



## REPORT TO THE POLICE SERVICES BOARD

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Author: Chief Mike Ewles

Date of Report: January 30<sup>th</sup>,  
2014

Subject: By-Law Administration of the Complaints  
System

Decision Report

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### **RECOMMENDATION:**

That the Board receives for information the review of investigations conducted by the Professional Standards Unit from January 1<sup>st</sup> to December 31<sup>st</sup>, 2013.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Chief Constable

### **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). Although the majority of public complaints are directed to the Service for investigation, occasionally the OIPRD retains some complaints for investigation. Complaints are generally filed at any division within our Service but we're now seeing an equal number being filed electronically by the public to the OIPRD.

Internal complaints are generated by the PSU in response to potential misconduct by members of our Service. Information used to generate an internal complaint can come from any source but usually comes from a member of our Service, a member of the public, and on occasion the Ontario Civilian Police Commission (OCPC). Internal investigations into sworn members that uncover sufficient evidence of misconduct under the *Police Services Act*, move on and become a Chief's Complaint. 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*.

Some members of the PSU carry a case load of Public, Internal and Chief's complaints. Others are dedicated solely to the investigation of public complaints. Investigations directed to our Service by OIPRD are bound by specific legislative timelines. Some investigations are expedited through the cooperation of the officer and complainant, resulting in the withdrawal of the complaint. More common is the fact that investigations are quite consuming, sometimes

requiring months to complete as evidenced in lengthy Concluding Reports. Although internal educational warnings were provided to our members, the PSU observed an increase in misconduct relating to social media. Some of these incidents were brought to the attention of the media and proved to be embarrassing to the organization. The misconduct of a few tarnished the excellent work committed by our men and women on a daily basis.

Our final numbers for 2013 confirm that the most frequent type of complaint investigated by PSU is discreditable conduct or the perceived discreditable conduct by our officers. Followed closely are complaints about unnecessary arrests or the unnecessary use of authority. These two types of specific complaints resulted in 37 investigations directed to our Service by the OIPRD. This number is extremely low considering the number of times on a daily basis that our officers are engaged with the public. In addition to regular calls for service, our officers also interact with members of the public during traffic stops and general patrol.

### **Public Complaints**

In 2013, the number of Public Complaints received was 95. This number is a slight increase over 2012 and equates to a 13 percent increase over the previous year's 84 complaints.

Of the 95 Public Complaints made about the conduct, services or policies of the DRPS, 54 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 54 retained Public Complaints. The OIPRD fully investigated 11 complaints and currently have 5 still under investigation. Of the 6 concluded investigations, 2 resulted in findings of misconduct by the OIPRD. The first investigation resulted in an Ordered Hearing for one of two officers. The second officer declined a lesser penalty and is joining the other officer for the hearing. The second investigation by OIPRD determined that one officer committed misconduct. Our member recently retired and cannot be prosecuted under the *Police Services Act*. The OIPRD was advised of the retirement and has conceded that it no longer has jurisdiction over the officer.

The remaining 41 complaints were forwarded to the Professional Standards Unit for investigation. One of the 41 complaints contained two allegations of misconduct and is therefore detailed in the chart as 42 allegations.

### **Internal/Chief's Complaints**

In 2013 the PSU investigated 40 Internal Complaints, up from the 32 complaints investigated during 2012. Part of this increase involved a focus to investigate fully before advancing to a Chief's Complaint. Many internals concluded with insufficient or no evidence of misconduct. Adding to this number was an increase in investigations involving civilian members of our Service as well as attempts to uncover the leaking of information to the media.

During 2013, the number of complaints that rose to the level of a Chief's Complaint was 25 complaints, down from 31 Chief's Complaints in 2012. This drop can be attributed to the increase in internal investigations that never rose to the level of a Chief's Complaint.

As of December 31, 2013, there were five officers suspended from duty subject to criminal prosecution. Four officers were suspended because of on duty conduct and one officer because of off duty behavior. Only one of these suspensions is the result of a criminal charge laid in at 2013. The remaining four suspensions occurred between in 2008 and 2011.

**Type of Complaint**

<b>Year</b>	<b>2012</b>	<b>2013</b>
Policy/service	2	0
Conduct	82	90
Not about Conduct or Service	0	5
<b>Total</b>	<b>84</b>	<b>95</b>

**Number of Chief Complaints**

<b>Year</b>	<b>2012</b>	<b>2013</b>
Chief's Complaints	31	25

**Disposition of Public Complaints (retained by OIPRD)**

<b>Year</b>	<b>2012</b>	<b>2013</b>
Not about the Conduct or Services or Policies of Police	1	5
Third Party	2	2
Over 6 months	3	6
Frivolous, Vexatious, Bad Faith	3	4
Abandoned by Complainant	3	1
No Breach of PSA or Code of Conduct	6	3
More Appropriately dealt with by another Act or Law	3	6
No Jurisdiction	0	1
Not in Public Interest	5	14
Unsubstantiated	8	3
Withdrawn	1	3
Informal Discipline	0	1
Formal Discipline	0	1

**Nature of allegations (Public Complaints retained by Professional Standards)**

<b>Year</b>	<b>2012</b>	<b>2013</b>
Discreditable Conduct	33	24
Neglect of Duty	5	5
Unnecessary Arrest/Unnecessary Exercise of Authority	12	13
Breach of Confidentiality	1	0
Service	1	0
Insubordination	0	0
Deceit	0	0
Corrupt Practice	0	0

**Nature of allegations (Chief Complaints)**

<b>Year</b>	<b>2012</b>	<b>2013</b>
Discreditable Conduct	21	18
Neglect of Duty	4	6
Unnecessary Arrest/Unnecessary Exercise of Authority	4	1
Breach of Confidentiality	2	0
Service	0	0
Insubordination	3	3
Deceit	2	0
Corrupt Practice	0	0
Other (damage clothing and alcohol consumption)	0	1

**Summary of Dispositions (Public & Chief's Complaints)**

<b>Year</b>	<b>2012</b>	<b>2013</b>
Frivolous/not in public interest	N/A	N/A
Unsubstantiated	43	31
Withdrawn (Public)	17	4
Customer Service Resolution (Public)		2
Informal resolution	3	0
Informal discipline	4	3
Formal discipline	10	9
Other	2	0

**Supplemental Data (Public & Chief's Complaints)**

<b>Year</b>	<b>2012</b>	<b>2013</b>
Number of local complaints	N/A	N/A
Number of outstanding complaints	0	8 Public 9 Chief
Number of complaints referred to another agency	0	0
Number of requests for review made to Board	0	0