

PUBLIC

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

FEBRUARY 26, 2020

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 2019. York Regional Police received three service complaints and 159 conduct complaints in 2019 compared to four service complaints and 171 conduct complaints in 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 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 to be dealt with. Under section 63 of the *PSA*, the Chief is required to take any action, or no action, in response to the complaints as he considers appropriate. The three service complaints referred to the Chief by the OIPRD in 2019 were subsequently withdrawn by the complainant.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 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 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 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 OIPRD retained one complaint for investigation in 2019. Two requests were made by complainants to the OIPRD to review the Chief's decisions regarding their complaints. The OIPRD confirmed one of the decisions that the complaint was unsubstantiated. We are awaiting the result of the other request to the OIPRD for review.

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

In 2019, York Regional Police received 162 public complaints compared to 171 in 2018 and 126 in 2017. This represents a nine percent decrease in public complaints from 2018. The percentage of complaints being screened in by the OIPRD represents an eight percent decrease from the previous year. In 2018, 49 percent of complaints were screened in while, in 2017, 51 percent were accepted. Screened in complaints have ranged between 44 - 52 percent in the last five years.

As the attached chart indicates, 66 public complaints were investigated with one resulting in disciplinary action against the officer. Ten complaints were informally resolved, 24 were

withdrawn and 11 were determined to be unsubstantiated. Twenty complaints were still under investigation as of December 31, 2019. Ninety-six 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 actual strength of the service at the end of 2019 was 1668 sworn officers. The ratio of conduct complaints per officer for the year is 0.10 and this remains one of the lowest ratios in comparison to other large police services in Ontario. The low complaints per officer ratio and the low number of substantiated complaints can be attributed, in part, to our members consistently upholding the Values and Code of Ethics of York Regional Police. Our analysis of the nature and substance of policy and conduct complaints filed in 2019 does not indicate the need for any additional training or additional resources.

The Professional Standards Bureau has maintained an excellent working relationship with the OIPRD in 2019. They continue to participate in ongoing programs with the OIPRD for the Customer Service Resolutions (CSR). This program assists 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.

Our Professional Standards Bureau members continued to deliver presentations to recruit classes and supervisor courses in 2019. This allows York Regional Police to familiarize its new members and re-familiarize its new supervisors with the public complaints process, as well as to discuss the common themes of complaints in an effort to reduce or eliminate public complaints.

Brian Bigras, MAL
Deputy Chief of Police #799
Investigations Branch

BB:km
Attachment

Accessible formats or communication supports are available upon request



PROFESSIONAL STANDARDS BUREAU

2019

ANNUAL SUMMARY

PUBLIC COMPLAINT INVESTIGATIONS NATURE OF COMPLAINTS

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals	Staffing
2014	51	11	30	18	5	115	1529
2015	66	16	34	17	17	150	1562
2016	85	8	31	5	8	137	1579
2017	71	7	27	12	9	126	1637
2018	89	15	26	28	13	171	1624
2019	76	14	24	45	3	162	1668

NATURE OF COMPLAINTS

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals
2019	76	14	24	45	3	162
2018	89	15	26	28	13	171
% CHANGE 2018-2019	-8%	-9%	-9%	+16%	-23%	-10%

ANNUAL PERCENTAGE COMPARISON

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service
2014	44%	10%	26%	16%	4%
2015	44%	11%	23%	11%	11%
2016	62%	6%	22%	4%	6%
2017	56%	6%	21%	10%	7%
2018	52%	9%	15%	16%	8%
2019	47%	9%	15%	27%	2%

POLICE SERVICES COMPARISON

Police Service	Durham	Halton	Hamilton	Niagara	Ottawa	Peel	Waterloo	York
2019 Uniform Officers	917	752	857	736	1458	2128	778	1668
2019 Public Complaints	119	75	112	104	230	76	50	162
Complaints per officer	0.13	0.10	0.13	0.14	0.15	0.04	0.06	0.10

NATURE OF COMPLAINTS DETAILED

POLICE PROCEDURE

Fail to Identify	0
Neglect of Duty	36
Improper Detention (includes stopping car)	3
Improper Search – person	2
Improper Arrest	11
Improper Charge	12
Improper Entry	1
Improper Use of Discretion	8
Other (parking, provincial offence, keep the peace)	3
Service & Policy	3
TOTAL	79

PHYSICAL ASSAULT

Assault	0
Assault with Injury	0
Sexual Assault	1
Assault while restrained	0
Other Assault	0
Excessive Force	5
Excessive Force with Injury	8
TOTAL	14

VERBAL ABUSE

Verbal Abuse / Incivility	21
Harassment / Threat	0
Implied Harassment /Threat	3
Sexual Harassment	0
Other	0
TOTAL	24

MISUSE OF AUTHORITY

Corruption	1
Theft	0
Frauds	0
Lying Under Oath	0
Deceit	1
Disclose Confidential Information	8
Intoxication	0
Improper Driving	3
Improper Use of Position	30
Misuse of Authority Other –	2
TOTAL	45

TOTAL NUMBER OF COMPLAINTS 2019

162



PUBLIC COMPLAINT DISPOSITIONS

Complaints Investigated by York Regional Police				
	2016	2017	2018	2019
Section 64(7) Formal Discipline	0 (1 from 2013) (1 from 2015)	0	0	0
Section 66(4) Informal Discipline	0 (2 from 2015)	0	1	1
Section 93(1) Informal Resolution	11	17	11	10
Section 66(2) Unsubstantiated	3	11	26	11
Section 74(1) Withdrawn	27	19	25	24
Section 61(2) / Policy / Service	1	5	4	0
Section 59(1) OIPRD cannot Proceed	1	1	0	0
Outstanding Files at Year End	18	11	17	20
TOTAL COMPLAINTS INVESTIGATED BY YORK REGIONAL POLICE	61	64	84	66
Complaints Dealt with by OIPRD (screened out and retained)				
	2016	2017	2018	2019
Section 60(2) Over 6 Months	1	0	2	4
Section 60(4) Not in public interest, other law etc.	72	57	73	89
Section 60(6) Not Directly Affected	3	4	7	2
Section 72(1) Retained by OIPRD	0	1	5	1
TOTAL COMPLAINTS DEALT WITH BY OIPRD	76	62	87	96
Total				162

Classification of Complaints

	2016	2017	2018	2019
Conduct Complaints	129	121	167	159
Policy/Service Complaints	8	5	4	3
Total Number of Complaints	137	126	171	162

Number of Involved Officers	149	152	231	248
Officers Disciplined	0	0	2	1
Number of Civilians Involved	4	2	3	9
Reviews Requested	1	3	4	2
Directed Hearings Ordered by OIPRD	1	1	0	0