



REPORT Police Services Board

For Information

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DATE: April 11, 2023
SUBJECT: **2022 Corporate Risk Management Annual Public Report**
FROM: Chief of Police, Nishan Duraiappah

RECOMMENDATION

It is recommended that this document be received as the 2022 Corporate Risk Management Annual Public Report.

REPORT HIGHLIGHTS

- 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.

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 2021 and 2020.

Investigations	2022	2021	2020
S.I.U. Investigations	26	32	28
Subject Official Designations	21	34	32
Witness Official Designations	43	92	119
Total Legal Expenses	\$90,962.72	\$202,767.63	\$201,225.50
Disposition of Cases			
Case closed: No further action	19	36	20
Cases involving other police services	2	1	1
Investigations terminated	9	6	4
Cases where charges laid	1	1	2
Investigations ongoing	7	8	22

CONCLUSION

The Special Investigations Unit became involved in a total of 26 Peel Regional Police incidents in 2022. The S.I.U. closed 19 investigations indicating that there would be “No Further Action” as the officers were cleared of any criminal liability. They terminated nine 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.

Seven investigations are currently ongoing. There were two incidents where members of the Peel Regional Police, Investigative Support Bureau were required to liaise with the Special Investigations Unit for incidents that involved members from other police services in our region. However no Peel Regional Police members were designated as ‘Witness Officials’ in these cases.

A total of 64 officers were designated in 2022: 21 as subject officials and 43 as witness officials. Legal representation was requested by and provided for the designated officials.

The total legal expenses incurred to date are \$90,962.72.

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 seven *Police Services Act* investigations were resolved during the course of 2022. The following is the disposition of these matters:

1. **Summary of Offence:** Count 1 – Officer alleged to have committed an assault on a citizen while under their custody while being treated at Brampton Civic Hospital. The officer was found guilty of Discreditable Conduct.

Disposition: Forfeiture of 10, eight hour days to be served (worked) at the discretion of the Divisional Commander and completion of PRP approved Training in Advanced Mental Health De-escalation.

2. **Summary of Offence:** Count 1 – SIU provided video depicting officers unlawfully assaulting and tasing a male during an arrest. The officer was found guilty of Discreditable Conduct.

Disposition: A reduction from 1st Class Constable to 2nd Class Constable for a period of six months, after 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 1st Class Constable.

3. **Summary of Offence:** Count 1 – Officer left a backpack with concerning survival items, including three loaded magazines, in the trunk of a cruiser. The officer was found guilty of Discreditable Conduct.

Disposition: A reduction of rank from 1st Class Constable to 2nd Class Constable for a period of three months, following which the officer will be returned to the rank of 1st Class Constable on the basis of satisfactory work performance to be determined by the officer's Divisional Commander. Perform any mandatory training as ordered by the Peel Regional Police.

4. **Summary of Offence:** Count 1 – Officer found guilty of Discreditable Conduct regarding allegations of unlawful/unnecessary exercise of authority.

Disposition: Forfeiture of 12, eight hour days, to be served (worked) at the discretion of the Divisional Commander. Constable is also ordered to complete a Peel Regional Police Service approved training course on conducting searches.

5. **Summary of Offence:** Count 1 – Officer was found guilty of Discreditable Conduct regarding a CPIC breach.

Disposition: Forfeiture of three, eight hour days to be served (worked) at the discretion on the Unit Commander.

6. **Summary of Offence:** Count 1 – Officer found guilty of a criminal offence for operating a motor vehicle with excess blood alcohol. Officer was then found guilty of Discreditable Conduct related to impaired driving.

Disposition: A reduction of rank from 1st Class Constable to 2nd Class Constable for a period of 18 months following which the officer will be returned to the rank of 1st Class Constable on the basis of satisfactory work performance to be determined by the officer's Divisional/Unit Commander.

7. **Summary of Offence:** Count 1 – Officer found guilty of a criminal offence for operating a motor vehicle with excess blood alcohol. Officer was then found guilty of Discreditable Conduct related to impaired driving.

Disposition: A reduction of rank from 1st Class Constable to 2nd Class Constable for a period of 18 months following which the officer will be returned to the rank of 1st Class Constable on the basis of satisfactory work performance to be determined by the officer's Divisional/Unit Commander.

Findings

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

2022	2021	2020	2019	2018
7	16	7	5	8
8.6 avg.				

PUBLIC COMPLAINTS

Discussion

The public complaint process in 2022 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 2022 the 13th 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 97 conduct complaints from the Office of the Independent Police Review Director (OIPRD) in 2022. This represents a 5.83% decrease from the 103 complaints received in 2021. Compared to a five-year average of 99.8 per calendar year, 2022 marked a decrease of 1.4% over the previous five-year average.

The OIPRD retained two complaints for investigation in 2022, compared to one in 2021. This calculated to a 100% increase from the previous year. The OIPRD assigned zero investigations in 2022 to an external police service to investigate compared to one in 2021.

There was one conduct complaint investigation that resulted in discipline in 2022, compared to three in 2021.

There were eight service/policy complaints in 2022, compared to four in 2021.

There were 133 Administrative Files sent to Peel Regional Police from OIPRD in 2022, compared to 180 in 2021. 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; or not in the public interest to proceed.

There were three Local Resolutions in 2022, compared to six in 2021. 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 is now referred to as the Early Resolution Program (ER). The ER program provides an opportunity for complainants and respondent officers to voluntarily resolve complaints before they are formally screened under the *Police Service Act*. In 2022, there were 2 ER agreements assigned compared to four in 2021.

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 2022 compared to zero in 2021.

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

Finally, as of December 31, 2022, the Public Complaints Investigation Bureau had 34 open/ongoing investigations, and there were two open/ongoing investigations that were previously retained by the Office of the Independent Police Review Director.

Active/Open Investigations	2022	2021	2020	2019	2018
	34	34	34	37	38

Dispositions of Completed Investigations – Five Year Trend

94% of 2022 Public Complaints were; Informal Resolutions, Unsubstantiated, or Withdrawn. The “Other” category includes; Frivolous, Abandoned, Loss of Jurisdiction, and Past Time Limit.

Disposition	2022	2021	2020	2019	2018
Informal Resolutions	32	52	39	46	38
Unsubstantiated	21	20	39	23	30
Withdrawn	44	26	33	24	24
Other	5	7	5	4	3
Substantiated	1	3	2	0	0
Total	103	108	118	97	95

Note: Six files from 2021 were closed in 2022, this accounts for the discrepancy between 103 and 97.

New Conduct complaints received	2022	2021	2020	2019	2018
	97	103	111	95	86

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:

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

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.

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