



## The Regional Municipality of York Police Service Board

Public Board Meeting  
September 25, 2024  
For Information

Report of the Chief of Police

### **Semi-Annual Report on Public Complaints**

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## **1. Recommendation**

That the Board receive this report pursuant to section 31(1)(j) of the *Police Services Act (PSA)*, section 37(1)(i) of the *Community Safety and Policing Act, 2019 (CSPA)* and Board By-Law No. 01-11 respecting the Administration of the Complaints System under Part V of the *PSA*.

## **2. Purpose**

This report provides cumulative and detailed information concerning public complaints made under Part V of the *PSA* from January 1, 2024 to March 31, 2024 and Part X of the *CSPA* from April 1, 2024 to June 30, 2024. York Regional Police received seven service complaints and 100 conduct complaints in the first six months of 2024, compared to seven service complaints and 113 conduct complaints in the first six months of 2023. The Law Enforcement Complaints Agency (LECA), formerly known as the Office of the Independent Police Review Director (OIPRD), did not assign any Out of Jurisdiction Directed Investigations to York Regional Police in the first half of 2024.

Key Points:

- Total conduct complaints received in the first six months of 2024 is 100
- Total service complaints received in the first six months of 2024 is seven
- Decrease of 13 conduct complaints compared to 2023

### **3. Background**

Section 31(1)(j) of the *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. Sections 37(1)(i) and 38(1)(e) of the *CSPA* require the Board to monitor and establish policies for the Chief of Police's handling of discipline within the police service.

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 and section 3 of the Police Service Board's Framework for Annual Reporting by the Chief of Police, the information contained in this report will be included in the 2024 Annual Report.

### **4. Analysis**

#### **COMPLAINTS RECEIVED**

##### **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 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. In the first half of 2024, seven service complaints were referred to the Chief of Police by the OIPRD; five were subsequently withdrawn by the complainant and two are still under investigation.

Under the *CSPA*, the Chief of Police no longer has responsibility for investigating or responding to complaints about the policies of or services provided by York Regional Police. In accordance with section 107 of the *CSPA*, complaints about the adequacy and effectiveness of policing are investigated by the Inspector General, and complaints about the policies of the Board or the procedures established by the Chief of Police are now referred by the Inspector General directly to the Board for review and response.

##### **Conduct Complaints**

Pursuant to section 61(5) of the *PSA* and section 159(1) of the *CSPA*, the LECA may retain and investigate a complaint about the conduct of a York Regional Police officer, or refer the complaint to the Chief of Police, or to the Chief of Police of another police service, for investigation. In accordance with section 161 of the *CSPA*, the LECA may also cause an investigation into the conduct of a York Regional Police officer in the absence of a public complaint if the Complaints Director believes it is in the public interest to do so.

If, at the conclusion of an investigation under the *PSA*, 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. Under the *PSA*, the Chief of Police is required to hold a hearing into the matter if the alleged misconduct is serious. The Director may also direct the holding of a hearing if he is of the opinion that the alleged misconduct is serious.

If, at the conclusion of an investigation under the *CSPA*, and on review of the written report, the Chief of Police reasonably believes that there was misconduct, he may impose a disciplinary measure, other than demotion or termination, with the consent of the officer. Under the *CSPA*, the Chief of Police is required to apply for a hearing of the matter by an adjudicator if he believes that demotion or termination are the appropriate disciplinary measure in relation to the misconduct.

The failure to follow police procedures is the most common category of public complaints received in the first half of 2024. Other common complaints include allegations of misuse of authority, verbal abuse and physical assault.

In the first half of 2024, York Regional Police received 107 complaints compared to 120 in 2023 and 98 in 2022. This represents a 10 percent decrease in public complaints in the first half of 2024 from the same time period in 2023. The percentage of complaints screened and accepted by the OIPRD has increased from last year. In 2024, 48 percent of complaints were accepted which is an increase from 42 percent of complaints accepted in 2023. This represents an increase from last year however a decrease has been seen year after year compared to 2019 where 51 percent of complaints being screened were accepted. Accepted complaints have ranged between 39-51 percent in the last five years.

There were 51 public complaints investigated in the first half of 2024. Three complaints were unsubstantiated, eight complaints were withdrawn and nine complaints were resolved by way of informal resolution. Twenty-two complaints were still under investigation as of June 30, 2024. Fifty-six complaints were not accepted by the LECA/OIPRD because, in accordance with section 60 of the *PSA* and section 158 of the *CSPA*, they were determined to be frivolous, vexatious or made in bad faith; could be more appropriately dealt with under another Act or law; or were not in public interest.

As of June 30, 2024, there have been nine requests for review by the complainant. The LECA conducted reviews of the investigations and concluded the matters were unsubstantiated and upheld the Chief's decisions.

