



# Hamilton Police Service Professional Standards Branch

Annual Report 2020

# Professional Standards Branch

## Table of Contents

<b>PREFACE .....</b>	<b>3</b>
STATISTICAL SOURCES .....	3
<b>DEFINITIONS .....</b>	<b>3</b>
PROFESSIONAL DEVELOPMENT DIVISION (PDD) .....	3
PROFESSIONAL STANDARDS BRANCH (PSB) .....	3
RISK MANAGEMENT .....	4
OFFICE OF INDEPENDENT POLICE REVIEW DIRECTOR (OIPRD) .....	4
SPECIAL INVESTIGATIONS UNIT (SIU) .....	4
INTERNAL AFFAIRS PROFESSIONAL STANDARDS SOFTWARE (IAPRO).....	4
SECTION 11 INVESTIGATIONS .....	4
<b>EXECUTIVE SUMMARY.....</b>	<b>5</b>
<b>PUBLIC COMPLAINTS.....</b>	<b>6</b>
CONDUCT COMPLAINTS .....	7
<i>Allegations of Misconduct.....</i>	<i>7</i>
<i>Disposition of Conduct Complaints .....</i>	<i>8</i>
<i>Demographics of Conduct Complaints .....</i>	<i>8</i>
SERVICE COMPLAINTS.....	9
PUBLIC COMPLAINT REVIEWS .....	9
<b>INTERNAL COMPLAINTS .....</b>	<b>10</b>
ALLEGATIONS OF MISCONDUCT.....	10
<i>Workplace Harassment Investigations .....</i>	<i>10</i>
CHIEF'S INTERNAL COMPLAINTS.....	11
<i>Disposition of Internal Complaints.....</i>	<i>11</i>
<i>Demographics of Internal Complaints .....</i>	<i>11</i>
<b>SPECIAL INVESTIGATIONS UNIT INCIDENTS.....</b>	<b>12</b>
FORMAL INVESTIGATIONS.....	12
CRIMINAL ALLEGATIONS .....	13
SECTION 11 INVESTIGATIONS .....	13
<b>RISK MANAGEMENT .....</b>	<b>13</b>
SUSPECT APPREHENSION PURSUITS.....	13
<i>Fail to Stop Report .....</i>	<i>13</i>
<i>Pursuit Outcomes .....</i>	<i>14</i>
<b>COMMENDATIONS, CITIZEN AWARDS AND LETTERS .....</b>	<b>15</b>

# Professional Standards Branch

## Preface

---

This report is prepared in accordance with Ontario Regulation 3/99 of the *Police Services Act*. It is a comparative statistical analysis of all complaints received and investigated during 2020, as well as a compilation of relevant Risk Management data for the same year.

The statistical information included in the 2020 Professional Standards Branch Annual Report was compiled with data obtained from the following sources:

### Statistical Sources

- Professional Standards Branch Data base
- Internal Affairs Professional Standards Records Management System (IAPro)
- Chief's Office
- Human Resources
- Special Investigations Unit Liaison
- 2019 Professional Standards Branch Annual Report

## Definitions

---

### Professional Development Division (PDD)

A division of the Hamilton Police Service responsible for Professional Standards, Risk Management, Policy Development, Business Planning, Quality Assurance and Training. When required, the branches of the PDD work together to examine and assess organizational needs and devise action plans to further enhance work performance. In 2020, the PDD was managed by Superintendent Nancy Goodes-Ritchie.

### Professional Standards Branch (PSB)

PSB is responsible for investigating and facilitating the resolution of both internal (Chief) and external (public) complaints in an impartial and professional manner, pursuant to the *Police Services Act*. The PSB acts as the liaison for the investigation of complaints referred by the Office of Independent Police Review Director (OIPRD). Additionally, this branch of the PDD investigates human rights complaints, civilian employee complaints, labour law complaints, Workplace Violence and Harassment and Special Investigations Unit (SIU) Section 11 reviews. The PSB is staffed by three Sergeants and one Staff Sergeant.

