

The Regional Municipality of York Police Services Board

Public Board Meeting
February 24, 2021

Report of the Chief of Police

Annual Report on Public Complaints

1. Recommendation

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 Complaint System under Part V of the *Police Services Act*.

2. Summary

This report provides cumulative and detailed information concerning public complaints made under Part V of the *Police Services Act* in 2020. York Regional Police received one service complaint and 179 conduct complaints in 2020 compared to three service complaints and 159 conduct complaints in 2019.

Key Points:

- One service complaint and 179 conduct complaints in 2020
- Three service complaints and 159 conduct complaints in 2019
- Increase in conduct complaints compared to the previous year

3. 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 to 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. The semi-annual report provides cumulative and detailed information concerning public complaints made under Part V of the *Police Services Act* in the first 6 months of each calendar year.

4. Analysis

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 The one service complaint referred to the Chief by the OIPRD in 2020 was subsequently withdrawn by the complainant.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 or to the Chief of Police of another 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, the Chief 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 the Director is of the opinion that the alleged misconduct is serious.

The OIPRD did not retain a complaint for investigation in 2020. Eight requests were made by complainants to the OIPRD to review the Chief's decision regarding their complaints. The OIPRD confirmed four of the decisions that the complaint was unsubstantiated. We are awaiting the result of the four other requests to the OIPRD.

The failure to follow police procedures was the most common category of public complaints received in 2020. Other common complaints included allegations of misuse of authority, verbal incivility and physical assault.

In 2020, York Regional Police received 180 public complaints compared to 162 in 2019 and 171 in 2018. This represents an eleven percent increase in public complaints from 2019. The percentage of complaints being screened in by the OIPRD represents a three percent increase from the previous year. In 2019, 41 percent of complaints were screened in while in 2018, 29 percent were accepted. Screened in complaints have averaged between 44-52 percent in the last five years.

As the attached chart indicates, 76 public complaints were investigated with one resulting in disciplinary action against the officer. One service complaint was withdrawn. Nine complaints were informally resolved, 18 were withdrawn and 16 were determined to be unsubstantiated. Thirty one complaints were still under investigation as of December 31, 2020. One hundred and four 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 2020 was 1681 sworn officers. The ratio of conduct complaints per officer for the year is 0.11 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 2020 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 2020. 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.

5. Financial

Not applicable.

6. Conclusion

Our Professional Standards Bureau members continued to deliver presentations to recruit classes and supervisor courses in 2020. 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.

Accessible formats or communication supports are available upon request.

Jim MacSween, B.A.A.
Chief of Police

JMS:km

Attachment - Professional Standards Bureau 2020 Annual Summary



PROFESSIONAL STANDARDS BUREAU

2020 ANNUAL SUMMARY

PUBLIC COMPLAINT INVESTIGATIONS

NATURE OF COMPLAINTS

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals	Staffing
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
2020	112	11	22	34	1	180	1681

NATURE OF COMPLAINTS

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals
2020	112	11	22	34	1	180
2019	76	14	24	45	3	162
% CHANGE 2019-2020	+47%	-21%	-8%	-24%	-67%	+11%

ANNUAL PERCENTAGE COMPARISON

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service
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%
2020	62%	6%	12%	19%	1%

POLICE SERVICES COMPARISON

Police Service	Durham	Halton	Hamilton	Niagara	Peel	Waterloo	York
2020 Uniform Officers	902	740	841	771	2181	779	1681
2020 Public Complaints	150	100	124	119	273	145	180
Complaints per Officer	17%	14%	15%	15%	13%	19%	11%

NATURE OF COMPLAINTS DETAILED

POLICE PROCEDURE

Fail to Identify	1
Neglect of Duty	31
Improper Detention (includes stopping car)	22
Improper Search – Person	5
Improper Arrest	9
Improper Entry	2
Improper Use of Discretion	31
Other (parking, provincial offence, keep the peace)	11
Service & Policy	1
TOTAL	113

PHYSICAL ASSAULT

Assault	0
Assault with Injury	0
Sexual Assault	0
Assault while restrained	0
Other Assault	0
Excessive Force	6
Excessive Force with Injury	5
TOTAL	11

VERBAL ABUSE

Verbal Abuse/Incivility	17
Harassment/Threat	0
Implied Harassment/Threat	5
Sexual Harassment	0
Other	0
TOTAL	22

MISUSE OF AUTHORITY

Corruption	0
Theft	0
Frauds	0
Lying Under Oath	0
Deceit	0
Disclose Confidential Information	3
Intoxication	0
Improper Driving	3
Improper Use of Position	27
Misuse of Authority Other	1
TOTAL	34

TOTAL NUMBER OF COMPLAINTS 2020	180
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PUBLIC COMPLAINT DISPOSITIONS

Complaints Investigated by York Regional Police

	2017	2018	2019	2020
Section 64(7) Formal Discipline	0	0	0	0
Section 66(4) Informal Discipline	0	1	1	1
Section 93(1) Informal Resolution	17	11	10	9
Section 66(2) Unsubstantiated	11	26	11	16
Section 74(1) Withdrawn	19	25	24	18
Section 61(2) Policy /Service	5	4	0	1
Section 59(1) OIPRD cannot Proceed	1	0	0	0
Outstanding Files at Year End	11	17	20	31
TOTAL COMPLAINTS INVESTIGATED BY York Regional Police	64	84	66	76

Complaints Dealt with by OIPRD (screened out and retained)

	2017	2018	2019	2020
Section 60(2) Over 6 Months	0	2	4	4
Section 60(4) Not in public interest other law, etc.	57	73	89	94
Section 60(6) Not Directly Affected	4	7	2	6
Section 72(1) Retained by OIPRD	1	5	1	0
TOTAL COMPLAINTS DEALT WITH BY OIPRD	62	87	96	104

TOTAL	180
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PUBLIC COMPLAINT DISPOSITIONS

Classification of Complaints

	2017	2018	2019	2020
Conduct Complaints	121	167	159	179
Policy/Service Complaints	5	4	3	1
Total Number of Complaints	126	171	162	180

Number of Involved Officers	152	231	248	213
Officers Disciplined	0	2	1	1
Number of Civilians Involved	2	3	9	11
Reviews Requested	3	4	2	8
Directed Hearings Ordered by OIPRD	1	0	0	0