### **LECA Directed Out of Jurisdiction Investigations**

In accordance with section 72(1)(b) of the *PSA* and section 159(7) of the *CSPA*, the Law Enforcement Complaints Agency 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 2024, York Regional Police was not directed to investigate any out of jurisdiction complaints.

## **5. Financial Considerations**

Not applicable.

## **6. Local Impact**

Not applicable.

## **7. Conclusion**

The Professional Standards Bureau has maintained an excellent working relationship with the LECA/OIPRD to date in 2024. They continue to participate in ongoing programs with the LECA/OIPRD such as the Early Resolution Process. This program assists in the collaborative resolution of complaints at an early stage to promote understanding between complainants and police officers as opposed to a more formal investigation and adversarial process for minor complaint issues.

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Alternative formats or communication supports are available upon request.

Approved for Submission: Jim MacSween, M.O.M., B.A.A.  
Chief of Police

Attachment (1) -Public Complaint Semi-Annual Comparison Chart for 2024

## Comparison January to June 2023 – 2024

### Public Complaint Investigations

#### Nature of Complaints

Year	Police Procedures	Physical Assault	Verbal Abuse	Misuse of Authority	Policy/ Service	Interaction with Public (CSPA)	Human Rights (CSPA)	Performance of Duties (CSPA)	Totals
<b>2023 January to June</b>	84	6	4	19	7	NA	NA	NA	120
<b>2024 January to June</b>	66	6	5	11	7	9	2	1	107
<b>Percent of Change 2023/2024</b>	<b>-21%</b>	<b>0%</b>	<b>25%</b>	<b>-42%</b>	<b>0%</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>-10%</b>

\*Indicates the comparison in total of complaints for the 6-month period.

#### Nature of Complaints - % of Total

Year	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Policy/ Service	Interaction with Public (CSPA)	Human Rights (CSPA)	Performance of Duties (CSPA)	Totals
<b>2023 January to June</b>	70	5	3	16	6	NA	NA	NA	100%
<b>2024 January to June</b>	62	6	5	10	6	8	2	1	100%

## Public Complaint Investigations

### Nature of Complaints – Detailed under the *Police Services Act*

<b>Police Procedure</b>	<b>2024</b>	<b>2023</b>	<b>2022</b>
Fail to Identify	0	0	0
Neglect of Duty	22	20	16
Improper Detention (includes stopping car)	14	22	17
Improper Search-Person	1	1	2
Improper Arrest	11	9	8
Improper Charge	5	3	5
Improper Entry	0	1	1
Improper Use of Discretion	13	26	21
Other/General	0	2	0
<b>TOTAL</b>	<b>66</b>	<b>84</b>	<b>70</b>

<b>Misuse of Authorities</b>	<b>2024</b>	<b>2023</b>	<b>2022</b>
Corruption	0	0	0
Theft	0	0	1
Fraud	0	0	0
Lying Under Oath	0	0	0
Deceit	0	3	0
Disclose Confidential Information	0	0	2
Intoxication	0	0	0
Improper Driving	2	1	0
Improper Use of Position	9	15	6
Other	0	0	0
<b>TOTAL</b>	<b>11</b>	<b>19</b>	<b>9</b>

<b>Physical Assault</b>	<b>2024</b>	<b>2023</b>	<b>2022</b>
Assault	0	0	0
Assault with Injury	0	1	0
Sexual Assault	0	1	0
Assault While Restrained	0	0	0
Other Assault	0		0
Excessive Force	4	1	1
Excessive Force with Injury	2	3	4
<b>TOTAL</b>	<b>6</b>	<b>6</b>	<b>5</b>

<b>Policy and Service</b>	<b>2024</b>	<b>2023</b>	<b>2022</b>
<b>TOTAL</b>	<b>7</b>	<b>7</b>	<b>5</b>

<b>Verbal Abuse</b>	<b>2024</b>	<b>2023</b>	<b>2022</b>
Verbal Abuse/Incivility	3	4	8
Harassment/Threat	0	0	0
Implied Harassment/Threat	2	0	1
Sexual Harassment	0	0	0
Other	0	0	0
<b>TOTAL</b>	<b>5</b>	<b>4</b>	<b>9</b>

## Public Complaint Investigations

### Nature of Complaints – Detailed under the *Community Safety and Policing Act*

<b>Interaction with Public</b>	<b>2024</b>
7 Unlawful Arrest	0
8 Unlawful Detention	1
9 Neglects Health/Safety of Person in Custody	0
10 Conduct Undermines Public Trust	6
11 Unnecessary Force	1
12 Insulting Language	0
13(1) Conceal Identifying Information	0
13(2) Fail to Provide Identifying Information Upon Request	0
<b>TOTAL</b>	<b>9</b>

