

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

SEPTEMBER 25, 2019

Semi-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. 01-11 respecting the Administration of the Complaints System under Part V of the *Police Services Act*.

SYNOPSIS

This report provides cumulative and detailed information concerning public complaints made under Part V of the Police Services Act in the first six months of 2019. York Regional Police received one service complaint, 62 conduct complaints and four OIPRD Out of Jurisdiction Directed Investigations in 2019 compared to seven service complaints and 86 conduct complaints in the first six months of 2018.

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND

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

In accordance with Board By-Law No. 01-11, the Chief of Police 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 summarizes 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 this report will be included in the 2019 Annual Report.

Policy and Service Complaints

In accordance with section 61(2) of the *PSA*, complaints about the policies of or services provided by York Regional Police are referred by the Office of the Independent Police Review Director (OIPRD) to the Chief of Police to be dealt with. Under section 63 of the *PSA*, the Chief of Police is required to take any action, or no action, in response to the complaints as he considers appropriate. One service complaint was referred to the Chief of Police by the OIPRD in the first half of 2019 and was subsequently withdrawn by the complainant.

Conduct Complaints

Pursuant to section 61(5) of the *PSA*, the OIPRD may refer a complaint about the conduct of a York Regional Police officer to the Chief of Police, or to the Chief of Police of another police service, to be investigated or the OIPRD may retain the complaint for investigation. If, at the conclusion of the investigation and on review of the written report, the Chief of Police is of the opinion that there was misconduct or unsatisfactory work performance that was not of a serious nature, he may resolve the matter informally with the consent of the officer and the complainant. The Chief of Police is required to hold a hearing into the matter if the alleged misconduct is serious. The Independent Police Review Director may also direct the holding of a hearing if he is of the opinion that the alleged misconduct is serious.

The failure to follow police procedures was the most common category of public complaints received in the first half of 2019. Other common complaints included allegations of verbal incivility, misuse of authority and physical assault.

In the first half of 2019, York Regional Police received 63 public complaints compared to 86 in 2018 and 77 in 2017. This represents a 28 percent decrease in public complaints for the first half of 2019 from the same time period in 2018. The percentage of complaints being screened and accepted by the OIPRD remains consistent with previous years. In 2019, 51 percent of complaints were accepted while, in 2018, 47 percent were accepted. Accepted complaints have ranged between 44-52% in the last 5 years.

As the attached chart indicates, 23 public complaints were investigated. Six complaints were informally resolved, nine were withdrawn, one was over six months and two were determined to be unsubstantiated. Eleven complaints were still under investigation as of June 30, 2019. Thirty-three complaints were not accepted by the OIPRD because, in accordance with section 60 of the *PSA*, they were determined to be either frivolous, vexatious or made in bad faith; could be more appropriately dealt with under another Act or law; were not in the public interest; or were over six months old.

The OIPRD retained one complaint for investigation in the first half of 2019. As of June 30, 2019, there have been no requests for review by complainants to the OIPRD.

OIPRD Directed/Out of Jurisdiction Investigation

In accordance with section 72(1)(b) of the *PSA*, the Independent Police Review Director is permitted to give direction to the Chiefs of Police of various jurisdictions to investigate allegations of misconduct from a different police service. In the first half of 2019, York Regional Police investigated 4 matters, 1 complaint regarding Ontario Provincial Police – Smiths Falls detachment and 3 complaints regarding Peel Regional Police. All files remain open to date.

The Professional Standards Bureau has maintained an excellent working relationship with the OIPRD to date in 2019. They continue to participate in ongoing programs with the OIPRD for Customer Service Resolutions (CSR) and the Enhanced Mediation Program. Both of these programs assist in the collaborative resolution of complaints at an early stage to promote understanding between the complainants and police officers as opposed to a more formal investigation and adversarial process for minor complaint issues.

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Investigations Branch

BB:rh
Attachment

Accessible formats or communication supports are available upon request

COMPARISON JANUARY to JUNE 2018 – 2019

PUBLIC COMPLAINT INVESTIGATIONS

NATURE OF COMPLAINTS

* Indicates the comparison in total number of complaints for the 6-month period.

