



REPORT TO THE POLICE SERVICES BOARD

Author: Chief Mike Ewles

Date of Report: June 27th,
2013

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 13th, 2013.

Signed: _____

Date: _____

Chief Constable

Professional Standards Unit

This report provides a review of investigations conducted by the Professional Standards Unit (PSU) in the first half of 2013.

The PSU investigates complaints against members of the Service, with the majority of complaints dealing with police officer misconduct. Other complaints involve the conduct of civilian members and special constables. In addition to Public Complaints, members of PSU generate investigations through Internal Complainants and Chief's Complaints, some of which may focus on allegations of criminal activity.

Public Complaints are generated by members of the public which must be in writing to the Office of the Independent Police Review Director (OIPRD) or the Ontario Civilian Police Commission (OCPC). The OIPRD screens a complaint for substance before making a determination if an investigation is warranted. Complaints that are 'screened in' for investigation are forwarded to the PSU. Occasionally the OIPRD will retain carriage of a public complaint and conduct an investigation with its own investigators. Requests from OCPC are rare but have occurred on occasion with one request in the early part of 2013. A review of the incident determined there was no misconduct on the part of the police officer and is not reflected in the below charts.

Internal Complaints are generally generated by members of the police service, usually supervisors, and are forwarded for investigation to the PSU. Some Internal Complaints develop

from information provided by members of the public. If an Internal Complaint has sufficient evidence to continue with the investigation under the *Police Services Act*, a Chief's Complaint will be generated.

Members of the Professional Standards Unit carry a case load that may be comprised of Public, Internal and Chief's Complaints. Certain members in PSU with specialized investigative skills are called upon for Internal and Chief's Complaints investigations while others concentrate on the larger number of Public Complaints.

The most frequent type of complaint investigated by PSU is Discreditable Conduct or the perceived discreditable conduct by our officers. These complaints are generally generated by the public after interactions with police during stressful situations. These incidents are equally stressful and challenging for police officers. In addition to Discreditable Conduct, the unit observed an increase (1 to 8) in complaints of Unnecessary Arrest/Unnecessary Exercise of Authority. The review of these particular complaints found them to be without merit.

The numbers of complaints reported are not a true indicator to the number of times our officers are actually engaged with members of the public. On a daily basis, police officers are engaged with the public through traffic stops, community events, and general patrol. The vast majority of these interactions are not captured as a Call for Service.

Public Complaints

As of June 13th, 2013, the number of year-to-date Public Complaints received is 53 compared to 32 in 2012. These 20 additional complaints reflect an increase of 60%. Although the percentage may appear to be a significant increase at first glance, the actual number of complaints that are directed by the OIPRD to investigate is quite low. Part of the increase was an overflow of incidents from 2012 that OIPRD carried over into 2013.

Of the 53 Public Complaints made about the conduct, services or policies of the DRPS, 30 were dealt with by the OIPRD. The OIPRD closed 28 public complaints and retained 2 complaints for investigation. The OIPRD provided details, contained in the below charts, specific to the categorization of the 28 resolved Public Complaints. Currently the OIPRD continues to investigate 2 complaints stemming from January and February of this year. The remaining 23 complaints were forwarded to the Professional Standards Unit for investigation.

Between January 1st and June 13th, 2013 the Durham Regional Police investigated 13 Internal Complaints, slightly down from the 16 complaints investigated during the same period in 2012. During the same period in 2013, the number of complaints that rose to the level of a Chief's Complaint was considerably down to 5, from 15 in 2012.

As of June 13th, 2012, four officers remain under suspension from duty subject to criminal prosecution relating to on duty and off-duty conduct. One of these continuing suspensions involves criminal charges previously laid by the Special Investigations Unit (SIU).

Type of Public Complaint

Year-To-Date	2012	2013
Policy/Service	0	0
Conduct	32	50
Not about Conduct or Service	0	3
Total	32	53

Number of Chief Complaints

Year-To-Date	2012	2013
Chief's Complaints	15	5

Disposition of Public Complaints (retained by OIPRD)

Year-To-Date	2012	2013
Not about the Conduct or Services or Policies of Police	1	3
Third Party	2	2
Over 6 months	2	8
Frivolous, Vexatious, Bad Faith	2	3
Abandoned by Complainant	2	0
No Breach of PSA or Code of Conduct	2	2
More Appropriately dealt with by another Act or Law	2	3
No Jurisdiction	0	0
Not in Public Interest	0	6
Unsubstantiated	0	0
Withdrawn	0	1

Classification of Public Complaints (retained by Professional Standards)

Year-To-Date	2012	2013
Discreditable Conduct	14	11
Neglect of Duty	2	3
Unnecessary Arrest/Unnecessary Exercise of Authority	1	8
Breach of Confidentiality	0	0
Service	0	0
Insubordination	0	0
Deceit	0	0
Corrupt Practice	0	0
Other	0	0

Classification of Chief Complaints

Year-To-Date	2012	2013
Discreditable Conduct	9	3
Neglect of Duty	3	2
Unnecessary Arrest/Unnecessary Exercise of Authority	2	0
Breach of Confidentiality	2	0
Service	2	0
Insubordination	2	0
Deceit	1	0
Corrupt Practice	1	0
Other (damage clothing and alcohol consumption)	0	0

Dispositions Public Complaints and Chief's Complaints

Year-To-Date	2012	2013
Frivolous/not in public interest	0	0
Unsubstantiated	3	10
Withdrawn (Public)	3	0
Informal resolution	0	0
Informal discipline	0	2
Formal discipline	0	2
Other	0	1

Supplemental Data – Public Complaints and Chief's Complaints

Year-To date	2012	2013
Number of local complaints	0	0
Number of outstanding complaints	11	13
Number of complaints referred to another agency	0	0
Number of requests for review made to Board	0	0