

04-08-22



REPORT  
Police Services Board

For Information

File Class: 1-01-02-01

Cross-Reference File Class: \_\_\_\_\_

---

DATE: June 9, 2022  
SUBJECT: **2021 Corporate Risk Management Annual Public Report**  
FROM: Chief of Police, Nishan Duraiappah

---

**RECOMMENDATION**

**It is recommended that this document be received as the 2021 Corporate Risk Management Annual Public Report.**

**REPORT HIGHLIGHTS**

- Civil Actions Initiated Against the Police;
- Investigative Support Bureau;
- Police Service Act Discipline Offenses;
- Public Complaints.

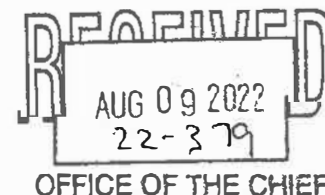
The purpose of this report not only provides transparency for the public, as well as satisfies annual legislated reporting to the Police Services Board. This report contains data as it relates to risk management within the Professional Standards Bureau.

**CIVIL ACTIONS INITIATED AGAINST THE POLICE**

**Administrative Processing Of Civil Actions**

Statements of Claim are managed by the Civil Litigation Bureau working under the umbrella of Legal Services.

When a civil action is served upon the Peel Regional Police, it is forwarded to General Counsel in Legal Services who assigns it to the Civil Litigation Bureau. The Civil Litigation Bureau sends a copy of the action immediately to the Region of Peel, Corporate Finance Division, Loss Management section.



The Civil Litigation Bureau opens and maintains a case file specific to each civil action and these claims are divided into two categories for statistical purposes: Civil Claims and Fleet Claims. The pertinent information is gathered and forwarded to the assigned counsel as the circumstances dictate. The Civil Litigation Bureau assists both the Claims Analyst at the Region of Peel and legal counsel in managing the claim throughout the duration of the case, which can include conducting follow-up investigation as well as ensuring officers are available for consultation with legal counsel and to testify in civil court when necessary.

### **Civil Claims – Statistics**

The number of civil *Statements of Claim received* over the past five years has remained steady with an average of 20 claims per year. In 2021, the number of *Statement of Claims received* decreased significantly compared to the previous year, and the number of *outstanding claims* at year-end increased compared to the previous year. This is likely due to a backlog in the administration of court matters resulting from the COVID-19 pandemic.

<b>Civil Claims</b>					
	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>
<b>Civil Actions Received</b>	12	28	16	29	15
<b>Outstanding Civil Actions Year-end</b>	85	83	71	77	80
<b>Total Value Outstanding Claims Year End</b>	\$1,489,554,502.00	\$2,285,455,781.16	\$632,665,279.16	\$590,288,628.16	\$404,677,568.16
<b>Resolved Cases</b>	10	16	22	32	20
<b>Total Damages Paid</b>	\$954,000.00	\$1,702,500.00	\$151,429.30	\$233,500.00	\$167,700.00

(Table 1)

12 new civil actions were initiated against Peel Regional Police in 2021 and are listed in *Table 1* of this report.

As of December 31<sup>st</sup>, 2021, there were 85 civil actions outstanding from the years 2012 through 2021. The total face value of these outstanding actions (as claimed by the plaintiffs) is \$1,489,554,502.00 and reflected in *Table 1*.

In 2021, the number of civil matters "*resolved*" decreased significantly from the previous four years. The "*total damages paid*" were slightly lower than the previous year but significantly higher than the previous three years. This was the result of two significant negotiated settlements; one in 2020 and one from 2021.

There were 10 civil actions resolved in 2021 with "*Total Damages Paid*" by Peel Regional Police in the amount of \$954,000.00. Four of these claims were resolved as a result of settlements. One claim in particular was settled for a significant amount of damages and accounted for the majority of the total damages paid. There was a small contribution to the settlement by a third party defendant. The remaining six claims that were resolved were discontinued and / or dismissed (*Refer to Table 2*).