YEAR	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy/ Service	TOTALS
2018 January - June	52	7	10	10	7	86
2019 January - June	31	9	10	16	1	67
% Change* 2018/2019	-40%	29%	0	60%	-600%	-28%

NATURE OF COMPLAINTS - % OF TOTAL

YEAR	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy/ Service	TOTALS
2018 January - June	65	12	8	8	12	100%
2019 January - June	47	13	15	24	1	100%

PUBLIC COMPLAINT INVESTIGATIONS
NATURE OF COMPLAINTS – DETAILED

POLICE PROCEDURE	2019	2018	2017
Fail to Identify	0	0	0
Neglect of Duty	16	24	27
Improper Detention (Includes stopping car)	2	5	1
Improper Search-Person	2	0	0
Improper Arrest	2	7	7
Improper Charge	3	8	8
Improper Entry	1	1	0
Improper Use of Discretion	4	5	2
Other / General	0	2	0
TOTAL	30	52	45

MISUSE OF AUTHORITY	2019	2018	2017
Corruption	0	1	0
Theft	0	0	0
Fraud	0	0	0
Lying Under Oath	0	0	0
Deceit	0	1	0
Disclose Confidential Information	5	0	0
Intoxication	0	0	0
Improper Driving	1	2	0
Improper Use of Position	8	6	5
Other	3	0	0
TOTAL	17	10	5

PHYSICAL ASSAULT	2019	2018	2017
Assault	0	1	1
Assault with Injury	0	1	1
Sexual Assault	0	0	0
Assault While Restrained	0	1	0
Other Assault	0	0	0
Excessive Force	4	2	1
Excessive Force with Injury	5	2	1
TOTAL	9	7	4

POLICY AND SERVICE	2019	2018	2017
TOTAL	1	7	2

VERBAL ABUSE	2019	2018	2017
Verbal Abuse/Incivility	7	6	10
Harassment/Threat	0	3	1
Implied Harassment/Threat	3	1	10
Sexual Harassment	0	0	0
Other	0	0	0
TOTAL	10	10	21

PUBLIC COMPLAINTS BREAKDOWN
JANUARY – JUNE 2019

SUBJECT OFFICER BY AGE

Under 25	0
25 – 29	21
30 – 34	22
35 – 39	21
40 – 44	17
45 – and over	33
Total	114

SUBJECT OFFICER BY TENURE

Under 4 years	29
4 – 7 years	16
8 – 12 years	25
13 – 20 years	28
20 years and over	16
Total	114

PRECIPITATING FACTORS/EVENTS

Criminal Investigation	32
Traffic Violation /MVC investigation	10
Parking Violation	0
Request For ID (other than traffic related)	0
Other Non-Criminal Investigation	2
Domestic Occurrence	13
Incidental To Arrest	6
Off-Duty	0
Unknown	1
Other	3
Total	67

PUBLIC COMPLAINT DISPOSITIONS
JANUARY – JUNE 2019

Summary of Dispositions

Section 60(4) - Frivolous - Not in Public Interest - Other Act or Law - No Jurisdiction	33
Section 66(2) - Unsubstantiated	2
Section 74(1) - Withdrawn	9
Section 60(2) - Over 6 months	1
Section 60(6) - Not Directly Affected	0
Section 93(1) - Informal Resolution	6
Section 61(2) - Policy / Service	1
Section 72(1) - Directed by OIPRD	4
Section 66(4) - Informal Discipline	0
Section 59(1) – OIPRD No Jurisdiction	0
Action Taken - Formal Discipline	0
Total Resolved	56
Ongoing	11
Total	67

JANUARY – JUNE 2019

PUBLIC COMPLAINT DISPOSITIONS

Disposition	Service / Policy	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority
Unsubstantiated s. 66(2)	0	3	0	0	0
Not dealt with - Frivolous Other Act or Law Not in Public Interest s. 60(4)	0	18	0	3	12
Not dealt with – over 6 months s. 60(2)	0	1	0	0	0
Not dealt with – not directly affected s. 60(6)	0	0	0	0	0
Withdrawn s. 74(1)	1	6	2	3	1
Informal Resolution s. 93(1)	0	0	3	3	0
Directed by OIPRD 72(1) not accepted	0	0	0	0	0
Policy / Service 61(2)	0	0	0	0	0
OIPRD cannot Proceed 59(1)	0	0	0	0	0
Informal Discipline	0	0	0	0	0
Resolved	1	27	5	9	13
Outstanding	0	4	4	1	3