



REPORT TO THE POLICE SERVICES BOARD

Author: Chief Mike Ewles

Date of Report: Feb. 6, 2012

Subject: By-Law Administration of the Complaints System

Decision Report

RECOMMENDATION:

That the Board receives for information the review of investigations conducted the Professional Standards Unit during 2011.

Signed: _____

Date: _____

Chief Constable

Professional Standards Unit

The following is a review of investigations conducted by the Professional Standards Unit during 2011.

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, it is anticipated that 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 high at first glance, the actual number, 71, 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 times traffic stops, community events, and general patrol where our officers are engaged with the public are not captured as a call for service.

Our unit will begin 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

The number of Public Complaints received in 2011 was 131 – higher than the 2010 complaints which totaled 125.

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 131 Public Complaints made about the conduct, services or policies of the DRPS, 60 were dealt with by the OIPRD; 4 were investigated by the OIPRD, of those 3 were deemed to as unsubstantiated and 1 was dealt with by a Disposition without a Hearing. The other 71 complaints were investigated by the Professional Standards Unit.

In 2011 the Durham Regional Police investigated 34 Internal Complaints, up from the 27 complaints investigated in 2010. In 2011 the number of complaints that rose to the level of a Chief's Complaint was down slightly at 26. There were 29 Chief's Complaints in 2010.

In 2011, there were six officers subject to criminal prosecution relating to on duty or off duty conduct. Two of these six were criminal charges laid by the Special Investigations Unit (SIU). Also, there were nine members suspended from duty. Five of the nine suspensions occurred in 2008, 2009 and 2010.

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 9 occasions in 2011, 9 occasions in 2010, and 15 in 2009.

Three (3) Section 11 Reports have yet to be completed for all SIU Investigations, as required by legislation.

Type of complaint

	2010	2011
Policy/service	4	8
Conduct	71	63
Total	79	71

Number of Chief complaints

2010	2011
29	26

Nature of allegations (public complaints)

	2010	2011
Discreditable Conduct	55	45
Neglect of Duty	7	13
Unnecessary Arrest/Unnecessary Exercise of Authority	19	10
Breach of Confidentiality	0	0
Service	4	8
Insubordination	0	0
Deceit	0	0
Corrupt Practice	1	1
Etc		

Nature of allegations (chief complaints)

	2010	2011
Discreditable Conduct	18	17
Neglect of Duty	13	10
Unnecessary Arrest/Unnecessary Exercise of Authority	0	1
Breach of Confidentiality	1	1
Service		
Insubordination	0	1
Deceit	0	2
Corrupt Practice	0	0
Etc	3	2

Summary of Dispositions (Public & Chief's Complaints)

	2010	2011
Frivolous/not in public interest	N/A	N/A
Unsubstantiated	31	29
Withdrawn (Public)	32	24
Informal resolution	3	3
Informal discipline	15	4
Formal discipline	3	3
Etc.....	5	3

Supplemental Data (Public & Chief's Complaints)

	2010	2011
Number of local complaints	N/A	N/A
Number of outstanding complaints	3	27
Number of complaints referred to another agency	0	0
Number of requests for review made to Board	0	0