code*.

Workplace Violence and Harassment

The *Occupational Health & Safety Act* (OHSA) legislates that workers are provided a safe workplace.

Members shall refer to Procedure 08-11 for what constitutes workplace violence and Procedure 08-12 for workplace harassment, and the process for reporting either incident.

Reporting of Discreditable Conduct

Section 1.3 of the Standards of Conduct directs members to report acts of discreditable conduct which may be criminal in nature or lie entirely within the realm of employee misconduct, or both. To provide an avenue for members who want a degree of anonymity and protection from reprisal, members shall refer to Procedure 13-18.

Reprisal

Members shall not harass, intimidate, or retaliate against any person who makes a report or complaint about their conduct or the conduct of another Service member.

Any member who, in good faith, reports a breach of Service or legislative governance or an act of misconduct shall not be subject to reprisal for making such report.

Notification to a Police Officer

A police officer who is the subject of a conduct complaint shall receive notification regarding the substance of the complaint on a TPS 649. If notification may prejudice the investigation, it may be delayed.

The notice shall be provided forthwith when

- there is evidence to support an allegation
- the evidence, if believed, would constitute misconduct / a substantiated complaint
- a respondent officer has been identified.

Withdrawal of Complaints

An internal complaint can be withdrawn. Members shall refer to Procedure 13-06 for the process involved in withdrawing an internal complaint.

Statements Pertaining to a PSA Complaint

Pursuant to the *Police Services Act* (PSA), conduct complaint investigations compels all involved police officers to submit detailed statements and/or attend an investigative interview and be compelled to answer questions, unless the member is simultaneously a subject of a criminal investigation arising out of the same incident. These compelled statements cannot be used against the person making the

statement in any criminal proceeding.

Statements Pertaining to Criminal Allegations

Where a police officer is designated as a witness officer in a conduct complaint involving a criminal allegation, the witness officer shall supply the investigating supervisor with a detailed statement concerning the incident, as required.

Where a witness officer has previously supplied a statement regarding a conduct complaint involving a criminal allegation, and is subsequently designated as the subject officer, the statement shall be returned to the officer upon demand. No copies of the statement shall be retained by any other member of the Service, following the demand.

Upon request, police officers shall be afforded the opportunity to confer with and/or have present during an interview, legal counsel and/or a representative of the Association. This benefit does not apply if, in the opinion of the investigating supervisor, waiting for legal counsel or a representative of the Association would cause an unreasonable delay in the investigation.

Member

1. When notified by a supervisor of being a witness to an internal conduct complaint involving a police officer shall, within 10 calendar days, or as otherwise directed
 - provide a copy of
 - all relevant documents
 - all memorandum book entries for the relevant tours of duty
 - prepare a TPS 217 containing all information related to the circumstances of the complaint and forward to the investigating supervisor
 - attend an investigative interview and respond to all questions posed that are related to the complaint in question

Police Officer

2. When notified by a supervisor of being the subject of an internal conduct complaint involving a non-criminal allegation shall, within 10 calendar days, or as otherwise directed
 - provide a copy of
 - all relevant documents
 - all memorandum book entries for the relevant tours of duty
 - prepare a TPS 217 containing all information related to the circumstances of the complaint and forward to the investigating supervisor
 - attend an investigative interview and respond to all questions posed that are related to the complaint in question
3. When notified by a supervisor of being the subject of an internal conduct complaint involving a criminal allegation
 - shall, within 10 calendar days, or as otherwise directed
 - provide a copy of
 - all relevant documents
 - all memorandum book entries for the relevant tours of duty
 - attend an investigative interview and may choose to respond to all questions posed that are related to the complaint in question

- **may choose to prepare a TPS 217 which may contain information related to the circumstances of the complaint and forward to the investigating supervisor**
- 4. When a conduct complaint has been resolved informally the subject officer shall sign the applicable section of the TPS 901.

Supervisor

- 5. When initiating an internal conduct complaint against a police officer shall complete a TPS 901 and immediately forward to the subject officer's Unit Commander.
- 6. When the circumstances of the internal conduct complaint suggest an immediate investigation is warranted shall notify the Officer in Charge, Unit Commander, or if absent, the Duty Senior Officer – Toronto Police Operations Centre.

