

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

25 SEPTEMBER 2013

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*, and Citizens Complaints / Policies / Services / Conduct, York Regional Police Procedure AI-311.

SYNOPSIS

Each year, a semi-annual report on Public Complaints is filed in accordance with the Board's direction.

In the first six months of 2013, 71 complaints were received against 93 members of York Regional Police, compared to 66 complaints against 84 members for the same period in 2012. Of the 71 Public Complaints received, 35 were not proceeded with by the OIPRD including seven that were not dealt with due to the six month limitation, three Public Complaints were withdrawn by the complainant, and five Public Complaints were informally resolved. The additional 28 complaints are currently under investigation. No discipline has arisen out of complaints received during this reporting period.

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND

Section 31 (b) of Ontario Regulation 3/99, made under *The Police Services Act - Adequacy and Effectiveness of Police Services*, requires the Board to receive a report on Public Complaints annually. In accordance with the Board's direction, a semi-annual report is also filed.

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.

On October 19, 2009, the OIPRD, governed by Ontario Regulation 263/09 and Part V of *The Police Services Act*, took over responsibility for the intake, processing and managing of Public Complaints in Ontario. As a result, all Public Complaints made against members of York Regional Police must be received by the OIPRD. OIPRD encourages members of the public to first discuss their complaint directly with the police service. As a result, there are three methods available to the public to address their complaint:

1. Local Discussion
2. Local Resolution
3. Formal Public Complaint

A Local Discussion involves the complainant making contact directly with the police service and discussing their complaint with a front-line supervisor. A Local Discussion occurs when the complainant does not wish to pursue the complaint beyond advising the supervisor of their concerns. This method encourages informal discussion and promotes an increased level of understanding between the police and the complainant. OIPRD is not involved in Local Discussions.

A Local Resolution involves similar contact directly with the police service. This process involves proposing a resolution to the complaint which is agreeable to both the complainant and the officer. This Local Resolution is documented on an OIPRD form. Once completed, this form is forwarded to OIPRD and the Chief of Police for their approval.

A Formal Public Complaint requires that the complainant complete an OIPRD Complaint Form at either a police station, or via the OIPRD website. Once this complaint form is signed and submitted to OIPRD, OIPRD will classify the complaint, make a decision whether to accept it, and then assign it for investigation. The OIPRD assigns Public Complaint investigations in one of three ways:

- They will refer the complaint back to the originating police service for investigation.
- They will assign the complaint to another police service for investigation.
- They will retain the complaint and investigate it themselves.

OIPRD has the authority to screen incoming complaints and if they choose, can refuse to accept a Public Complaint. When OIPRD makes a decision not to accept a Public Complaint, their reasons fall into five categories:

- Frivolous
- Better dealt with by another act or law
- Not in the public interest
- Complainant not directly affected
- Over 6 months

Prior to October 19, 2009, when a police service determined not to accept a Public Complaint, their decision fell into one of the following three categories:

- Frivolous, vexatious or made in bad faith
- Not directly affected
- Over 6 months

Once a Public Complaint has been accepted and assigned for investigation, there are four ways for the complaint to be resolved:

1. Withdrawn by the complainant
2. Unsubstantiated following an investigation
3. Resolved by way of Informal Resolution
4. Misconduct is identified and disciplinary action is initiated.

As the attached charts indicate, 71 public complaints were made against members of York Regional Police during the first six months of 2013, compared to 66 in 2012. This is a increase of 7.6% over the same period last year. Of the 71 Public Complaints received:

- 35 complaints were not accepted by the OIPRD:
 - 2 were deemed frivolous
 - 15 were not in the public interest
 - 6 better dealt with by another act or law
 - 1 there was no jurisdiction
 - 1 was abandoned
 - 3 were not directly affected
 - 7 were over 6 months
- 3 were withdrawn by the complainant
- 5 complaints were dealt with by Informal Resolution
- 28 complaints are still under investigation by York Regional Police

York Region continues to be one of the fastest growing regions in Canada. York Regional Police, continues to experience an increase in the numbers of interactions with the public through various means, such as, criminal and non-criminal investigations, traffic stops, calls for service and regular inquiries of the police. The Training Bureau in combination and consultation with the Professional Standards Bureau educates and trains in each level of Recruit training and also at the Coach officer level. Professionalism and customer service is emphasized in this training as well as the Police Services Act and the public complaints process. 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.

A handwritten signature in black ink, consisting of several loops and curves, enclosed within a roughly drawn oval border.

