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**PEEL POLICE SERVICES BOARD**

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LOG No. 199

FILE CLASS CO4 Police Services Board

**REPORT**  
Police Services Board

For Information

File Class: 1-01-02-03

Cross-Reference File Class: 1-03-02-01

DATE: January 1, 2017

SUBJECT: **2016 YEAR END STATUS REPORT -  
 PUBLIC COMPLAINTS INVESTIGATION BUREAU**

FROM: Chief of Police, Jennifer Evans

**RECOMMENDATION**

**It is recommended that this document be received as a 2016 year end (January to December) statistical summary status report for the Public Complaints Investigation Bureau.**

**REPORT HIGHLIGHTS**

- Statistics on the number of complaints filed against the Peel Regional Police including conduct and service complaints for 2016.
- A statistical analysis and comparison of these complaints compared to the year end of the previous year (2015).
- A summary of complaints which were concluded at the end of 2016.

**DISCUSSION**

The *Police Services Act of Ontario* governs all police services across the province. Section 80 of the Act defines police misconduct. Misconduct includes any violation of the code of conduct described in Ontario Regulation 268/10. The code of conduct categorizes misconduct as discreditable conduct, insubordination, neglect of duty, deceit, breach of confidence, corrupt practices, unlawful or unnecessary exercise of authority, damage to clothing or equipment and consuming drugs or alcohol in a manner prejudicial to duty.

Ontario Regulation 3/99 requires every Chief of Police to prepare an annual report for their Police Services Board reflecting information on public (external) complaints from the previous fiscal year. This report is intended to address the annual reporting requirement.

This report is also provided in accordance with Section 31 of the Adequacy Standards Regulation which requires the Chief of Police to prepare a Police Services Board annual report

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report on the activities of the police service during the previous fiscal year. The regulations suggest that this report include;

- The number of complaints against the policies and service of the police service;
- The number of complaints against the conduct of police officers;
- The process by which complaints in a) and b) were dealt with;
- The final disposition of public complaints in a) and b), including action taken, if any; and
- A comparison of complaints in a) and b) with numbers from previous years.

The public complaint process in 2016 was governed under Part V of the *Police Services Act of Ontario* as enacted through Section 10 of Bill 103 in the fall of 2009. The administration of this process is governed by rules established by the Office of Independent Police Review Director (OIPRD). This makes 2016 the seventh full year for statistics in which the public complaint process has been governed by the OIPRD. Statistics for this year are categorized by categories of complaints as follows:

- Conduct of officers;
- Policies of the police service or;
- Services provided by the police service.

The OIPRD is a part of the Ontario Ministry of the Attorney General, whose responsibility is ensuring that public complaints in the province are dealt with fairly, efficiently and effectively. The OIPRD manages all public complaints determining whether the complaint will be investigated and by whom. When a police service is responsible for an investigation they must adhere to the rules and procedures set forth by the OIPRD and follow the reporting format prescribed by the OIPRD.

Section 60 of the *Police Services Act* provides the criteria under which the OIPRD may dismiss a complaint:

Section 60(2) The complaint is made more than six months after the facts on which it is based occurred.

Section 60(3) The complaint is frivolous, vexatious or made in bad faith;  
The complaint could be more appropriately dealt with, in whole or in part, under another Act or other law;  
Having regard to all the circumstances, dealing with the complaint would not be in a public interest.

Section 60(5) The complainant was not affected by the policy, service or conduct of an officer.

At the conclusion of an investigation, a final report is provided to the complainant detailing the investigation and the results. Possible investigative outcomes include;

- A conduct complaint may be "substantiated" and a determination of whether it is "serious" or "less serious" is then required to meet the requirements of the *Police Services Act*. There must be reasonable grounds to believe that misconduct has occurred and it must be more than mere suspicion of misconduct, and be based on factual evidence.

- Complaint may be deemed “unsubstantiated”, but can only be found unsubstantiated following a complete and thorough investigation that has determined that there is no misconduct or breach of the police code of conduct.

If the complainant does not agree with the outcome of an investigation, they may request a review of the decision to the OIPRD. Once the OIPRD has reviewed an investigation, the OIPRD decision is considered final.

The Chief of Police has designated the Public Complaints Investigation Bureau to investigate and facilitate the resolution of complaints, both internally generated complaints and complaints received from members of the public.

The Public Complaints Investigation Bureau plays an integral role in ensuring the Peel Regional Police service orientation, mission, vision and values are priority for its members.

