



## REPORT TO THE POLICE SERVICES BOARD

---

Author: Chief (Interim)  
Todd Rollauer #714

Date of Report: June 21<sup>st</sup>,  
2021

Subject: By-Law Administration of the Complaints  
System

---

### RECOMMENDATION:

That the Board receives for information the review of investigations conducted by the Professional Standards Unit from January 1<sup>st</sup> to June 21<sup>st</sup>, 2021.

Signed:   
Chief of Police (Interim)

Date: July 7/21

### OVERVIEW

This report provides a review of investigations involving public complaints, internal complaints, and Chief's complaints. The public complaints system in Ontario is administered by the Office of the Independent Police Review Director (OIPRD). Public complaints can be mailed to the OIPRD, filed at any police station, or filed electronically on the OIPRD website. The OIPRD decides which complaints will be investigated through a screening process. The OIPRD's categories for screening out complaints are defined in Appendix A.

For the complaints that are screened in, the OIPRD can choose to either retain the complaints for investigation or other forms of resolution, assign the complaint to a third party police service to investigate, or direct the DRPS to investigate through the Professional Standards Unit (PSU). Public complaint investigations are bound by specific legislative timelines: conduct complaints are due in 120 days and policy complaints are due in 60 days.

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

Finally, Chief's complaints are investigations into the conduct of sworn members that may uncover sufficient evidence of misconduct pursuant to the *Police Services Act*. They may arise from an internal complaint investigation. Chief's Complaints are initiated by order of the Chief of Police and, as with public complaints, sworn members are compelled to participate in the investigation.

As of this writing, the number of substantiated complaints in 2021 is very low. As such, there are no discernable trends on which to base a meaningful analysis with respect to the frequency, nature and substance of the complaints received, or to offer an opinion with respect to training. As indicated below, there are several complaints that are still under investigation. As such, this will again be considered in the next report.

## **PUBLIC COMPLAINTS**

As of June 21<sup>st</sup>, 2021 the OIPRD received 80 public complaints with respect to the conduct of either DRPS officers or DRPS services, or policies. This represented a 31.15 percent increase from the 61 complaints received at this time in 2020.

Of the 80 public complaints involving DRPS officers, conduct, services or policies, 34 were addressed by the OIPRD as follows:

- 28 were screened out by the OIPRD and closed based on the criteria outlined in Appendix “A”.
- One was withdrawn before screening
- Four were screened out by the OIPRD “at this time” due to ongoing criminal investigations. Complainants are invited to resubmit their complaint to the OIPRD for consideration and screening at the conclusion of their criminal proceeding, and
- One was assigned to a third-party police service for investigations and, at the time of writing, is still under investigation.

The remaining 46 public complaints were assigned to DRPS PSU for investigation. This is a 206 percent increase from the 15 that were assigned to PSU at this time in 2020.

20 of those public complaints have been resolved as follows:

- Two were resolved by Early Resolution,
- Three were closed by way of Informal Resolution Agreement,
- Two were terminated by the OIPRD,
- Two were deemed unsubstantiated, and
- 11 were withdrawn by the complainants (after mediation with PSU investigators).

The remaining 26 public complaints are still under investigation.

A review of public complaints generated so far in 2021 indicated that the most frequent type of complaints involved officer conduct with allegations of:

- Discreditable Conduct – most common were allegations of officers being rude or insensitive (16), discriminatory in nature (6), pulled over without cause (5) and not wearing a mask (4)
- Neglect of Duty – most common were allegations of officers not conducting a thorough investigation (15) and arrested without cause (3)

## PUBLIC COMPLAINTS

### TYPE OF PUBLIC COMPLAINT

Type	Jan-Jun 2020	Jan-Jun 2021
Conduct	60	78
Policy	0	2
Service Provided	0	0
Not about Conduct or Service	1	0
<b>TOTAL</b>	<b>61</b>	<b>80</b>