# Professional Standards Branch

## Risk Management

The Risk Management Branch of PDD is responsible for the identification and evaluation of risks and the development, selection and implementation of control measures that change outcomes. The Risk Manager currently handles the McNeil disclosure file and weekly tips for Hamilton Police Service members on current and risk related topics. Additionally, the Risk Manager assesses Police Service Motor Vehicle Collisions (MVC), member Red Light Camera (RLC) infractions, member Missed Court (MC) attendances; and Automatic Speed Enforcement camera (ASE) infractions. The Risk Management Branch is staffed by one Inspector.

## Office of Independent Police Review Director (OIPRD)

The OIPRD receives, manages and oversees all complaints about police in Ontario.<sup>1</sup> They are a civilian oversight agency that accepts complaints about the conduct of police officers and/or the policies and services of a police service. In addition to processing and investigating public complaints, the OIPRD administers the Ontario public complaints system.

## Special Investigations Unit (SIU)

The SIU is a civilian law enforcement agency that has jurisdiction over municipal, regional and provincial police officers, as well as special constables employed by the Niagara Parks Commission and peace officers with the legislative Proactive Service. The SIU Director may cause a criminal investigation to be conducted into any incident in which any of the following occurs, if the incident may have resulted from criminal conduct by an official: The death of a person, the serious injury of a person, the discharge of a firearm at a person, the sexual assault of a person, as reported by the person. The legislative framework for the SIU is set out in the *Special Investigations Unit Act, 2019*.<sup>2</sup>

## Internal Affairs Professional Standards Software (IAPro)

IAPro is a Professional Standards software used by the PDD to efficiently handle citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to identify and analyze areas of concern.<sup>3</sup>

## Section 11 Investigations

The Chief of Police is legislated under Section 11 (s.11) of Ontario Regulation 267/10, to cause an administrative investigation to be conducted into any incident of which the SIU is notified.<sup>4</sup> The investigation reviews the conduct of the involved police officer(s), as well as the policies and/or services provided by the Hamilton Police Service.

---

<sup>1</sup> Queen's Printer for Ontario, 2021, *Office of Independent Police Review Director*, [www.oiprd.on.ca](http://www.oiprd.on.ca)

<sup>2</sup> Queen's Printer for Ontario, 2020, *Special Investigations Unit*, [www.siu.on.ca](http://www.siu.on.ca)

<sup>3</sup> CI Technologies, 2020, *IAPro*, [www.iapro.com](http://www.iapro.com)

<sup>4</sup> *Police Service Act, 2011, Ontario Regulation 267/10, Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit*, [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

# Professional Standards Branch

## Executive Summary

The Professional Standards Branch and Risk Management Branch saw a productive year in 2020. Although Public complaints from the OIPRD experienced a slight increase over 2019, the number of OIPRD complaints that were screened out in 2020 increased significantly. Internal conduct investigations saw a steep decline from 2019. In addition, the HPS investigated five external agency OIPRD complaints in 2020.

In 2020, the Hamilton Police Service created 316,891 Computer Aided Dispatch (CAD) events, yet only 133 public complaints were made to the OIPRD, representing just 0.04%. This included 122 conduct complaints, 6 service complaints, and 5 customer service resolutions. Of the 122 conduct complaints, 45 were screened in for investigation

In 2020, the HPS created 316,891 CAD events.

The HPS received only 133 public complaints, this represents just 0.04% of all calls.

In 2020, Red Light Camera Violations decreased by 2, or 6%

PSB. by

Discreditable Conduct was the most common allegation of misconduct at 19 counts, followed by Neglect of Duty at 16 counts, Excessive Force at 9 counts, and Insubordination at 1 count. It should be noted that the OIPRD does not screen out any Excessive Force complaints. Of the 45 conduct investigations, only 2 cases resulted in a finding of misconduct. Of the 6 Service Complaints, 3 were withdrawn, 2 did not proceed and 1 concluded informally. There were no policy related complaints in 2020. An OIPRD request for review was requested 4 times by a complainant in 2020. Three HPS decisions were upheld by the OIPRD. The fourth is still under review. In 2019, 4 OIPRD reviews were requested. The four HPS decisions were upheld by the OIPRD.