## **ANALYSIS**

The Public Complaints Investigation Bureau received a total of 107 complaints from the Office of the Independent Police Review Director (OIPRD) in 2016. This represents a 57% increase from the 68 complaints received in 2015. Compared to a 5 year average of 93 complaints per calendar year, 2016 marked an increase of 15% over the 5 year average.

The OIPRD retained 15 complaints for investigation in 2016, compared to 7 in 2015. This calculated to a 114% increase from the previous year. There were 2 conduct complaint investigations which resulted in discipline compared to 0 in 2015.

There were 6 service complaints in 2016, compared to 2 in 2015.

There was a total of 90 “Administrative Files” sent to Peel Regional Police from OIPRD in 2016, compared to 86 in 2015. These are complaint files sent to the Peel Regional Police by the OIPRD that have been deemed by them as being frivolous, vexatious, made in bad faith, are more appropriately dealt with by another Act or law, or are past the legislative time limit to be investigated.

There were 15 “Local Resolutions” in 2016, compared to 24 in 2015. A Local Resolution is when a citizen chooses to go directly to the police service with a complaint and came to an agreement about how to resolve the complaint informally.

In 2013 Peel Regional Police was selected by the OIPRD to participate in a new mediation pilot project, Customer Service Resolution. The Customer Service Resolution program provides an opportunity for complainants and respondent officers to voluntarily resolve complaints before they are formally screened under the *Police Service Act*. In 2016 there were a total of 11 Customer Service Resolution agreements compared to 14 matters in 2015.

The Ontario Civilian Police Commission (formally OCCPS) did not forward any complaints to be investigated in 2016.

Finally, as of December 31<sup>st</sup>, 2016, the Public Complaints Investigation Bureau had a total of 19 active investigations and 10 complaints being investigated by the Office of the Independent Police Review Director.

**Approved for Submission:**

*for*   
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Jennifer Evans  
Chief of Police

*For further information regarding this report, please contact Inspector Rob Higgs at extension 6080 or via email at [robert.higgs@peelpolice.ca](mailto:robert.higgs@peelpolice.ca)*

*Authored by: Detective Sergeant Gord Wong #1909*

APPENDIX I

Public Complaints Bureau “Total Number of Public Complaints”

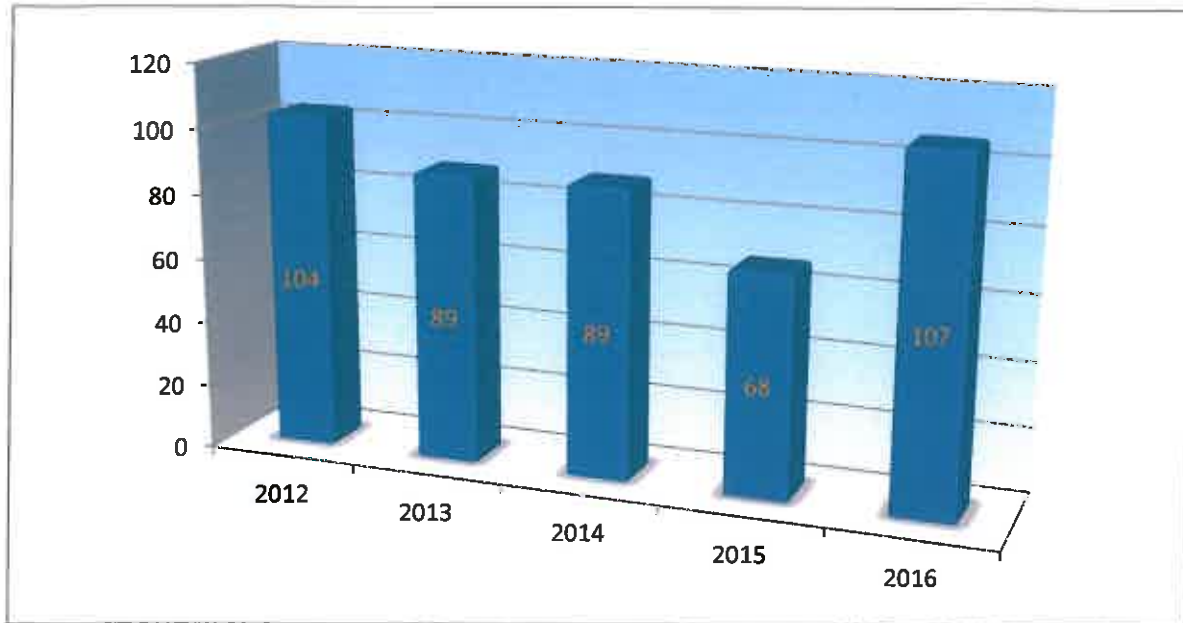
APPENDIX II

Public Complaints Investigation Bureau “Allegations”

