



The Regional Municipality of York Police Services Board

Public Board Meeting
February 21, 2024
For Information

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*, (PSA) Board By-Law No. 01-11, respecting the Administration of the Complaint System under Part V of the *Police Services Act*.

2. Purpose

This report provides cumulative and detailed information concerning public complaints made under Part V of the *Police Services Act* in 2023. York Regional Police received 20 service complaints and 234 conduct complaints in 2023 compared to five service complaints and 204 conduct complaints in 2022.

Key Points:

- Twenty service complaints and 234 conduct complaints in 2023
- Five service complaints and 204 conduct complaints in 2022
- Increase in service complaints and an 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 systems 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 six 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. As indicated in the attachment, in section 3. “Public Complaint Dispositions”, of the 20 service complaints, eight referred to the Chief by the OIPRD in 2023 were subsequently withdrawn by the complainants. Two service complaints were resolved by way of informal resolution. Two service complaints referred to the Chief by the OIPRD in 2023 subsequently resulted in an investigative report where no issues were noted. The complainants did not ask for a review of the investigation from the Police Services Board. There are currently eight service complaints 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 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 in 2023. As indicated in the attachment, in section 4. “Public Complaint Dispositions, Classification of Complaints”, nine requests were made by complainants to the OIPRD to review the Chief’s decision regarding their complaints. The OIPRD confirmed eight of the decisions that the complaint was unsubstantiated. One request for review is still under investigation by the OIPRD.

The failure to follow police procedure was the most common category of public complaints in 2023. Other common complaints included allegations of misuse of authority, verbal incivility and physical assault.

In 2023, York Regional Police received a total of 254 public complaints compared to 209 in 2022 and 216 in 2021, as indicated in the attachment, in section 1. “Public Complaint Investigations”. This represents a 22% increase in public complaints between 2022 and 2023. The percentage of complaints being screened in by the OIPRD in 2023 was 46%, which represents an increase from 2022 where 43% of complaints were screened in. In 2021, 44% of complaints were screened in while in 2020, 44% were accepted. Screened in complaints have averaged between 41-46% in last five years.

As the chart in the attachment, in section 3. “Public Complaint Dispositions, Complaints Investigated by York Regional Police indicates”, 118 public complaints were investigated. Eight service complaints were withdrawn, two were resolved by way of informal resolution, two resulted in a review by the Police Services Board in 2023 and eight remain open for investigation and potential request for review by the Police Services Board. Eleven complaints were informally resolved, 28 were withdrawn and 23 were determined to be unsubstantiated. Thirty-two complaints were still under investigation as of December 31, 2023. One hundred and thirty-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 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 2023 was 1736 sworn officers. The ratio of conduct complaints per officer for the year is 0.15 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 2023 does not indicate the need for any additional training or additional resources.

5. Financial Considerations

Not applicable.

6. Local Impact

Not applicable.

7. Conclusion

Our members in the Professional Standards Bureau continued to deliver presentations to recruit classes and supervisor courses in 2023. 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.

Alternative formats or communication supports are available upon request.

Approved for Submission: Jim MacSween, M.O.M., B.A.A.
 Chief of Police

Attachment (1) – Annual Report on Public Complaints Statistical Charts



PROFESSIONAL STANDARDS BUREAU

2023 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
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
2022	159	12	15	18	5	209	1713
2023	181	12	7	34	20	254	1736

Nature of Complaints Percentage Comparison

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals
2023	181	12	7	34	20	254
2022	159	12	15	18	5	209
% CHANGE 2022-2023	14%	0%	-53%	89%	300%	22%

Annual Percentage Comparison

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service
2018	52%	9%	15%	16%	8%
2019	47%	9%	15%	27%	2%
2020	62%	6%	12%	19%	1%
2021	75%	8%	4%	12%	1%
2022	76%	6%	7%	9%	2%
2023	71%	5%	3%	13%	8%

Police Services Comparison

Police Service	Durham	Halton	Niagara	Waterloo	York
2023 Uniform Officers	980	797	785	833	1736
2023 Public Complaints	188	117	187	175	254
Complaints per Officer	19%	15%	24%	21%	15%

2. NATURE OF COMPLAINTS DETAILED

Police Procedure

Fail to Identify	0
Neglect of Duty	51
Improper Detention (includes stopping car)	34
Improper Search – Person	1
Improper Arrest	29
Improper Entry	2
Improper Charge	10
Improper Use of Discretion	49
Mishandling/Damage to Property	2
Other (parking, provincial offence, keep the peace)	2
Service & Policy	20
TOTAL	200

Physical Assault

Assault	0
Assault with Injury	1
Sexual Assault	2
Assault while restrained	0
Other Assault	0
Excessive Force	2
Excessive Force with Injury	7
TOTAL	12

Verbal Abuse

Verbal Abuse/Incivility	7
Harassment/Threat	0
Implied Harassment/Threat	0
Sexual Harassment	0
Other	0
TOTAL	7

Misuse of Authority

Corruption	0
Theft	0
Frauds	0
Lying Under Oath	0
Deceit	3
Disclose Confidential Information	1
Intoxication	0
Improper Driving	3
Improper Use of Position	27
Misuse of Authority Other	0
Other	1
TOTAL	35
TOTAL NUMBER OF COMPLAINTS 2023	254

3. PUBLIC COMPLAINT DISPOSITIONS

Complaints Investigated by York Regional Police

	2020	2021	2022	2023
Section 64(7) Formal Discipline	1	1	0	0
Section 66(4) Informal Discipline	1	2	1	0
Section 93(1) Informal Resolution	9	14	7	11
Section 66(2) Unsubstantiated	16	18	16	23
Section 74(1) Withdrawn	18	35	29	28
Section 61(2) Policy /Service	1	3	5	20
Section 59(1) OIPRD cannot Proceed	0	0	0	4
Outstanding Files at Year End	30	23	32	32
TOTAL COMPLAINTS INVESTIGATED BY York Regional Police	76	96	90	118

Complaints Dealt with by OIPRD (screened out and retained)

	2020	2021	2022	2023
Section 60(2) Over 6 Months	4	0	3	0
Section 60(4) Not in public interest other law, etc.	94	119	116	135
Section 60(6) Not Directly Affected	6	1	0	1
Section 72(1) Retained by OIPRD	0	0	0	0
TOTAL COMPLAINTS DEALT WITH BY OIPRD	104	120	119	136
Summary Total of Public Complaint Dispositions	208	216	209	254

4. PUBLIC COMPLAINT DISPOSITIONS

Classification of Complaints

	2020	2021	2022	2023
Conduct Complaints	179	213	204	234
Policy/Service Complaints	1	3	5	20
Total Number of Complaints	180	216	209	254
Number of Involved Officers	213	278	339	356
Officers Disciplined	2	4	1	0
Number of Civilians Involved	11	6	2	5
Reviews Requested	8	5	5	9
Directed Hearings Ordered by OIPRD	0	2	0	0