



REPORT TO THE POLICE SERVICES BOARD

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Date of Report: June 13th,
2014

Subject: By-Law Administration of the Complaints
System

Information
Report

RECOMMENDATION:

That the Board receives for information, the review of investigations conducted by the Professional Standards Unit from January 1 to June 13, 2014.

Signed: _____

Date: _____

Chief of Police

Professional Standards Unit

This report provides a review of investigations involving Public Complaints, Internal Complaints, and Chief's Complaints.

Since October 2009, all public complaints in the province of Ontario are initially submitted to the Office of the Independent Police Review Director (OIPRD). The Director has the authority to refer the complaint to the involved police service for investigation, retain the matter for investigation by OIPRD or refer it to another police service. The Director also has the authority to screen out the complaints from the onset, determining they will not be investigated. Complaints can be filed at any division within our Service, and can easily be filed online through the OIPRD website.

Internal complaints arise from information received outside of the public complaint spectrum. The information used to generate an internal complaint can come from any source but usually comes from another member of our Service, a member of the public (who refuses to file a public complaint), and on occasion the Ontario Civilian Police Commission (OCPC). Internal investigations into sworn members that uncover sufficient evidence to compel interviews and which may lead to the laying of misconduct charges are reclassified as Chief's Complaints. Depending on the information initially received by PSU, some matters are immediately classified as Chief's complaints and are not included as Internals.

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*.

All investigators in the Professional Standards Unit carry a case load of public complaints, internals and Chief's complaints. We do not have investigators assigned to a specific type of complaint.

Public Complaint investigations directed to our Service by OIPRD are bound by specific legislative timelines. Unless the complaint is withdrawn by the complainant, the investigative report is due to be submitted to OIPRD (and mailed to the complainant) 120 days after it is referred to the Service. The complainant has 30 days after receiving the investigative report to request the OIPRD review the matter if they are unsatisfied with the outcome. The investigative report submitted to OIPRD is a comprehensive explanation of the investigative steps taken and includes duty statements from officers, synopsis of witness interviews and all other relevant information. It also contains a thorough analysis of the information in order to justify the conclusion.

Our numbers thus far in 2014 confirm that the most frequent type of complaint investigated by Professional Standards concerns allegations of discreditable conduct, followed closely by complaints about Unlawful and Unnecessary Exercise of Authority and Neglect of Duty. These types of allegations comprised 29 of the 32 investigated by our Service.

The total number of public complaints is extremely low considering the hundreds of interactions our officers have with the public on a daily basis. In addition to regular calls for service, our officers also interact with members of the public during traffic stops and general patrol. Our officers continue to provide excellent customer service to the members of our community.

Public Complaints

As of June 13, 2014, the number of Public Complaints received was 52. This number is slightly down from the 56 complaints received in the same timeframe of 2013.

Of the 52 Public Complaints made about the conduct, services or policies of the DRPS, 21 were screened out after being received by OIPRD. The reasons these complaints were screened out by OIPRD (and therefore not investigated) are outlined in the chart below. The OIPRD has retained three public complaints for their investigation. All three have yet to be concluded. The Director referred one complaint to the York Regional Police Service for investigation. This matter is also ongoing. The remaining 28 complaints were forwarded to the Professional Standards Unit for investigation. One of the 28 complaints, two contain two allegations of misconduct and is therefore detailed in the chart as 30 allegations.

Internal/Chief's Complaints

As of June 13, 2014 the PSU investigated 17 Internal Complaints, up from the 13 complaints investigated during the same period in 2013. We have also seen a significant rise in the number of Chief's Complaints during this time period as compared to last year. This year there has been 18 Chief's complaints; last year there were 5. This seems to be an anomaly as there are no

patterns or trends to adequately explain the increase. We anticipate the year end number being similar to previous years – somewhere between 25-30.

As of June 13, 2014, there are four officers suspended from duty. One suspended officer is still waiting for the disposition of criminal charges; two are in the midst of their PSA matters; one officer was terminated at his PSA hearing and has appealed the outcome to OCPC. He remains suspended with pay pending the outcome of the appeal. It should be noted that one officer has been suspended with pay since May 2008.

Public Complaint by Classification

Year	2013	2014
Policy/service	0	1
Conduct	50	50
Not about Conduct or Service	4	1
Total	54	52

Public Complaints screened out by OIPRD (not investigated) by Reason

Year	2013	2014
Not about the Conduct or Services or Policies of Police	4	1
Third Party	2	1
Over 6 months	8	1
Frivolous, Vexatious, Bad Faith	3	3
Abandoned by Complainant	0	0
No Breach of PSA or Code of Conduct	2	0
More Appropriately dealt with by another Act or Law	3	4
No Jurisdiction	0	0
Not in Public Interest	6	10
Unsubstantiated	1	0
Withdrawn	1	1
Informal Discipline	1	0
Formal Discipline	1	0
Total	32	21

Number of Public Complaints retained by OIPRD for their investigation by type of Misconduct

Year	2013	2014
Unlawful or Unnecessary Exercise of Authority	1	2
Neglect of Duty	1	1
Discreditable Conduct	0	0
Total	2	3

Allegations investigated by Professional Standards by type of Misconduct

Year	2013	2014
Discreditable Conduct	13	14
Neglect of Duty	3	8
Unnecessary Arrest/Unnecessary Exercise of Authority	7	7
Breach of Confidentiality	0	0
Service	0	1
Insubordination	0	0
Deceit	0	0
Corrupt Practice	0	0
Total	23	30

Chief's Complaints by type of Misconduct

Year	2013	2014
Discreditable Conduct	4	11
Neglect of Duty	1	4
Unnecessary Arrest/Unnecessary Exercise of Authority	0	1
Breach of Confidentiality	0	0
Service	0	0
Insubordination	0	1
Deceit	0	1
Corrupt Practice	0	0
Other (damage clothing and alcohol consumption)	0	0
Total	5	18

Summary of Dispositions (Public & Chief's Complaints)

Year	2013	2014
Frivolous/not in public interest	N/A	N/A
Unsubstantiated	22	10
Withdrawn (Public)	2	4
Customer Service Resolution (Public)		0
Customer Service Resolution Not Resolved (Public)	0	1
Informal resolution	0	0
Informal discipline	2	3
Formal discipline	2	0
Other	0	0
Total	28	18

Supplemental Data (Public & Chief's Complaints)

Year	2013	2014
Number of local complaints	N/A	N/A
Number of outstanding complaints	0	6 Public 12 Chief
Number of complaints referred to another agency	0	1
Number of requests for review made to Board	0	0