



REPORT TO THE POLICE SERVICES BOARD

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Date of Report: June 16,
2017

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 16th, 2017.

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 2017 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 and Unlawful or Unnecessary Use of Force which have increased from this time last year.

Public Complaints

As of June 16, 2017, there were forty-two (42) complaints about the conduct, services or policies of the DRPS. This is down minimally from the forty-three (43) generated in 2016.

Of the forty-two (42) Public Complaints, fourteen (14) were addressed by the OIPRD; were screened out and closed for a variety of reasons including; frivolous, not in public interest, not within time limits or, could be dealt with by other legislation.

Of the remaining twenty-eight (28) complaints, three (3) were retained by the OIPRD for investigation. Of those three (3) complaints, one (1) was deemed unsubstantiated and two (2) are still in the investigative stages.

The remaining twenty-five (25) complaints were forwarded to the Professional Standards Unit for investigation. Of the twenty-five (25) public complaints investigated by Professional Standards, one (1) was deemed unsubstantiated, six (6) were withdrawn by the complainants, one (1) was closed by customer service resolution, one (1) was closed by local resolution and sixteen (16) are still in the investigative stages.

Internal/Chief's Complaints

As of June 16, 2017 the PSU investigated thirteen (13) Internal Complaints, down significantly from twenty (20) complaints investigated during 2016 at this time. Of the thirteen (13) Internal Complaints, nine (9) rose to the level of a Chief's Complaint and one (1) met the threshold at the onset, for a Chief's Complaint; for a total of ten (10) Chief's Complaints. This represents a minimal increase from the nine (9) Chief's Complaints in 2016 at this time.

As of June 16, 2017 there are four (4) officers suspended from duty. Three (3) of the suspensions are due to criminal prosecution and three (3) are still before the courts; one dating back to 2012. One (1) of the suspensions is for a PSA related matter.

Type of Public Complaint

Year	Jan – Jun 2016	Jan – Jun 2017
Breach of Confidence	1	4
Discreditable Conduct	34	23
Neglect of Duty	3	7
Policy/service	1	0
Unlawful or Unnecessary Use of Force	4	8
Total	43	42

Public Complaints Screened Out by OIPRD		
	Jan – Jun 2016	Jan – Jun 2017
Not about the Conduct or Services or Policies of Police	0	0
Third Party	0	0
Over 6 Months	2	1
Frivolous, Vexatious, Bad Faith	5	3
Abandoned by Complainant	0	1
No Breach of PSA or Code of Conduct	0	0
More Appropriately Dealt with by Another Act or Law	4	1
No Jurisdiction	0	0
Not in Public Interest	8	8
Total	19	14

Public Complaints Retained by OIPRD		
	Jan – Jun 2016	Jan – Jun 2017
Unsubstantiated	1	1
Withdrawn	2	0
Informal Discipline	0	0
Formal Discipline	0	0
Pending	5* (1YRP Investigation)	2
Other	0	0
Total	8	3

Public Complaints Investigated by Other Service		
	Jan – Jun 2016	Jan – Jun 2017
Allegation		
Discreditable Conduct	1	0
Neglect of Duty	0	0
Disposition		
Unsubstantiated	1	0
Pending	0	0

Request for Review	1 – Substantiated Less Serious	0
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Investigations by the Professional Standards Unit				
*Please note there can be more than one allegation per complaint				
	Public Complaints		Chief's Complaints	
	Jan-Jun 2016	Jan-Jun 2017	Jan-Jun 2016	Jan-Jun 2017
Allegations				
Breach of Confidentiality	1	1	0	0
Corrupt Practice	0	0	0	0
Deceit	0	0	1	1*
Discreditable Conduct	8	17*	10	10
Insubordination	0	0	2	0
Neglect of Duty	4	1	3	0
Other (Damage to Clothing and/or Alcohol Consumption)	0	0	0	0
Service	0	0	0	0
Unnecessary Arrest/Unnecessary Exercise of Authority	3	7	0	0
	Public Complaints		Chief's Complaints	
	Jan-Jun 2016	Jan-Jun 2017	Jan-Jun 2016	Jan-Jun 2017
Dispositions				
Customer Service Resolution	0	1	0	0
Formal Discipline	0	0	0	0
Informal Discipline	0	0	1	3
Local Resolution	0	1	0	0
Other	0	0	0	0
Pending	11	16	8	7
Resigned	0	0	0	0
Unsubstantiated	1	1	0	0
Withdrawn	4	6	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