



REPORT TO THE POLICE SERVICES BOARD

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Date of Report: June 15,
2016

Subject: By-Law Administration of the Complaints
System

Decision Report

RECOMMENDATION:

That the Board receives for information the review of investigations conducted by the Professional Standards Unit from January 1st to June 15th, 2016.

Signed: _____

Date: _____

Chief of Police

Professional Standards Unit

This report provides a review of investigations involving Public Complaints, Internal Complaints, and Chief's Complaints.

Public complaints are generated by the public through the Office of the Independent Police Review Director (OIPRD) and subsequently investigated by the Professional Standards Unit (PSU). Public complaints can be filed at any Division but may also be generated electronically by way of the OIPRD website and then directed to the Service for investigation. Occasionally the OIPRD will retain complaints for investigation or other forms of resolution; and may assign other services to investigate. Public complaint investigations are bound by specific legislative timelines. Some investigations are expedited through the cooperation of the officer and complainant, resulting in either a withdrawal or a Customer Service Resolution as a form of mediation. More common is the fact that public complaints require investigation, which has proven to be quite time consuming, requiring months to complete as evidenced in lengthy concluding investigative reports.

Internal complaints are generated by PSU in response to potential misconduct by members of the Service. Information used to generate an internal complaint can originate from any source but usually come from a member of the Service or a member of the public. Civilian members can also be the focus of an internal investigation and may be subject to discipline as detailed in Service directive AO-09-004 *Civilian Discipline Process*.

Chief's Complaints are investigations into the conduct of sworn members that uncover sufficient evidence of misconduct as established by the *Police Services Act*. Although Chief's complaints may arise from an internal investigation most investigations are initiated by order of the Chief of Police to address matters of alleged misconduct. Sworn members are thus compelled to participate in an interview conducted by PSU in furtherance of an investigation of alleged misconduct.

A statistical review of complaints generated to date in 2016 confirms that the most frequent type of complaint investigated by PSU is Discreditable Conduct or perceived Discreditable Conduct by DRPS officers; followed closely are complaints about Neglect of Duty.

Public Complaints

As of June 15, 2016, there were forty-three (43) complaints about the conduct, services or policies of the DRPS. This is down slightly from the fifty (50) generated in 2015.

Of the forty-three (43) Public Complaints, nineteen (19) were addressed by the OIPRD and were screened out and closed for a variety of reasons including; frivolous, not in public interest, not within time limits or, could be dealt by other legislation.

Of the remaining twenty-four (24) complaints, eight (8) were retained by the OIPRD for investigation. Of those eight (8) complaints two (2) were withdrawn, one (1) was deemed unsubstantiated and five (5) are still in the investigative stages including one (1) complaint which was directed to York Regional Police Service.

The remaining sixteen (16) complaints were forwarded to the Professional Standards Unit for investigation. Of the sixteen (16) public complaints investigated by Professional Standards, one (1) was deemed unsubstantiated, four (4) were withdrawn by the complainants and eleven (11) are still in the investigative stages.

Internal/Chief's Complaints

As of June 15, 2016 the PSU investigated twenty (20) Internal Complaints, up slightly from fifteen (15) complaints investigated during 2015 at this time. Of the twenty (20) Internal Complaints, seven (7) rose to the level of a Chief's Complaint and two (2) met the threshold at the outset, for a Chief's Complaint; for a total of nine (9) Chief's Complaints. This represents a minimal increase from the six (6) Chief's Complaints in 2015 at this time.

As of June 15, 2016, there are four (4) officers suspended from duty. Three (3) of the suspensions are due to criminal prosecution and two (2) are still before the courts; one dating back to 2012. One (1) of the suspensions is for a PSA related matter.

Type of Complaint

Year	Jan – Jun 2015	Jan – Jun 2016
Breach of Confidence	0	1
Discreditable Conduct	48	34
Neglect of Duty	1	3
Policy/service	1	1
Unlawful or Unnecessary Use of Force	0	4
Total	50	43

Public Complaints Screened Out by OIPRD		
	Jan – Jun 2015	Jan – Jun 2016
Not about the Conduct or Services or Policies of Police	1	0
Third Party	0	0
Over 6 Months	2	2
Frivolous, Vexatious, Bad Faith	2	5
Abandoned by Complainant	0	0
No Breach of PSA or Code of Conduct	0	0
More Appropriately Dealt with by Another Act or Law	2	4
No Jurisdiction	0	0
Not in Public Interest	11	8
Public Complaints Retained by OIPRD		
	Jan – Jun 2015	Jan – Jun 2016
Unsubstantiated	1	1
Withdrawn	1	2
Informal Discipline	0	0
Formal Discipline	0	0
Pending	6	5* (Includes YRP Investigation)
Other	0	0
Public Complaints Investigated by Other Service		
	Jan – Jun 2015	Jan – Jun 2016
Allegation		
Discreditable Conduct	1	0
Neglect of Duty	0	1
Disposition		
Unsubstantiated	1	0
Pending	0	1
Request for Review	1	0

Investigations by the Professional Standards Unit				
*Please note there can be more than one allegation per complaint				
	Public Complaints		Chief's Complaints	
	Jan-Jun 2015	Jan-Jun 2016	Jan-Jun 2015	Jan-Jun 2016
Allegations				
Breach of Confidentiality	0	1	1	0
Corrupt Practice	0	0	0	0
Deceit	0	0	1	1
Discreditable Conduct	12	8	5	10
Insubordination	0	0	1	2
Neglect of Duty	7	4	2	3
Service	1	0	0	0
Unnecessary Arrest/Unnecessary Exercise of Authority	3	3	0	0
Other (Damage to Clothing and/or Alcohol Consumption)	0	0	0	0
	Public Complaints		Chief's Complaints	
	Jan-Jun 2015	Jan-Jun 2016	Jan-Jun 2015	Jan-Jun 2016
Dispositions				
Unsubstantiated	5	1	1	0
Withdrawn	2	4	N/A	0
Customer Service Resolution	0	0	N/A	0
Informal Resolution	0	0	N/A	0
Informal Discipline	0	0	2	1
Formal Discipline	0	0	0	0
Resigned	0	0	0	0
Pending	16	11	7	8
Other	0	0	0	0
Supplemental Data				
Number of Local Complaints	N/A	N/A	N/A	N/A
Number of Requests for Review made to Board	0	0	0	0