



REPORT TO THE POLICE SERVICES BOARD

Author: Chief Mike Ewles

Date of Report: June 26th,
2012

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 22nd, 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) and investigated by the Professional Standards Unit. On occasion the OIPRD will retain carriage of a public complaint. 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 of public, internal and Chief's complaints. In an effort to become more specialized and to adhere to legislative timelines, the office will be divided into Public Complaint investigators and Internal Complaint investigators.

Numbers indicate that the most frequent type of complaint investigated by PSU is discreditable conduct or the perceived discreditable conduct by our officers. Often these complaints are 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 investigators are engaged in an education component with front line officers. Although the numbers may seem moderate at first glance, the actual number, 32, of complaints that are directed by the OIPRD to investigate are extremely low considering the number of times our officers are engaged with the public. The numbers that are reported are not a true indicator as to 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. Many of these interactions are not captured as a call for service.

Our unit has begun to track and analyze the complaints in more detail so that the service can be more proactive with respect to specific trends or patterns of behavior by our members.

Public Complaints

As of June 22nd, 2012, the number of year-to-date Public Complaints received is 32. This equates to being approximately 52% lower than the 67 complaints received during the first six months of 2011.

The Office of the Independent Police Review Director (OIPRD) opened October 19, 2009. Any Public Complaints concerning events that happened after October 19, 2009 are now directed to the OIPRD. Of the 32 Public Complaints made about the conduct, services or policies of the DRPS, 15 were dealt with by the OIPRD. The OIPRD only retains complaints involving conduct and forwards on complaints about services or policies. The OIPRD provided details, contained in a below chart, specific to the categorization of the 15 retained Public Complaints. Complaints investigated by the OIPRD involved 10 cases closed specific to a classification, 2 were deemed unsubstantiated, and 3 remain under investigation. The remaining 17 complaints were forwarded to the Professional Standards Unit for investigation.

Between January 1st and June 22nd, 2012 the Durham Regional Police investigated 16 Internal Complaints, slightly up from the 14 complaints investigated during the same period in 2011. During the same period in 2012, the number of complaints that rose to the level of a Chief's Complaint was down slightly at 15, from 17 Chief's Complaints in 2011.

As of June 22nd, 2012, there were eight officers suspended from duty subject to criminal and provincial prosecution relating to on duty or off duty conduct. Two of these suspensions are the result of criminal charges since the beginning of 2012. One of these continuing suspensions involves criminal charges previously laid by the Special Investigations Unit (SIU). Of the eight suspensions, six occurred between 2008 and 2011.

Type of Public Complaint

Year-To-Date	2011	2012
Policy/service	5	0
Conduct	62	32
Total	67	32

Number of Chief Complaints

Year-To-Date	2011	2012
Chief's Complaints	17	15

Disposition of Public Complaints (retained by OIPRD)

Year-To-Date	2011	2012
Not about the Conduct or Services or Policies of Police	1	1
Third Party	0	2
Over 6 months	3	2
Frivolous, Vexatious, Bad Faith	8	2
Abandoned by Complainant	0	2
No Breach of PSA or Code of Conduct	1	2
More Appropriately dealt with by another Act or Law	3	1
No Jurisdiction	1	0
Not in Public Interest	8	0
Unsubstantiated	3	0

Classification of Public Complaints (retained by Professional Standards)

Year-To-Date	2011	2012
Discreditable Conduct	25	14
Neglect of Duty	6	2
Unnecessary Arrest/Unnecessary Exercise of Authority	7	1
Breach of Confidentiality	0	0
Service	5	0
Insubordination	0	0
Deceit	0	0
Corrupt Practice	0	0
Other	0	0

Classification of Chief Complaints

Year-To-Date	2011	2012
Discreditable Conduct	11	9
Neglect of Duty	5	1
Unnecessary Arrest/Unnecessary Exercise of Authority	0	2
Breach of Confidentiality	0	2
Service	0	2
Insubordination	1	2
Deceit	0	1
Corrupt Practice	0	1
Other (damage clothing and alcohol consumption)	2	0

Dispositions Public Complaints and Chief's Complaints

Year-To-Date	2011	2012
Frivolous/not in public interest	0	0
Unsubstantiated	5	3
Withdrawn (Public)	10	3
Informal resolution	0	0
Informal discipline	0	1
Formal discipline	1	0
Other	0	0

Supplemental Data – Public Complaints and Chief's Complaints

Year-To date	2011	2012
Number of local complaints	0	0
Number of outstanding complaints	0	11
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 3 occasions in 2012, 8 occasions in 2011, and 8 in 2010.

Section 11 Reports have been completed on two SIU investigations, as required by legislation. Currently one SIU matter, involving a police shooting in Oshawa, is still under investigation. It is anticipated that the SIU will conclude this investigation in the very near future with a decision clearly favourable to the officer and this service.