

PUBLIC

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

NOVEMBER 7, 2018

Semi-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

Each year, a semi-annual report on Public Complaints is filed in accordance with the Board's direction.

In the first six months of 2018, 86 complaints were received against 127 members of York Regional Police, compared to 77 complaints against 107 members for the same period in 2017. Of the 86 Public Complaints received by the Office of the Independent Police Review Director (OIPRD), 39 were not accepted (deemed to be not in the public interest, frivolous, or more appropriately dealt with under another Act or law or not directly affected). 6 complaints were unsubstantiated, 15 Public Complaints were withdrawn by the complainant and 2 complaints were resolved informally. 16 of the 86 complaints remained under investigation as of June 30, 2018, whereas 19 of 77 complaints remained under investigation at the same time in 2017.

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND

Section 31 (b) of Ontario Regulation 3/99, made under *The Police Services Act - Adequacy and Effectiveness of Police Services*, requires the Board to receive a report on Public Complaints annually. In accordance with the Board's direction, a semi-annual report is also filed.

The *Police Services Act* states 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.

On October 19, 2009, the OIPRD, governed by Ontario Regulation 263/09 and Part V of *The Police Services Act*, took over responsibility for the intake, processing and managing of Public Complaints in Ontario. As a result, all Public Complaints made against members of York Regional Police must be received by the OIPRD. OIPRD encourages members of the public to first discuss their complaint directly with the police service. As a result, there are three methods available to the public to address their complaint:

1. Local Discussion
2. Local Resolution
3. Formal Public Complaint

A Local Discussion involves the complainant making contact directly with the police service and discussing their complaint with a front-line supervisor. A Local Discussion occurs when the complainant does not wish to pursue the complaint beyond advising the supervisor of their concerns. This method encourages informal discussion and promotes an increased level of understanding between the police and the complainant. OIPRD is not involved in Local Discussions.

A Local Resolution involves similar contact directly with the police service. This process involves proposing a resolution of the complaint which is agreeable to both the complainant and the officer. This Local Resolution is documented on an OIPRD form. Once completed, this form is forwarded to OIPRD and the Chief of Police for their approval.

A Formal Public Complaint requires that the complainant complete an OIPRD Complaint Form at either a police station, or via the OIPRD website. Once this complaint form is signed and submitted to OIPRD, OIPRD will classify the complaint, make a decision whether to accept it, and then assign it for investigation. The OIPRD assigns Public Complaint investigations in one of three ways:

- They will refer the complaint back to the originating police service for investigation.
- They will assign the complaint to another police service for investigation.
- They will retain the complaint and investigate it themselves.

OIPRD has the authority to screen incoming complaints and if they choose, can refuse to accept a Public Complaint. When OIPRD makes a decision not to accept a Public Complaint, their reasons fall into five categories:

- Frivolous
- Better dealt with by another act or law
- Not in the public interest
- Complainant not directly affected
- Over 6 months

Once a Public Complaint has been accepted and assigned for investigation, there are four ways for the complaint to be resolved:

1. Withdrawn by the complainant
2. Unsubstantiated following an investigation
3. Resolved by way of Informal Resolution (including mediation)
4. Misconduct is identified and disciplinary action is initiated.

The OIPRD has recently introduced Customer Service Resolutions (CSR) in which relatively minor complaints can be resolved before the complaint is screened in as a complaint. If the member of the public, the officer and the police service are in agreement, the CSR allows for a discussion to resolve the issue quickly between the public and police to promote understanding to all parties involved and satisfy the complaint. This has been an effective way of dealing with minor issues for all parties involved. 20 CSR's were received and 18 completed in the first six months of 2018. CSR's are not counted as complaints.

As the attached charts indicate, 86 public complaints were made against members of York Regional Police during the first six months of 2018, compared to 77 in 2017. This is an increase of 12% over the same period last year. Of the 86 Public Complaints received:

- 39 complaints (45%) were not accepted by the OIPRD:
 - 13 were deemed to be not in the public interest
 - 14 were deemed to be better dealt with under a different act or law
 - 10 were deemed to be frivolous
 - 2 were deemed to be over 6 months
 - 0 were deemed not directly affected
- 6 were withdrawn by the complainant
- 2 complaints were dealt with by Informal Resolution
- 0 OIPRD no jurisdiction
- 6 unsubstantiated
- 16 complaints are still under investigation by York Regional Police

York Region is one of the fastest growing regions in Canada. As a result of this growth there is an increase of occasions where our members are interacting with the public through various means, including but not limited to investigations, calls for service and regular inquiries from the public. Continuing efforts are made by members of the Professional Standards Bureau and Training and Education Bureau to educate and train our officers about the Public Complaints process by making presentations to recruit classes, coach officer classes, and civilian and supervisor training workshops. The intention is to familiarize members with the complaint

investigation process, as well as to discuss the common reasons that complaints are made in an effort to reduce or eliminate public complaints about officers.

