

PUBLIC

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

SEPTEMBER 23, 2020

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

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 2020. York Regional Police received one service complaint, 79 conduct complaints and one OIPRD Out of Jurisdiction Directed Investigations in 2020 compared to one service complaint and 62 conduct complaints in 2019.

FINANCIAL IMPLICATIONS

Not applicable.

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 2020 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 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. One service complaint was referred to the Chief of Police by the OIPRD in the first half of 2020 and was subsequently withdrawn by the complainant.

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 2020. Other common complaints included allegations of verbal incivility, misuse of authority and physical assault.

In the first half of 2020, York Regional Police received 81 public complaints compared to 67 in 2019 and 86 in 2018. This represents a 21 percent increase in public complaints for the first half of 2020 from the same time period in 2019. The percentage of complaints being screened and accepted by the OIPRD remains consistent with previous years. In 2020, 45 percent of complaints were accepted while, in 2019, 51 percent were accepted. Accepted complaints have ranged between 44-52 percent in the last 5 years.

As the attached chart indicates, 54 public complaints were investigated. Seven complaints were withdrawn, three were over six months and three were determined to be unsubstantiated. Twenty-seven complaints were still under investigation as of June 30, 2019. Forty 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.

As of June 30, 2020, 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 2020, York Regional Police was directed to investigate one complaint regarding Durham Regional Police – this is a request for review per the OIPRD for an outside agency to investigate. This file remains open.

The Professional Standards Bureau has maintained an excellent working relationship with the OIPRD to date in 2020. They continue to participate in ongoing programs with the OIPRD such as the Customer Service Resolutions (CSR). This program assists 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.

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

JMS:km

Accessible formats or communication supports are available upon request

**Comparison January to June 2019 – 2020
Public Complaint Investigations**

Nature of Complaints

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy/ Service	Totals
2019 January to June	31	9	10	16	1	67
2020 January to June	48	7	11	14	1	81
Percent of Change* 2019/2020	55%	-8%	1%	-9%	0%	21%

*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
2019 January to June	47	13	15	24	1	100%
2020 January to June	75	14	4	6	1	100%

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

Police Procedure	2020	2019	2018
Fail to Identify	1	0	0
Neglect of Duty	13	16	24
Improper Detention (Includes stopping car)	6	2	5
Improper Search-Person	1	2	0
Improper Arrest	7	2	7
Improper Charge	5	3	8
Improper Entry	2	1	1
Improper Use of Discretion	11	4	5
Other / General	2	0	2
TOTAL	48	30	52

Misuse of Authority	2020	2019	2018
Corruption	0	0	1
Theft	0	0	0
Fraud	0	0	0
Lying Under Oath	0	0	0
Deceit	0	0	1
Disclose Confidential Information	0	5	0
Intoxication	0	0	0
Improper Driving	3	1	2
Improper Use of Position	10	8	6
Other	1	3	0
TOTAL	14	17	10

Physical Assault	2020	2019	2018
Assault	0	0	1
Assault with Injury	0	0	1
Sexual Assault	0	0	0
Assault While Restrained	0	0	1
Other Assault	0	0	0
Excessive Force	5	4	2
Excessive Force with Injury	2	5	2
TOTAL	7	9	7

Policy and Service	2020	2019	2018
TOTAL	1	1	7

Verbal Abuse	2020	2019	2018
Verbal Abuse/Incivility	8	7	6
Harassment/Threat	0	0	3
Implied Harassment/Threat	3	3	1
Sexual Harassment	0	0	0
Other	0	0	0
TOTAL	11	10	10

**Public Complaint Breakdowns
January to June 2020**

Subject Officer By Age	
Under 25	2
25 – 29	21
30 – 34	23
35 – 39	20
40 – 44	20
45 – and over	31
Total	117

Subject Officer by Tenure	
Under 4 years	34
4 – 7 years	19
8 – 12 years	17
13 – 20 years	34
20 years and over	13
Total	117

Precipitating Factors/Events	
Criminal Investigation	28
Traffic Violation /MVC investigation	13
Parking Violation	0
Request For ID (other than traffic related)	0
Other Non-Criminal Investigation	7
Domestic Occurrence	21
Incidental To Arrest	6
Off-Duty	0
Unknown	4
Other	2
Total	81

**Public Complaint Dispositions
January to June 2020**

Summary of Dispositions

Section 60(4) - Frivolous - Not in Public Interest - Other Act or Law - No Jurisdiction	43
Section 66(2) - Unsubstantiated	3
Section 74(1) - Withdrawn	8
Section 60(2) - Over 6 months	3
Section 60(6) - Not Directly Affected	1
Section 93(1) - Informal Resolution	0
Section 61(2) - Policy / Service	1
Section 72(1) - Directed by OIPRD	1
Section 66(4) - Informal Discipline	0
Section 59(1) – OIPRD No Jurisdiction	0
Action Taken - Formal Discipline	0
Total Resolved	60
Ongoing	21
Total	81

**Public Complaint Dispositions
January to June 2020**

Disposition	Service / Policy	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority
Unsubstantiated s. 66(2)	0	2	0	1	0
Not dealt with - Frivolous Other Act or Law Not in Public Interest s. 60(4)	0	21	4	8	7
Not dealt with – over 6 months s. 60(2)	0	3	0	0	0
Not dealt with – not directly affected s. 60(6)	0	0	1	0	0
Withdrawn s. 74(1)	0	5	0	1	1
Informal Resolution s. 93(1)	0	0	0	0	0
Directed by OIPRD 72(1) not accepted	0	0	0	0	0
Policy / Service 61(2)	1	0	0	0	0
OIPRD cannot Proceed 59(1)	0	0	0	0	0
Informal Discipline	0	0	0	0	0
Resolved	0	31	5	10	8
Outstanding	1	17	2	1	6