

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

FEBRUARY 27, 2019

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

This report provides cumulative and detailed information concerning public complaints made under Part V of the Police Services Act in 2018. York Regional Police received four service complaints and 171 conduct complaints in 2018 compared to five service complaints and 126 conduct complaints in 2017.

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND

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

In accordance with Board By-Law No. 01-11, I am 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 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. In accordance with Section 31(b) of the Adequacy and Effectiveness of Police Services Regulation, the information contained in this report will be included in the 2018 Annual Report.

Policy and Service Complaints

In accordance with section 61(2) of the *PSA*, complaints about the policies of or services provided by York Regional Police are referred by the Office of the Independent Police Review Director (OIPRD) to me to be dealt with. Under section 63 of the *PSA*, I am required to take any action, or no action, in response to the complaints as I consider appropriate. Of the four services complaints referred to me by the OIPRD in 2018, one was subsequently withdrawn by the complainant while one complaint is still pending with the OIPRD as of the date of this report. The following two service complaints were investigated, reviewed and no action was taken in response to either complaint:

1. In August 2017, C.G. obtained a criminal record check from another police service that indicated he had a criminal conviction for failing to appear in court in Newmarket in 2013. C.G. went to the Newmarket Courthouse and was mistakenly advised by a court clerk that the charge had been withdrawn. C.G. then attended York Regional Police 5 District Headquarters and ultimately spoke with a supervisor from the Criminal Records Unit in an effort to have the conviction removed from his record. An investigation revealed that C.G. had been convicted of failing to appear in court contrary to section 145(2)(b) of the *Criminal Code* for which he received a suspended sentence and probation. A copy of the probation order was obtained from the probation office and provided to C.G.

On March 13, 2018, C.G. filed a complaint with the OIPRD since his criminal record check still included a criminal conviction for an offence that the court clerk assured him had been withdrawn. On April 23, 2018, the complaint was forwarded to me to be dealt with and I assigned the Professional Standards Bureau (PSB) to investigate the circumstances surrounding C.G.'s complaint. The PSB investigation confirmed that C.G.'s record of conviction was correct. On June 22, 2018, C.G. was advised that no further action was being taken in response to his complaint. On July 17, 2018, C.G. requested that the Board review my decision. The matter was reviewed by the Board on September 26, 2018 and no action was taken by the Board in response to the complaint.

2. N.A. was arrested on June 5, 2018 for uttering threats against his common-law wife and their three children. On August 6, 2018, N.A. called York Regional Police to assist him with retrieving personal property from his former residence. Officers attended the residence and contacted N.A.'s estranged common law spouse. She advised that she was away on vacation and would return on August 16, 2018. Officers informed N.A. that he would have to call York Regional Police again to make arrangements to retrieve his personal property on August 16.

N.A. filed a complaint with the OIPRD on August 16, 2018 and alleged that York Regional Police failed to assist him with obtaining his personal property. According to N.A.'s complaint, he called York Regional Police on August 16, 2018 to request assistance in retrieving his personal property. However, he was told that the police could not assist him because they had no way of communicating with his estranged wife. OIPRD forwarded the complaint to me to be dealt with and I assigned it to PSB to be investigated. N.A. would not speak with the PSB investigators and his complaint lacked any details concerning the telephone number he called or with whom he spoke. PSB

was unable to find any record of a call for service on August 16, 2018 relating to the complainant. On January 16, 2019, correspondence was sent to N.A. advising him that no further action was being taken in response to his complaint.

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 me or to the chief of police of another police 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, I am of the opinion that there was misconduct or unsatisfactory work performance that was not of a serious nature, I may resolve the matter informally with the consent of the officer and the complainant. I am required to hold a hearing into the matter if the alleged misconduct is serious. The Independent Police Review Director may also direct the holding of a hearing if he is of the opinion that the alleged misconduct is serious.

The failure to follow police procedures was the most common category of public complaints received in 2018. Other common complaints included allegations of verbal incivility, misuse of authority and physical assault.

In 2018, York Regional Police received 171 public complaints compared to 126 in 2017 and 137 in 2016. This represents a 7 percent increase in public complaints from 2017. The percentage of complaints being screened in by the OIPRD remains consistent with previous years. In 2018, 47 percent of complaints were screened in while, in 2017, 51 percent were accepted. Screened in complaints have ranged between 44-52% in the last 5 years.

As the attached chart indicates, 84 public complaints were investigated with one resulting in disciplinary action against the officer. 11 complaints were informally resolved, 25 were withdrawn and 26 were determined to be unsubstantiated. 17 complaints were still under investigation as of December 31, 2018. 87 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 more appropriately dealt with under another Act or law; were not in the public interest; or were over six months old.

The OIPRD retained five complaints for investigation in 2018. Four requests were made by complainants to the OIPRD to review my decisions regarding their complaints. The OIPRD confirmed one of my decisions that the complaint was unsubstantiated. I am awaiting the results of three other requests to the OIPRD for review.

