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POLICE SERVICES BOARD

DATE 14 Jan 15

J Evans  
CHIEF OF POLICE

REGIONAL MUNICIPALITY OF PEEL POLICE SERVICES BOARD

2015

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**REPORT**  
Police Services Board

For Information

File Class: 1-01-02-03

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

DATE: January 1, 2015

SUBJECT: **2014 YEAR END STATUS REPORT -  
PUBLIC COMPLAINTS INVESTIGATION BUREAU**

FROM: Jennifer Evans, Chief of Police

**RECOMMENDATION**

**It is recommended that this document be received as a 2014 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 2014.
- A statistical analysis and comparison of these complaints compared to the year end of the previous year (2014).
- A summary of complaints which were concluded at the end of 2014.

**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, an annual

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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 2014 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 2014 the fifth full year for statistics in which the public complaint process has been governed by the OIPRD. Statistics for this year are categorized by the following:

- 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.

## **DISCUSSION**

The Public Complaints Investigation Bureau received a total of 89 complaints from the Office of the Independent Police Review Director (OIPRD) in 2014. The number of complaints remained the same when compared to 89 complaints received in 2013.

The OIPRD retained 10 complaints for investigation in 2014, compared to 5 in 2013. This is an increase of 5. There was 1 conduct complaint in 2014, which resulted in discipline. The remainder were withdrawn by the complainant, resolved informally, or found to be unsubstantiated.

There were 3 service complaints in 2014, compared to 2 in 2013. This is an increase of 1. There was a total of 93 “Administrative Files” sent to Peel Regional Police from OIPRD in 2014, compared to 105 in 2013. This is a decrease of 12. 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 better dealt with by another Act or law, or are past the legislative time limit to be investigated.

There were 23 “Local Resolutions” in 2014, compared to 21 in 2013. This is an increase of 2. 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*. There were a total of 19 Customer Service Resolution matters for 2014 compared to 9 in 2013. This is an increase of 10.

The Ontario Civilian Police Commission (formally OCCPS) there were no complaints sent to be investigated.

Finally, as of December 31<sup>st</sup>, 2014, the Public Complaints Investigation Bureau had a total of 9 active investigations and 5 complaints being investigated by the Office of the Independent Police Review Director.

**Approved for Submission:**

  
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Jennifer Evans  
Chief of Police

*For further information regarding this report, please contact Inspector Donald Cousineau at extension 6080 or via email at [donald.consineau@peelpolice.ca](mailto:donald.consineau@peelpolice.ca)*

*Authored by: Detective Sergeant Scott Murray #1448*



***Public Complaints Investigation Bureau***

***Year End Report***

***01<sup>st</sup> January 2014 to 31<sup>st</sup> December 2014***

***Police Services Board***

**Peel Regional Police  
Professional Standards – Public Complaints Investigation Bureau  
2014 Year End Report**

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## ***Public Complaints Investigation***

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### ***Police Services Act Adjudication Summaries***

#### **Section 66(2) of the Police Services Act**

It was determined upon completion of the investigation that there was insufficient evidence to substantiate the complaint. The matter was adjudicated accordingly and pursuant to section 66(2) of the *Police Services Act*, no further action was taken.

#### **Section 68(2) of the Police Services Act**

At the conclusion of the investigation, the Independent Police Review Director is of the opinion that the complaint is unsubstantiated.

#### **Section 72(1) of the Police Services Act**

The Independent Police Review Director with respect to a complaint has: Directed the chief of police to deal with a complaint as the Independent Police Review Director specifies; Assigns the investigation of the complaint or hearing to the chief of police; Take over the investigation of the complaint; or Take or require to be taken by the chief of police any action with respect to the complaint.

#### **Section 74(1) of the Police Services Act**

After further discussion, the complainant requested that his/her complaint be withdrawn. Pursuant to section 74(1) of the *Police Services Act*, no further action was taken.

#### **Section 93(1) of the Police Services Act**

The officer(s) denied the allegation and subsequent investigation indicated (revealed) or [After further discussion with the complainant, it was determined that] an informal resolution would be the most appropriate course of action. Pursuant to section 93(1) of the *Police Services Act*, no further action was taken.

## **Outcomes of Public Complaint Investigations**

### **Unsubstantiated**

The complaint may be deemed unsubstantiated (there was not enough evidence to prove that misconduct occurred) – the complaint will then be considered closed, subject to a request for review to the OIPRD of a Chief's decision.

### **Substantiated**

The complaint may be substantiated (there was enough evidence to prove that misconduct occurred). A determination of whether a conduct complaint is “serious” or “less (not) serious is then required by the *Police Services Act of Ontario*.

### **Informal Resolution**

Informal Resolution is a way of resolving complaints that benefits both the complainant and the officer. The parties to the complaint may also agree on Informal Resolution after the completion of the investigation where the complaint was less serious in nature.