A total of 198 internal complaints were filed in 2020, representing a decrease of 6% from 2019. Red Light Camera (RLC) violations decreased by 2, or 6%. Motor Vehicle Collisions (MVC) decreased by 11, or 8%; while Missed Court (MC) saw a 100% decrease from 2019. Automatic Speed Enforcement came into effect in 2020, with violations representing 9% of the total internal complaints in 2020. Of the total internal complaints came 221 specific allegations of misconduct. Damage to Clothing/Equipment was the most frequent form of misconduct followed by Discreditable Conduct. Damage to Clothing/Equipment includes all major and minor police service collisions, and in some instances, multiple allegations per complaint. There were 8 complaints and/or allegations of workplace harassment in 2020. Three of the allegations have been unsubstantiated, two have been substantiated, one concluded with no further action, and two are ongoing. Excluding MC, MVC, and RLC violations, 72% of the remaining 22 chief's complaints have resulted in substantiated misconduct, 5 of the 22 investigations are ongoing.

# Professional Standards Branch

The SIU invoked its mandate to investigate 15 reported incidents in 2020. Of the 15 investigations, 3 were concluded by memo after a preliminary inquiry, and 12 became formal investigations. Out of the 12 investigations, 4 were concluded with no reasonable grounds to believe that the subject officers committed a criminal offence. The remaining 8 investigations are pending the SIU Director's decision. The subsequent provincially mandated Section 11 investigations completed by the PSB in relation to four (4) of the concluded investigations, determined that all HPS policy and procedures were adhered to and no further action was required.

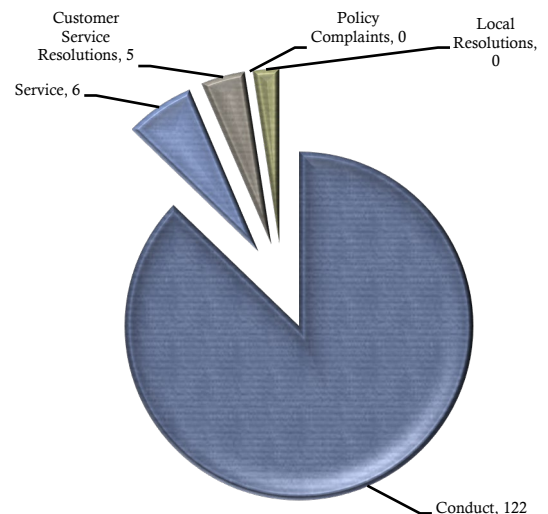
A total of 55 Fail to Stop reports were submitted for 2020. This is a decrease of 16 reports, or 22% from the previous year. Pursuits were initiated in 27 (49%) of the incidents where a Fail to Stop report was submitted. Officers did not engage in a pursuit 28 times. Of the total Fail to Stop reports, 34 were for *Criminal Code* violations, 21 for *Highway Traffic Act* violations. In 2020, 3 MVC occurred as a direct result of officer initiated pursuits compared to 1 in 2019. There were no known pursuit related injuries.

The Hamilton Police Service received 72 Good News letters in 2020. The Service issued 45 letters of recognition to members of the public and a total of 129 commendations to HPS members for exemplary service. Additionally, 22 members were awarded Member of the Month, and 3 members received the Chief's Pride Award.

## Public Complaints

In 2020, the Hamilton Police Service created 316,891 CAD events. Only 133 complaints were made to the OIPRD regarding the Hamilton Police Service, representing 0.04% of all calls. This is a very low number of complaints from the public given the frequency of contact and interactions they had with members of our Service.