Resolved Civil Claims		
File Name	Damages Paid by PRP	Damages Paid by Third Party
2015CL-019	10,000.00	
2018CL-015	165,000.00	
2014CL-032	769,000.00	2,378.94
2016CL-011	10,000.00	
<b>Total:</b>	<b>\$954,000.00</b>	<b>\$2,378.94</b>
File Name	Disposition	
2014CL-030	Discontinued	
2020CL-021	Discontinued	
2020CL-019	Discontinued	
C06-01	Dismissed	
2020CL-024	Dismissed	
2019CL-005	Dismissed	

(Table 2)

**Fleet Claims - 2021**

The number of Fleet claims received in 2021 increased significantly from the last two years however has been increased only slightly when comparing the average numbers over the five-year period. The amount of "total damages paid" increased from last year and is significantly higher over the five-year period.

There were eight new fleet claims initiated against the Peel Regional Police in 2021. As of December 31<sup>st</sup>, 2021 there were 19 fleet claims outstanding from the years 2017 through 2021. The total face value of these outstanding actions (the total value as claimed by the plaintiffs) is \$32,710,000.00. (Refer to Table 3)

Fleet Claims					
	2021	2020	2019	2018	2017
Fleet Claims Received	8	3	2	7	6
Outstanding Fleet Actions Year-end	19	15	19	23	24
Total Value Outstanding Claims Year End	\$32,710,000.00	\$24,115,000.00	\$34,315,000.00	\$37,280,000.00	\$39,230,000.00
Resolved Cases	4	7	6	8	6
Total Damages Paid	\$950,000.00	\$735,500.00	\$696,566.66	\$281,000.00	\$113,000.00

(Table 3)

In 2021, four fleet claims were resolved with "Total Damages Paid" by Peel Regional Police in the amount of \$950,000.00. This is a significant increase in the amount paid compared to the previous five years, with the exception of the last two years. This is primarily due to one matter which was settled for a large amount. (Refer to table 4)

Resolved Fleet Claims		
File Name	Damages Paid by PRP	Damages Paid by Other
2016CL-025	10,000.00	
2018CL-018	10,000.00	
2013CL-001	60,000.00	
2014CL-013	870,000.00	
<b>Total:</b>	<b>\$950,000.00</b>	<b>\$0.00</b>

(Table 4)

#### **Notice of Intent (Non Claims) – 2021**

In 2021, there was a significant increase in the number of Notice of Intents received which stemmed from high profile and complex police investigations. As such, many of these Notices were assigned to outside Counsel at the early onset to manage and defend. Therefore, there were no Notice of Intent files reported settled or closed in 2021 by the Claim Analyst at the Region of Peel. (Refer to Table 5)

Notice of Intent (Non Claims)	
File Name	Disposition or Settlement Paid
None	\$0.00

(Table 5)

#### **Costs of Defending Claims**

The costs of defending the Statements of Claim against Peel Regional Police in 2021, as reported by the Region of Peel, Corporate Finance Division, Loss Management section are as follows:

Costs of Defence					
Type	2021	2020	2019	2018	2017
Civil Litigation Files	\$453,685.71	\$425,783.46	\$494,686.52	\$573,134.09	\$715,258.19
Fleet Files	\$139,104.72	\$165,429.24	\$182,967.23	\$202,026.32	\$277,283.82
<b>TOTAL</b>	<b>\$592,790.43</b>	<b>\$591,212.70</b>	<b>\$677,653.75</b>	<b>\$775,160.41</b>	<b>\$992,542.01</b>

(Table 6)

*The data in Table 6 is exclusive of any negotiated settlement payments or payments made by Order of the Court. Region of Peel Corporate Finance Division, Loss Management section only began reporting on the Costs of Defence in 2010.*

### **Conclusion**

In 2021, there were a total of 20 new Statement of Claims filed against Peel Regional Police. At year end, 104 files were outstanding.

The “*total amount claimed*” outstanding at the end of the year, for all files, was \$1,522,264,502.00.

The “*total damages paid*” by Peel Regional Police, for the combined claims in 2021, was \$1,904,000.00.

The “*total cost of defending*” both Civil and Fleet claims for 2021 was \$592,790.43.

### **INVESTIGATIVE SUPPORT BUREAU**

The Special Investigations Unit is a civilian law enforcement agency that investigates incidents involving police officers where there has been death, serious injury or allegations of sexual assault. The Unit’s jurisdiction covers more than 50 municipal, regional and provincial police services across Ontario.

Under the *Police Services Act*, the Director of the SIU must determine based on the evidence gathered in an investigation whether an officer has committed a criminal offence in connection with the incident under investigation. If, after an investigation, there are reasonable grounds to believe that an offence was committed, the Director has the authority to lay a criminal charge against the officer. Alternatively, in all cases where no reasonable grounds exist, the Director does not lay criminal charges but files a report with the Attorney General communicating the results of an investigation.

