

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

22 JANUARY 2014

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. 06-04 respecting the Administration of the Complaints System under Part V of the *Police Services Act*, and Citizens Complaints/Policies/Services/Conduct, York Regional Police Procedure AI-311.

SYNOPSIS

Section 31(1)(j) of the Police Services Act requires the Board to review the Chief's administration of the complaints system under Part V and receive regular reports from the Chief on the administration of the complaints system.

In accordance with Board Policy and York Regional Police procedures, the Chief 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 shall summarize 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 the attached report will also be included in the 2013 Annual Report.

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND

On October 19, 2009, amendments to Part V of the *Police Services Act* came into effect in Ontario, which brought significant change to the manner in which public complaint investigations are administered. The Office of the Independent Police Review Director (OIPRD) was established, an arm's length agency of the Ministry of the Attorney General. Complaints against police are no longer filed with the police service of origin, but instead are filed directly with OIPRD. The Director is responsible for accepting and classifying complaints, and may decide to send the complaint to the originating service or another police service for investigation. In some cases, the Director may opt to have OIPRD investigate the complaint.

The basic guidelines for filing a complaint have remained the same; that a member of the public may complain about the conduct of an officer or officers, or about the policies of or services provided by a police force. The complainant in a public complaint must have been the person who was directly affected by the conduct, policy or service. The complaint must be made within six months of the incident which prompted it, and complaints must not be frivolous, vexatious, or made in bad faith.

Certain exemptions to the above listed stipulations are now in effect. Parties who are indirectly affected by the conduct, but who can demonstrate a personal relationship with the complainant may now make a complaint if they can show that they suffered distress or loss as a result of the conduct. On a case by case basis, the Director may opt to accept complaints that are made outside of the six month time limit.

A complaint must still be made in writing and be signed by the complainant, and complaints may now be e-filed with OIPRD.

The Ontario Civilian Police Commission (OCPC) will maintain carriage of any complaint appeals and reviews that existed prior to October 19, 2009. Moving forward, OCPC will function solely as an appeal body for Hearings conducted under the *Police Services Act*.

The Chief of Police is still responsible for reviewing every complaint that is made about the policies of or services provided by a police force and shall take appropriate action in response to the complaint.

Policy/Service Complaints

The *Police Services Act* requires the Chief of Police to submit a written report to the Board respecting complaints about the policies of or services provided by the police force and the disposition of same. In 2013 there were zero policy complaints and one service complaint assigned by the Office of the Independent Review Director (OIPRD) to York Regional Police for review in accordance with section 61(1) of the *Police Services Act*. The one service complaint was actually withdrawn by the complainant upon clarification of the matter by Professional Standards. It is described below;

Service Complaints

On February 14, 2013, the OIPRD accepted a service complaint which alleged that York Regional Police had interfered with the towing of a transport truck and trailer from personal property. The complainant who is the owner of a plaza in Richmond Hill contacted a tow service after finding a transport truck and trailer parked in his parking lot illegally. Police were called to the scene by the truck driver once the tow company arrived and wanted to hook up the truck for removal. Police assisted in clarifying with the truck driver and tow operator that since he had not

technically hooked up the truck, that the truck could be driven away by the driver. The plaza owner felt this was wrong for the officer to interfere and it was not unlike a situation he heard about in Toronto in which police released a shoplifter in Chinatown without charges, thus not promoting good relationship between the police and Chinese community.

Upon meeting with a member of the Professional Standards Bureau March 20, 2013, the complainant was able to understand the law regarding this matter and that the police had been called to the scene by the driver who was in dispute with the tow operator. The complainant, aided by a translator was able to see that the police were not holding back service but instead, providing good service to keep the peace. He withdrew the complaint at that time.

Conduct Complaints

In regard to complaints made about the conduct of a police officer, the Chief may resolve the matter informally if the conduct is not of a serious nature. If at the conclusion of the investigation and on review of the written report, the conduct of the officer constitutes serious misconduct pursuant to the *Police Services Act*, the Chief shall hold a hearing into the matter.

The majority of public complaints received in 2013, have been classified as police procedure, followed by complaints of verbal incivility, misuse of authority and physical assault.

During 2013, York Regional Police received 122 public complaints compared to 120 in 2012 and 137 in 2011. This represents an 2% increase in public complaints from 2012.

As the attached chart indicates, 53 public complaints were investigated, with 1 resulting in discipline towards the officer, 13 being informally resolved, 8 withdrawn and 12 determined to be unsubstantiated. 19 complaints were still under investigation as of December 31, 2013. 56 complaints were not accepted by the OIPRD because, in accordance with Section 60 of the *Police Services Act*, 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.

13 complaints were retained by the OIPRD for investigation as a result of their internal efforts to retain a larger number of complaints from each police service. Out of the 13 retained by the OIPRD, 3 were withdrawn, 1 was informally resolved, 1 was rescreened and screened out, 4 were unsubstantiated and 4 are ongoing.

During 2013, following the notification to the complainants of the disposition of their public complaint, 6 requests were made by complainants to the OIPRD to review the decisions made by the Chief of Police. Two were upheld by the OIPRD, 1 was denied and 3 remain with the OIPRD awaiting a decision.

The actual strength of the service at the end of 2013, was 1513 sworn officers. The ratio of conduct complaints per officer for the year is .08 and this remains one of the lowest ratios in comparison to other large police services in Ontario.

