



NIAGARA REGIONAL POLICE SERVICE

Police Services Board Report

PUBLIC AGENDA

Subject: Quarterly Report – Administration of the Public Complaints System
– January 1 to March 31, 2022

Report To: Chair and Members, Niagara Police Services Board

Report Date: 2022-04-13

Recommendation(s)

That the Niagara Police Services Board receives the report for information.

Key Facts

- The purpose of this report is to provide the Board with statistics that represent public complaints received for the periods of January 1, 2022, to March 31, 2022, (Q1), compared to Q1 of 2021.
- The public complaints process is administered by the Office of the Independent Police Review Director (OIPRD).
- Public complaints are received and reviewed by the OIPRD, and a determination is made regarding the complaint, including whether it is a Policy / Service Complaint or a conduct complaint and whether it is screened in for investigation, or screened out for a variety of reasons as determined by the OIPRD.
- Complaints can be retained for investigation by the OIPRD or referred to a Police Service for investigation.
- Public complaints that have been referred by the OIPRD to the Niagara Regional Police Service are investigated by the Professional Standards Unit.

Financial Considerations

There are no financial implications relating to the recommendation in this report.

Analysis

Policy / Service Complaints – January 1 to March 31, 2022 – Q1

New Complaints:

- There was a total of one policy / service complaint received in Q1, 2022, compared to three in Q1, 2021.

Open Complaints:

- There were no policy / service complaints open for investigation at the conclusion of Q1, 2022, compared to one open for investigation at the conclusion of Q1, 2021.

Concluded Complaints:

- There were two policy / service complaint investigations concluded in Q1, 2022. One concluded as action taken and one concluded as withdrawn. Comparatively, there were two policy / service complaint investigations concluded in Q1, 2021.

NR21-139 – A “Policy / Service” complaint was filed with the OIPRD with respect to Niagara Regional Police Service policies regarding the lack of use of video remote interpretation (VRI) to communicate with deaf citizens. The complainant further reported that Niagara Regional Police Service facilities are only equipped with intercom equipment for use outside of regular business hours, while the front entrances are locked. Members of the deaf community are not able to make use of an audio-only intercom system as they are unable to hear.

A Professional Standards Investigator reviewed the substance of the complaint with the complainant and conducted a thorough investigation of the issues identified.

The investigation identified no evidence that would suggest that officers failed to provide the complainant with appropriate police services. The assigned officers went to great lengths to assist the complainant in trying to resolve a civil dispute that the complainant believed was a criminal matter.

The investigation did confirm that the lack of video relay technology at the front entrances of Districts 1,3,5,6 and 8, may impede access to police services for members of the deaf community who attend at these facilities for assistance after regular business hours. The Investigator reviewed the Accessibility for Ontarians with Disabilities Act, and the Ontarians with Disabilities Act, and concluded that the Service must update existing telecommunications equipment on the exterior entrances of Districts 1,3,5,6 and 8, to be compliant with applicable legislation. These locations will require the installation of telecommunications equipment that is compatible for use with sign language interpretation services and affix placards adjacent to the equipment that provides instructions for members of the deaf/hard of hearing communities.

The investigative report and recommendations from this service complaint were forwarded to the complainant and to the Board on January 31, 2022.

Complaint Duration:

- It took an average of 44.5 days to conclude a policy / Service complaint investigation in Q1, 2022, compared to 22 days in Q1, 2021.
- During policy / Service complaint investigations, a time extension is requested from the OIPRD when an investigation is anticipated to take significantly longer than 60

days to complete. There were no time extensions requested in Q1, 2022, as well, there were no time extension requests in Q1, 2021.

Requests for Review:

- Requests for Review by complainants regarding the conclusion of policy / Service complaint investigations are made to the Police Services Board, as opposed to the OIPRD. There were no requests for review filed with respect to a policy / Service complaint investigation concluded in Q1, 2022. This compares to no Requests for Review in Q1, 2021.

Conduct Complaints – January 1 to March 31, 2022 – Q1

New Complaints:

- In Q1, 2022, there was a total of 33 conduct complaints received, compared to 36 received in Q1, 2021.

Open Complaints:

- There were 10 conduct complaint investigations open at the conclusion of Q1, 2022, compared to eight open for investigation at the conclusion of Q1, 2021.

Concluded Complaints:

- There were 36 conduct complaint investigations concluded in Q1, 2022 (including investigations from previous quarters) compared to 36 in Q1, 2021.

Complaint Duration:

- It took an average of 65 days to conclude a conduct complaint investigation in Q1, 2022, compared to 39 days in Q1, 2021.
- During conduct complaint investigations, a time extension is requested from the OIPRD when an investigation is anticipated to take significantly longer than 120 days to complete. There were no time extension requests in Q1, 2022, compared to no requests in Q1, 2021.

