



REPORT TO THE POLICE SERVICES BOARD

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Date of Report: January 30th,
2016

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, 2015.

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 form of resolution. 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, sometimes requiring months to complete as evidenced in lengthy Concluding Reports.

Internal complaints are generated by PSU in response to potential misconduct by members of the Service. Information used to generate an internal complaint originates from any source but usually come from a member of the Service, a member of the public, and on occasion the Ontario Civilian Police Commission (OCPC). 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 misconduct. Sworn members are thus compelled to participate in an interview conducted by PSU in furtherance of an investigation of misconduct.

A statistical review of complaints generated in 2015 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. Of the 56 complaints directed to the Professional Standards Unit by the OIPRD, 46 were related to discreditable conduct and neglect of duty.

Public Complaints

In 2015, there were 102 complaints about the conduct, services or policies of the DRPS. This is up slightly from the 97 generated in 2014.

Of the 102 Public Complaints, 44 were addressed by the OIPRD; 38 were screened out and closed for a variety of reasons including; vexatious, not within time limits or, could be dealt by other legislation.

The remaining six (6) required investigations by the OIPRD. Three (3) were deemed unsubstantiated. One (1) is still in the investigative stages. The OIPRD determined misconduct on two (2) of the public complaints and ordered PSA Hearings.

Additionally, one (1) complaint was directed to York Regional Police Service to conduct an investigation which resulted in a finding that the complaint was unsubstantiated. One (1) complaint was directed to Toronto Police Service and is still under investigation.

The remaining 56 complaints were forwarded to the Professional Standards Unit for investigation. Of the 56 public complaints investigated by Professional Standards, 26 were deemed unsubstantiated, 13 were withdrawn by the complainants, 2 was resolved through informal discipline and 15 are still in the investigative stages.

Internal/Chief's Complaints

In 2015 the PSU investigated 41 Internal Complaints, up considerably from 32 complaints investigated during 2014.

Of the 41 Internal Complaints, 8 rose to the level of a Chief's Complaint for a total of 15 Chief's Complaints. This represents a substantial decrease from the 30 Chief's Complaints in 2014.

As of December 31, 2015, there were three officers suspended from duty due to criminal prosecution; one dating back to 2012.

Type of Complaint

Year	2014	2015
Policy/service	4	3
Conduct	92	98
Not about Conduct or Service	1	1
Total	97	102

Public Complaints retained by OIPRD		
	2014	2015
Not about the Conduct or Services or Policies of Police	3	2
Third Party	1	0
Over 6 Months	4	3
Frivolous, Vexatious, Bad Faith	5	6
Abandoned by Complainant	0	0
No Breach of PSA or Code of Conduct	0	0
More Appropriately Dealt with by Another Act or Law	6	5
No Jurisdiction	0	0
Not in Public Interest	17	18
Unsubstantiated	3	3
Withdrawn	3	3
Informal Discipline	0	0
Formal Discipline	1	2
Pending	0	1
Other	1	1

Public Complaints Investigated by Other Service		
	2014	2015
Allegation		
Discreditable Conduct	1	0
Neglect of Duty	0	2
Disposition		
Unsubstantiated	1	1
Pending	0	1

Investigations by the Professional Standards Unit				
	Public Complaints		Chief's Complaints	
	2014	2015	2014	2015
Allegations				
Discreditable Conduct	28	27	22	13
Neglect of Duty	11	19	7	2
Unnecessary Arrest/Unnecessary Exercise of Authority	13	9	1	1
Breach of Confidentiality	1	0	0	1
Service	4	1	0	0
Insubordination	0	0	2	0
Deceit	0	1	1	1
Corrupt Practice	0	0	1	0
Other (Damage to Clothing and/or Alcohol Consumption)	0	0	0	0
	Public Complaints		Chief's Complaints	
	2014	2015	2014	2015
Dispositions				
Unsubstantiated	43	26	9	3
Withdrawn	7	13	N/A	N/A
Customer Service Resolution	1	0	N/A	N/A
Informal Resolution	1	0	0	0
Informal Discipline	0	2	7	4
Formal Discipline	0	0	7	6
Resigned	0	0	4	0
Pending	0	15	0	0
Other	0	0	3	2
Supplemental Data				
Number of Local Complaints	0	0	N/A	N/A
Number of Requests for Review made to Board	1	1	0	0