

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

FEBRUARY 17, 2016

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. 01-11 respecting the Administration of the Complaints System under Part V of the *Police Services Act*.

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 2015 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 as 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 2015 there was 17 service complaints assigned by the OIPRD to York Regional Police for review in accordance with section 61(1) of the *Police Services Act*. 12 service complaint were not accepted by the OIPRD as they were deemed not directly affected (bear shooting in Newmarket), 1 was frivolous and 2 not in the public interest. 2 service complaints were investigated by the Professional Standards Bureau, 1 of which is currently ongoing (submitted to OIPRD November 24, 2015) and 1 matter proceeded to a report. They are described below. In 2015 there were no policy complaints.

Service Complaints

On March 30, 2015 the OIPRD accepted a service complaint from a complainant that York Regional Police did not provide adequate and effective police service to her and failed her in that she cannot call the police now for fear of being arrested, she was not cared for adequately in custody for dietary needs, clothing or privacy to use the bathroom facilities. An investigation

was conducted and her complaints were not substantiated. There were no inadequacies determined surrounding her care in custody. The complainant chose not to participate in the complaint process after submitting her initial complaint to the OIPRD.

On September 15, 2015 the OIPRD accepted a service complaint from a person who called police to report a protest in a building he is the superintendent for. The protestors had arrived at a business office in the City of Markham, causing a disturbance and blocking the hallways. The complainant had concerns for the occupants of the building and placed a call for assistance to police. Police response was slow and when police did arrive they did not attend inside the building to speak to the complainant but instead left after speaking to protestors who had gone outside the building and were boarding a bus.

The investigation of this matter revealed there was a performance issue with the initial call taker that resulted in a lack of proper information being sent to the dispatcher which created a delayed response to the call for assistance and further that the attending officers failed to provide adequate service to the complainant by not attending inside to investigate the concerns of the complainant. This matter was addressed with performance feedback to the call taker who had been re-assigned to other duties and training for the officers that attended the call so they would comprehend the importance of a thorough investigation and customer service. This was reported to the Board in November 2015.

On May 14, 2015, the OIPRD did not accept a service complaint as it was deemed to be frivolous. The complaint stated that York Regional Police, Peel Regional Police and Toronto Police failed to adequately investigate multiple homicides.

On and about June 22, 2015 the OIPRD received 12 service complaints regarding shooting of a bear in Newmarket. The complaints were not accepted by the OIPRD as the complainants were not directly affected.

On July 14, 2015 the OIPRD did not accept 2 separate complaints regarding the same issues as it was deemed not in the public interest to do so. Briefly, two complainants made complaints that York Regional Police were being manipulated by their siblings to harass the complainants by checking on the status of their elderly mother who was in their care (split time) and they wanted the wellness checks to be stopped as this was not a police matter but an ongoing family matter.

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 2015, have been classified as police procedure, followed by complaints of verbal incivility, misuse of authority and physical assault.

During 2015, York Regional Police received 150 public complaints compared to 115 in 2014, 122 in 2013 and 120 in 2012. This represents a 30 percent increase in public complaints from 2014. However, the percentage of complaints being screened in by the OIPRD is consistent with previous years. In 2015, 54 percent of complaints were screened in while in 2014, 45 percent were accepted and in 2013 and 2012 it was a 54 percent acceptance rate.

As the attached chart indicates, 81 public complaints were investigated (combined between OIPRD and Professional Standards Bureau), with 1 resulting in discipline towards the officer, 18 being informally resolved, 22 withdrawn and 9 determined to be unsubstantiated as well as 1

service complaint. 30 complaints were still under investigation as of December 31, 2015. 69 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, 2 were withdrawn, 5 were unsubstantiated and 6 are ongoing.

During 2015, following the notification to the complainants of the disposition of their public complaint, 4 requests were made by complainants to the OIPRD to review the decisions made by the Chief of Police. 3 were upheld by the OIPRD, and 1 remains with the OIPRD awaiting a decision.

The actual strength of the service at the end of 2015, was 1562 sworn officers. The ratio of conduct complaints per officer for the year is .096 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 remain consistent for 2012 and 2013 before a marked decrease in 2014. A noticeable increase in 2015 can partially be explained by the multiple complaints being received on the same matter; 12 bear complaints, 5 regarding one officer's off duty conduct, and 2 on a family matter described earlier in this report. The low average of complaints per officer ratio 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 2015. They continue to participate in an ongoing programs with the OIPRD for Customer Service Resolutions (CSR) and as well a newer program involving mediation for public complaints. Both of these programs aim to assist in the resolution of complaints at an earlier stage to promote understanding between the complainants and the police service as opposed to a more formal investigation for minor complaint issues.