### PUBLIC COMPLAINTS SCREENED OUT BY THE OIPRD

Reason	Jan-Jun 2020	Jan-Jun 2021
At This Time (pending Criminal Charges) New as of 2020	0	4
Not about Conduct or Service	1	0
Over 6 Months	0	2
Frivolous, Vexatious, Bad Faith	8	2
More Appropriately Dealt with by Another Act or Law	1	3
Third Party	1	4
Not in Public Interest	20	17
Withdrawn before Screening	1	1
<b>TOTAL</b>	<b>32</b>	<b>33</b>

### PUBLIC COMPLAINTS RETAINED BY THE OIPRD

DISPOSITION	Jan-Jun 2020	Jan-Jun 2021
Substantiated	0	0
Unsubstantiated	1	0
Withdrawn	0	0
Informal Discipline	0	0
Formal Discipline	0	0
Pending	1	0
<b>TOTAL</b>	<b>2</b>	<b>0</b>

### PUBLIC COMPLAINTS INVESTIGATED BY OTHER SERVICES - ALLEGATION

ALLEGATION	Jan-Jun 2020	Jan-Jun 2021
Discreditable Conduct	0	0
Neglect of Duty	0	1 (+ Discreditable Conduct x2)
Unlawful or Unnecessary Exercise of Authority	0	0
<b>TOTAL</b>	<b>0</b>	<b>1</b>

PUBLIC COMPLAINTS INVESTIGATED BY OTHER SERVICES - DISPOSITION

DISPOSITION	Jan-Jun 2020	Jan-Jun 2021
Substantiated	0	0
Unsubstantiated	0	0
Pending	0	1 (York Regional Police)
Request for Review	1 (York Regional Police)	1 (York Regional Police)
<b>TOTAL</b>	<b>1</b>	<b>2</b>

PUBLIC COMPLAINTS INVESTIGATED BY THE DRPS PROFESSIONAL STANDARDS UNIT – ALLEGATION

\*PLEASE NOTE THAT COMPLAINTS OFTEN ALLEGE MORE THAN ONE CATEGORY OF MISCONDUCT

Allegations	Jan-Jun 2020	Jan-Jun 2021
Assault	1	0
Breach of Confidentiality	1	1
Corrupt Practice	0	0
Deceit	0	0
Discreditable Conduct	17*	45*
Insubordination	0	4*
Neglect of Duty	3	20*
Service/Policy Complaint	0	2
Unnecessary Arrest/Unnecessary Exercise of Authority	6	5*

PUBLIC COMPLAINTS INVESTIGATED BY THE DRPS PROFESSIONAL STANDARDS UNIT – DISPOSITION

DISPOSITIONS	Jan-Jun 2020	Jan-Jun 2021
CSR Terminated and then Screened out by OIPRD	0	0
Customer Service Resolution (CSR)	0	0
Early Resolution	0	2
Informal Resolution Agreement	3	3
Local Resolution	0	0
Pending	15	26
Recommendations Made	0	0
Substantiated – Formal Discipline	0	0
Substantiated – Informal Discipline	0	0
Terminated by OIPRD	0	2
Unsubstantiated	1	2
Withdrawn	8	11
<b>TOTAL</b>	<b>27</b>	<b>46</b>

## INTERNAL/CHIEF'S COMPLAINTS

As of June 21<sup>st</sup>, 2021, the PSU investigated 23 internal complaints, Peterborough Police Service investigated one internal complaint and Toronto Police Service investigated one internal complaint for a total of 25 internal complaints. This represented a 38.88 percent increase from the 18 investigated at this time in 2020.

Of the 25 internal complaints, 7 rose to the level of a Chief's Complaint and 7 met the threshold at the onset for a total of 14 Chief's Complaints being investigated by the PSU. This represented a 133 percent increase from the 6 investigated at this time in 2020.

A review of complaints generated to date in 2021 indicated that the most frequent type of complaints were officer conduct complaints with allegations of:

- Discreditable Conduct – most common were allegations of officers engaging in discriminatory improper use of CPIC, MTO, Versadex (3), inappropriate comments and behaviour (4) and misuse of police issued equipment/firearm (3) and
- Neglect of Duty – most common were allegations of officers inappropriately providing references (3)

Of the 32 internal/Chief's complaints, 14 have been closed as follows:

- 8 were closed no further action,
- Two were forwarded to Toronto Police Service for investigation as the confirmed subject officer is a TPS officer,
- Two were unsubstantiated, and
- Two were substantiated

The remaining 18 internal/Chief's Complaints are still under investigation as of this writing.