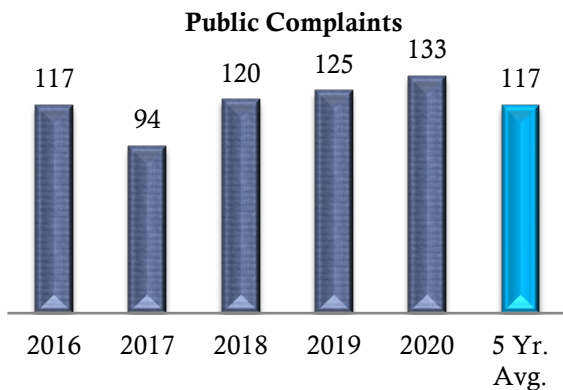
Of the 133 complaint submissions, 122 were related to officer conduct, 6 were classified as a service complaints, 5 were screened for customer service resolutions (CSR). It should be noted that a CSR / Early Resolution is a confidential process for less serious complaints that provides an opportunity to voluntarily resolve complaints before they are formally screened under the *Police Services Act*.<sup>5</sup> A local resolution is a process where complaints are made directly with the HPS and a resolution is agreed upon by the involved parties.<sup>6</sup>



<sup>5</sup> Queen's Printer for Ontario, 2021, Office of Independent Police Review Director – Customer Service Resolutions, [www.oiprd.on.ca](http://www.oiprd.on.ca)

<sup>6</sup> Queen's Printer for Ontario, 2021, Office of Independent Police Review Director – Local Resolutions, [www.oiprd.on.ca](http://www.oiprd.on.ca)

# Professional Standards Branch



The OIPRD screened in 45 of the 133 complaints, which constitutes 33% of the original public complaints. This includes conduct complaints, customer service resolutions and service complaints. The average number of public complaints between 2016 and 2020 was 117. In 2020, the OIPRD experienced an increase of 3% from the previous five-year average. The percentage of complaints screened in by the OIPRD decreased by 25%.

## Conduct Complaints

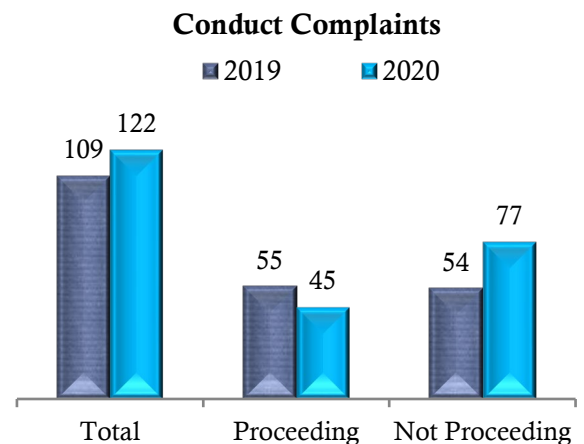
When the behaviour of a police officer is formally questioned by a member of the public, the OIPRD classifies this as a conduct complaint.<sup>7</sup> Of the 122 conduct complaints, 45 were ultimately screened in by the OIPRD for investigation. The OIPRD determined that police investigation was not required for the remaining 77 submissions based on legislated criteria such as:

- the complaint is better dealt with under another law or act
- the complaint is frivolous – trivial or lacks an air of reality
- the complaint is not in the public interest
- the complaint is made over six months after the incident<sup>8</sup>

Comparing the 2020 conduct complaint data to that of 2019, reveals that there was an 11% increase in these types of complaint submissions to the OIPRD. However, the number of complaints, regarding conduct, screened in was 18% lower when compared to that of 2019.

## Allegations of Misconduct

The *Police Services Act Code of Conduct* is used by the HPS as the basis for classifying conduct complaints. Neglect of Duty increased, while Excessive Force allegations decreased from 2019 to 2020. It is important to point out that the OIPRD does not screen out Excessive Force allegations. Discreditable Conduct and Neglect of Duty represented the most common types of complaints made in 2020 at 77%. The number of complaints regarding Excessive Force represented the third greatest type, and saw a decrease of 35% from 2019.



