

**PUBLIC**

THE REGIONAL MUNICIPALITY OF YORK  
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

SEPTEMBER 23, 2020

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**Semi-Annual Report on Public Complaints**

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**RECOMMENDATION**

1. That the Board receive this report pursuant to Section 31(1)(j) of the *Police Services Act*, Board By-Law No. 01-11 respecting the Administration of the Complaints System under Part V of the *Police Services Act*.

**SYNOPSIS**

This report provides cumulative and detailed information concerning public complaints made under Part V of the *Police Services Act* in the first six months of 2020. York Regional Police received one service complaint, 79 conduct complaints and one OIPRD Out of Jurisdiction Directed Investigations in 2020 compared to one service complaint and 62 conduct complaints in 2019.

**FINANCIAL IMPLICATIONS**

Not applicable.

## **BACKGROUND**

Section 31(1)(j) of the *Police Services Act (PSA)* requires the Board to review the administration of the public complaints system under Part V of the *PSA* and receive regular reports from the Chief of Police on the administration of the complaints system.

In accordance with Board By-Law No. 01-11, the Chief of Police is required to provide semi-annual reports to the Board that include cumulative and detailed information and comparative data from the preceding calendar year. The first report each year summarizes the yearly complaints, including an analysis of frequency, nature and substance of policy and conduct complaints and whether the analysis indicates the need for training or additional resources. In accordance with Section 31(b) of the *Adequacy and Effectiveness of Police Services Regulation*, the information contained in this report will be included in the 2020 Annual Report.

### **Policy and Service Complaints**

In accordance with section 61(2) of the *PSA*, complaints about the policies of or services provided by York Regional Police are referred by the Office of the Independent Police Review Director (OIPRD) to the Chief of Police to be dealt with. Under section 63 of the *PSA*, the Chief of Police is required to take any action, or no action, in response to the complaints, as he considers appropriate. One service complaint was referred to the Chief of Police by the OIPRD in the first half of 2020 and was subsequently withdrawn by the complainant.

### **Conduct Complaints**

Pursuant to section 61(5) of the *PSA*, the OIPRD may refer a complaint about the conduct of a York Regional Police officer to the Chief of Police, or to the Chief of Police of another police service, to be investigated or the OIPRD may retain the complaint for investigation. If, at the conclusion of the investigation and on review of the written report, the Chief of Police is of the opinion that there was misconduct or unsatisfactory work performance that was not of a serious nature, he may resolve the matter informally with the consent of the officer and the complainant. The Chief of Police is required to hold a hearing into the matter if the alleged misconduct is serious. The Independent Police Review Director may also direct the holding of a hearing if he is of the opinion that the alleged misconduct is serious.

The failure to follow police procedures was the most common category of public complaints received in the first half of 2020. Other common complaints included allegations of verbal incivility, misuse of authority and physical assault.

In the first half of 2020, York Regional Police received 81 public complaints compared to 67 in 2019 and 86 in 2018. This represents a 21 percent increase in public complaints for the first half of 2020 from the same time period in 2019. The percentage of complaints being screened and accepted by the OIPRD remains consistent with previous years. In 2020, 45 percent of complaints were accepted while, in 2019, 51 percent were accepted. Accepted complaints have ranged between 44-52 percent in the last 5 years.

As the attached chart indicates, 54 public complaints were investigated. Seven complaints were withdrawn, three were over six months and three were determined to be unsubstantiated. Twenty-seven complaints were still under investigation as of June 30, 2019. Forty complaints were not accepted by the OIPRD because, in accordance with section 60 of the *PSA*, they were determined to be either frivolous, vexatious or made in bad faith; could be more appropriately dealt with under another Act or law; were not in the public interest; or were over six months old.

As of June 30, 2020, there have been no requests for review by complainants to the OIPRD.

### **OIPRD Directed/Out of Jurisdiction Investigation**

In accordance with section 72(1)(b) of the *PSA*, the Independent Police Review Director is permitted to give direction to the Chiefs of Police of various jurisdictions to investigate allegations of misconduct from a different police service. In the first half of 2020, York Regional Police was directed to investigate one complaint regarding Durham Regional Police – this is a request for review per the OIPRD for an outside agency to investigate. This file remains open.

The Professional Standards Bureau has maintained an excellent working relationship with the OIPRD to date in 2020. They continue to participate in ongoing programs with the OIPRD such as the Customer Service Resolutions (CSR). This program assists in the collaborative resolution of complaints at an early stage to promote understanding between the complainants and police officers as opposed to a more formal investigation and adversarial process for minor complaint issues.

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Chief of Police

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Accessible formats or communication supports are available upon request