

March 29, 2017

Via Email: Donovandih@gmail.com

Miss Kelly Donovan
11 Daniel Place
Brantford, ON N3R 1K6

Dear Miss Donovan:

**Re: Public Complaint: York Regional Police Service
OIPRD Complaint Number: E-201611281450436483**

The Office of the Independent Police Review Director (OIPRD) has carefully reviewed your complaint and determined it to be a conduct complaint relating to Detective Sergeant Shannon Anderson of the Professional Standards Unit of the York Regional Police Service (YRPS).

You indicate in your complaint that you are a sworn member of the Waterloo Regional Police Service (WPRS). You were dissatisfied with the manner in which the WPRS investigates its own police officers, so you presented a lawful delegation to the Waterloo Regional Police Services Board in which you raised those concerns regarding four major incidents. As a result of your delegation, Chief Larkin requested an outside investigative review into one of those incidents, a recent criminal case involving WPRS Sergeant Bradley Finucan. You indicate that you did not request that this particular incident be reviewed.

We understand from your complaint that Detective Sergeant Finucan was charged by the WPRS with eight criminal charges. You have provided us with extensive submissions regarding what you believe to be the WPRS' investigative deficiencies that resulted in these charges. You also advise that Detective Sergeant Finucan entered a guilty plea to two of those counts and received a conditional discharge.

The nature of your relationship with Detective Sergeant is unclear from your complaint, although it appears that you were not the victim of the criminal charges. However, your concern seems to be that the WPRS acted with bias towards Detective Sergeant Finucan during their investigation.

The outside investigative review directed by Chief Larkin was conducted by Detective Sergeant Anderson of the YRPS. You also advise that it was made clear to you at the outset of this review that disciplinary action would be taken against you if your allegations proved to be untruthful. For these reasons, you state that the investigative review had a direct effect on your career and personal life.

You advise that the investigative deficiencies you identified in the WRPS investigation were not addressed by Detective Sergeant Anderson during her investigative review. You have indicated that you do not believe that Detective Sergeant Anderson conducted an objective or impartial investigation. You believe that she made false, misleading or inaccurate statements and that she was deceitful in her investigation of the incident.

In determining whether your complaint should be sent for an investigation, we have considered section 58 (2) of the *Police Services Act*, which sets out classes of persons who are prohibited from making complaints to the Independent Police Review Director. One of those categories is a member or auxiliary member of a police force, if that police force or another member of that police force is the subject of the complaint.

The substance of your complaint revolves around an internal investigation conducted for your Chief of Police, Chief Larkin, about matters concerning WRPS internal investigations. Your concern seems to be that the WRPS acted with bias towards Detective Sergeant Finucan, which if true is properly an internal matter. As such, it might be argued that this is a complaint about your own service, a situation to which the public complaints process is not intended to apply.

Further, we have considered that the outside investigative review, and its terms, were established by Chief Larkin. If Chief Larkin had any issues with the adequacy or scope or the review conducted by Detective Sergeant Anderson, this was properly for him to raise with Detective Sergeant Anderson or for you to raise again with the Board.

Lastly, while you have advised that Detective Sergeant Anderson's investigation affected you directly because it had the potential of having a direct effect on your career (ie, you were cautioned about the possibility of facing disciplinary charges yourself), you do not advise that you are facing disciplinary action as a result of this report or anything said or done by Detective Sergeant Anderson. Further, if you believe that you are professionally impacted by any investigative deficiencies in Detective Sergeant Anderson's report, then again this is an internal matter for you to address with your service and is not properly the subject of a public complaint.

For these reasons, the Director has determined that it is not in the public interest to send your complaint for investigation.



Please be advised that the *Police Services Act*, our governing legislation, does not provide for an appeal from the classification and screening of complaints conducted by the OIPRD. Accordingly, our file is now closed. The only means of review for this decision is a judicial review in the Superior Court of Justice.

A copy of your complaint as well as our decision not to proceed has been forwarded to the Chief of York Regional Police Service for his record.

To find out more about OIPRD and the *Police Services Act*, please visit our website at www.oiprd.on.ca.

Yours truly,
Office of the Independent Police Review Director
Per:

A handwritten signature in black ink, appearing to read "Angie Mahadeo", is written over the "Per:" line.

Angie Mahadeo
Case Management Department
Local: 416-246-7071 Ext. 1109
Toll-free: 1-877-411-4773 Ext. 1109