Investigating Supervisor

- 7. When required to investigate an internal conduct complaint shall
 - provide the subject officer with a TPS 649 outlining the substance of the complaint
 - record the particulars of the notification to the officer in the "Log Notes" of the TPS 901 and in their memorandum book, if applicable
 - consider consulting Equity, Inclusion & Human Rights during the investigation and when preparing the Report of Investigation if the complaint relates to the *Human Rights Code*
 - conduct an investigation and maintain detailed notes
 - ensure all evidence is collected in compliance with Procedure 04-21
 - if applicable, direct the subject and witness officers to
 - provide a TPS 217 and/or
 - attend an investigative interview
 - direct the officers to provide additional information, as required
 - notify the Unit Commander of all side issues where they exist, and initiate a separate TPS 901 for each, as appropriate
 - liaise with PRS – Complaints Administration to ensure the timely conclusion of complaint investigations
 - prepare a Report of Investigation, including any recommendations, and submit to the Unit Commander
 - provide training to members on the complaint process, if applicable

Unit Commander

- 8. The Unit Commander shall
 - appoint a police officer with the minimum rank of sergeant/detective as the Unit Complaint Coordinator (UCC), if applicable
 - ensure a supervisor is assigned to review the UCC e-mail daily for notice of new complaints, if applicable
- 9. When notified of a police officer who is the subject of an internal conduct complaint shall
 - comply with procedure 13-08 when immediate suspension is required
 - ensure a TPS 901 is initiated and immediately forwarded with any attachments to PRS – Complaints Administration
- 10. Upon receipt of a TPS 901 from PRS – Complaints Administration involving a police officer who is the subject of an internal conduct complaint shall

- ensure
 - an investigating supervisor is assigned to investigate the complaint
 - a Report of Investigation is completed within 120 days
 - consider consulting Equity, Inclusion & Human Rights if the complaint relates to the *Human Rights Code*
11. Upon receipt of a completed Report of Investigation shall
 - review the Report of Investigation and any recommendations from the investigating supervisor
 - consider consulting with Equity, Inclusion & Human Rights if the complaint relates to the *Human Rights Code*
 - adjudicate to determine if the complaint is unsubstantiated or substantiated
 12. When determining that the internal conduct complaint is unsubstantiated shall notify the subject officer of the decision on a TPS 649.
 13. When determining that the internal conduct complaint is substantiated shall
 - resolve the complaint informally, or
 - impose disciplinary action
 14. When resolving the internal conduct complaint informally shall ensure
 - details of the internal informal resolution are recorded on the TPS 901
 - the subject officer signs the TPS 901
 - the TPS 901 is forwarded to PRS – Complaints Administration
 - if the complaint relates to the *Human Rights Code*, a copy of the TPS 901 is forwarded to Equity, Inclusion & Human Rights
 15. When imposing disciplinary action shall
 - comply with Procedure 13-04 if deemed less serious, or
 - comply with Procedure 13-05 if deemed serious
 16. When notified of an internal conduct complaint withdrawal shall comply with Procedure 13-06.
 17. Upon being advised of an internal conduct complaint which, due to its complexity or where the reputation of the Service may be severely impacted in a negative manner, shall consult with the Unit Commander – Professional Standards.
 18. When notified that a side issue has been identified shall ensure the TPS 901 is forwarded to PRS – Complaints Administration
 19. At the conclusion of the investigation, if the subject officer's conduct constitutes misconduct and unable to serve a TPS 951 within the 6 month time period shall
 - consult with Professional Standards Support – Prosecution Services
 - prepare a Board Report detailing
 - the name and particulars of the subject officer on which a notice of hearing is to be served
 - a summary of the investigation
 - the reason for the delay in service of a notice of hearing in relation to the 6 month time period stipulated in the PSA
 - provide PRS – Complaints Administration with a copy of the Board Report

Officer in Charge – Professional Standards – Complaints Administration

20. Upon receipt of a TPS 901 for classification and assignment shall ensure the TPS 901 is forwarded to the Unit Commander of the unit assigned to investigate the complaint.

21. Upon receipt of a completed internal conduct complaint investigation resolved informally shall ensure the file is reviewed and retained in accordance with the Records Retention Schedule.

