



# REPORT

## Police Services Board

For Information

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DATE: March 28, 2024

SUBJECT: **2023 Corporate Risk Management Annual Public Report**

FROM: Chief of Police, Nishan Duraiappah

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### RECOMMENDATION

**It is recommended that this document be received as the 2023 Corporate Risk Management Annual Public Report.**

### REPORT HIGHLIGHTS

- Investigative Support Bureau;
- Police Service Act Discipline Offences;
- 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 2022 and 2021.

<b>Investigations</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>
S.I.U. Investigations	34	26	32
Subject Official Designations	36	21	34
Witness Official Designations	119 (6 other Services)	43	92
<b>Total Legal Expenses</b>	<b>\$266,237.70</b>	<b>\$90,962.72</b>	<b>\$202,767.63</b>
<b>Disposition of Cases</b>			
Case closed: No further action	20	19	36
Cases involving other police services	3	2	1
Investigations terminated	5	9	6
Cases where charges laid	1	1	2
Investigations ongoing	14	8	22

## **CONCLUSION**

The Special Investigations Unit became involved in a total of 34 Peel Regional Police incidents in 2023. The S.I.U. closed 20 investigations indicating that there would be “No Further Action” as the officers were cleared of any criminal liability. They terminated five 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.

There are currently 14 investigations ongoing. There were three incidents where members of the Peel Regional Police, Investigative Support Bureau were required to liaise with the Special Investigation Unit for incidents that involved members from other police services in our region. Six Peel Regional Police members were designated as ‘Witness Officials’ in two of the cases (three officers in each investigation); the third case did not require PRP officers to be designated.

A total of 155 officers were designated in 2023: 36 as subject officials and 119 as witness officials. Legal representation was requested by and provided for the designated officials.

The total legal expenses incurred to date are \$266,237.70.

## **POLICE SERVICES 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 11 *Police Services Act* investigations were resolved during the course of 2023. The following is the disposition of these matters:

1. **Summary of Offence:** Count 1-13 – Unauthorized CPIC queries and allegations of gang affiliation.

**Disposition:** Notice of Hearing #1 - Demotion to third-class constable for a period of two years, effective the date of the decision.

Notice of Hearing #2 – Dismissed within seven days unless they resign before that time.

2. **Summary of Offence:** Count 1-2 – Embarrassed a civilian by having them do physical exercise in lieu of a ticket.

**Disposition:** Reduction in rank from First Class Constable to Second Class Constable for a period of six months following which, the officer will be returned to the rank of First Class Constable. In addition the officer was to receive remedial training to be determined by the Divisional Commander.

3. **Summary of Offence:** Count 1 – Allegations of nine fraudulent member benefits claims made between March 2020 and December 2021.

**Disposition:** Reduction in rank from First Class Constable to Second Class Constable for a period of three months following which, the officer will be returned to the rank of First Class Constable on the basis of satisfactory work performance to be determined by the Divisional Commander.

4. **Summary of Offences:** Count 1 – SIU provided video depicting officers unlawfully assaulting and tasing a male during an arrest.

**Disposition:** The reduction in rank from First Class Constable to Second Class Constable for a period of 12 months, following which the officer will be returned to the rank of First Class Constable on the basis of satisfactory work performance to be determined by the Divisional Commander.

5. **Summary of Offence:** Count 1 – During interaction with the complainant and public, the officer was not wearing a mask and hugging protestors.

**Disposition:** Reduction in rank to First Class Constable for a period of 12 months, following which the officer will be returned to the rank of Sergeant on the basis of satisfactory work performance to be determined by the officer's Divisional Commander.

6. **Summary of Offence:** Count 1 – Allegations that the officer used excessive force on an impaired driver.

**Disposition:** A reduction in rank from First Class Constable to Second Class Constable for a period of six months, following which the officer will be returned to the rank of First Class Constable on the basis of satisfactory work performance to be determined by the Divisional Commander.

7. **Summary of Offence:** Count 1 - Concerns about the officer's involvement in an incident.

**Disposition:** A reduction in rank from First Class Constable to Second Class Constable for a period of six months, following which the officer will be returned to the rank of First Class Constable on the basis of satisfactory work performance to be determined by the officer's Divisional Commander.

