

STREET LAW SMARTS #8

COMPLAINTS AGAINST POLICE AND OTHERS

Complaints Against Police Officers

If you experience harassment, discrimination or violence by police, talk to a lawyer about what happened. Your lawyer can help you make a complaint, lay a criminal charge against the police officer or sue the police for damages (money).

You can only make a complaint if you were "directly affected" by the conduct of the police officer/s. This means that someone else cannot make a complaint about the way that you were treated by a police officer, unless they were involved in the incident, or they were close enough that they were also affected.

Information that you should include in your complaint: name, badge number, and division of the police officer (or as much of this information as you can). If you are unable to get the name and badge number, try and remember the car number and the date and time it happened.

If you are injured, you should get pictures taken of the injuries and get medical attention. These can be used as evidence in support of your case.

You can make a complaint to any division or department of the police force that the officer belongs to. Your complaint must be in writing and it must be signed. You can mail, fax or deliver your complaint in writing. You can write your own letter or you can use the police force's own complaint form (see <http://www.torontopolice.on.ca/professionalstandards/complaint.php> for more information and to download the complaint form for the Toronto Police Service. **Attached is a sample complaint form that you can photocopy and use.** Your complaint must usually be made within 6 months of the incident which led to the complaint.

You can make a complaint about any Ontario police officer to the **Ontario Civilian Commission on Police Services** (OCCPS). The same rules apply. However, the OCCPS doesn't hold its own investigation. It will send your complaint back to the Chief of the police force that the police officer belongs to.

You can mail, fax, or hand deliver your complaint to the Commission:

Ontario Civilian Commission on Police Services
25 Grosvenor Street, 1st Floor
Toronto, Ontario M7A 1Y6
Telephone: (416) 326-1189 or 1-888-515-5005
Fax: (416) 314-2036 or 1-888-311-7555

To complain about an **Ontario Provincial Police (OPP)** police officer, you can call the number of the OPP branch nearest to where you live.

Pros and Cons of Filing a Complaint Against the Police

Pros

- Your complaint is on file and builds on the number of complaints already made. This means that the police force cannot say that they are doing a good job because no one is complaining against them.
- Steps may be taken. For example, the police officer may be reprimanded or suspended.
- If the same officer later charges you just to pay you back for complaining or to harass you, there will be a written record to support your defence.

Cons

- Because the police will know that you have made the complaint, you and/or your friends and family may experience retaliation.
- The complaint will probably be investigated by officers in the same division as the officer you are complaining about.
- You will probably be asked to go to mediation (you do not have to agree to this) where you will face the police officer. The mediator is supposed to be neutral but she/he is often another police officer.
- Most complaints do not get to a hearing.

Complaints Against Special Constables

TTC Special Constables

To make a complaint against a TTC Special Constable, call the Corporate Security Complaint Co-ordinator at (416) 393-3111 or write to:

Toronto Transit Commission
Corporate Security Department
1900 Yonge Street
Toronto, Ontario M4S 1Z2

All complaints made against TTC Special Constables are reviewed by the Professional Standards Division of the Toronto Police Service. You must generally make your complaint within **6 months** of the incident out of which the complaint arises.

Toronto Community Housing Corporation (TCHC) Special Constables

You can make your complaint to the police through their complaints process or to TCHC. To make your complaint to TCHC, call their security dispatch call centre at (416) 921-2323. They will take down your information and pass it to an investigator

employed by TCHC. The investigator will interview you and then pass the information to the police who will decide whether to investigate or pass it back to TCHC for investigation. A written report will be sent to the Director of Security at TCHC who makes the final decision about the appropriate sanction (if any). The entire process from filing the complaint to the decision being made should occur within 90 days. Usually you must make your complaint within **6 months** of the incident out of which the complaint arises.

Complaints Against Security Guards

To make a complaint against the conduct of a security guard call the Licensing Board of the Ministry of Community Safety and Correctional Services at (416) 326-0050.

You could also make a complaint to the security company that employs the security guard and/or the company that is employing the security company.

- ◆ For more information about special constables and security guards, see **Street Law Smarts #2**.

Complaints Against Doctors and Other Health Care Workers

For doctors, call the College of Physicians and Surgeons at (416) 967-2615 or 1-800-268-7096, extension 615.

For other health care professionals (for example, nurses, dentists and paramedics), call the Ministry of Health Info Line at (416) 314-5518 or 1-800-268-1154 to learn how to make a complaint.

You can also find out if the hospital or medical clinic has its own complaints process.

You may also want to speak to a lawyer by calling the Lawyer Referral Service at (416) 947-3330 or 1-800-268-8326.

Complaints Against Lawyers

Call the Law Society of Upper Canada at (416) 947-3310 or 1-800-268-7568. They will ask you to complete a complaint form. **Attached is a sample complaint form that you can photocopy and use.**

If you have experienced discrimination or harassment by your lawyer or anyone within the law office or legal organization, you can contact the Law Society's Discrimination and Harassment Counsel. They will assist you free of charge and confidentially. You can reach them by calling 1-877-790-2200 or by e-mailing them at assistance@dhcounsel.on.ca.