The Investigative Support Bureau shall:

- (a) be designated as the policy centre for S.I.U. matters in order to maximize efficiency and consistency of operation;
- (b) conduct the administrative investigation for the purpose of reviewing procedures, processes and practices of P.R.P. in relation to all incidents under investigation by the S.I.U.; and,
- (c) direct the investigation into the criminal conduct of any person injured in the Occurrence, who forms the basis of the S.I.U. investigation.

The following statistics relate to incidents involving members of Peel Regional Police in which the Special Investigations Unit became involved. These statistics are shown in comparison with those captured at year-end in 2020 and 2019.

<b>Investigations</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
S.I.U. Investigations	32	28	36
Subject Official Designations	34	32	34
Witness Official Designations	92	119	71
<b>Total Legal Expenses</b>	<b>\$202,767.63</b>	<b>\$201,225.50</b>	<b>\$100,331.55</b>
<b>Disposition of Cases</b>			
Case closed: No further action	36	20	17
Cases involving other police services	1	1	0
Investigations terminated	6	4	11
Cases where charges laid	1	2	2
Investigations ongoing	8	22	19

## **CONCLUSION**

The Special Investigations Unit became involved in a total of 32 Peel Regional Police incidents in 2021. The S.I.U. closed 36 investigations indicating that there would be "No Further Action" as the officers were cleared of any criminal liability. They terminated six investigations based on evidence showing that the injuries were not as serious as first believed, or that the Peel Regional Police member was not directly involved.

Eight investigations are currently ongoing. There was one incident where a member of the Peel Regional Police was designated as a witness official for an incident involving an officer employed by another Police Service.

A total of 126 officers were designated in 2021: 34 as subject officials and 92 as witness officials. Legal representation was requested by and provided for the designated officials.

The total legal expenses incurred to date are \$202,767.63

## **POLICE SERVICE ACT DISCIPLINE OFFENCES**

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.

A total of 16 *Police Services Act* investigations were resolved during the course of 2021. The following is the disposition of these matters:

1. **Summary of Offence:** Count 1 – Officer found guilty of a criminal offence that is an offence punishable upon summary conviction, namely Careless Driving. Officer was then found guilty of Discreditable Conduct related to impaired driving.

**Disposition:** A reduction in rank from 1<sup>st</sup> (First) Class Constable to 2<sup>nd</sup> Class Constable for a period of nine months, following which the officer will be returned to the rank of 1<sup>st</sup> Class Constable on the basis of satisfactory work performance to be determined by the officer's Divisional Commander.

2. **Summary Offence:** Count 1 & 2 – Officer found guilty of two counts of Discreditable Conduct. Officer made inappropriate actions during the recruiting process.

**Disposition:** Forfeiture of 15, eight hour days to be served (worked) at the discretion of the Unit Commander, and; ordered to participate in a program of reflection.

3. **Summary of Offence:** Count 1 – Officer found guilty of Discreditable Conduct. Officer made inappropriate actions during an arrest. Count 2: Officer found guilty of Unlawful or Unnecessary Exercise of Authority. Officer made an unlawful arrest.

**Disposition:** A forfeiture of 20, eight hour days to be served (worked) at the discretion of the Unit Commander. Complete the Ontario Anger Management 16 hour on-line program. Enrollment verification letter and certificate of completion to be provided to Inspector Niles of the Learning and Development Bureau within 60 days of the decision.

4. **Summary of offence:** Count 1 – Officer found guilty of Discreditable Conduct regarding an act of fraud. Count 2: Officer found guilty of Neglect of Duty regarding a fraud report

**Disposition:** A reduction from 1<sup>st</sup> Class Constable to 2<sup>nd</sup> Class Constable for a period of 16 months, after which, contingent of satisfactory performance and the approval of his Divisional Commander, he will be returned to 1<sup>st</sup> Class Constable.

5. **Summary of Offence:** Count 1-3 – Officer was found guilty of three counts of Discreditable Conduct regarding inappropriate behaviour.

**Disposition:** A reduction from 1<sup>st</sup> Class Constable to 2<sup>nd</sup> Class Constable for a period of three months, following which the officer will be returned to the rank of 1<sup>st</sup> Class Constable on the basis of satisfactory performance to be determined by the officer's Divisional Commander.