<b>Integrity</b>	<b>2024</b>
Solicits, Offers or Takes a Bribe	0
15 Receives Gratuity or Present	0
16 (1) Improper Use of Position	0
16 (2) Interfere with Administration of Justice	0
17 Unauthorized Disclosure	0
18 Access, Collect, Use, Alter, Retain or Destroy Information	0
<b>TOTAL</b>	<b>0</b>

<b>Performance of Duties</b>	<b>2024</b>
19 Neglects to do Duty	1
20 Fails to Take Notes	0
21 Unfit On Duty- Drugs/Alcohol	0
22 Fails to Report Member	0
23 Leave Work Detail	0
24 Unauthorized Communication to Media	0
25 AWOL or Late for Duty	0
26 Comply with Order from Superior	0
27 Comply with Directives	0
28 Loss/Damage Service Property	0
29 Fail to Report Loss/Damage	0
30 Workplace Violence/Harassment/Sexual Assault	0
31 Deceive or Mislead	0
<b>TOTAL</b>	<b>1</b>

<b>Human Rights</b>	<b>2024</b>
5 Discrimination – Human Rights Code	2
6 Breach - Charter	0
<b>TOTAL</b>	<b>2</b>

# Public Complaint Breakdowns

January to June 2024

## Subject Officer by Age

Under 25	1
25 – 29	24
30 – 34	33
35 – 39	28
40 – 44	19
45 – and over	36
<b>TOTAL</b>	<b>141</b>

## Subject Officer by Tenure

Under 4 Years	38
4 – 7 Years	40
8 – 12 Years	16
13 – 20 Years	30
20 Years and over	17
<b>TOTAL</b>	<b>141</b>

## Precipitating Factors/Events

Criminal Investigation	44
Traffic Violation/MVC Investigation	11
Parking Violation	0
Request for ID (other than traffic related)	1
Domestic Occurrence	5
Incidental to Arrest	21
Off Duty	3
Unknown	3
Other	19
<b>TOTAL</b>	<b>107</b>



# Public Complaint Dispositions

January to June 2024

## Summary of Dispositions

Section 60(4): <ul style="list-style-type: none"><li>• Frivolous</li><li>• Not in Public Interest</li><li>• Other Act or Law</li><li>• No Jurisdiction</li></ul>	46
Section 66(2) – Unsubstantiated	3
Section 74(1) – Withdrawn	8
Section 60(2) – Over 6 Months	1
Section 60(6) – Not Directly Affected	2
Section 93(1) – Informal Resolution	9
Section 61(2) – Policy/Service	7
Section 72(1) – Directly Affected by OIPRD	0
Section 66(4) – Informal Discipline	1
Section 59(1) – OIPRD No Jurisdiction	1
Section 156 & 158(1)(d)(ii) CSPA – Not in Public Interest	6
Action Taken – Formal Discipline	1
<b>Total Resolved</b>	<b>85</b>
<b>Ongoing</b>	<b>22</b>
<b>Total</b>	<b>107</b>

# Public Complaint Dispositions

January to June 2024

Disposition	Service/ Policy	Police Procedure	Physical Assault	Verbal Abuse	Misuse of Authority	Interaction with Public	Human Rights	Performance of Duties
Unsubstantiated s.66(2)	0	2	1	0	0	0	0	0
Not dealt with: Frivolous Other Act or Law Not in Public Interest s.60(4)	0	33	3	2	7	0	0	0
Not dealt with – Over 6 months s. 60(2)	0	1	0	0	0	0	0	0
Withdrawn s.74(1)	5	6	0	2	0	0	0	0
Informal Resolution s.93(1)	0	7	1	0	1	0	0	0
Directed by OIPRD s.72(1) Not Accepted	0	0	0	0	0	0	0	0
Policy/Service s.61(2)	0	0	0	0	0	0	0	0
OIPRD – Cannot Proceed s.59(1)	0	6	0	0	1	0	0	0
Informal Discipline	0	1	0	0	0	0	0	0
<b>5 Discrimination – Human Rights Code - CSPA</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>8 Unlawful Detention - CSPA</b>	0	0	0	0	0	1	0	0
<b>10 Conduct undermines public trust - CSPA</b>	0	0	0	0	0	3	0	0
<b>11 Unnecessary Force - CSPA</b>	0	0	0	0	0	1	0	0
<b>19 Neglects to do duty - CSPA</b>	0	0	0	0	0	0	0	1
<b>Resolved</b>	<b>5</b>	<b>56</b>	<b>5</b>	<b>4</b>	<b>9</b>	<b>5</b>	<b>0</b>	<b>1</b>
<b>Outstanding</b>	<b>2</b>	<b>10</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>0</b>