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

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Attachment.

Accessible formats or communication supports are available upon request

COMPARISON JANUARY to JUNE 2017 – 2018
PUBLIC COMPLAINT INVESTIGATIONS

NATURE OF COMPLAINTS

YEAR	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy/ Service	TOTALS
2017 January - June	45	4	21	5	2	77
2018 January - June	52	7	10	10	7	86
% Change* 2017/2018	16%	75%	-48%	200%	350%	12%

Indicates the comparison in total number of complaints for the 6 month period.

NATURE OF COMPLAINTS - % OF TOTAL

YEAR	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy/ Service	TOTALS
2017 January - June	59	6	28	7	3	100%
2018 January - June	65	12	8	8	12	100%

PUBLIC COMPLAINT INVESTIGATIONS **NATURE OF COMPLAINTS – DETAILED**

POLICE PROCEDURE	2018	2017	2016
Fail to Identify	0	0	0
Neglect of Duty	24	27	11
Improper Detention (Includes stopping car)	5	1	1
Improper Search-Person	0	0	1
Improper Arrest	7	7	2
Improper Charge	8	8	15
Improper Entry	1	0	1
Improper Use of Discretion	5	2	1
Other / General	2	0	4
TOTAL	52	45	36

MISUSE OF AUTHORITY	2018	2017	2016
Corruption	1	0	0
Theft	0	0	0
Fraud	0	0	0
Lying Under Oath	0	0	0
Deceit	1	0	0
Disclose Confidential Information	0	0	0
Intoxication	0	0	0
Improper Driving	2	0	2
Improper Use of Position	6	5	0
Other	0	0	0
TOTAL	10	5	2

PHYSICAL ASSAULT	2018	2017	2016
Assault	1	1	2
Assault with Injury	1	1	0
Sexual Assault	0	0	0
Assault While Restrained	1	0	0
Other Assault	0	0	0
Excessive Force	2	1	2
Excessive Force with Injury	2	1	0
TOTAL	7	4	4

POLICY AND SERVICE	2018	2017	2016
TOTAL	7	2	4

VERBAL ABUSE	2018	2017	2016
Verbal Abuse/Incivility	6	10	4
Harassment/Threat	3	1	3
Implied Harassment/Threat	1	10	5
Sexual Harassment	0	0	0
Other	0	0	1
TOTAL	10	21	13

PUBLIC COMPLAINTS BREAKDOWN

JANUARY – JUNE 2018

SUBJECT OFFICER BY AGE	
Under 25	0
25 – 29	16
30 – 34	24
35 – 39	27
40 – 44	24
45 – and over	36
Total	127

SUBJECT OFFICER BY TENURE	
Under 4 years	23
4 – 7 years	16
8 – 12 years	32
13 – 20 years	40
20 years and over	16
Total	127

PRECIPITATING FACTORS/EVENTS	
Criminal Investigation	20
Traffic Violation /MVC investigation	20
Parking Violation	0
Request For ID (other than traffic related)	1
Other Non-Criminal Investigation	18
Domestic Occurrence	17
Incidental To Arrest	5
Off-Duty	0
Unknown	0
Other	5
Total	86

PUBLIC COMPLAINT DISPOSITIONS
JANUARY – JUNE 2018

Summary of Dispositions

Section 60(4) - Frivolous - Not in Public Interest - Other Act or Law - No Jurisdiction	39
Section 66(2) - Unsubstantiated	6
Section 74(1) - Withdrawn	15
Section 60(2) - Over 6 months	2
Section 60(6) - Not Directly Affected	4
Section 93(1) - Informal Resolution	2
Section 61(2) - Policy / Service	2
Section 72(1) - Directed by OIPRD	0
Section 66(4) - Informal Discipline	0
Section 59(1) – OIPRD No Jurisdiction	0
Action Taken - Formal Discipline	0
Total Resolved	
Ongoing	16
Total	86

PUBLIC COMPLAINT DISPOSITIONS JANUARY – JUNE 2018

Disposition	Service / Policy	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Total
Unsubstantiated s. 66(2)	3	1		1	1	6
Not dealt with - Frivolous Other Act or Law Not in Public Interest s. 60(4)	2	25		3	9	39
Not dealt with – over 6 months s. 60(2)		1	1			2
Not dealt with – not directly affected s. 60(6)		2	2			4
Withdrawn s. 74(1)		10	2	3		15
Informal Resolution s. 93(1)		1		1		2
Directed by OIPRD 72(1) not accepted						0
Policy / Service 61(2)	2					2
OIPRD cannot Proceed 59(1)						0
Informal Discipline						0
Resolved						0
Outstanding						16
Total						86