



## REPORT TO THE POLICE SERVICES BOARD

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Date of Report: January 29<sup>th</sup>,  
2021

Subject: By-Law Administration of the Complaints  
System

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### RECOMMENDATION:

That the Board receives for information the review of investigations conducted by the Professional Standards Unit from January 1st to December 31st, 2020.

Signed:   
Chief of Police (Interim)

Date: February 2/21

### 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 2020 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

In 2020, the OIPRD received 148 public complaints with respect to the conduct of either DRPS officers or DRPS services, or policies. This represented a 25.42 percent increase from the 118 complaints received in 2019. The OIPRD also directed the Service to investigate two additional conduct complaints involving a member of York Regional Police and Belleville Police Service, for a total number of 150.

Of the 148 public complaints involving DRPS officers, conduct, services or policies, 92 were addressed by the OIPRD as follows:

- 85 were screened out by the OIPRD and closed based on the criteria outlined in Appendix "A".
- Three were withdrawn before screening
- Two were retained for investigation by the OIPRD where one was unsubstantiated and one, at the time of writing, is still under investigation.
- Two were assigned to third-party police services for investigations and, at the time of writing, are still under investigation.

The remaining 56 public complaints were assigned to DRPS PSU for investigation. This is a 3.4 percent decrease from the 58 that were assigned to PSU in 2019.

43 of those public complaints have been resolved as follows:

- One was screened out by OIPRD after the Customer Service Resolution (CSR) failed,
- Two were resolved by way of Customer Service Resolution (CSR),
- Nine were closed by way of Informal Resolution Agreement,
- One was substantiated as misconduct,
- Six were deemed unsubstantiated, and
- 24 were withdrawn by the complainants (after mediation with PSU investigators).

The remaining 13 public complaints are still under investigation.

A review of complaints generated in 2020 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 (30) or discriminatory in nature (10)
- Unnecessary Arrest/Unnecessary Exercise of Authority – most common were allegations of officers conducting discrimination based arrests (19) and using aggressive force (15) and
- Neglect of Duty – most common were allegations of officers not conducting a thorough investigation (12)



## PUBLIC COMPLAINTS

### TYPE OF PUBLIC COMPLAINT

Type	Jan-Dec 2019	Jan-Dec 2020
<b>Conduct</b>	113 (1 Toronto PS)	146 (1 Belleville PS, 1 YRP)
<b>Policy</b>	3	3
<b>Service Provided</b>	3	1
<b>Not about Conduct or Service</b>	0	0
<b>TOTAL</b>	<b>119</b>	<b>150</b>

### PUBLIC COMPLAINTS SCREENED OUT BY THE OIPRD

Reason	Jan-Dec 2019	Jan-Dec 2020
<b>At This Time (pending Criminal Charges) New as of 2020</b>	0	3
<b>Not about Conduct or Service</b>	4	0
<b>Over 6 Months</b>	6	1
<b>Frivolous, Vexatious, Bad Faith</b>	10	12
<b>More Appropriately Dealt with by Another Act or Law</b>	7	3
<b>Third Party</b>	1	25
<b>Not in Public Interest</b>	26	41
<b>Withdrawn before Screening</b>	3	3
<b>TOTAL</b>	<b>57</b>	<b>88</b>

### PUBLIC COMPLAINTS RETAINED BY THE OIPRD

DISPOSITION	Jan-Dec 2019	Jan-Dec 2020
<b>Substantiated</b>	0	0
<b>Unsubstantiated</b>	2	1
<b>Withdrawn</b>	0	0
<b>Informal Discipline</b>	0	0
<b>Formal Discipline</b>	0	0
<b>Pending</b>	0	1
<b>TOTAL</b>	<b>2</b>	<b>2</b>

### PUBLIC COMPLAINTS INVESTIGATED BY OTHER SERVICES - ALLEGATION

ALLEGATION	Jan-Dec 2019	Jan-Dec 2020
<b>Discreditable Conduct</b>	0	1
<b>Neglect of Duty</b>	1	1
<b>Unlawful or Unnecessary Exercise of Authority</b>	1	0
<b>TOTAL</b>	<b>2</b>	<b>2</b>

