

MEMORANDUM

DATE: June 14, 2021

TO: Richard Stubbings, Assistant Deputy Minister
Ministry of the Solicitor General

FROM: Stephen Leach
Independent Police Review Director
Office of the Independent Police Review Director

SUBJECT: Publishing Disciplinary Hearings on the OIPRD Website

I would ask that you please share the following update with the policing community.

Pursuant to s. 56 of the *Police Services Act*, the Office of the Independent Police Review Director (OIPRD) has released a new guideline (Guideline 005). The purpose of this guideline is to advise the members of the public and the policing community of the OIPRD's practices in publishing disciplinary hearing decisions on its website. This guideline is in effect as of June 3, 2021.

Police disciplinary hearings are held under the *Police Services Act* and are public proceedings held accordance with the *Statutory Powers and Procedure Act*. As you are aware, pursuant to s. 86(3) of the *Police Services Act*, the OIPRD is required to publish Chief's decisions from police disciplinary hearings by posting them on its website: <https://www.oiprd.on.ca/hearings/results-hearings/>. Effective June 3, 2021, the OIPRD does not publish appeal or review decisions issued by the Ontario Civilian Police Commission or courts. These decisions may be accessed on <https://www.canlii.org/en/> or similar platforms.

Therefore, in accordance with the provisions of the *Police Services Act*, the OIPRD will post decisions as they are provided by the chiefs or the boards, without any amendment, redaction or revisions.

The OIPRD staff will review the decisions, and if there is any concern about inadvertent and serious disclosure of privileged, sensitive or personal information, they may notify the chief, the board or the decision maker, as the case may be, for consideration. This may include, but is not limited to:

- Information protected under the *Youth Criminal Justice Act* S.C. 2002, c. 1
- Names of children and youth under the age of 18
- Names of schools and recreational teams of children and youth
- Information that may tend to disclose the identity of a confidential informant
- Sensitive medical or financial information

In these instances, the OIPRD will ask the chiefs and the boards to provide a response regarding the concerns raised. The response from the chiefs or boards shall indicate whether or not there are privacy or publication concerns, and if any subsequent amendments or redactions have been made.

- If the chief, the board or the decision maker amends, revises or redacts the decision, the OIPRD will publish the amended decision.
- If the chief, the board or the decision maker has determined that there is no privacy or publication concern and does not amend the decision, the OIPRD will publish the original decision.

The response from the chiefs in this regard will be essential for ensuring that the OIPRD fulfills its mandate under s. 86 (3) of the *Police Services Act*.

Given that the disciplinary decisions are public and must be published by the OIPRD, it is prudent for everyone involved in the disciplinary process to be mindful of privacy considerations and federal legislation. Privacy concerns or requests for a publication ban or anonymization should be raised before the hearing officers and dealt with at the hearing stage. As you are aware, the OIPRD is not a party to the hearing and does not have any authority to issue a publication ban or change a decision.

Should you have any questions or concerns, please contact oiprd@ontario.ca.

Sincerely,



Stephen Leach
Independent Police Review Director

Attachment 005 OIPRD Guideline for the Publication of Disciplinary Decisions