

The Regional Municipality of York Police Services Board

Public Board Meeting
February 22, 2023

Report of the Chief of Police

Annual Report on Public Complaints

1. Recommendation

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

2. Summary

This report provides cumulative and detailed information concerning public complaints made under Part V of the *Police Services Act* in 2022. York Regional Police received five service complaints and 204 conduct complaints in 2022 compared to three service complaints and 213 conduct complaints in 2021.

Key Points:

- Five service complaints and 204 conduct complaints in 2022
- Three service complaints and 213 conduct complaints in 2021
- Increase in service complaints and a decrease in conduct complaints compared to the previous year

3. Background

Section 31(1)(j) of the *Police Services Act (PSA)* requires the Board to review the administration of the public complaints systems under the Part V of the *PSA* and receive regular reports 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 to 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. The semi-annual report provides cumulative and detailed information concerning public complaints made under Part V of the *Police Services Act* in the first 6 months of each calendar year.

4. Analysis

POLICY AND SERVICE COMPLAINTS

In accordance with Section 61(2) of the *PSA*, complaints about policies of, or services provided by, York Regional Police are referred by the Office of the Independent Police Review Director (OIPRD) to the Chief to be dealt with. Under Section 63 of the *PSA*, the Chief is required to take any action, or no action, in response to the complaints, as he considers appropriate. Four service complaints referred to the Chief by the OIPRD in 2022 were subsequently withdrawn by the complainants. The fifth service complaint referred to the Chief by the OIPRD in 2022 subsequently resulted in an investigative report where no issues were noted. The complainant did not ask for a review of the investigation from the Police Services Board.

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 or to the Chief of another 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 is of the opinion that there was misconduct or unsatisfactory work performance that was not of a serious nature, the Chief may resolve the matter informally with the consent of the officer and the complainant. The Chief is required to hold a hearing into the matter if the alleged misconduct was serious. The Independent Police Review Director may also direct the holding of a hearing if the Director is of the opinion that the alleged misconduct is serious.

The OIPRD did not retain any complaints in 2022. Five requests were made by complainants to the OIPRD to review the Chief's decision regarding their complaints. The OIPRD confirmed two of the decisions that the complaint was unsubstantiated. Three requests for review are still under investigation by the OIPRD.

The failure to follow police procedure was the most common category of public complaints in 2022. Other common complaints included allegations of misuse of authority, verbal incivility and physical assault.

In 2022, York Regional Police received 209 public complaints compared to 216 in 2021 and 180 in 2020. This represents a three percent decrease in public complaints from 2021. The percentage of complaints being screened in by the OIPRD in 2022 was 43 percent, which represents a slight decrease from 2021 where 44 percent of complaints were screened in. In 2020, 44 percent of complaints were screened in while in 2019, 41 percent were accepted. Screened in complaints have averaged between 41-52 percent in last five years.

As the attached chart indicates, 90 public complaints were investigated with one resulting in disciplinary action against one officer. Four service complaints were withdrawn and one resulted in a review by the Police Services Board in November 2022. Seven complaints were informally resolved, 29 were withdrawn and 16 were determined to be unsubstantiated. Thirty-two complaints were still under investigation as of December 31, 2022. One hundred and nineteen 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 appropriately dealt with under another act or law; were not in public interest, or were over six months old.

The actual strength of the Service at the end of 2022 was 1713 sworn officers. The ratio of conduct complaints per officer for the year is 0.12 and this remains one of the lowest ratios in comparison to other large services in Ontario. The low complaints per officer ratio and the low number of substantiated complaints can be attributed, in part, to our members consistently upholding the Values and Code of Ethics of York Regional Police. Our analysis of the nature and substance of policy and conduct complaints filed in 2022 does not indicate the need for any additional training or additional resources.

5. Financial

Not applicable.

6. Conclusion

Our Professional Standards Bureau members continued to deliver presentations to recruit classes and supervisor courses in 2022. This allows York Regional Police to familiarize its new members and re-familiarize its new supervisors with the public complaints process, as well as to discuss the common themes of complaints in an effort to reduce or eliminate public complaints.