# **PUBLIC COMPLAINTS INVESTIGATED BY OTHER SERVICES - DISPOSITION**

<b>DISPOSITION</b>	<b>Jan-Dec 2019</b>	<b>Jan-Dec 2020</b>
<b>Substantiated</b>	0	0
<b>Unsubstantiated</b>	0	1
<b>Pending</b>	2	1
<b>Request for Review</b>	0	0
<b>TOTAL</b>	<b>2</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

<b>Allegations</b>	<b>Jan-Dec 2019</b>	<b>Jan-Dec 2020</b>
<b>Assault</b>	0	1
<b>Breach of Confidentiality</b>	1	1
<b>Corrupt Practice</b>	0	1*
<b>Deceit</b>	1	0
<b>Discreditable Conduct</b>	33	40*
<b>Insubordination</b>	0	0
<b>Neglect of Duty</b>	9*	21*
<b>Service/Policy Complaint</b>	5	1
<b>Unnecessary Arrest/Unnecessary Exercise of Authority</b>	11	15

# **PUBLIC COMPLAINTS INVESTIGATED BY THE DRPS PROFESSIONAL STANDARDS UNIT – DISPOSITION**

<b>DISPOSITIONS</b>	<b>Jan-Dec 2019</b>	<b>Jan-Dec 2020</b>
<b>Customer Service Resolution (CSR)</b>	1	2
<b>CSR Terminated and then Screened out by OIPRD</b>	0	1
<b>Informal Resolution Agreement</b>	3	9
<b>Local Resolution</b>	1	0
<b>Substantiated – Formal Discipline</b>	0	1 (Member resigned)
<b>Substantiated – Informal Discipline</b>	1	0
<b>Pending</b>	13 (1 Toronto PS)	13
<b>Recommendations Made</b>	0	0
<b>Unsubstantiated</b>	16	6
<b>Withdrawn</b>	23	24
<b>TOTAL</b>	<b>58</b>	<b>56</b>



## INTERNAL/CHIEF'S COMPLAINTS

In 2020, the PSU investigated 44 internal complaints. This represented an 18.92 percent increase from the 37 investigated in 2019. DRPS also investigated one additional internal complaint for OPP as per their request to our Chief.

Of the 44 internal complaints, 14 met the threshold for Chief's Complaints. This represented a 36.36 percent decrease from the 22 in 2019.

A review of complaints generated in 2020 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 social media posts (4), workplace harassment (3) and unethical behaviour (2) and
- Neglect of Duty – most common were allegations of officers failing to assist other officers (4) and improper cell checks (3)

Of the 44 internal/Chief's complaints, 9 have been substantiated after investigation. However, 15 remain under investigation as of this writing.

As of December 31, 2020, there were five officers suspended from duty:

- 2 officers charged criminally
- 2 officers charged PSA
- 1 officer terminated pending appeal

## INTERNAL / CHIEF'S COMPLAINTS

### INTERNAL / CHIEF'S COMPLAINTS – ALLEGATIONS

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

Allegations	Jan-Dec 2019	Jan-Dec 2020
Assault	1	1
Breach of Confidentiality	1	4
Careless Use of Firearm	0	1
Cause Disturbance	0	2*
Corrupt Practice	1	0
Damage to Clothing or Equipment	0	1
Deceit	4*	2
Discreditable Conduct	53*	27*
Harassment	0	3*
Impaired	0	2
Indecent Act	0	0

Insubordinations	5*	2
Neglect of Duty	8*	9*
Possession of Drugs	0	1
Sexual Assault	0	2
Utter Threats	0	2*

\*\* Please note, the significant increase in Discreditable Conduct charges in 2019 can be attributed to multiple counts against five members, including one officer charged with 24 counts.

#### INTERNAL / CHIEF'S COMPLAINTS - DISPOSITIONS

DISPOSITIONS	Jan-Dec 2019	Jan-Dec 2020
Pending	17	6
Public Complaint	1	1
Sine Die	1	1
Substantiated – Formal Discipline	0	1 (Member resigned)
Substantiated – Informal Discipline	2	4
Unsubstantiated	1	1
<b>TOTAL</b>	<b>22</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