As the attached charts show, a significant spike in complaints occurred in 2010 due in part to the introduction of the OIPRD complaint process. The numbers then began to decrease in 2011 and then again in 2012 and almost on par in 2013. The consistency in numbers in both 2012 and 2013 and the low number of substantiated complaints can be attributed in part to all members upholding the Values and Code of Ethics of York Regional Police.

The Professional Standards Bureau has maintained an excellent working relationship with the OIPRD in 2013. They are participating in a pilot project with the OIPRD for Customer Service Resolutions (CSR) and as well a newer project involving mediation for public complaints. Both of

these programs are in their infancy but aim to assist in the resolution of complaints at an earlier stage to promote understanding between the complainant and the police service as opposed to a more formal investigation for minor complaint issues.

Professional Standards Bureau members continued to make presentations to all recruit classes, coach officer classes and other training workshops in 2013. The intention is to familiarize members with the complaint investigation process, as well as to discuss the common themes of complaints in an effort to reduce or eliminate public complaints. York Regional Police is committed to our Values and Code of Professional Ethics both internally and externally.

Eric Jolliffe, M.O.M., MA, BA, CMM III
Chief of Police

EJ: sr
Attachment



PROFESSIONAL STANDARDS BUREAU

2013

ANNUAL SUMMARY

PUBLIC COMPLAINT INVESTIGATIONS NATURE OF COMPLAINTS

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals	Staffing
2008	40	19	33	17	2	111	1364
2009	39	17	40	20	0	116	1402
2010	66	15	50	17	6	154	1433
2011	62	13	35	20	7	137	1461
2012	47	13	35	17	8	120	1495
2013	61	11	25	24	1	122	1513

NATURE OF COMPLAINTS

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals
2013	61	11	25	24	1	122
2012	47	13	35	17	8	120
% CHANGE 2012-2013	+30%	-15%	-29%	+41%	-1%	+2%

ANNUAL PERCENTAGE COMPARISON

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service
2008	36%	17%	30%	15%	2%
2009	34%	15%	34%	17%	0%
2010	43%	10%	32%	11%	4%
2011	45%	9%	26%	15%	5%
2012	39%	11%	28%	14%	8%
2013	50%	9%	20%	20%	1%

POLICE SERVICES COMPARISON

Police Service	Durham	Halton	Hamilton	Niagara	Ottawa	Peel	Waterloo	York
2013 Uniform Officers		669	816	702	1480	1962	779	1513
2013 Public Complaints		70	102	111	218	194	74	122
Complaints per officer		.10%	.13%	.16%	.15%	.10%	.09%	.08%

NATURE OF COMPLAINTS DETAILED

POLICE PROCEDURE

Fail to Identify	0
Neglect of Duty	41
Improper Detention (includes stopping car)	4
Improper Search – person	1
Improper Arrest	5
Improper Charge	6
Improper Entry	4
Improper Use of Discretion	0
Other (parking, provincial offence, keep the peace)	0
Service & Policy	1
TOTAL	62

PHYSICAL ASSAULT

Assault	1
Assault with Injury	4
Sexual Assault	0
Assault while restrained	0
Other Assault	0
Excessive Force	6
Excessive Force with Injury	0
TOTAL	11

VERBAL ABUSE

Verbal Abuse / Incivility	21
Harassment / Threat	2
Implied Harassment /Threat	2
Sexual Harassment	0
Other	0
TOTAL	25

MISUSE OF AUTHORITY

Corruption	0
Theft	2
Fraud	0
Lying Under Oath	0
Deceit	2
Disclose Confidential Information	4
Intoxication	0
Improper Driving	1
Improper Use of Position	6
Misuse of Authority Other –	9
TOTAL	24

TOTAL NUMBER OF COMPLAINTS 2013

122



PUBLIC COMPLAINT DISPOSITIONS

Complaints Investigated by York Regional Police				
	2010	2011	2012	2013
Section 64(7) Formal Discipline	1	0	0	0
Section 66(4) Informal Discipline	1 (+1 from 2008 +3 from 2009)	0 (+1 from 2009 +2 from 2010)	5	1 (+1 from 2012)
Section 93(1) Informal Resolution	16	6	8	13
Section 66(2) Unsubstantiated	29	27	20	12
Section 56(3) Withdrawn	16	9	14	8
Outstanding Files at Year End	28	24	16	19
TOTAL COMPLAINTS INVESTIGATED BY YORK REGIONAL POLICE	91	66	63	53
Complaints Dealt with by OIPRD (screened out and retained)				
	2010	2011	2012	2013
Section 60(2) Over 6 Months	9	9	7	8
Section 60(4) Not in public interest, other law etc.	46	51	47	48
Section 60(6) Not Directly Affected	1	3	0	0
Section 72(1) Retained by OIPRD	5	3	3	13
Non-Jurisdictional	0	0	0	0
TOTAL COMPLAINTS DEALT WITH BY OIPRD	61	66	57	69

Classification of Complaints

	2010	2011	2012	2013
Conduct Complaints	148	130	112	121
Policy/Service Complaints	6	7	8	1
Total Number of Complaints	154	137	120	122
Number of Involved Officers	203	194	145	170
Officers Disciplined	2 (+1 from 2008 +3 from 2009)	0 (+1 from 2009 +2 from 2010)	5	1 (+1 from 2012)
Reviews Requested	20	10	3	6
Directed Hearings Ordered by OCPC	0	0	0	0
Directed Hearings Ordered by OIPRD	0	0	0	1