

The Regional Municipality of York Police Services Board

Public Board Meeting
September 27, 2023

Report of the Chief of Police

Semi-Annual Report on Public Complaints

1. Recommendation

That the Board receive this report pursuant to section 31(1)(j) of the *Police Services Act (PSA)*, Board By-Law No. 01-11 respecting the Administration of the Complaints System under Part V of the *PSA*.

2. Summary

This report provides cumulative and detailed information concerning public complaints made under Part V of the *PSA* in the first six months of 2023. York Regional Police received seven service complaints and 113 conduct complaints in 2023, compared to five service complaints and 93 conduct complaints in 2022. There were no Office of the Independent Police Review Director (OIPRD) Out of Jurisdiction Directed Investigations assigned to York Regional Police in the first half of 2023.

Key Points:

- Total conduct complaints received in the first six months of 2023 is 113
- Total service complaints received in the first six months of 2023 is seven
- Increase of two service complaints and 20 conduct complaints compared to 2022

3. Background

Section 31(1)(j) of the *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 2023 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 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. Seven service complaints were referred to the Chief of Police by the OIPRD in the first half of 2023; two were subsequently withdrawn by the complainant, two were investigated and found to be unsubstantiated, one was resolved by way of informal resolution and two are 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 is the most common category of public complaints received in the first half of 2023. Other common complaints include allegations of misuse of authority, verbal abuse and physical assault.

In the first half of 2023, York Regional Police received 120 complaints compared to 98 in 2022 and 121 in 2021. This represents a 22 percent increase in public complaints in the first half of 2023 from the same time period in 2022. The percentage of complaints screened and accepted by the OIPRD has increased from last year. In 2023, 42 percent of complaints were accepted which is an increase from 39 percent of complaints accepted in 2022. This represents an increase from last year however a decrease has been seen year after year compared to 2019 where 51 percent of complaints being screened were accepted. Accepted complaints have ranged between 39-51 percent in the last five years.

There were 51 public complaints investigated in the first half of 2023. Eleven complaints were unsubstantiated, 14 complaints were withdrawn and three complaints were resolved by way of informal resolution. Twenty-two complaints were still under investigation as of June 30, 2023. Sixty-eight 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, 2023, there have been four requests for review by the complainant. The OIPRD conducted reviews of the investigations and concluded the matters were unsubstantiated and upheld the Chief's decisions.

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 2023, York Regional Police was not directed to investigate any outside service complaints.

5. Financial

Not applicable.

6. Conclusion

The Professional Standards Bureau has maintained an excellent working relationship with the OIPRD to date in 2023. 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, M.O.M., B.A.A.
Chief of Police

JMS/sj

Attachment (1)

-Public Complaint Semi-Annual Comparison Chart for 2023

Comparison January to June 2022 – 2023

Public Complaint Investigations

Nature of Complaints

Year	Police Procedures	Physical Assault	Verbal Abuse	Misuse of Authority	Policy/Service	Totals
2022 January to June	70	5	9	9	5	98
2023 January to June	84	6	4	19	7	120
Percent of Change 2022/2023	20%	20%	-56%	111%	40%	22%

*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
2022 January to June	71	6	9	9	5	100%
2023 January to June	70	5	3	16	6	100%

Public Complaint Investigations
Nature of Complaints - Detailed

Police Procedure	2023	2022	2021
Fail to Identify	0	0	0
Neglect of Duty	20	16	18
Improper Detention (includes stopping car)	22	17	30
Improper Search- Person	1	2	5
Improper Arrest	9	8	9
Improper Charge	3	5	10
Improper Entry	1	1	1
Improper Use of Discretion	26	21	15
Other/General	2	0	0
TOTAL	84	70	88

Misuse of Authorities	2023	2022	2021
Corruption	0	0	0
Theft	0	1	0
Fraud	0	0	0
Lying Under Oath	0	0	0
Deceit	3	0	0
Disclose Confidential Information	0	2	2
Intoxication	0	0	0
Improper Driving	1	0	4
Improper Use of Position	15	6	11
Other	0	0	0
TOTAL	19	9	17

Physical Assault	2023	2022	2021
Assault	0	0	0
Assault with Injury	1	0	0
Sexual Assault	1	0	2
Assault While Restrained	0	0	0
Other Assault		0	0
Excessive Force	1	1	3
Excessive Force with Injury	3	4	5
TOTAL	6	5	10

Policy and Service	2023	2022	2021
TOTAL	7	5	3

Verbal Abuse	2023	2022	2021
Verbal Abuse/Incivility	4	8	2
Harassment/Threat	0	0	0
Implied Harassment/Threat	0	1	1
Sexual Harassment	0	0	0
Other	0	0	0
TOTAL	4	9	3

Public Complaint Breakdowns

January to June 2023

Subject Officer by Age

Under 25	1
25 – 29	25
30 – 34	38
35 – 39	31
40 – 44	33
45 – and over	59
TOTAL	187

Subject Officer by Tenure

Under 4 Years	35
4 – 7 Years	50
8 – 12 Years	22
13 – 20 Years	51
20 Years and over	29
TOTAL	187

Precipitating Factors/Events

Criminal Investigation	40
Traffic Violation/MVC Investigation	18
Parking Violation	0
Request for ID (other than traffic related)	0
Domestic Occurrence	3
Incidental to Arrest	18
Off Duty	6
Unknown	21
Other	14
TOTAL	120

Public Complaint Dispositions

January to June 2023

Summary of Dispositions

Section 60(4): <ul style="list-style-type: none">• Frivolous• Not in Public Interest• Other Act or Law• No Jurisdiction	69
Section 66(2) – Unsubstantiated	9
Section 74(1) – Withdrawn	12
Section 60(2) – Over 6 Months	0
Section 60(6) – Not Directly Affected	0
Section 93(1) – Informal Resolution	2
Section 61(2) – Policy/Service	5
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	98
Ongoing	22
Total	120

Public Complaint Dispositions

January to June 2023

Disposition	Service/Policy	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority
Unsubstantiated s.66(2)	2	6	0	1	2
Not dealt with: Frivolous Other Act or Law Not in Public Interest s.60(4)	0	52	3	0	13
Not dealt with – Over 6 months s. 60(2)	0	0	0	0	0
Withdrawn s.74(1)	2	9	1	0	2
Informal Resolution s.93(1)	1	1	0	1	0
Directed by OIPRD s.72(1) Not Accepted	0	1	0	0	1
Policy/Service s.61(2)	0	0	0	0	0
OIPRD – Cannot Proceed s.59(1)	0	0	0	0	0
Informal Discipline	0	0	0	0	0
Resolved	5	69	4	2	18
Outstanding	2	15	2	2	1