

The Regional Municipality of York Police Services Board

Public Board Meeting
February 23, 2022

Report of the Chief of Police

Annual Report on Public Complaints

1. Recommendation

That the Board receive this annual 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 2021. York Regional Police received three service complaints and 213 conduct complaints in 2021 compared to one service complaint and 179 conduct complaints in 2020.

Key Points:

- Three service complaints and 213 conduct complaints in 2021
- One service complaint and 179 conduct complaints in 2020
- Increase in service complaints and 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 the 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 the 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 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. Two service complaints referred to the Chief by the OIPRD in 2021 were subsequently withdrawn by the complainants. The third service complaint referred to the Chief by the OIPRD in 2021 subsequently resulted in an investigative report where no issues were noted. The complainant asked for a review by the Board. On January 26, 2022 the Board accepted the Chief's findings and determined no further action was required.

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 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 was 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 any complaints for investigation in 2021. Five requests were made by complainants to the OIPRD to review the Chief's decision regarding their complaints. The OIPRD confirmed all five of the decisions that the complaint was unsubstantiated.

The failure to follow police procedures was the most common category of public complaints received in 2021. Other common complaints included allegations of misuse of authority, physical assault and verbal incivility.

In 2021, York Regional Police received 216 public complaints compared to 180 in 2020 and 162 in 2019. This represents a twenty percent increase in public complaints from 2020. The percentage of complaints being screened in by the OIPRD in 2021 remained the same as the previous year. In 2020, 44 percent of complaints were screened in while in 2019, 41 percent were accepted. Screened in complaints have averaged between 44-52 percent in the last five years.

As the attached chart indicates, 96 public complaints were investigated with three resulting in disciplinary action against four officers involved. Two service complaints were withdrawn and one resulted in a review by the Police Services Board in January 2022. Fourteen complaints were informally resolved, 35 were withdrawn and 18 were determined to be unsubstantiated. Twenty-four complaints were still under investigation as of December 31, 2021. One hundred and nineteen 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 appropriately dealt with under another act or law; were not in public interest, or were over six months old.

The actual strength of the Service at the end of 2021 was 1698 sworn officers. The ratio of conduct complaints per officer for the year is 0.13 and this remains one of the lowest ratios in comparison to other large 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 2021 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 2021. They continue to participate in ongoing programs with the OIPRD for the Early Resolution Program (ER). 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 2021. 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(1) -Professional Standards Bureau Comparison Chart



PROFESSIONAL STANDARDS BUREAU

2021 ANNUAL SUMMARY

1. PUBLIC COMPLAINT INVESTIGATIONS

Nature of Complaints Five Year Comparison

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals	Staffing
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
2021	163	17	8	25	3	216	1698

Nature of Complaints Percentage Comparison

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals
2021	163	17	8	25	3	216
2020	112	11	22	34	1	180
% CHANGE 2020-2021	31%	35%	-64%	-26%	67%	20%

Annual Percentage Comparison

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service
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%
2021	75%	8%	4%	12%	1%

Police Services Comparison

Police Service	Durham	Halton	Hamilton	Niagara	Peel	Waterloo	York
2021 Uniform Officers	930	770	833	779	N/A	785	1698
2021 Public Complaints	156	109	174	149	N/A	147	216
Complaints per Officer	17%	14%	21%	19%	N/A	19%	13%

2. NATURE OF COMPLAINTS DETAILED

Police Procedure

Fail to Identify	0
Neglect of Duty	44
Improper Detention (includes stopping car)	44
Improper Search – Person	8
Improper Arrest	20
Improper Entry	2
Improper Charge	16
Improper Use of Discretion	29
Other (parking, provincial offence, keep the peace)	0
Service & Policy	3
TOTAL	166

Physical Assault

Assault	0
Assault with Injury	0
Sexual Assault	2
Assault while restrained	0
Other Assault	0
Excessive Force	5
Excessive Force with Injury	10
TOTAL	17

Verbal Abuse

Verbal Abuse/Incivility	6
Harassment/Threat	0
Implied Harassment/Threat	2
Sexual Harassment	0
Other	0
TOTAL	8

Misuse of Authority

Corruption	0
Theft	1
Frauds	0
Lying Under Oath	0
Deceit	0
Disclose Confidential Information	2
Intoxication	0
Improper Driving	5
Improper Use of Position	17
Misuse of Authority Other	0
TOTAL	25
TOTAL NUMBER OF COMPLAINTS 2021	216

3. PUBLIC COMPLAINT DISPOSITIONS

Complaints Investigated by York Regional Police

	2018	2019	2020	2021
Section 64(7) Formal Discipline	0	0	1	1
Section 66(4) Informal Discipline	1	1	1	2
Section 93(1) Informal Resolution	11	10	9	14
Section 66(2) Unsubstantiated	26	11	16	18
Section 74(1) Withdrawn	25	24	18	35
Section 61(2) Policy /Service	4	0	1	3
Section 59(1) OIPRD cannot Proceed	0	0	0	0
Outstanding Files at Year End	17	20	30	23
TOTAL COMPLAINTS INVESTIGATED BY York Regional Police	84	66	76	96

Complaints Dealt with by OIPRD (screened out and retained)

	2018	2019	2020	2021
Section 60(2) Over 6 Months	2	4	4	0
Section 60(4) Not in public interest other law, etc.	73	89	94	119
Section 60(6) Not Directly Affected	7	2	6	1
Section 72(1) Retained by OIPRD	5	1	0	0
TOTAL COMPLAINTS DEALTH WITH BY OIPRD	87	96	104	120
Summary Total of Public Complaint Dispositions	174	192	208	216

4. PUBLIC COMPLAINT DISPOSITIONS

Classification of Complaints

	2018	2019	2020	2021
Conduct Complaints	167	159	179	213
Policy/Service Complaints	4	3	1	3
Total Number of Complaints	171	162	180	216
Number of Involved Officers	231	248	213	278
Officers Disciplined	2	1	2	4
Number of Civilians Involved	3	9	11	6
Reviews Requested	4	2	8	5
Directed Hearings Ordered by OIPRD	0	0	0	2