



REPORT TO THE POLICE SERVICES BOARD

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Date of Report: January 20th,
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, 2016.

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 forms of resolution; and may assign other services to investigate. 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, requiring months to complete as evidenced in lengthy concluding investigative reports.

Internal complaints are generated by PSU in response to potential misconduct by members of the Service. Information used to generate an internal complaint can originate from any source but usually come from a member of the Service or a member of the public. 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*. Chief's Complaints can arise from both internal investigations and public complaints. Sworn members are thus compelled to participate in an interview conducted by PSU in furtherance of an investigation of alleged misconduct.

A statistical review of complaints generated to date in 2016 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.

Public Complaints

In 2016, there were 91 complaints about the conduct, services or policies of the DRPS. This is down slightly from the 102 generated in 2015.

Of the 91 Public Complaints, 43 were addressed by the OIPRD; 36 were screened out and closed for a variety of reasons including; frivolous, not in public interest, not within time limits or, could be dealt by other legislation. Of the remaining seven (7) required investigations by the OIPRD, One (1) was withdrawn, Four (4) were deemed unsubstantiated and Two (2) are still in the investigative stages.

The remaining 47 complaints were forwarded to the Professional Standards Unit for investigation. Of the 47 public complaints investigated by Professional Standards, Four (4) were closed by way of CSR. Twelve (12) were deemed unsubstantiated, Eighteen (18) were withdrawn by the complainants, and Thirteen (13) are still in the investigative stages.

One (1) complaint was directed to York Regional Police Service to conduct an investigation which resulted in a finding that the complaint was substantiated however, less serious.

Internal/Chief's Complaints

In 2016 the PSU investigated 47 Internal Complaints, up slightly from the 41 complaints investigated during 2015.

Of the 47 Internal Complaints, Eight (8) immediately rose to the level of a Chief's Complaint. Five additional complaints also reached the threshold of a Chief's Complaint; for a total of Thirteen (13) Chief's Complaints. This represents a slight decrease from the Fifteen (15) Chief's Complaints in 2015. One (1) of the Chief's Complaints was investigated by York Regional Police Service.

As of December 31, 2016, there were Four (4) officers suspended from duty; one dating back to 2012.

Type of Public Complaint

Year	Jan – Dec 2015	Jan – Dec 2016
Conduct	98	82
Not about Conduct or Service	1	0
Policy/service	3	9
Total	102	91

Investigations by the Professional Standards Unit				
Please note there can be more than one allegation per complaint				
	Public Complaints		Chief's Complaints	
	Jan-Dec 2015	Jan-Dec 2016	Jan-Dec 2015	Jan-Dec 2016
Allegations				
Breach of Confidentiality	0	2	1	0
Corrupt Practice	0	0	0	0
Deceit	1	0	1	2
Discreditable Conduct	27	30	13	13
Insubordination	0	0	0	1
Neglect of Duty	19	9	2	3
Service	1	0	0	0
Unnecessary Arrest/Unnecessary Exercise of Authority	9	9	1	0
Other (Damage to Clothing and/or Alcohol Consumption)	0	0	0	0
	Public Complaints		Chief's Complaints	
	Jan-Dec 2015	Jan-Dec 2016	Jan-Dec 2015	Jan-Dec 2016
Dispositions				
Customer Service Resolution (CSR)	2	4	N/A	N/A
Formal Discipline	1	0	5	2
Informal Discipline	2	0	2	1
Informal Resolution	0	0	N/A	N/A
Not Guilty	1	0	0	0
Other	0	0	0	0
Pending	0	13	4	9
Resigned	0	0	1	0
Unsubstantiated	34	12	3	1
Withdrawn	16	18	N/A	N/A
TOTAL	56	47	15	13
Supplemental Data				
Number of Local Complaints	N/A	N/A	N/A	N/A
Number of Requests for Review made to Board	0	0	0	0

Public Complaints Screened Out by OIPRD		
	Jan – Dec 2015	Jan –Dec 2016
Not about the Conduct or Services or Policies of Police	2	1
Third Party	0	0
Over 6 Months	3	3
Frivolous, Vexatious, Bad Faith	6	7
More Appropriately Dealt with by Another Act or Law	5	7
Not in Public Interest	18	18
TOTAL	34	36
Public Complaints Retained by OIPRD		
	Jan –Dec 2015	Jan –Dec 2016
Substantiated	0	0
Unsubstantiated	3	4
Withdrawn	3	1
Informal Discipline	0	0
Formal Discipline	2	0
Pending	1	2
Other	1	0
TOTAL	10	7
Public Complaints Investigated by Other Service		
	Jan – Dec 2015	Jan –Dec 2016
Allegation		
Discreditable Conduct	0	0
Neglect of Duty	2	1
Disposition		
Substantiated	0	1
Unsubstantiated	2	0
Pending	0	0
Request for Review	2 *Both Upheld*	1 (Pending)