



**Guidelines and Directive 005 –
Guideline for Publishing Disciplinary Hearing
Decisions**

Effective Date: June 3, 2021

1. Background

Pursuant to Rule 2.2 of the OIPRD Rules of Procedure, the Director may issue guidelines or practice directives at any time as the Director deems necessary to carry out his or her functions under the *Police Services Act*, or in regard to the OIPRD's practices and procedures. Where any guideline conflicts with the Rules, the Rules shall apply.

2. Purpose

The purpose of this guideline is to outline the OIPRD's procedure in reviewing and publishing the disciplinary hearing decisions on the OIPRD Website.

Police disciplinary hearings in Ontario are held under the *Police Services Act* and in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 (SPPA). Under the SPPA, these hearings, which are held by the police services or the boards, as the case maybe, are open to the public. Hearing officers have the power to control the hearing procedure and can make orders with respect to the procedures and practices that apply in any particular proceeding. The complainant, the respondent officer(s) and the Chief/Commissioner are the parties to the proceeding. The Director does not participate in the hearings.

Pursuant to s. 86(3) of the *Police Services Act*, the OIPRD is required to publish decisions of the police disciplinary hearings by posting them on its website: <https://www.oiprd.on.ca/hearings/results-hearings/>. 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.

3. Publication of Disciplinary Hearing Decisions

The open court principle, along with the provisions of the *Police Services Act*, guarantee public access to the police disciplinary decisions and the identity of the litigants. The OIPRD will post decisions as they are provided by the chief or the board. **The OIPRD will not amend, redact or revise the content of the decisions before publication.**

The OIPRD, however, may notify the chief, the board or the decision maker, as the case may be, if there is a serious concern about inadvertent and serious disclosure of privileged, sensitive or personal information. This may include, but is not limited to:

- Information protected under the *Youth Criminal Justice Act*
- 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

The response from the chief or board 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.

Given that the OIPRD will not amend or redact hearing decisions before publication, hearing officers are encouraged to closely follow their obligations under provincial privacy laws and federal legislation in drafting decisions. Similarly, parties are reminded that any concerns or requests about publication ban or anonymization must be raised before the hearing officers.

4. Resources

[Police Services Act, R.S.O. 1990, c. P.15](#)

[OIPRD Rules of Procedure](#)

[Youth Criminal Justice Act S.C. 2002, c. 1](#)