

The Regional Municipality of York Police Services Board

Public Board Meeting
September 22, 2021

Report of the Chief of Police

Semi-Annual Report on Public Complaints

1. 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*.

2. Summary

This report provides cumulative and detailed information concerning public complaints made under Part V of the *Police Services Act* in the first six months of 2021. York Regional Police received three service complaints, 117 conduct complaints and one OIPRD Out of Jurisdiction Directed Investigation in 2021 compared to one service complaint and 79 conduct complaints in 2020.

Key Points:

- Total conduct complaints for 2021 were 117
- Total service complaints for 2021 were 3
- Increase of 2 service complaints and 38 conduct complaints compared to 2020

3. Background

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

In accordance with Board By-Law No. 01-11, the Chief of Police 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 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 2021 Annual Report.

4. Analysis

COMPLAINTS RECEIVED

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 the Chief of Police to be dealt with. Under section 63 of the *PSA*, the Chief of Police is required to take any action, or no action, in response to the complaints, as he considers appropriate. Three service complaints were referred to the Chief of Police by the OIPRD in the first half of 2021; two were subsequently withdrawn by the complainant, and one is still under investigation.

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 the Chief of Police, 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, the Chief of Police is of the opinion that there was misconduct or unsatisfactory work performance that was not of a serious nature, he may resolve the matter informally with the consent of the officer and the complainant. The Chief of Police is 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 the first half of 2021. Other common complaints included allegations of misuse of authority, verbal abuse and physical assault.

In the first half of 2021, York Regional Police received 121 complaints compared to 81 in 2020 and 67 in 2019. This represents a 49 percent increase in public complaints in the first half of 2021 from the same time period in 2020. The percentage of complaints screened and accepted by the OIPRD remains consistent with previous years. In 2021, 45 percent of complaints were accepted which is unchanged from 2020. This represents a two-year decrease compared to 2019 where 51 percent of complaints being screened were accepted. Accepted complaints have ranged between 44-52 percent in the last 5 years.

There were 54 public complaints investigated in the first half of 2021. Six complaints were unsubstantiated, 16 complaints were withdrawn and eight complaints were resolved by way of informal resolution. Thirty-one complaints were still under investigation as of June 30, 2021. Sixty-seven complaints were not accepted by the OIPRD because, in accordance with Section 60 of the *PSA*, they were determined to be frivolous, vexatious or made in bad faith; could be more appropriately dealt with under another Act or law; or were not in public interest.

As of June 30, 2021, there have been no requests for review by complainants to the OIPRD.

OIPRD Directed/Out of Jurisdiction Investigation

In accordance with Section 72(1)(b) of the *PSA*, the Independent Police Review Director is permitted to give direction to the Chiefs of Police of various jurisdictions to investigate allegations of misconduct from a different police service. In the first half of 2021, York Regional Police was directed to investigate one complaint regarding Durham Regional Police. As of June 30, 2021, this file is still under investigation.

5. Financial

Not applicable.

6. Conclusion

The Professional Standards Bureau has maintained an excellent working relationship with the OIPRD to date in 2021. They continue to participate in ongoing programs with the OIPRD such as the Early Resolution Process. This program assists in the collaborative resolution of complaints at an early stage to promote understanding between complainants and police officers as opposed to a more formal investigation and adversarial process for minor complaint issues.

Accessible formats or communication supports are available upon request.