The actual strength of the service at the end of 2018 was 1624 sworn officers. The ratio of conduct complaints per officer for the year is .11 and this remains one of the lowest ratios in comparison to other large police 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 2018 does not indicate the need for any additional training or additional resources.

The Professional Standards Bureau has maintained an excellent working relationship with the OIPRD in 2018. They continue to participate in ongoing programs with the OIPRD for Customer Service Resolutions (CSR) and the Enhanced Mediation Program. Both of these programs assist in the collaborative resolution of complaints at an early stage to promote understanding

between the complainants and police officers as opposed to a more formal investigation and adversarial process for minor complaint issues.

PSB members continued to deliver presentations to recruit classes and supervisor courses in 2018. 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.

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

EJ:rh
Attachment

Accessible formats or communication supports are available upon request



PROFESSIONAL STANDARDS BUREAU

2018

ANNUAL SUMMARY

PUBLIC COMPLAINT INVESTIGATIONS NATURE OF COMPLAINTS

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals	Staffing
2013	61	11	25	24	1	122	1513
2014	51	11	30	18	5	115	1529
2015	66	16	34	17	17	150	1562
2016	85	8	31	5	8	137	1579
2017	71	7	27	12	9	126	1637
2018	89	15	26	28	13	171	1624

NATURE OF COMPLAINTS

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals
2018	89	15	26	28	13	171
2017	70	10	29	12	5	126
% CHANGE 2017-2018	+13%	+15%	-9%	+230%	+260%	+136%

ANNUAL PERCENTAGE COMPARISON

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service
2013	50%	9%	20%	20%	1%
2014	44%	10%	26%	16%	4%
2015	44%	11%	23%	11%	11%
2016	62%	6%	22%	4%	6%
2017	56%	6%	21%	10%	7%
2018	52%	9%	15%	16%	8%

POLICE SERVICES COMPARISON

Police Service	Durham	Halton	Hamilton	Niagara	Ottawa	Peel	Waterloo	York
2018 Uniform Officers			877	730	1379	2087	767	1624
2018 Public Complaints				82	77	182	53	171
Complaints per officer				0.11	0.06	0.09	0.07	0.11

NATURE OF COMPLAINTS DETAILED

POLICE PROCEDURE

Fail to Identify	0
Neglect of Duty	42
Improper Detention (includes stopping car)	9
Improper Search – person	0
Improper Arrest	12
Improper Charge	10
Improper Entry	1
Improper Use of Discretion	12
Other (parking, provincial offence, keep the peace)	12
Service & Policy	4
TOTAL	102

PHYSICAL ASSAULT

Assault	1
Assault with Injury	2
Sexual Assault	0
Assault while restrained	1
Other Assault	0
Excessive Force	6
Excessive Force with Injury	5
TOTAL	15

VERBAL ABUSE

Verbal Abuse / Incivility	18
Harassment / Threat	4
Implied Harassment /Threat	4
Sexual Harassment	0
Other	0
TOTAL	26

MISUSE OF AUTHORITY

Corruption	1
Theft	0
Fraud9	0
Lying Under Oath	0
Deceit	1
Disclose Confidential Information	1
Intoxication	0
Improper Driving	3
Improper Use of Position	21
Misuse of Authority Other –	0
TOTAL	28

TOTAL NUMBER OF COMPLAINTS 2018

171



PUBLIC COMPLAINT DISPOSITIONS

Complaints Investigated by York Regional Police				
	2015	2016	2017	2018
Section 64(7) Formal Discipline	0 (2 from 2013)	0 (1 from 2013) (1 from 2015)	0	0
Section 66(4) Informal Discipline	1 (1 from 2014)	0 (2 from 2015)	0	1
Section 93(1) Informal Resolution	18	11	17	11
Section 66(2) Unsubstantiated	4	3	11	26
Section 74(1) Withdrawn	20	27	19	25
Section 61(2) / Policy / Service	1	1	5	4
Section 59(1) OIPRD cannot Proceed		1	1	0
Outstanding Files at Year End	24	18	11	17
TOTAL COMPLAINTS INVESTIGATED BY YORK REGIONAL POLICE	68	61	64	84
Complaints Dealt with by OIPRD (screened out and retained)				
	2015	2016	2017	2018
Section 60(2) Over 6 Months	5	1	0	2
Section 60(4) Not in public interest, other law etc.	51	72	57	73
Section 60(6) Not Directly Affected	13	3	4	7
Section 72(1) Retained by OIPRD	13	0	1	5
TOTAL COMPLAINTS DEALT WITH BY OIPRD	82	76	62	87
	Total			171

Classification of Complaints

	2015	2016	2017	2018
Conduct Complaints	133	129	121	167
Policy/Service Complaints	17	8	5	4
Total Number of Complaints	150	137	126	171

Number of Involved Officers	189	149	152	231
Officers Disciplined	1 (2 from 2013 1 from 2014)	0	0	2
Number of Civilians Involved		4	2	3
Reviews Requested	4	1	3	4
Directed Hearings Ordered by OIPRD	1	1	1	0