6. **Summary of Offence:** Count 1 – Officer was found guilty of Discreditable Conduct regarding the sexual conduct while on duty.

**Disposition:** A reduction of rank from Detective to 1<sup>st</sup> Class Constable for a period of 16 months following which the officer will be returned to the rank of Detective on the basis of satisfactory work performance to be determined by the officer's Divisional Commander.

7. **Summary of Offence:** Count 1 – Officer found guilty of two counts of Discreditable Conduct. Officer made false medical benefit claims.

**Disposition:** Resign within seven days, or face termination from employment with Peel Regional Police Services effective this day forward. Decision upheld by Tribunals Ontario. Termination effective April 29, 2021.

8. **Summary of Offence:** Count 1 – Officer found guilty of unlawfully in dwelling. Officer was then found guilty of Discreditable Conduct

**Disposition:** Reduction of rank from 1<sup>st</sup> Class Constable to 2<sup>nd</sup> Class Constable for a period of eight months following which the officer will be returned to the rank of 1<sup>st</sup> Class Constable on the basis of satisfactory work performance to be determined by the officer's Divisional Commander. Constable shall successfully complete the Partner Assault Response program, continue with any regularly scheduled follow-ups with health practitioners, and cooperate with both Organization Wellness and/or Disabilities Management on any recommended treatment or counselling determined to be advisable, if any.

9. **Summary of Offence:** Count 1 – Officer found guilty of Discreditable Conduct. Officer arranged for a citizen's vehicle to be damaged and towed.

**Disposition:** Forfeiture of 10, eight hour days to be served (worked) at the discretion of the Divisional Commander.

10. **Summary of Offence:** Count 1 – Officer found guilty of impaired driving. Officer was then found guilty of Discreditable Conduct.

**Disposition:** A reduction of rank from 1<sup>st</sup> Class Constable to 2<sup>nd</sup> Class Constable for a period of 10 months following which the officer will be returned to the rank of 1<sup>st</sup> Class Constable on the basis of satisfactory work performance to be determined by the officer's Divisional Commander.

11. **Summary of Offence:** Count 1 – Officer was found guilty of Neglect of Duty. Count 2 – Officer was found guilty of Discreditable Conduct. Officer was observed breaking into a school in Toronto while on duty.

**Disposition:** A demotion in rank from 1<sup>st</sup> Class Constable to 2<sup>nd</sup> Class Constable for a period of six months, and upon a satisfactory performance appraisal of the officer shall be reclassified to a 1<sup>st</sup> Class Constable.

12. **Summary of Offence:** Count 1 – Officer found guilty of impaired driving. Officer was then found guilty of Discreditable Conduct.

**Disposition:** A reduction of rank from 1<sup>st</sup> Class Constable to 2<sup>nd</sup> Class Constable for a period of nine months following which the officer will be returned to the rank of 1<sup>st</sup> Class Constable on the basis of satisfactory work performance to be determined by the officer's Divisional Commander.

13. **Summary of Offence:** Count 1 – Officer found guilty of impaired driving. Officer was then found guilty of Discreditable Conduct.

**Disposition:** A reduction of rank from Detective to 1<sup>st</sup> Class Constable for a period of nine months following which the officer will be returned to the rank of Detective.

14. **Summary of Offence:** Count 1 – Officer found guilty of Discreditable Conduct for Sunlife fraud.



**Disposition:** Reduction of rank from 1<sup>st</sup> Class Constable to 2<sup>nd</sup> Class Constable for a period of 24 months following which the officer will be returned to the rank of 1<sup>st</sup> Class Constable on the basis of satisfactory work performance to be determined by the officer's Divisional Commander.

15. **Summary of Offence:** Count 1 – Officer found guilty of Discreditable Conduct for attempting to assist loss prevention officer with gaining employment.

**Disposition:** Forfeiture of five, eight hour days to be served (worked) at the discretion of the Divisional Commander.

16. **Summary of Offence:** Count 1 – Officer found guilty of Discreditable Conduct regarding inappropriate conduct while at a youth baseball tournament. Counts 2-6 – Officer was found guilty of six counts of Neglect of Duty for theft of narcotics and currency while assigned to the Robbery unit.

