



REPORT TO THE POLICE SERVICES BOARD

Author: Chief Mike Ewles

Date of Report: February 7th,
2013

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 December 31st, 2012

Signed: _____

Date: _____

Chief Constable

Professional Standards Unit

The following is a review of investigations conducted by the Professional Standards Unit during 2012.

This report will refer to Public Complaints, Internal Complainants, and Chief's Complaints. As the name implies, Public Complaints are generated by the public through the Office of the Independent Police Review Director (OIPRD) or the Ontario Civilian Police Commission (OCPC), with the majority being investigated by the Professional Standards Unit. These complaints can be filed at any Division within our Service or at any police service in the province. Most complaints are filed electronically directly to the OIPRD. Internal complaints are generated by members of the police service, usually supervisors, and are investigated by the Professional Standards Unit. After the initial stages of an Internal Complaint investigation, if it is deemed that enough evidence exists to continue with the investigation under the *Police Services Act*, a Chief's Complaint will be generated. Not all Internal Complaints become Chief's Complaints.

Currently every member of the Professional Standards Unit carries a case load that could be comprised of Public, Internal and Chief's complaints. Members with specialized skills were recruited in early and late 2012 to provide the Unit with requisite depth specific to investigating Chief/Internal Complaints and Public Complaints. This is certainly reflected with the successful Part VI criminal investigation of one member, jointly conducted with our Criminal Intelligence

Branch. Prior investigations using this type of technical evidence gathering had never previously occurred in Professional Standards.

The included charts clearly indicate that the most frequent type of complaint investigated by PSU is discreditable conduct or the perceived discreditable conduct by our officers. These complaints are generally generated after interactions with police during stressful situations, both for the complainants and police officers. In an effort to minimize these types of complaints, which often are attributed to attitude or civility, the Professional Standards Unit members are engaged in educating our frontline officers and supervisors. We appear to be having some success with less complaint of incivility.

The overall number of investigations for 2012 is somewhat similar to 2011 except for the noticeable reduction of Public Complaints. OIPRD directed complaints are much lower considering the number of times our officers are engaged with the public. These numbers do not appear to accurately reflect the number of times our officers are actually engaged with the public. Often officers are engaged with the public through traffic stops, community events, and general patrol with the majority of these interactions not captured as a call for service.

Public Complaints

During the year of 2012, the Professional Standards Unit received 84 Public Complaints. When compared to the previous year's number of 132, the difference of 48 equates to a reduction of 36.4 % in complaints.

Of the 84 Public Complaints made about the conduct, services or policies of the DRPS, 34 were retained by the OIPRD. The OIPRD only retains complaints involving conduct and forwards on complaints about services or policies. The OIPRD closed 24 complaints, deemed 6 unsubstantiated, 1 withdrawn, and 3 under investigation. The remaining 50 complaints were forwarded to the Professional Standards Unit for investigation.

Internal/Chief's Complaints

Between January 1st and December 31st, 2012, the Professional Standards Unit investigated 32 Internal Complaints, slightly down from 34 complaints the previous year. During the same period in 2012, the number of complaints that rose to the level of a Chief's Complaints was slightly up at 31, from 27 in 2011.

Suspensions from duty

As of December 31st, 2012, 7 officers remained suspended from duty subject to criminal and provincial prosecution relating to on duty or off duty conduct. One suspension is the result of criminal charges stemming from the Part VI investigation in early 2012. Another suspension involves criminal charges previously laid by the Special Investigations Unit (SIU) in 2011. Of the 7 suspensions, 6 occurred between 2008 and 2011.

Type of Public Complaint

Year	2011	2012
Policy/service	8	1
Conduct	124	83
Total	132	84

Number of Chief Complaints

Year	2011	2012
Chief's Complaints	27	31
Internal Complaints	34	32

Disposition of Public Complaints (retained by OIPRD)

Year	2011	2012
Not about the Conduct or Services or Policies of Police	2	0
Third Party	2	2
Over 6 months	7	3
Frivolous, Vexatious, Bad Faith	9	3
Abandoned by Complainant	2	2
No Breach of PSA or Code of Conduct	10	6
More Appropriately dealt with by another Act or Law	9	3
No Jurisdiction	1	0
Not in Public Interest	9	5
Unsubstantiated	3	6
Withdrawn	0	1
Disposition w/o Hearing	1	0

Classification of Public Complaints (retained by Professional Standards)

Year	2011	2012
Discreditable Conduct	55	32
Neglect of Duty	7	6
Unnecessary Arrest/Unnecessary Exercise of Authority	19	12
Breach of Confidentiality	1	1
Service	4	1
Insubordination	0	0
Deceit	0	0
Corrupt Practice	0	0

Classification of Chief Complaints

Year	2011	2012
Discreditable Conduct	15	9
Neglect of Duty	10	1
Unnecessary Arrest/Unnecessary Exercise of Authority	2	2
Breach of Confidentiality	1	2
Service	0	2
Insubordination	1	2
Deceit	2	1
Corrupt Practice	0	1
Other (damage clothing and alcohol consumption)	2	0

Dispositions Public Complaints and Chief's Complaints

Year	2011	2012
Frivolous/not in public interest	0	0
Unsubstantiated	47	26
Withdrawn (Public)	29	16
Informal resolution	1	0
Informal discipline	10	1
Formal discipline	2	0
Criminal	2	2

Supplemental Data – Public Complaints and Chief's Complaints

Year	2011	2012
Number of local complaints	0	0
Number of outstanding complaints	11	10 Public 6 Chief
Number of complaints referred to another agency	0	0
Number of requests for review made to Board	0	0

Special Investigations Unit (SIU) Section 11

As per the *Police Services Act, Ontario Regulation 267/10*, the Chief of Police shall cause an investigation to be conducted into any incident to review policies of or services provided and the conduct of the officers, under Section 11.

The SIU invoked their mandate on 5 occasions in 2012, compared to 8 occasions in 2011. Of the 5 SIU mandated investigations, 4 have been completed without an inference of criminality on the part of our members. Reports to the Board and Section 11 Reports have been completed on 4 SIU investigations, as required by legislation.

Currently one matter, involving a police shooting in Oshawa on December 26th, is still under investigation by the SIU. In the early stages of the investigation, the SIU designated 7 subject officers and 10 witness officers. Subsequently 3 subject officers were re designated as witness officers and submitted to interviews. In consultation with counsel with the 4 remaining subject officers, the Service has taken a position that the officers will not submit to interviews with the SIU. The SIU was formerly notified and we continue to wait for the conclusion of their investigation.

It is anticipated that the SIU will conclude this investigation in the very near future with a decision clearly favourable to the four subject officers and this Service.