### **Local Resolutions**

Local Resolution involves the complaints that are not part of the public complaints system and were called Local Complaints. The complaint may be dealt with at the police station by an officer in authority who is designated by the Chief of Police. Local Resolution allows the police to solve, explain, clear up or settle a minor complaint directly with the complainant.

### **Abandoned Complaints**

When a complainant does not cooperate during the complaint process such as not responding to OIPRD or the investigators from the police service, a request may be made to abandon the complaint.

### **Withdrawal of a Complaint**

The complainant may choose to withdraw the complaint as long as it has not proceeded to a hearing.

### **Dismissed Complaints**

- **Frivolous**

A complaint that is frivolous may be a complaint that is trivial, lacks seriousness or is futile.

- **Vexatious**

A vexatious complaint may be one that is made out of anger or the desire to seek retribution. Vexatious complaints may lack a reasonable purpose or be made with the intention to harass or annoy, or may be repetitive or groundless.

- **Bad Faith**

A complaint is made in bad faith if there is clear evidence that the complaint was made for an improper purpose or with an ulterior motive. A 'bad faith' complaint may be one that is made with the intention of deceiving or misleading the OIPRD or police services.

## **APPENDIX I**

Public Complaints Investigation Bureau "Conduct and Service Complaints Status Report"



## PUBLIC COMPLAINTS INVESTIGATION BUREAU

### Conduct and Service Complaints Status Report

#### MONTHLY / YEAR END OVERVIEW

Dec. 2014

#### Conduct Complaints

Police Procedure

Criminal Code

Verbal Abuse (incivility)

Physical Assault

Misuse of Authority

PSA

Not Listed (other)

#### Total Complaints Received

#### Total Complaints Concluded

#### Local Resolutions

#### Service / Policy Complaints

Received

Concluded

#### Customer Service Resolutions

Received

Concluded

#### Classifications

Withdrawn

Informal Resolution

Unsubstantiated

Substantiated

Abandoned

Frivolous

Vexatious

Bad Faith

No Misconduct

Unfounded

Total

	2014 Month to Date	2013 Month to Date	2014 Year to Date	2013 Year to Date
Police Procedure	0	1	39	41
Criminal Code	0	0	2	3
Verbal Abuse (incivility)	1	4	26	27
Physical Assault	1	0	22	18
Misuse of Authority	0	0	0	0
PSA	0	0	0	0
Not Listed (other)	0	0	0	0
<b>Total Complaints Received</b>	<b>2</b>	<b>5</b>	<b>89</b>	<b>89</b>

<b>5</b>	<b>6</b>	<b>80</b>	<b>80</b>
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<b>0</b>	<b>3</b>	<b>23</b>	<b>21</b>
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<b>0</b>	<b>0</b>	<b>3</b>	<b>2</b>
<b>0</b>	<b>0</b>	<b>3</b>	<b>2</b>

<b>2</b>	<b>2</b>	<b>19</b>	<b>9</b>
<b>0</b>	<b>1</b>	<b>17</b>	<b>8</b>

<b>0</b>	<b>0</b>	<b>6</b>	<b>17</b>
<b>1</b>	<b>4</b>	<b>57</b>	<b>45</b>
<b>3</b>	<b>0</b>	<b>14</b>	<b>14</b>
<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>
<b>1</b>	<b>1</b>	<b>2</b>	<b>1</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>0</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>0</b>	<b>1</b>	<b>0</b>
<b>5</b>	<b>6</b>	<b>80</b>	<b>80</b>

#### Complaints Retained by OIPRD

<b>0</b>	<b>0</b>	<b>10</b>	<b>5</b>
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Note: OIPRD investigations incorporated into the "Total Complaints Received"

**APPENDIX II**

Public Complaints Investigation Bureau "Division / Service Status Report"



## PUBLIC COMPLAINTS INVESTIGATION BUREAU

### Division / Service Status Report

#### MONTHLY / YEAR END OVERVIEW - Dec. 2014

**Complaints Received: 2**

**Customer Service Resolutions Received: 2**

**Service / Policy Complaints Received: 0**

#### DIVISION / COMMAND

	2014	2013	2014	2013
	Month to Date	Month to Date	Year to Date	Year to Date
Field Operations				
11 Division	1	1	19	15
12 Division	0	1	16	13
21 Division	1	2	23	20
22 Division	0	1	15	23
Airport Division	0	0	2	5
Corporate Support Services	0	0	0	7
Corporate Operations	0	0	0	0
Operation Services	0	0	0	2
Operations Support Services	0	0	13	4
Executive Officer	0	0	0	0
Not Established	0	0	1	0
<b>TOTAL</b>	<b>2</b>	<b>5</b>	<b>89</b>	<b>89</b>

OIPRD Retained Investigations	0	0	10	5
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**Note: This information is incorporated into the statistics list above.**