



REPORT TO THE POLICE SERVICES BOARD

Author: Chief Paul Martin #818

Date of Report: January 30th,
2015

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, 2015.

Signed 

Chief Constable

Date: Feb 1, 2015

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 form of resolution. 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, sometimes requiring months to complete as evidenced in lengthy Concluding Reports.

Internal complaints are generated by PSU in response to potential misconduct by members of the Service. Information used to generate an internal complaint originates from any source but usually come from a member of the Service, a member of the public, and on occasion the Ontario Civilian Police Commission (OCPC). 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*. Although Chief's

complaints may arise from an internal investigation most investigations are initiated by order of the Chief of Police to address matters of misconduct. Sworn members are thus compelled to participate in an interview conducted by PSU in furtherance of an investigation of misconduct.

A statistical review of complaints generated in 2014 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 unnecessary arrests or the unnecessary use of authority. Of the 52 complaints directed to PSU by the OIPRD, 37 related to discreditable conduct and unnecessary use of authority. This number is extremely low considering the totality of DRPS engagement with the public.

Public Complaints

In 2014, there were 97 complaints about the conduct, services or policies of the DRPS. This is rather consistent from 2013 where 95 were generated.

Of the **97** Public Complaints **44** were addressed by the OIPRD; 37 were screened out and closed for a variety of reasons including; vexatious, not within time limits or, could be dealt by other legislation. In regards to one matter, the OIPRD determined that the officer committed misconduct and has ordered a PSA Disciplinary Hearing.

Of the remaining complaints 7 required investigations by the OIPRD; 5 of which are incomplete and have been carried over to 2015, 2 were deemed to be unsubstantiated. Additionally, one (1) complaint was directed to York Regional Police Service to conduct an investigation which resulted in a finding that the complaint was unsubstantiated.

The remaining **52** complaints were forwarded to the Professional Standards Unit for investigation.

Internal/Chief's Complaints

In 2014 the PSU investigated 32 Internal Complaints, down considerably from 40 complaints investigated during 2013.

During 2014, the number of complaints that rose to the level of a Chief's Complaint was 30 representing an increase from 25 Chief's Complaints in 2013.

As of December 31, 2014, there were three officers suspended from duty. Two officers were suspended due to criminal prosecution; one dating back to 2007, the other 2012.

Type of Complaint

Year	2013	2014
Policy/service	0	4
Conduct	90	92
Not about Conduct or Service	5	1
Total	95	97

Public Complaints retained by OIPRD		
	2013	2014
Not about the Conduct or Services or Policies of Police	5	1
Third Party	3	1
Over 6 Months	7	4
Frivolous, Vexatious, Bad Faith	4	5
Abandoned by Complainant	1	0
No Breach of PSA or Code of Conduct	2	0
More Appropriately Dealt with by Another Act or Law	6	6
No Jurisdiction	1	0
Not in Public Interest	15	18
Unsubstantiated	6	3
Withdrawn	3	2
Informal Discipline	0	0
Formal Discipline	1	1

Public Complaints Investigated by Other Service		
	2013	2014
Allegation	0	1
Discreditable Conduct	0	1
Disposition		
Unsubstantiated	0	1

Investigations by the Professional Standards Unit				
	Public Complaints		Chief's Complaints	
	2013	2014	2013	2014
Allegations	95	97	25	30
Discreditable Conduct	24	28	18	22
Neglect of Duty	5	11	6	7
Unnecessary Arrest/Unnecessary Exercise of Authority	13	13	1	1
Breach of Confidentiality	0	1	0	0
Service	0	4	0	0
Insubordination	0	0	3	2
Deceit	0	0	0	1
Corrupt Practice	0	0	0	1
Other (Damage to Clothing and/or Alcohol Consumption)			1	0
Dispositions	Public Complaints		Chief's Complaints	
	2013	2014	2013	2014
Frivolous/Not in Public Interest	0	0	0	0
Unsubstantiated	34	31	4	6
Withdrawn (Public)	4	6	0	0
Customer Service Resolution (Public)	2	1	0	0
Informal Resolution	0	0	0	0
Informal Discipline	0	0	8	6
Formal Discipline	0	0	12	7
Resigned	0	0	0	4
Pending	0	14	0	6
Other	0	0	1	1
Supplemental Data				
Number of Local Complaints	0	0	0	0
Number of Outstanding	8	13	9	5
Number of Complaints Referred to Another Agency	0	1	0	0
Number of Requests for Review made to Board	0	0	0	0

2014 PROFESSIONAL STANDARDS UNIT
PUBLIC COMPLAINTS & INVESTIGATIONS

