

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

25 FEBRUARY 2009

Annual Report on Public Complaints

RECOMMENDATION

1. That the Board receive this report pursuant to Section 31(1)(j) of the *Police Services Act*, Board By-Law No. 06-04 respecting the Administration of the Complaints System under Part V of the *Police Services Act*, and Citizens Complaints/Policies/Services/Conduct, York Regional Police Procedure AI-311.

SYNOPSIS

Section 31(1)(j) of the *Police Services Act* requires the Board to review the Chief's administration of the complaints system under Part V and receive regular reports from the Chief on the administration of the complaints system.

In accordance with Board Policy and York Regional Police procedures, the Chief is required to provide semi-annual reports to the Board that include cumulative and detailed information and comparative data from the preceding calendar year. The first report each year shall summarize the yearly complaints, including an analysis of frequency, nature and substance of policy and conduct complaints and whether the analysis indicates the need for training or additional resources. In accordance with Section 31(b) of the Adequacy and Effectiveness of Police Services Regulation, the information contained in the attached report will also be included in the 2008 Annual Report.

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND

The *Police Services Act* states that a member of the public may complain about the conduct of an officer or officers, or about the policies of or services provided by a police force. The complainant in a public complaint must be the person who was directly affected by the conduct, policy or service. A complaint must be in writing and signed by the complainant, and may be delivered personally or by mail or fax to the police service involved or to the office of the Ontario Civilian Commission on Police Services. The Commission, in turn, will forward the complaint to the police service to be dealt with as appropriate.

The Chief of Police shall review every complaint that is made about the policies of or services provided by a police force and shall take appropriate action in response to the complaint. The Chief of Police shall cause every complaint made about the conduct of a police officer to be investigated and reported on in a written report.

Policy/Service Complaints

The *Police Services Act* requires the Chief of Police to submit a written report to the Board respecting every complaint about the policies of or services provided by the police force and the disposition of same. Two policy complaints were filed in 2008.

The first policy complaint dealt with a York Regional Police Special Interest Police entry on the CPIC data base computer system concerning sexual behavior in public. The investigation into this complaint is on-going and will be reported to the Board upon completion.

The second policy complaint was about the retention of our court cell block videotapes and our policy on the posting of a Material Safety Data Sheet for OC spray. The investigation is on-going into this complaint as well, and upon completion, the findings will be reported to the Board.

Conduct Complaints

In regards to complaints made about the conduct of a police officer, the Chief may resolve the matter informally if the conduct is not of a serious nature. If, at the conclusion of the investigation and on review of the written report, the conduct of the officer may constitute misconduct pursuant to the *Police Services Act*, the Chief shall hold a hearing into the matter.

In accordance with Section 59 of the *Police Services Act*, the Chief of Police may decide not to deal with any complaint about the police force or about a police officer that the Chief considers to be:

- frivolous or vexatious or made in bad faith
- is made more than six months after the facts on which it is based occurred
- or it is decided that the complainant was not directly affected by the policy, service or conduct that is the subject of the complaint.

The Chief of Police is required to notify the complainant in writing of the disposition of the complaint. A complainant has the right to request that the Ontario Civilian Commission on Police Services review the complaint if they are not satisfied with the disposition.

The majority of public complaints received in 2008 have been classified as police procedures, followed by complaints of verbal abuse, physical assault and misuse of authority. The number of public complaints resolved through the informal resolution process continues to increase.

This process which includes the complainant and the involved officer(s) has proven to be very effective.

During 2008, York Regional Police received 111 public complaints compared to 131 in 2007 and 116 in 2006. 63 public complaints from 2008 were carried forward into 2009. As the attached chart indicates, 48 public complaints have been investigated with 23 being informally resolved, 7 withdrawn, 6 determined to be unsubstantiated and 12 were not dealt with because, in accordance with Section 59, of the *Police Services Act*, they were determined to be either frivolous, vexatious or made in bad faith, over six months, or not directly affected. Of the 63 complaints carried forward, 10 have since been resolved.

During 2008, following notification to complainants of the classification and disposition of their public complaints:

- 21 requests were made to the Ontario Civilian Commission on Police Services to review the decisions made by the Chief of Police. Two of the requests were for review of the classification of their public complaint and 19 were for review of the disposition of their complaint.
- 12 decisions were upheld by the Ontario Civilian Commission on Police Services
- 1 matter was returned for additional investigation by another agency
- As of January 31, 2009, 8 decisions remained with the Ontario Civilian Commission on Police Services pending review, two of which are a review of classification

The actual strength of the service at the end of 2008 was 1,364 sworn officers. The ratio of conduct complaints per officer for the year is 0.08 and this remains one of the lowest ratios in comparison to other large police services in Ontario. During 2008, officers responded to 239,939 demands for service and issued 135,589 Provincial Offence Notices, an increase from 2007. Many of our complaints emanate from call response and traffic enforcement.

The decrease in the number of complaints received is attributable, in part, to the efforts made by members of the Professional Standards Bureau to educate and train our staff members about the Public Complaints process. Professional Standards Bureau members have made presentations to each annual requalification class in 2008 as well as recruit classes, coach officer classes and workshops. The intention is to familiarize members with the complaint investigation process, as well as to discuss the common reasons that complaints are made in an effort to reduce or eliminate public complaints about officers. York Regional Police continues to be vigilant in communicating our Values and Code of Professional Ethics both internally and externally.

Armand P. La Barge, O.O.M.
Chief of Police

APL:ms
Attachment