APPENDIX III

Public Complaints Investigation Bureau “Dispositions”

### Total Number of Public Complaints



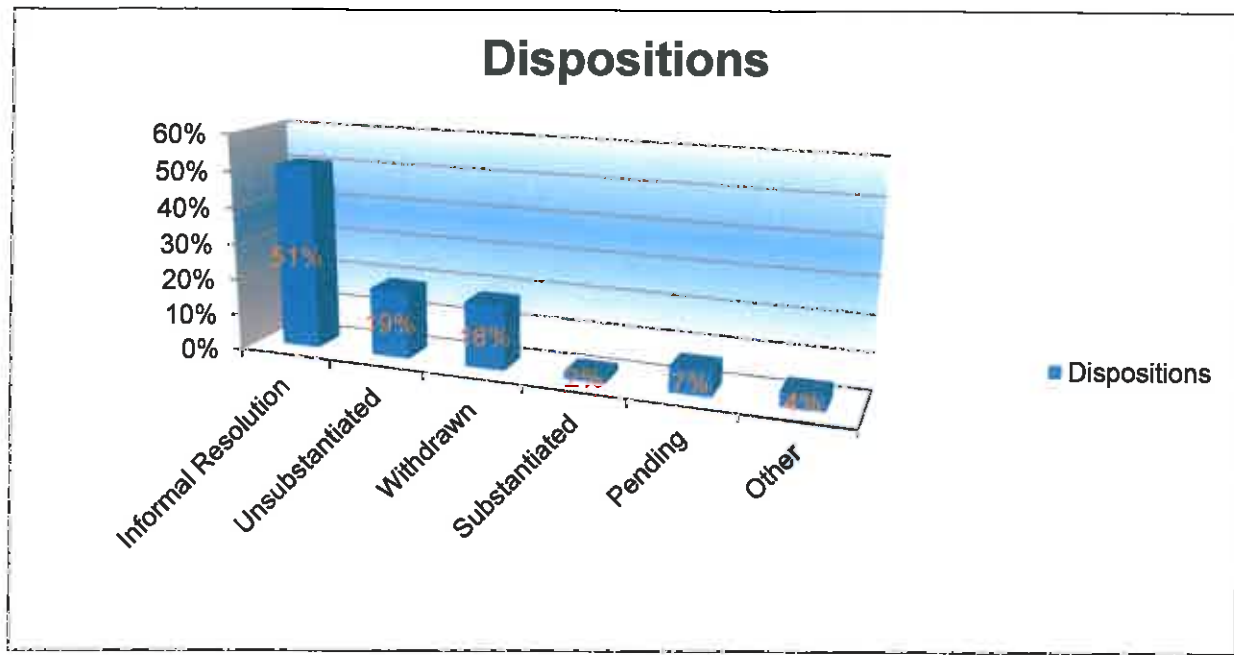
Year	Total Complaints	Growth % +/-
2012	104	N/A
2013	89	-14 %
2014	89	0 %
2015	68	-23 %
2016	107	57%

The number of complaints decreased by 14% from 2012 to 2013.

The number of complaints remained the same from 2013 to 2014.

The number of complaints decreased by 23% from 2014 to 2015.

The number of complaints increased by 57% from 2015 to 2016.



Disposition	2012	2013	2014	2015	2016	5 Year Total	% of Total
Informal Resolutions	51	37	57	39	44	228	51
Unsubstantiated	20	19	15	14	16	84	19
Withdrawn	22	17	8	14	22	82	18
Substantiated*	3	3	0	0	2	8	2
Pending	0	9	9	12	0	36	7
Other	8	4	0	4	2	18	4
Total	104	89	89	83	86	451	

#### 5 Year Trend

88% OF Public Complaints from 2012 to 2016 were; Informal Resolutions, Unsubstantiated, or Withdrawn. Only 2% were substantiated.

The "Other" category includes; Frivolous, Abandoned, Loss of Jurisdiction, and Past Time Limit.

\* Substantiated matters are addressed via discipline.