Eric Joliffe, M.O.M., BA, MA, CMM III
Chief of Police

EJ:sr
Attachment

COMPARISON JANUARY to JUNE 2012 – 2013 PUBLIC COMPLAINT INVESTIGATIONS

NATURE OF COMPLAINTS

YEAR	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy/ Service	TOTALS
2012 January - June	27	10	15	9	5	66
2013 January - June	32	9	16	13	1	71
% Change* 2012/2013	+19%	-10%	+6.67%	+44%	-80%	+7.6%

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

NATURE OF COMPLAINTS - % OF TOTAL

YEAR	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy/ Service	TOTALS
2012 January - June	41	15	23	14	7	100%
2013 January - June	45	13	23	18	1	100%

PUBLIC COMPLAINT INVESTIGATIONS NATURE OF COMPLAINTS – DETAILED

POLICE PROCEDURE	2013	2012	2011
Fail to Identify	0	0	1
Neglect of Duty	23	7	12
Improper Detention (Includes stopping car)	3	0	2
Improper Search – Person	1	1	2
Improper Arrest	1	7	1
Improper Charge	2	5	6
Improper Entry	2	2	2
Improper Use of Discretion	0	2	1
Other	0	3	7
TOTAL	32	27	34

MISUSE OF AUTHORITY	2013	2012	2011
Corruption	0	0	0
Theft	1	2	1
Fraud	0	0	0
Lying Under Oath	0	1	0
Deceit	0	1	0
Disclose Confidential Information	3	1	1
Intoxication	0	1	0
Improper Driving	0	3	2
Improper Use of Position	4	0	7
Other	5	0	1
TOTAL	13	9	12

PHYSICAL ASSAULT	2013	2012	2011
Assault	1	8	4
Assault with Injury	4	0	1
Sexual Assault		0	0
Assault While Restrained	0	0	0
Other Assault		0	0
Excessive Force	4	2	3
Excessive Force with Injury		0	0
TOTAL	9	10	8

POLICY AND SERVICE	2013	2012	2011
TOTAL	1	5	4

VERBAL ABUSE	2013	2012	2011
Verbal Abuse/Incivility	13	3	16
Harassment/Threat	1	1	0
Implied Harassment/Threat	2	11	3
Sexual Harassment	0	0	0
Other	0	0	0
TOTAL	16	15	19

PUBLIC COMPLAINTS BREAKDOWN

JANUARY – JUNE 2013

SUBJECT OFFICER BY AGE	
Under 25	0
25 – 29	12
30 – 34	21
35 – 39	20
40 – 44	24
45 – and over	16
Total	93

SUBJECT OFFICER BY TENURE	
Under 4 years	15
4 – 7 years	22
8 – 12 years	34
13 – 20 years	9
20 years and over	13
Total	93

PRECIPITATING FACTORS/EVENTS	
Criminal Investigation	18
Traffic Violation /MVC investigation	15
Parking Violation	0
Request For ID (other than traffic related)	0
Other Non-Criminal Investigation	16
Domestic Occurrence	7
Incidental To Arrest	3
Off-Duty	5
Unknown	
Other (including G20)	7
Total	71

PUBLIC COMPLAINT DISPOSITIONS
JANUARY – JUNE 2013

Summary of Dispositions

Section 60(4) - Frivolous - Not in Public Interest - Other Act or Law - No Jurisdiction	28
Section 66(2) - Unsubstantiated	0
Section 74(1) - Withdrawn	3
Section 60(2) - Over 6 months	7
Section 60(6) - Not Directly Affected	0
Section 93(1) - Informal Resolution	5
Section 61(2) - Policy / Service	0
Section 72(1) – Directed by OIPRD	0
Section 66(4) - Informal Discipline	0
Action Taken – Formal Discipline	0
Total Resolved	43
Ongoing	28
Total	71

PUBLIC COMPLAINT DISPOSITIONS

Disposition	Service / Policy	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Total
Unsubstantiated s. 66(2)	0	0	0	0	0	0
Not dealt with - Frivolous Other Act or Law Not in Public Interest s. 60(4)	0	16	1	5	6	28
Not dealt with – over 6 months s. 60(2)	0	3	1	2	1	7
Not dealt with – not directly affected s. 60(6)	0	0	0	0	0	0
Withdrawn s. 74(1)	1	2	0	0	0	3
Informal Resolution s. 93(1)	0	4	0	1	0	5
Directed by OIPRD 72(1) not accepted	0	0	0	0	0	0
Informal Discipline	0	0	0	0	0	0
Resolved						43
Outstanding		10	6	6	6	28