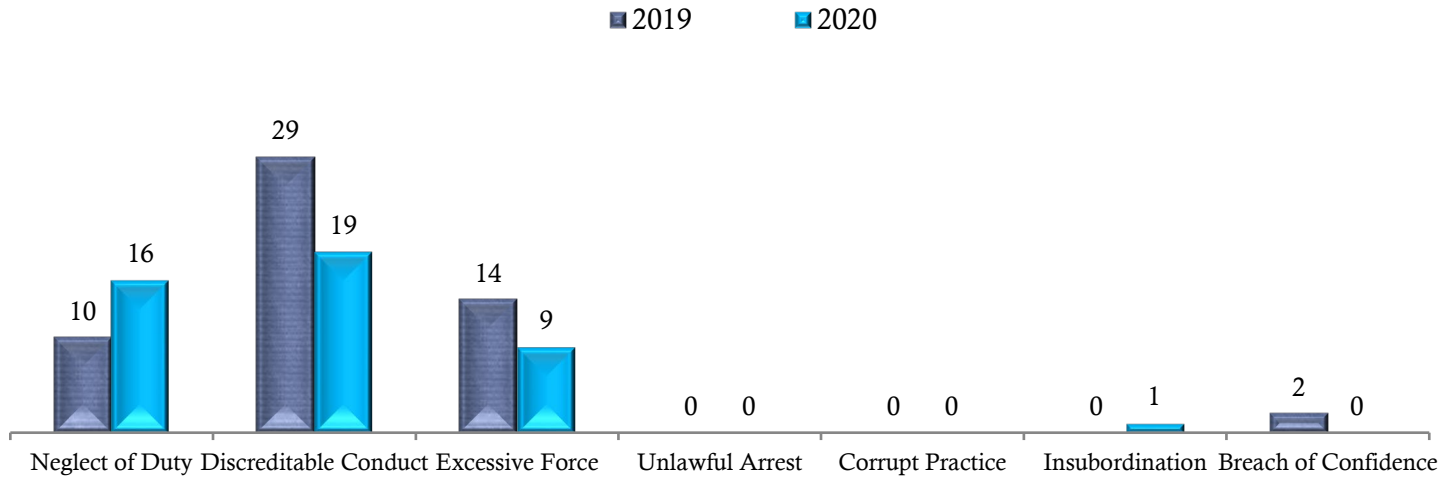
<sup>7</sup> Queen's Printer for Ontario, 2021, Office of Independent Police Review Director – Complaints, [www.oiprd.on.ca](http://www.oiprd.on.ca)

<sup>8</sup> Queen's Printer for Ontario, 2021, Office of Independent Police Review Director – Screening Complaints, [www.oiprd.on.ca](http://www.oiprd.on.ca)



# Professional Standards Branch

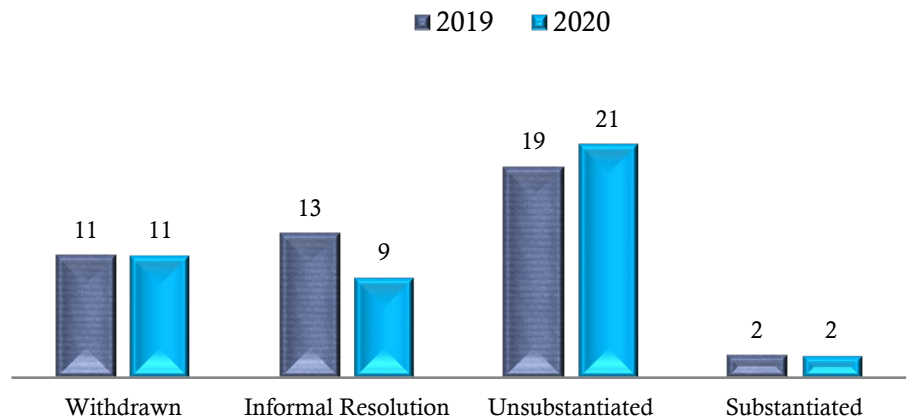
## Conduct Complaints Proceeding by Allegation



## Disposition of Conduct Complaints

Of the 45 officer conduct investigations, 11 complainants voluntarily withdrew their complaints based on subsequent information provided to them. At the preliminary stages, 9 were resolved by informal resolution, and 21 allegations of officer misconduct were unsubstantiated by investigators. Only 2 of the original 45 conduct complaints resulted in a finding of misconduct on behalf of the officer, with penalty to be implemented pursuant to the *Hamilton Police Service Discipline Policy*. As of March 5, 2020, 2 of the investigations remain open.

