

# **The Regional Municipality of York Police Services Board**

Public Board Meeting  
October 5, 2022

Report of the Chief of Police

## **Semi-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 Complaints 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 the first six months of 2022. York Regional Police received five service complaints and 93 conduct complaints in 2022 compared to three service complaints and 118 conduct complaints in 2021. There were no OIPRD Out of Jurisdiction Directed Investigations assigned to York Regional Police in the first half of 2022.

Key Points:

- Total conduct complaints for 2022 were 93
- Total service complaints for 2022 were 5
- Decrease of 23 conduct complaints compared to 2021

### **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 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 2022 Annual Report.

### **4. Analysis**

#### **COMPLAINTS RECEIVED**

##### **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. Five service complaints were referred to the Chief of Police by the OIPRD in the first half of 2022; four were subsequently withdrawn by the complainant, and one is still under investigation.

##### **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 2022. Other common complaints included allegations of misuse of authority, verbal abuse and physical assault.

In the first half of 2022, York Regional Police received 98 complaints compared to 121 in 2021 and 81 in 2020. This represents a 19 percent decrease in public complaints in the first half of 2022 from the same time period in 2021. The percentage of complaints screened and accepted by the OIPRD has decreased from previous years. In 2022, 39 percent of complaints were accepted which is a decrease from 45 percent of complaints accepted in 2021. This represents a consistent decrease year after year compared to 2019 where 51 percent of complaints being screened were accepted. Accepted complaints have ranged between 39-51 percent in the last 5 years.

There were 38 public complaints investigated in the first half of 2022. Five complaints were unsubstantiated, 16 complaints were withdrawn and three complaints were resolved by way of informal resolution. Fourteen complaints were still under investigation as of June 30, 2021. Sixty complaints were not accepted by the OIPRD because, in accordance with Section 60 of the *PSA*, they were determined to be frivolous, vexatious or made in bad faith; could be more appropriately dealt with under another Act or law; or were not in public interest.

As of June 30, 2022, there has been one request for review by the complainant. The OIPRD conducted a review of the investigation and concluded the matter was unsubstantiated and upheld the Chief's Decision.

### **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 2022, York Regional Police was not directed to investigate any outside service complaints.

## **5. Financial**

Not applicable.

## **6. Conclusion**

The Professional Standards Bureau has maintained an excellent working relationship with the OIPRD to date in 2022. They continue to participate in ongoing programs with the OIPRD such as the Early Resolution Process. This program assists in the collaborative resolution of complaints at an early stage to promote understanding between complainants and police officers as opposed to a more formal investigation and adversarial process for minor complaint issues.

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Accessible formats or communication supports are available upon request.

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

JMS/sj

Attachment (1)

- Public Complaint Semi Annual Comparison Chart for 2022

Public Complaint Investigations  
Nature of Complaints - Detailed

<b>Police Procedure</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>
Fail to Identify	0	0	1
Neglect of Duty	16	18	13
Improper Detention (includes stopping car)	17	30	6
Improper Search- Person	2	5	1
Improper Arrest	8	9	7
Improper Charge	5	10	5
Improper Entry	1	1	2
Improper Use of Discretion	21	15	11
Other/General	0	0	2
<b>TOTAL</b>	<b>70</b>	<b>88</b>	<b>48</b>

<b>Misuse of Authorities</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>
Corruption	0	0	0
Theft	1	0	0
Fraud	0	0	0
Lying Under Oath	0	0	0
Deceit	0	0	0
Disclose Confidential Information	2	2	0
Intoxication	0	0	0
Improper Driving	0	4	3
Improper Use of Position	6	11	10
Other	0	0	1
<b>TOTAL</b>	<b>9</b>	<b>17</b>	<b>14</b>

<b>Physical Assault</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>
Assault	0	0	0
Assault with Injury	0	0	0
Sexual Assault	0	2	0
Assault While Restrained	0	0	0
Other Assault	0	0	0
Excessive Force	1	3	5
Excessive Force with Injury	4	5	2
<b>TOTAL</b>	<b>5</b>	<b>10</b>	<b>7</b>

<b>Policy and Service</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>
<b>TOTAL</b>	<b>5</b>	<b>3</b>	<b>1</b>

<b>Verbal Abuse</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>
Verbal Abuse/Incivility	8	2	8
Harassment/Threat	0	0	0
Implied Harassment/Threat	1	1	3
Sexual Harassment	0	0	0
Other	0	0	0
<b>TOTAL</b>	<b>9</b>	<b>3</b>	<b>11</b>

# Public Complaint Breakdowns

January to June 2022

## Subject Officer by Age

Under 25	3
25 – 29	23
30 – 34	16
35 – 39	18
40 – 44	17
45 – and over	29
<b>TOTAL</b>	<b>106</b>

## Subject Officer by Tenure

Under 4 Years	31
4 – 7 Years	26
8 – 12 Years	12
13 – 20 Years	24
20 Years and over	13
<b>TOTAL</b>	<b>106</b>

## Precipitating Factors/Events

Criminal Investigation	32
Traffic Violation/MVC Investigation	11
Parking Violation	0
Request for ID (other than traffic related)	0
Domestic Occurrence	8
Incidental to Arrest	15
Off Duty	0
Unknown	0
Other	32
<b>TOTAL</b>	<b>98</b>

# Public Complaint Dispositions

January to June 2022

## Summary of Dispositions

Section 60(4): <ul style="list-style-type: none"><li>• Frivolous</li><li>• Not in Public Interest</li><li>• Other Act or Law</li><li>• No Jurisdiction</li></ul>	59
Section 66(2) – Unsubstantiated	5
Section 74(1) – Withdrawn	16
Section 60(2) – Over 6 Months	1
Section 60(6) – Not Directly Affected	0
Section 93(1) – Informal Resolution	3
Section 61(2) – Policy/Service	0
Section 72(1) – Directly Affected by OIPRD	0
Section 66(4) – Informal Discipline	0
Section 59(1) – OIPRD No Jurisdiction	0
Action Taken – Formal Discipline	0
<b>Total Resolved</b>	<b>84</b>
<b>Ongoing</b>	<b>14</b>
<b>Total</b>	<b>98</b>

## Public Complaint Dispositions

January to June 2022

<b>Disposition</b>	<b>Service/Policy</b>	<b>Police Procedure</b>	<b>Physical Assault</b>	<b>Verbal Abuse</b>	<b>Misuse of Authority</b>
<b>Unsubstantiated s.66(2)</b>	0	2	1	2	0
<b>Not dealt with: Frivolous Other Act or Law Not in Public Interest s.60(4)</b>	0	43	4	6	6
<b>Not dealt with – Over 6 months s. 60(2)</b>	0	1	0	0	0
<b>Withdrawn s.74(1)</b>	4	10	0	0	2
<b>Informal Resolution s.93(1)</b>	0	2	0	1	0
<b>Directed by OIPRD s.72(1) Not Accepted</b>	0	0	0	0	0
<b>Policy/Service s.61(2)</b>	0	0	0	0	0
<b>OIPRD – Cannot Proceed s.59(1)</b>	0	0	0	0	0
<b>Informal Discipline</b>	0	0	0	0	0
<b>Resolved</b>	<b>4</b>	<b>60</b>	<b>5</b>	<b>9</b>	<b>8</b>
<b>Outstanding</b>	<b>1</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>1</b>