Accessible formats or communication supports are available upon request

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

JMS/sj

Attachment (1) - Professional Standards Bureau 2022 Annual Summary



PROFESSIONAL STANDARDS BUREAU

2022 ANNUAL SUMMARY

1. PUBLIC COMPLAINT INVESTIGATIONS

Nature of Complaints Five Year Comparison

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals	Staffing
2017	71	7	27	12	9	126	1637
2018	89	15	26	28	13	171	1624
2019	76	14	24	45	3	162	1668
2020	112	11	22	34	1	180	1681
2021	163	17	8	25	3	216	1698
2022	159	12	15	18	5	209	1713

Nature of Complaints Percentage Comparison

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service	Totals
2022	159	12	15	18	5	209
2021	163	17	8	25	3	216
% CHANGE 2021-2022	-2.5%	-29%	87.5%	-28%	67%	-3%

Annual Percentage Comparison

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy Service
2017	56%	6%	21%	10%	7%
2018	52%	9%	15%	16%	8%
2019	47%	9%	15%	27%	2%
2020	62%	6%	12%	19%	1%
2021	75%	8%	4%	12%	1%
2022	76%	6%	7%	9%	2%

Police Services Comparison

Police Service	Durham	Halton	Niagara	Waterloo	York
2022 Uniform Officers	924	776	763	818	1713
2022 Public Complaints	132	100	162	134	209
Complaints per Officer	14%	13%	21%	16%	12%

2. NATURE OF COMPLAINTS DETAILED

Police Procedure

Fail to Identify	0
Neglect of Duty	45
Improper Detention (includes stopping car)	31
Improper Search – Person	3
Improper Arrest	17
Improper Entry	2
Improper Charge	18
Improper Use of Discretion	43
Other (parking, provincial offence, keep the peace)	0
Service & Policy	5
TOTAL	164

Physical Assault

Assault	0
Assault with Injury	0
Sexual Assault	0
Assault while restrained	0
Other Assault	0
Excessive Force	1
Excessive Force with Injury	11
TOTAL	12

Verbal Abuse

Verbal Abuse/Incivility	14
Harassment/Threat	0
Implied Harassment/Threat	1
Sexual Harassment	0
Other	0
TOTAL	15

Misuse of Authority

Corruption	0
Theft	1
Frauds	0
Lying Under Oath	0
Deceit	0
Disclose Confidential Information	3
Intoxication	0
Improper Driving	1
Improper Use of Position	12
Misuse of Authority Other	1
TOTAL	18
TOTAL NUMBER OF COMPLAINTS 2022	209

3. PUBLIC COMPLAINT DISPOSITIONS

Complaints Investigated by York Regional Police

	2019	2020	2021	2022
Section 64(7) Formal Discipline	0	1	1	0
Section 66(4) Informal Discipline	1	1	2	1
Section 93(1) Informal Resolution	10	9	14	7
Section 66(2) Unsubstantiated	11	16	18	16
Section 74(1) Withdrawn	24	18	35	29
Section 61(2) Policy /Service	0	1	3	5
Section 59(1) OIPRD cannot Proceed	0	0	0	0
Outstanding Files at Year End	20	30	23	32
TOTAL COMPLAINTS INVESTIGATED BY York Regional Police	66	76	96	90

Complaints Dealt with by OIPRD (screened out and retained)

	2019	2020	2021	2022
Section 60(2) Over 6 Months	4	4	0	3
Section 60(4) Not in public interest other law, etc.	89	94	119	116
Section 60(6) Not Directly Affected	2	6	1	0
Section 72(1) Retained by OIPRD	1	0	0	0
TOTAL COMPLAINTS DEALT WITH BY OIPRD	96	104	120	119
Summary Total of Public Complaint Dispositions	192	208	216	209

4. PUBLIC COMPLAINT DISPOSITIONS

Classification of Complaints

	2019	2020	2021	2022
Conduct Complaints	159	179	213	204
Policy/Service Complaints	3	1	3	5
Total Number of Complaints	162	180	216	209
Number of Involved Officers	248	213	278	339
Officers Disciplined	1	2	4	1
Number of Civilians Involved	9	11	6	2
Reviews Requested	2	8	5	5
Directed Hearings Ordered by OIPRD	0	0	2	0