

**PUBLIC**

THE REGIONAL MUNICIPALITY OF YORK  
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

JANUARY 21, 2015

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**Annual Report on Public Complaints**

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**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 2014 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 2014 there was one policy complaint and four service complaints 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*. One service complaint was not accepted by the OIPRD as it was deemed frivolous. Two service complaints were actually withdrawn by the complainant upon clarification of the matter by Professional Standards and one matter proceeded to a report. They are described below.

### Policy Complaint

January 2014, the OIPRD accepted a policy complaint in regards to a complainant that was unhappy with charges incurred for towing and storage of his motor vehicle as a result of a criminal offence. The complainant felt that the police should negotiate a better rate given the amount of overall business the towing operator receives from police.

Upon discussion of the matter with a member of the Professional Standards Bureau on January 27, 2014; the complainant withdrew the complaint and recognized that there was no misconduct of any officers and that his concerns regarding the pricing would be brought to the attention of the persons responsible for negotiating towing contracts for York Regional Police.

### Service Complaints

On February 19, 2014, the OIPRD accepted a service complaint in regards to lack of traffic direction at an intersection in Vaughan during a major power outage. The complainant felt that the situation was dangerous as motor vehicles were entering a large intersection with no controls.

On April 11, 2014 the complainant was able to meet with a member of the Professional Standards Bureau and it was explained that there were multiple locations due to a major power outage without traffic controls and that police were engaged in multiple larger intersections as well as tied up on a serious motor vehicle accident which is why there were not enough resources to respond to that intersection at the time the complainant was there. The complainant understood and withdrew his complaint.

On June 9, 2014, the OIPRD accepted a service complaint from a complainant who was concerned that police could not enforce a family court order in regards to a former partner and child custody arrangements.

After meeting with a member of the Professional Standards Bureau on August 12, 2014 the complainant withdrew the complaint after receiving explanation about the limitations of the family court documents and that police could not enforce the terms of the order as stated in the family court order without the direction of a Justice to the police within the order.

On June 2, 2014, the OIPRD accepted a service complaint about the lack of a timely response to a bike theft call in which the complainant had recognized a possible suspect riding a bike stolen from their garage on an earlier date. An investigation was completed and it was determined that our procedures were adhered to. This service complaint was reported to the Board in September 2014.

On November 24, 2014, the OIPRD did not accept a service complaint as it was deemed to be frivolous. The complaint stated that his arrest and detention in a police cell was uncomfortable and unnecessary.

### 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 2014, have been classified as police procedure, followed by complaints of verbal incivility, misuse of authority and physical assault.

During 2014, York Regional Police received 115 public complaints compared to 122 in 2013 and 120 in 2012. This represents a 6% decrease in public complaints from 2013.

As the attached chart indicates, 46 public complaints were investigated, with 1 resulting in discipline towards the officer, 14 being informally resolved, 11 withdrawn and 6 determined to be unsubstantiated as well as 1 service complaint unsubstantiated. 13 complaints were still under investigation as of December 31, 2014. 63 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.

6 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 6 retained by the OIPRD, 2 were withdrawn, 2 were unsubstantiated and 2 are ongoing.

During 2014, 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. 5 were upheld by the OIPRD, 1 remains with the OIPRD awaiting a decision.

The actual strength of the service at the end of 2014, was 1529 sworn officers. The ratio of conduct complaints per officer for the year is .075 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. 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 2014. They continue to participate in an ongoing projects 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 district parades and supervisor classes in 2014. 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**

**2014**

**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*

\*as of November 30, 2014

## NATURE OF COMPLAINTS

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals
2014	51	11	30	18	5	115
2013	61	11	25	24	1	122
% CHANGE 2013-2014	-16%	0%	+20%	-25%	+40%	-6%

## 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%

## POLICE SERVICES COMPARISON

Police Service	Durham	Halton	Hamilton	Niagara	Ottawa	Peel	Waterloo	York
2014 Uniform Officers	880	681	829	719	1337	2003	777	1529
2014 Public Complaints	97	69	89	88	209	186	69	115
Complaints per officer	.110	.101	.107	.122	.153	.092	.088	.075

## NATURE OF COMPLAINTS DETAILED

### POLICE PROCEDURE

Fail to Identify	0
Neglect of Duty	20
Improper Detention (includes stopping car)	2
Improper Search – person	1
Improper Arrest	3
Improper Charge	15
Improper Entry	1
Improper Use of Discretion	8
Other (parking, provincial offence, keep the peace)	1
<b>Service &amp; Policy</b>	<b>5</b>
<b>TOTAL</b>	<b>56</b>

### PHYSICAL ASSAULT

Assault	5
Assault with Injury	0
Sexual Assault	0
Assault while restrained	0
Other Assault	0
Excessive Force	6
Excessive Force with Injury	0
<b>TOTAL</b>	<b>11</b>

### VERBAL ABUSE

Verbal Abuse / Incivility	20
Harassment / Threat	1
Implied Harassment /Threat	8
Sexual Harassment	0
Other	1
<b>TOTAL</b>	<b>30</b>

### MISUSE OF AUTHORITY

Corruption	0
Theft	0
Fraud	1
Lying Under Oath	1
Deceit	1
Disclose Confidential Information	1
Intoxication	0
Improper Driving	2
Improper Use of Position	8
Misuse of Authority Other –	4
<b>TOTAL</b>	<b>18</b>

**TOTAL NUMBER OF COMPLAINTS 2014**

**115**



## PUBLIC COMPLAINT DISPOSITIONS

### Complaints Investigated by York Regional Police

	2011	2012	2013	2014
Section 64(7) Formal Discipline	0	0	0	0 (1 from 2012 2 from 2013)
Section 66(4) Informal Discipline	0 (+1 from 2009 +2 from 2010)	5	1 (+1 from 2012)	1 (+2 from 2013)
Section 93(1) Informal Resolution	6	8	13	14
Section 66(2) Unsubstantiated	27	20	12	6
Section 56(3) Withdrawn	9	14	8	11
Section 61(2) / Policy / Service	0	0	0	1
Outstanding Files at Year End	24	16	19	13
<b>TOTAL COMPLAINTS INVESTIGATED BY YORK REGIONAL POLICE</b>	<b>66</b>	<b>63</b>	<b>53</b>	<b>46</b>

### Complaints Dealt with by OIPRD (screened out and retained)

	2011	2012	2013	2014
Section 60(2) Over 6 Months	9	7	8	8
Section 60(4) Not in public interest, other law etc.	51	47	48	54
Section 60(6) Not Directly Affected	3	0	0	1
Section 72(1) Retained by OIPRD	3	3	13	6
<b>TOTAL COMPLAINTS DEALT WITH BY OIPRD</b>	<b>66</b>	<b>57</b>	<b>69</b>	<b>69</b>

### Classification of Complaints

2011	2012	2013	2014
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Conduct Complaints	130	112	121	110
Policy/Service Complaints	7	8	1	5
<b>Total Number of Complaints</b>	<b>137</b>	<b>120</b>	<b>122</b>	<b>115</b>
Number of Involved Officers	194	145	170	179
Officers Disciplined	0 (+1 from 2009 +2 from 2010)	5	1 (+1 from 2012)	1 (+1 from 2012 +4 from 2013)
Reviews Requested	10	3	6	6
Directed Hearings Ordered by OIPRD	0	0	1	2