

The Regional Municipality of York Police Services Board

Public Board Meeting
November 7, 2022

Report of the Chief of Police

Public Complaint Regarding Services Provided by York Regional Police

1. Recommendation

That the Board receive this report in accordance with sections 31(1)(j) and 63(4) of the *Police Services Act* and paragraph 3.3 of Board By-Law No. 01-11 respecting the Administration of the Complaints System under Part V of the *Police Services Act*.

2. Summary

B.W. filed a complaint with the Office of the Independent Police Review Director (OIPRD) concerning the operation of the York Regional Police (YRP) Marine Unit's airboat and its impact on migratory birds. She also raised concerns with parking at the Marine Unit's Georgina headquarters.

The OIPRD determined that the complaint was related to a service issue and, on April 20, 2022, forwarded it to me to be dealt with pursuant to section 63 of the *Police Services Act*.

The complaint was investigated by the Professional Standards Bureau (PSB). Having reviewed the complaint and the outcome of the PSB investigation, I have determined that it was unlikely that the use of the airboat had any effect on migratory birds. I have also determined that parking at and around the Marine Unit complies with the Town of Georgina's

Parking Bylaw. As such, I have decided to take no further action in relation to this service complaint.

Key Points:

- Member of the public complained about the impact of YRP's airboat training on migratory birds and parking at the Marine Unit headquarters
- Airboat training had minimal impact on migratory birds
- Marked police vehicles were lawfully parked
- Georgina By-Law will ticket other vehicles that contravene the Parking By-Law
- Report submitted in accordance with Section 63(4) of the *Police Services Act*

3. Background

The Professional Standards Bureau was assigned to investigate the service complaint submitted to the OIPRD by B.W. According to the complaint, members of the YRP Marine Unit were performing maneuvers on Lake Simcoe with a hovercraft on or about April 5 to April 7, 2022. The extreme noise from the vessel impacted the breeding grounds for hundreds of migratory birds. The complainant observed the hovercraft scare away hundreds of birds. B.W. also expressed concern about Marine Unit vehicles being parked in and around the Marine Unit building and the roadway.

B.W. did not participate in the investigation. Emails were sent to her with no response.

YRP does not own a hovercraft. However, the PSB investigation revealed that Marine Unit members were conducting training with the airboat on the dates in question. The airboat is used to travel across the water and ice. Officers were training in early April to take advantage of the ice conditions to ensure adequate training.

A member of Environment and Climate Change Canada was consulted and provided a nesting calendar for the area where airboat training was conducted. There was only a 5% chance of migratory birds nesting in the area.

A member of the Canadian Wildlife Service was consulted and noted the area where the airboat training was conducted would be prone to noise and disturbances given its proximity to marinas. As a result, there would be limited interaction with migratory birds.

The supervisor of the Town of Georgina's By-Law department confirmed that they work regularly with YRP but have had no dealings with members of the Marine Unit. Marked police vehicles are permitted to park on the roadway in accordance with Georgina's Parking By-Law. If other vehicles were parked contrary to the By-Law, tickets would be issued.

4. Analysis

In accordance with section 61(2) of the *Police Services Act (PSA)*, a public complaint about services provided by YRP must be referred to me by the OIPRD. Section 63(1) of the *PSA* compels me to review the service complaint that is referred to me and take any action, or no action, in response to the complaint as I consider appropriate.

The PSB investigation of this complaint revealed that members of the Marine Unit were engaged in legitimate airboat training on the dates in question. According to two experts, the training's impact on migratory birds would have been minimal.

PSB investigators confirmed with the Georgina By-Law Department that marked police vehicles are permitted to be parked on the roadway. By-Law Officers would issue tickets if any other vehicles were found contravening Georgina's Parking By-Law.

5. Financial

Not applicable.

6. Conclusion

In all of the circumstances, I am of the opinion that the YRP services associated with B.W.'s complaint were appropriate in the circumstances. As such, in accordance with section 63(1) of the *PSA*, I have decided to take no action in response to this complaint.

Pursuant to Section 63(2) of the *PSA*, B.W. was advised on July 6, 2022 that she could request that the Board review her complaint within 30 days after receiving the notice, by serving a written request to that effect on the Board. I have not been made aware of any request for a review of my decision.

A written report has been submitted to the OIPRD and this report is being submitted to the Board in accordance with section 63(4) of the *PSA* and paragraph 3.3 of Board By-Law No. 01-11 respecting the Administration of the Complaints System under Part V of the *Police Services Act*.

Accessible formats or communication supports are available upon request

Jim MacSween, M.O.M., B.A.A.
Chief of Police

JMS/sj