8. **Summary of Offence:** Count 1 – Involved in a single car motor vehicle collision and arrested for impaired operation incident within the Region of Peel.

**Disposition:** A reduction in rank from Second Class Constable to Third Class Constable for a period of 18 months, following which the officer will be returned to the rank of Second Class Constable, on the basis of satisfactory work performance, to be determined by the Divisional Commander. Further, the officer shall only remain at the level of Second Class Constable for the same length of time as he had outstanding at that level on the date of demotion.

9. **Summary of Offence:** Count 1-11 – Allegation that the officer neglected to properly investigate historical intimate partner violence incidents.

**Disposition:** Reduction of rank from First Class Constable to Second Class Constable for a period of 18 months, following which the officer will be returned to the rank of First Class Constable, on the basis of satisfactory work performance, to be determined by the Divisional Commander.

10. **Summary of Offence:** Count 1 – Officer was charged with shoplifting at the Superstore while off duty.

**Disposition:** A reduction in rank from First Class Constable to Second Class Constable for a period of 18 months, following which the officer will be returned to the rank of First Class Constable on the basis of satisfactory work performance to be determined by the Divisional Commander.

11. **Summary of Offence:** Count 1 – Officer was arrested and charged with domestic assault.

**Disposition:** A reduction in rank from First Class Constable to Second Class Constable for a period of six months, following which the officer will be returned to the rank of First Class Constable on the basis of satisfactory work performance to be determined by the Divisional Commander.

## Findings

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

2023	2022	2021	2020	2019
11	7	16	7	5
9.2 avg.				

## PUBLIC COMPLAINTS BUREAU

### Discussion

The public complaint process in 2023 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 2023 the fourteenth 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 91 conduct complaints from the Office of the Independent Police Review Director (OIPRD) in 2023. This represents a 1.06% decrease from the 97 complaints received in 2022. Compared to a five-year average of 103.4 per calendar year, 2023 marked a decrease of 1.13% over the previous five-year average.

The OIPRD retained one complaint for investigation in 2023, compared to two in 2022. The OIPRD assigned one investigation in 2023 to an external police service to investigate compared to two in 2022.

There was one conduct complaint investigation that resulted in discipline in 2023, compared to one in 2022.

There were 23 service/policy complaints in 2023, compared to 8 in 2022.

There were 170 Administrative Files sent to Peel Regional Police from OIPRD in 2023, compared to 133 in 2022. 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 five Local Resolution Agreements in 2023, compared to three in 2022. A Local Resolution is when a citizen chooses to go directly to the police service with a complaint and comes to an agreement about how to resolve the complaint informally.

The Early Resolution Program is a way for complainants and respondent officers to voluntarily resolve complaints in a quick and effective manner that encourages open communication. The Early 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 2023, there were 23 Early Resolution agreements assigned compared to 19 in 2022.

Complaints	2023	2022	2021	2020	2019
Administration File	170	133	181	144	102
Public Complaint	91	97	103	111	94
Service/Policy Complaints	23	8	4	3	4
Local resolution	5	3	6	13	8
Early Resolution	23	19	16	8	21
External Complaint	1	2	4	0	4
<b>Total</b>	<b>313</b>	<b>262</b>	<b>314</b>	<b>279</b>	<b>233</b>

Finally, as of December 31, 2023, the Public Complaints Investigation Bureau had 33 open/ongoing investigations, and there were zero open/ongoing investigations that were previously retained by the Office of the Independent Police Review Director.

Active/Open Investigations	2023	2022	2021	2020	2019
	33	34	34	34	37

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

76.2% of 2023 Public Complaints were; Informal Resolutions, Unsubstantiated, or Withdrawn. The “Other” category includes; Frivolous, Abandoned, Loss of Jurisdiction, and Past Time Limit.

Disposition	2023	2022	2021	2020	2019
Informal Resolutions	36	32	52	39	46
Unsubstantiated	18	21	20	39	23
Withdrawn	21	44	26	33	24
Other	8	5	7	5	4
Substantiated	8	1	3	2	0
<b>Total</b>	<b>91</b>	<b>103</b>	<b>108</b>	<b>118</b>	<b>97</b>

### **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:**




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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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