Unit Commander – Professional Standards

22. When in charge of Professional Standards shall ensure the management of internal conduct complaints is in accordance with the requirements of Part V of the PSA.
23. Upon being advised of an internal conduct complaint which, due to its complexity or where the reputation of the Service may be severely impacted in a negative manner, may request the matter be referred to the Chiefs Advisory Committee.

Supplementary Information

Governing Authorities

Federal: Criminal Code.

Provincial: Human Rights Code; Occupational Health & Safety Act; Police Services Act – Part V, Complaints and Disciplinary Proceedings; Police Services Act, O.Reg. 268/10 – Part VII, Code of Conduct.

Municipal: Toronto Municipal Code, Chapter 219, Article I, Records Retention Schedule.

Associated Governance

TPS Procedures: 04-21 Gathering/Preserving Evidence; 08-11 Workplace Violence; 08-12 Workplace Harassment; 13-04 Uniform Unit Level Discipline; 13-05 Police Services Act Hearing; 13-06 Uniform Complaint Withdrawal; 13-08 Uniform Suspension from Duty; 13-14 Human Rights; 13-18 Anonymous Reporting of Discreditable Conduct.

Forms: TPS 217 Statement – Complaint Response; TPS 649 Internal Correspondence; TPS 901 Policy, Service or Conduct Report; TPS 951 Notice of Hearing.

Other: Standards of Conduct.

Definitions

For the purposes of this Procedure, the following definitions will apply:

Association means the Toronto Police Association or the Toronto Police Senior Officers' Organization.

Attachments in reference to complaints administration means correspondence, other than the TPS 901 or OIPRD form associated to a given complaint, which would include internal correspondence, facsimile, a letter written by the complainant, or any other relevant document.

Civilian Member means any Service employee who is not a police officer, including employees classified as:

- permanent;
- temporary;
- part-time;
- summer help;
- participants in the co-operative education program.

Informal Resolution (Internal) in reference to internal complaints means if, at the conclusion of the investigation and upon review of the written report, the Unit Commander is of the opinion that there was misconduct and/or unsatisfactory work performance but that it was not of a serious nature, the Unit Commander may resolve the matter informally.

Internal Complaint means an allegation from internal sources concerning the conduct of a police officer, or the policies or the services provided by the Toronto Police Service.

Investigating Supervisor in reference to complaints means a supervisor assigned to investigate a complaint and includes a Unit Complaint Coordinator (UCC).

Investigative Brief means a brief similar in content to a crown brief, in that it should be bound, the pages numbered sequentially, and include all video and audio recordings, or other electronic recordings, along with a transcript of same, and should be in a format as defined by Professional Standards Support – Prosecution Services.

Prohibited Grounds means the protected grounds under the Ontario *Human Rights Code* for which a person cannot discriminate. These include: age, ancestry, citizenship, colour, creed, disability, ethnic origin, family status, gender expression, gender identity, marital status (including single status), place of origin, race, receipt of public assistance (in housing only), record of offences (in employment only), sex (including discrimination based on pregnancy and breastfeeding), and sexual orientation.

Report of Investigation (004-0309 OIPRD) in reference to complaints means a report outlining the circumstances and investigative results of a complaint in the prescribed format as defined by the Office of the Independent Police Review Director (OIPRD).

Report of Investigation (Internal) in reference to complaints means a report outlining the circumstances and investigative results of a complaint in a prescribed format as defined by Professional Standards – Complaints Administration.

Side Issue in reference to complaints means an issue identified during the course of the investigation concerning the policies or the services provided by the Toronto Police Service or the conduct of a police officer or a civilian member, which is not part of the original complaint.

Subject Officer in reference to complaints means a police officer who is alleged to have engaged in misconduct by an act or omission where a complaint has been made and the officer has been so designated by the investigating supervisor.

Substantiated in reference to complaints means, based on the results of the investigation, there are reasonable grounds to believe the conduct of a police officer or civilian member constitutes misconduct.

Unsubstantiated in reference to complaints means a matter where:

- insufficient evidence exists to support the allegation
- evidence exists that, if believed, would not constitute misconduct or substantiated complaint
- the identification of the police officer involved cannot be established.

Witness Officer in reference to complaints means a police officer who is not the respondent of a complaint.

We are dedicated to delivering police services, in partnership with our communities, to keep Toronto the best and safest place to be.
Learn more about our Service Core Values and Competencies [here](#)

