

5. Other Jurisdictions

A survey of other jurisdictions reveals the existence of a wide variety of systems for resolving public complaints about the police. A number of classification schemes for these systems are discussed in the academic literature.¹³⁴ One such classification divides complaints systems into four models.¹³⁵ The Investigative Model of complaints handling has an agency that investigates complaints and makes findings and recommendations to the police regarding discipline and policy. The Monitoring Model sees an agency reviewing police investigations of complaints and subsequently making findings and recommendations to the police regarding discipline and policy. Under the Appeal Model, an agency is responsible for hearing appeals after the police have investigated a complaint and imposed discipline. Finally, the Auditor Model has an agency reviewing police complaint procedures in an attempt to modify the system to make it more effective. Although this classification is based on American complaints systems, they can be readily applied to categorize systems outside of the United States as well.¹³⁶

¹³⁴ See Chapter 4 of C. Lewis, *Complaints Against Police: The Politics of Reform* (Sydney: Hawkins Press, 1999).

¹³⁵ S. Walker, *Police Accountability: The Role of Citizen Oversight* (Belmont: Wadsworth, 2001); J. Miller, 'Civilian Oversight of Policing: Lessons from the Literature' (Global Meeting on Civilian Oversight of Police, Vera Institute of Justice, Los Angeles, 5-8 May 2002), online: VERA Institute of Justice, <http://www.vera.org/publication_pdf/178_338.pdf> (date accessed: 7 December 2004) at 8.

¹³⁶ Miller, *supra* note 135 at 8.

Actual complaints systems, however, do not fit squarely into any particular classification. Many are hybrids that contain elements from various models, although they will often have features that make them predominantly one or the other. For example, the current Ontario system, with OCCOPS' role in hearing appeals stemming from police disciplinary hearings, has much in common with the appeal model. However, OCCOPS' additional roles in investigations and reviews also make Ontario's system show some passing resemblance to the investigative and monitoring models.

New York City's Civilian Complaint Review Board is a good example of an investigative model of complaints handling. Independent civilian investigators are assigned to investigate public complaints about New York City police officers. Following an investigation, the Board reviews the investigation and substantiated complaints are forwarded either with or without a discipline recommendation to the Police Commissioner who has the discretion to implement or ignore the recommendation. In 2003, the Board's role was expanded to include the prosecution of substantiated complaints.

The Commission for Public Complaints Against the Royal Canadian Mounted Police may be regarded as an example of the monitoring model. If a complainant is unsatisfied with the outcome of a complaint investigation conducted by the Royal Canadian Mounted Police, the Commission may be asked to review the investigation. Following the review, the Commission may make findings and

recommendations to which the police must respond. A final report is then generally prepared by the Commission in response to the police's response. This process is supplemented by additional powers given to the Commission to investigate a complaint or hold a public hearing.

The police complaints system in the City of Los Angeles contains a significant audit component making it a good example of the audit model. In Los Angeles, the police are responsible for the handling of public complaints, but an independent auditor in Los Angeles conducts regular audits of the process to ensure that the police are in compliance with the mandated procedures.

During the course of this review, I examined an array of different police complaints systems. Many of the systems that I examined were ones recommended to me in my meetings with the parties. Short summaries of some of these systems are set out in Appendix B. I did not use any special criteria for their inclusion in this report other than that I found these systems to contain some unique features and that they demonstrate the range of systems that are in place.