Complaints Screened Out:

- In Q1, 2022, three conduct complaints were classified by the OIPRD as frivolous, vexatious or made in bad faith and were screened out. This compares to zero complaints screened out in this manner in Q1, 2021.
- In Q1, 2022, zero conduct complaints were classified as being more than six months old and screened out. This compares to two screened out in this manner in Q1, 2021.
- In Q1, 2022, 17 conduct complaints were screened out by the OIPRD for a variety of other reasons, including no misconduct alleged in the complaint, referral to the applicable court to dispute a charge, or an investigation was deemed not to be in the public interest by the OIPRD. This compares to 16 complaints screened out in this manner during Q1, 2021.

Resolutions:

- In Q1, 2022, there were four recommendations for an early resolution by the OIPRD. In cases involving minor complaints, a Professional Standards Unit Investigator attempts to resolve the complaint prior to a formal investigation. If successful, the matter is concluded. If unsuccessful, the matter is returned to the OIPRD for re-screening. The matter may then be concluded by the OIPRD or assigned for investigation. This compares to three early resolutions in Q1, 2021.

Withdrawn Complaints:

- In Q1, 2022, four conduct complaints were withdrawn by a complainant. This usually involves a Professional Standards Unit Investigator meeting with a complainant at the commencement of a complaint investigation and providing answers to questions and explanations with respect to police procedures, officer safety concerns or charge processes and procedures that subsequently addressed the complainant's concerns. In Q1, 2021, conduct complaints were withdrawn on five occasions.

Unsubstantiated Complaints:

- In Q1, 2022, eight conduct complaint investigations were concluded as unsubstantiated compared to seven in Q1, 2021. These numbers can include case closures carried over from the previous quarter / year.

Requests for Review:

- In Q1, 2022, one complainant requested that the OIPRD conduct a review of the Professional Standards Inspector's decision regarding the conclusion of an investigation via the Request for Review process. This compares to two requests for review in Q1, 2021.
- In Q1, 2022, the OIPRD concluded one request for review that had been initiated in a previous quarter, resulting in the OIPRD confirming the decision of the Inspector. In Q1, 2021, the OIPRD concluded three reviews that had been initiated in previous quarters. There is currently one request for review pending with the OIPRD.

Informal Resolution:

- In Q1, 2022, one conduct complaint resulted in an informal resolution before the completion of an investigation, compared to three complaints in Q1, 2021.

NR21-147- A public complainant alleged that officers who dealt with him at a local bank could have been more understanding and professional with him due to his disabilities. The officers had responded to the bank in relation to the complainant's refusal to wear a mask or leave the property when requested by staff.

A Professional Standards Investigator discussed the substance of the complaint with the complainant. The complainant wanted it impressed upon the officers that they should not come to conclusions without knowing someone's medical background. The officers were spoken to and were provided with the complainant's perspective of their interactions. The officers were reminded of the importance of remaining professional

and empathetic during the course of their duties. The officers were receptive of the information and the complainant was satisfied with the informal resolution.

Less Serious Misconduct:

- In Q1, 2022, one conduct complaint was concluded as less serious misconduct following an investigation and resolved by way of informal resolution or disposition without a hearing. This compares to no complaints resolved in this manner in Q1, 2021.

NR21-71- Disposition Without Hearing - A public complainant contacted police to report concerns he had with how staff from his son's school were managing a medical condition that negligently put his son at risk. The complainant later filed a complaint to the OIPRD alleging that the initial responding officer and other investigators did not thoroughly investigate the matter. The complaint was investigated, and allegations of insubordination and neglect of duty were substantiated against the initial responding officer. The complaint was resolved as a disposition without hearing and the officer accepted responsibility, agreeing to a penalty of forfeiture of eight hours special bank and to completing CPKN Basic Investigation Skills training. The training was successfully completed on January 23, 2022, and this matter was concluded.

Serious Misconduct:

- In Q1, 2022, there were no conduct complaints substantiated as serious misconduct and referred to a *Police Services Act* Part V disciplinary hearing. This compares to no disciplinary hearing referrals in Q1, 2021.

Part V Disciplinary Hearing:

- In Q1, 2022, no conduct complaints were concluded after a *Police Services Act* Part V Disciplinary Hearing. This compares to zero disciplinary hearings concluded in this manner in Q1, 2021.

Alternatives Reviewed

Not applicable.

Relationship to Police Service/Board Strategic Priorities

Not applicable.

Relevant Policy Considerations

This report is submitted to provide the Board with the necessary and required information pursuant to By-Law 301-2010 - Administration of the Public Complaints System, and in compliance with Provincial Adequacy Standards Regulations.

Other Pertinent Reports

8.3.2022.02.24 – Quarterly Report – Administration of Public Complaints System – October 1 to December 31, 2021

This report was prepared by Inspector Luigi Greco, Professional Standards Unit, reviewed by Superintendent David Meade, Executive Services, and recommended by Bill Fordy, Deputy Chief, Support Services.



Submitted by:

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Chief of Police

Appendices

Not applicable.