Jim MacSween, B.A.A.
Chief of Police

JMS/km
Attachment (1) - Comparison January to June 2021

**Comparison January to June 2020 – 2021
Public Complaint Investigations**

Nature of Complaints

Year	Police Procedures	Physical Assault	Verbal Abuse	Misuse of Authority	Policy/Service	Totals
2020 January to June	48	7	11	14	1	81
2021 January to June	88	10	3	17	3	121
Percent of Change 2020/2021	83%	30%	-73%	21%	200%	49%

*Indicates the comparison in total 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
2020 January to June	75	14	4	6	1	100%
2021 January to June	74	8	2	14	2	100%

**Public Complaint Investigations
Nature of Complaints - Detailed**

Police Procedure	2021	2020	2019
Fail to Identify	0	1	0
Neglect of Duty	18	13	16
Improper Detention (includes stopping car)	30	6	2
Improper Search- Person	5	1	2
Improper Arrest	9	7	2
Improper Charge	10	5	3
Improper Entry	1	2	1
Improper Use of Discretion	15	11	4
Other/General	0	2	0
TOTAL	88	48	30

Misuse of Authorities	2021	2020	2019
Corruption	0	0	0
Theft	0	0	0
Fraud	0	0	0
Lying Under Oath	0	0	0
Deceit	0	0	0
Disclose Confidential Information	2	0	5
Intoxication	0	0	0
Improper Driving	4	3	1
Improper Use of Position	11	10	8
Other	0	1	3
TOTAL	17	14	17

Physical Assault	2021	2020	2019
Assault	0	0	0
Assault with Injury	0	0	0
Sexual Assault	2	0	0
Assault While Restrained	0	0	0
Other Assault	0	0	0
Excessive Force	3	5	4
Excessive Force with Injury	5	2	5
TOTAL	10	7	9

Policy and Service	2021	2020	2019
TOTAL	3	1	1

Verbal Abuse	2021	2020	2019
Verbal Abuse/Incivility	2	8	7
Harassment/Threat	0	0	0
Implied Harassment/Threat	1	3	3
Sexual Harassment	0	0	0
Other	0	0	0
TOTAL	3	11	10

**Public Complaint Breakdowns
January to June 2021**

Subject Officer by Age

Under 25	6
25 – 29	13
30 – 34	34
35 – 39	21
40 – 44	26
45 – and over	32
TOTAL	132

Subject Officer by Tenure

Under 4 Years	43
4 – 7 Years	19
8 – 12 Years	23
13 – 20 Years	30
20 Years and over	17
TOTAL	132

Precipitating Factors/Events

Criminal Investigation	44
Traffic Violation/MVC Investigation	32
Parking Violation	0
Request for ID (other than traffic related)	2
Domestic Occurrence	8
Incidental to Arrest	16
Off Duty	2
Unknown	2
Other	15
TOTAL	121

**Public Complaint Dispositions
January to June 2021**

Summary of Dispositions

Section 60(4): <ul style="list-style-type: none"> • Frivolous • Not in Public Interest • Other Act or Law • No Jurisdiction 	55
Section 66(2) – Unsubstantiated	6
Section 74(1) – Withdrawn	16
Section 60(2) – Over 6 Months	0
Section 60(6) – Not Directly Affected	1
Section 93(1) – Informal Resolution	8
Section 61(2) – Policy/Service	3
Section 72(1) – Directly Affected by OIPRD	0
Section 66(4) – Informal Discipline	0
Section 59(1) – OIPRD No Jurisdiction	1
Action Taken – Formal Discipline	0
Total Resolved	90
Ongoing	31
Total	121

**Public Complaint Dispositions
January to June 2021**

Disposition	Service/Policy	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority
Unsubstantiated s.66(2)	0	3	1	0	2
Not dealt with: Frivolous Other Act or Law Not in Public Interest s.60(4)	0	44	4	0	7
Not dealt with – Over 6 months s. 60(2)	0	0	0	0	0
Withdrawn s.74(1)	2	10	2	1	1
Informal Resolution s.93(1)	0	5	0	1	2
Directed by OIPRD s.72(1) Not Accepted	0	0	0	0	0
Policy/Service s.61(2)	0	0	0	0	0
OIPRD – Cannot Proceed s.59(1)	0	1	0	0	0
Informal Discipline	0	0	0	0	0
Resolved	2	63	7	2	12
Outstanding	1	24	3	1	6