## Disposition of Investigated Conduct Complaints



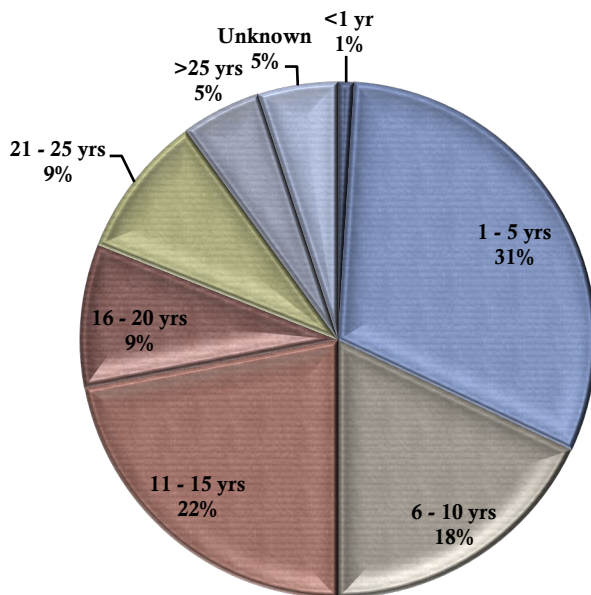
## Demographics of Conduct Complaints

Most conduct complaints involve officers with 1-5 years of experience, as they are typically less experienced uniform police officers who have the highest frequency of contact with members of the public. When looking at the rank of a subject officer, the greatest number of public complaints is made regarding Constables. Similarly, Constables have the most interaction with the general public.

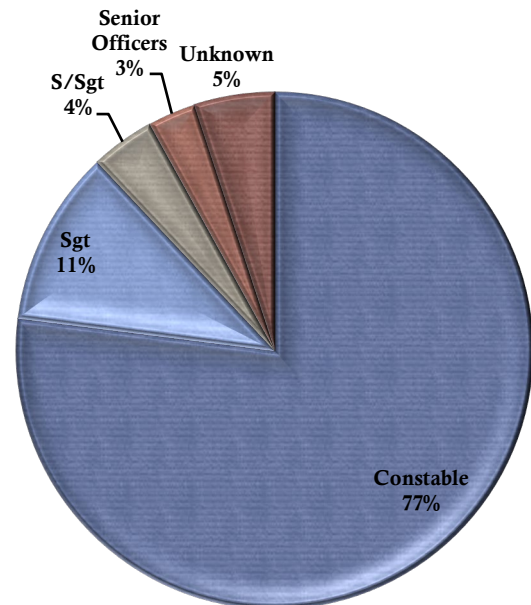


# Professional Standards Branch

**Years of Service of Subject Officer**



**Rank of Subject Officer**



## Service Complaints / Policy Complaints

Service complaints relate to a specific policy and/or processes of the Hamilton Police Service. In 2020, there were 6 service complaints filed against the HPS. Of the 6 service complaints, 2 were deemed by the OIPRD not to be in the public interest, or the complainant was not effected by the alleged conduct, 3 were withdrawn by the complainant and 1 resolved in an Informal Resolution.

## Public Complaint Reviews

In the circumstance that a complainant is not satisfied with the outcome of a complaint investigation, they may request a review by the OIPRD. Complainants have 30 days from the day they are notified of the results to make this request. Once the OIPRD has received the file from the police, they will assess the investigation and determine if the decision is appropriate.<sup>9</sup>

In 2019, the Hamilton Police Service received 3 requests from complainants for an OIPRD review. Two HPS decisions were upheld by the OIPRD. The third is still under review.