Professional Standards Bureau members continued to deliver presentations to district parades and supervisor classes in 2015. 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, O.O.M., MA, BA, CMM III
Chief of Police

EJ: sr
Attachment

Accessible formats or communication supports are available upon request



PROFESSIONAL STANDARDS BUREAU

2015

ANNUAL SUMMARY

PUBLIC COMPLAINT INVESTIGATIONS NATURE OF COMPLAINTS

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals	Staffing
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
2014	51	11	30	18	5	115	1529
2015	66	16	34	17	17	150	1562

NATURE OF COMPLAINTS

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals
2015	66	16	34	17	17	150
2014	51	11	30	18	5	115
% CHANGE 2014-2015	+29%	+45%	+13%	-.5%	+240%	+30%

ANNUAL PERCENTAGE COMPARISON

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service
2010	43%	10%	32%	11%	4%
2011	45%	9%	26%	15%	5%
2012	39%	11%	28%	14%	8%
2013	50%	9%	20%	20%	1%
2014	44%	10%	26%	16%	4%
2015	44%	11%	23%	11%	11%

POLICE SERVICES COMPARISON

Police Service	Durham	Halton	Hamilton	Niagara	Ottawa	Peel	Waterloo	York
2015 Uniform Officers	1192	683	839	714	1377	2028	779	1562
2015 Public Complaints	102	66	92	85	170	167	97	150
Complaints per officer	.09	.10	.11	.12	.12	.08	.12	.10

NATURE OF COMPLAINTS DETAILED

POLICE PROCEDURE

Fail to Identify	0
Neglect of Duty	20
Improper Detention (includes stopping car)	0
Improper Search – person	4
Improper Arrest	5
Improper Charge	21
Improper Entry	3
Improper Use of Discretion	9
Other (parking, provincial offence, keep the peace)	4
Service & Policy	17
TOTAL	83

PHYSICAL ASSAULT

Assault	9
Assault with Injury	1
Sexual Assault	0
Assault while restrained	0
Other Assault	0
Excessive Force	6
Excessive Force with Injury	0
TOTAL	16

VERBAL ABUSE

Verbal Abuse / Incivility	21
Harassment / Threat	5
Implied Harassment /Threat	8
Sexual Harassment	0
Other	0
TOTAL	34

MISUSE OF AUTHORITY

Corruption	0
Theft	1
Fraud	0
Lying Under Oath	1
Deceit	1
Disclose Confidential Information	2
Intoxication	0
Improper Driving	3
Improper Use of Position	6
Misuse of Authority Other –	3
TOTAL	17

TOTAL NUMBER OF COMPLAINTS 2015

150



PUBLIC COMPLAINT DISPOSITIONS

Complaints Investigated by York Regional Police				
	2012	2013	2014	2015
Section 64(7) Formal Discipline	0	0	0 (1 from 2012 2 from 2013)	0 (2 from 2013)
Section 66(4) Informal Discipline	5	1 (+1 from 2012)	1 (+2 from 2013)	1 (1 from 2014)
Section 93(1) Informal Resolution	8	13	14	18
Section 66(2) Unsubstantiated	20	12	6	4
Section 56(3) Withdrawn	14	8	11	20
Section 61(2) / Policy / Service	0	0	1	1
Outstanding Files at Year End	16	19	13	24
TOTAL COMPLAINTS INVESTIGATED BY YORK REGIONAL POLICE	63	53	46	68
Complaints Dealt with by OIPRD (screened out and retained)				
	2012	2013	2014	2015
Section 60(2) Over 6 Months	7	8	8	5
Section 60(4) Not in public interest, other law etc.	47	48	54	51
Section 60(6) Not Directly Affected	0	0	1	13
Section 72(1) Retained by OIPRD	3	13	6	13
TOTAL COMPLAINTS DEALT WITH BY OIPRD	57	69	69	82
				150

Classification of Complaints				
	2012	2013	2014	2015
Conduct Complaints	112	121	110	133
Policy/Service Complaints	8	1	5	17
Total Number of Complaints	120	122	115	150
Number of Involved Officers	145	170	179	189
Officers Disciplined	5	1 (+1 from 2012)	1 (+1 from 2012 +4 from 2013)	1 (2 from 2013 1 from 2014)
Reviews Requested	3	6	6	4
Directed Hearings Ordered by OIPRD	0	1	2	1