As of June 21<sup>st</sup>, 2021, four officers were suspended from duty:

- 3 officers charged PSA are suspended with pay
- 1 officer convicted criminally, pending appeal is suspended without pay

## INTERNAL / CHIEF'S COMPLAINTS

### INTERNAL / CHIEF'S COMPLAINTS – ALLEGATIONS

\*PLEASE NOTE THAT COMPLAINTS OFTEN ALLEGE MORE THAN ONE CATEGORY OF MISCONDUCT

Allegations	Jan-Jun 2020	Jan-Jun 2021
Breach of Confidentiality	0	6
Break and Enter	0	1
Careless Use of Firearm	1	0
Deceit	0	1
Discreditable Conduct	11*	17*
Harassment	1*	0
Insubordination	1	5*
Neglect of Duty	0	9*
Possession of Narcotics	0	1
Sexual Assault	0	2
Utter Threats	1	0

### CHIEF'S COMPLAINTS - DISPOSITIONS

DISPOSITIONS	Jan-Jun 2020	Jan-Jun 2021
Pending	4	11
Substantiated – Formal Discipline	0	0
Substantiated – Informal Discipline	2	2
Unsubstantiated	0	1
<b>TOTAL</b>	<b>6</b>	<b>14</b>

## APPENDIX "A"

OIPRD Screen Out Information: The OIPRD has the legislative discretion to screen out complaints for reason, outlined under section 60 of the *PSA*:

### DEFINITIONS

**BAD FAITH:** Complaints where there is clear evidence that it was made for an improper purpose or with a hidden motive.

**BETTER DEALT WITH UNDER ANOTHER ACT OR LAW:** Complaints that should clearly be dealt with by another authority (e.g., a complaint about the validity of a traffic ticket for speeding).

**FRIVOLOUS:** A complaint that does not reveal any allegation of misconduct or breach of the Code of Conduct, or is trivial, or lacks substance or an air of reality.

**NO JURISDICTION UNDER SECTION 58:** The complaint is not about a policy, service, or the conduct of a police officer. The person listed in the complaint does not fall under the jurisdiction of the OIPRD; or the complainant is not someone who is permitted to make a complaint.

**NOT IN THE PUBLIC INTEREST:** A broad range of factors are considered when the Director determines what may or may not be in the public interest. The Director may consider the nature of the misconduct alleged, whether the action appears to be a proper exercise of police discretion, the circumstances under which the conduct occurred, whether the conduct could bring the police service into disrepute, the effect of the decision to investigate a complaint, or not, on the public's confidence in the accountability and integrity of the complaints system, whether issues are of systemic importance and/or there is a broader public interest at stake. This list is not exhaustive.

**OVER SIX MONTHS AND OTHER CRITERIA:** The Director may decide not to deal with a complaint if it is made more than six months after the occurrence of the final incident cited in the complaint or when the incident was discovered by the complainant.

### INFORMAL RESOLUTION

Informal Resolution is a way to resolve less serious complaints and can be attempted at any time during the OIPRD complaint process. The complainant, the respondent officer and the Police Chief or OPP Commissioner must all agree. The decision to recommend Informal Resolution depends on the circumstances of each case. Some examples of conduct that may be suitable for Informal Resolution include:

- DISCREDITABLE CONDUCT THAT DOES NOT INVOLVE A BREACH OF TRUST
- INCIVILITY, INCLUDING ALLEGATIONS OF UNFAIR OR BIASED TREATMENT OR RUDE OR PROFANE LANGUAGE
- DAMAGE TO CLOTHING OR PROPERTY
- UNLAWFUL OR UNNECESSARY EXERCISE OF AUTHORITY AND
- EXCESSIVE USE OF FORCE THAT DOES NOT RESULT IN SERIOUS INJURY