

Increasing Transparency and Accountability in Policing Oversight

March 9, 2018 1:30 P.M.

Ontario has passed historic legislation that will enhance accountability and transparency of police oversight, strengthening trust between the police and the communities they serve.

The changes respond to the [recommendations](#) made by the Honourable Justice Michael Tulloch in April 2017, to improve Ontario's three policing oversight bodies — making this the most significant overhaul of policing oversight since these agencies were created.

Strengthening Ontario Policing Oversight Bodies Special Investigations Unit

The Special Investigations Unit will be renamed the Ontario Special Investigations Unit (OSIU).

The agency will continue to be responsible for conducting criminal investigations into circumstances involving police officers that have resulted in serious injury, death, or a report of sexual assault.

Under the Ontario Special Investigations Unit Act, the mandate of the OSIU will be expanded to include:

- Circumstances involving special constables and volunteer members of police forces and former police officers and in certain cases, off-duty officers and, if they opt in, members of First Nations police services
- Any federal or provincial charges uncovered in the course of an investigation
- Any time there is a discharge of a firearm at a person by police.

The OSIU will also be able to charge police officers or other law enforcement officials for failing to comply with an investigation.

To increase transparency, OSIU reports will be released publicly and new time limits will be imposed for the completion and public reporting of investigations. This will result in a stronger, efficient and more accountable oversight agency.

Office of the Independent Police Review Director

The Office of the Independent Police Review Director will be renamed the Ontario Policing Complaints Agency (OPCA).

The OPCA will, within five years, become the only investigative body responsible for all public complaints made against police officers, special constables and, in some cases, members of First Nations police. This will remove any potential perception of bias or conflict.

Accountability will also be increased by broadening the types of policing officials that may be the subject of public complaints.

Ontario Civilian Police Commission

The Ontario Civilian Police Commission will be renamed the Ontario Policing Discipline Tribunal (OPDT). It will be dedicated to adjudicating allegations of professional misconduct by police officers or special constables referred to it by the OPCA, as well as certain additional internal disciplinary matters referred by chiefs of police.

The tribunal will take over responsibility for adjudicating public complaints, which police services previously handled. This change will enhance the tribunal's efficiency and improve transparency in the adjudication of public complaints.

Better Investigative Processes

The oversight agencies will be equipped with better tools to carry out their investigations.

Present system

- Currently, most complaints to the Office of the Independent Police Review Director about police officers are referred to their respective police service to investigate.
- Investigators working for oversight agencies can be former police officers.
- Police officers are asked to co-operate with the investigations of oversight agencies, but there is no provincial offence for failure to do so.

Key Changes

- Within five years, the OPCA will investigate nearly all complaints itself instead of referring them to a police service for investigation.
- The OPCA will have the power to investigate police officers or special constables without a public complaint, if it is in the public interest.
- The legislation will give the government the authority to limit by regulation the number of former police officers or special constables that can be on an investigative team for the OSIU, or that can be employed by the OPCA.
- Police officers and other law enforcement officials will have a duty to comply with OSIU and OPCA investigations. Failure to do so can result in a provincial offence with a penalty of up to \$25,000 for a first offence,

\$50,000 for a subsequent offence,
imprisonment for up to one year, or both.

Greater Transparency and Accountability to the Public

The public will be provided with more information about the results of investigations and disciplinary hearings by policing oversight agencies.

Present system

- The results of investigations into whether a police officer has caused a death or serious injury to a civilian are provided to the Attorney General, but are not required to be made public.
- Currently, disciplinary hearings resulting from public complaints about a police officer are heard by the relevant chief of police or their delegate and the prosecutor is selected by the chief of police.
- The Ontario Ombudsman does not have jurisdiction over the Office of the Independent Police Review Director, and has limited jurisdiction over the Ontario Civilian Police Commission.

Key Changes

- If criminal charges are laid against a policing official, the OSIU will publicly report the policing official's name, the offence charged, when the charge was laid and the date of the next court appearance.
- If criminal charges are **not** laid against a policing official, the OSIU will publicly share its report, which will be required to provide information on why the official was not charged, a detailed summary of the events leading to the investigation, a timeline of the investigative process and any relevant video, audio or photographic evidence, subject to privacy concerns.
- These reports will be published on the OSIU's website. In the interim, these reports are already being published on the [Ontario government's website](#).
- All hearings resulting from a public complaint will be heard by independent adjudicators from the OPDT. In addition, independent counsel will conduct these hearings.
- The ombudsman will have jurisdiction over all three oversight bodies.

Promoting Inclusiveness

Policing oversight agencies will be equipped with more tools to tackle racism.

Present system

- There is no mandatory anti-racism training for staff at the police oversight bodies.

Key Changes

- The OSIU and OPCA will have a duty to provide training for their employees that promotes recognition of and respect for the diverse, multicultural character of Ontario society, and the rights and cultures of First Nations, Inuit and Métis Peoples.
- In addition, the OSIU and OPCA will be able to collect personal information specified by regulation, which could include race-based and other demographic data, and will be required to publish statistical reports to inform the evaluation of the policing oversight system.

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Andrew Rudyk Minister's Office
Andrew.Rudyk@ontario.ca
416-326-4019
Brian Gray Communications Branch
MAG-Media@ontario.ca
416-326-2210

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