**Disposition:** A reduction of rank from Sergeant to 1<sup>st</sup> Class Constable for a period of 24 months following which, on the basis of satisfactory work performance to be determined by the officer's Divisional Commander, the officer will be reinstated to the rank of Sergeant.

## Findings

The following Police Service Act investigation statistics provide an annual comparison.

2021	2020	2019	2018	2017
16	7	5	8	10
9.2 average				

## PUBLIC COMPLAINTS

### Discussion

The public complaint process in 2021 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 2021 the twelfth full year for statistics in which the public complaint process has been governed by the OIPRD. Statistics for this year's complaints are categorized as follows:

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

## **Analysis**

The Public Complaints Investigation Bureau received 103 conduct complaints from the Office of the Independent Police Review Director (OIPRD) in 2021. This represents a 7.20 % decrease from the 111 complaints received in 2020. Compared to a five-year average of 99.8 per calendar year, 2021 marked an increase of 3.2% over the previous five-year average.

The OIPRD retained one complaint for investigation in 2021, compared to one in 2020. This calculated to a 0% increase from the previous year. The OIPRD assigned zero investigations to an external police service to investigate compared to one in 2020.

There were three conduct complaint investigations that resulted in discipline in 2021, compared to two in 2020.

There were four service complaints in 2021, compared to three in 2020. There were zero policy complaints in 2020, compared to zero in 2020.

There was 180 Administrative Files sent to Peel Regional Police from OIPRD in 2021, compared to 158 in 2020. 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; more appropriately dealt with by another Act or law; past the legislative time limit to be investigated; not in the public interest to proceed.

There were six Local Resolutions in 2021, compared to thirteen in 2020. A Local Resolution is when a citizen chooses to go directly to the police service with a complaint and has come 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 (CSR). The CSR program provides an opportunity for complainants and respondent officers to voluntarily resolve complaints before they are formally screened under the *Police Service Act*. In 2021, there were sixteen CSR agreements assigned compared to eight in 2020.

In 2017, the OIPRD introduced another new pilot project called the Enhanced Mediation Program (EMP). This program identifies complaints that can be screened in for investigation however prior to the investigative process, the OIPRD deems them suitable for participation in informal resolution via mediation. If all parties agree, a third party mediation service facilitates the informal resolution process. However, should one of the parties not agree to informally resolve the complaint, the complaint is re-screened and assigned for investigation.

There were zero EMP complaints assigned for informal resolution in 2021 compared to zero in 2020.

The Ontario Civilian Police Commission (formally OCCPS) did not forward any complaints for investigation in 2021.

Finally, as of December 31, 2021, the Public Complaints Investigation Bureau had 34 open/ongoing investigations, and there were four open/ongoing investigations that were previously retained by the Office of the Independent Police Review Director.

Active/Open Investigations	2021	2020	2019	2018	2017
	34	34	37	38	38

### **Dispositions of Completed Investigations – Five Year Trend**

72% of 2021 Public Complaints were; Informal Resolutions, Unsubstantiated, or Withdrawn. The "Other" category includes; Frivolous, Abandoned, Loss of Jurisdiction, and Past Time Limit.

Disposition	2021	2020	2019	2018	2017
Informal Resolutions	52	39	46	38	45
Unsubstantiated	20	39	23	30	14
Withdrawn	26	33	24	24	31
Other	7	5	4	3	2
Substantiated	3	2	0	0	5
<b>Total</b>	<b>108</b>	<b>118</b>	<b>97</b>	<b>95</b>	<b>97</b>

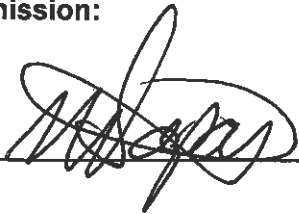
*Note: Five files from 2020 were closed in 2021, this accounts for the discrepancy between 108 and 103.*

New Conduct complaints received	2021	2020	2019	2018	2017
	103	111	95	86	104

### **Conclusion**

Peel Regional Police are transparent in the reporting of matters investigated by the Professional Standards Bureau. Incidents are thoroughly investigated and appropriate action is taken to mitigate further risk to the organization.

**Approved for Submission:**



---

Chief of Police  
Nishan Duraiappah

*For further information regarding this report, please contact Superintendent Marty Ottaway at extension 4004 or via e-mail at 1872@peelpolice.ca.*

Authored By: *Inspector Bill Ford #1677.*