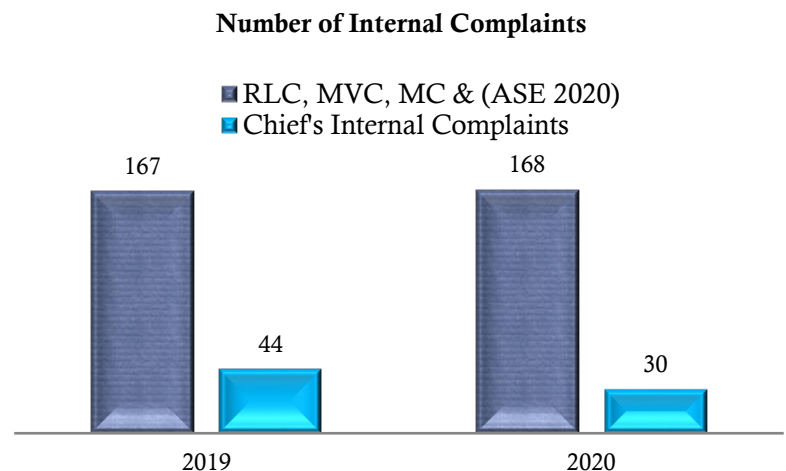
<sup>9</sup> Queen's Printer for Ontario, 2021, Office of Independent Police Review Director – Request a Review, [www.oiprd.on.ca](http://www.oiprd.on.ca)

# Professional Standards Branch

## Internal Complaints

Pursuant to the *Police Services Act*, the Chief may cause an investigation to be conducted in relation to the conduct of a police officer employed by the Service. These internal complaints are typically initiated by an HPS member or supervisor. The findings of the investigation are provided to the Chief in a written report and where required, discipline is implemented pursuant to the *Hamilton Police Service Discipline Policy*.

With respect to these investigations, the Chief of Police has separated simple violations such as Red Light Camera violations (RLC), Motor Vehicle Collisions (MVC), Missed Court (MC) and Automatic Speed Enforcement (ASE) to be investigated by Divisional Commanders. More complex member conduct investigations are investigated by the PSB. These are referred to as a Chief's Internal Complaint.



A total of 198 internal complaints were filed in 2020; a 6% decrease from 2019. Specifically, RLC, MVC and MC saw a slight 10% decrease from the previous year; and a 100% decrease in MC incidents from 4 in 2019 to zero in 2020. Automatic Speed Enforcement (ASE) cameras, which were new for 2020, accounted for 18 of the 198 internal complaints. In addition, there were 31 RLC incidents, 119 MVC incidents with 59 of those deeming the officer at fault, while the remaining 60 MVC's were deemed non-preventable.

## Allegations of Misconduct

The internal complaints filed in 2020 yielded 221 specific allegations of misconduct. The number of allegations compared to complaints is larger because a single complaint may include multiple HPS members and/or multiple allegations per member. Of the various classifications of alleged misconduct, Damage to Clothing/Equipment was the most frequent at 58%. Damage to Clothing/Equipment is extremely broad and includes all police service collisions, from extremely minor to major and in some instances, multiple allegations per complaint.

## Workplace Harassment Investigations

The Hamilton Police Service is committed to providing a respectful work environment in which all individuals are treated with respect and dignity, are able to contribute fully, and have equal opportunities for all its 1,323 full and part-time members. Harassment or discrimination is not tolerated in the workplace and all complaints of this nature are investigated thoroughly and in a timely manner.

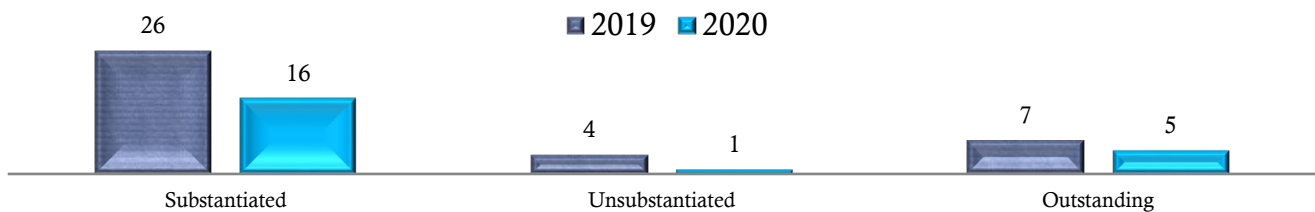
# Professional Standards Branch

In 2020, there were 8 complaints and/or allegations of workplace harassment. Three of the allegations have been substantiated, two were unsubstantiated, two are still ongoing, and the investigation into the one remaining allegation concluded with no further action required. There were seven reported complaints of harassment in 2019.

## Chief's Internal Complaints

Of the 22 internal complaint investigations (exclusive of Harassment Allegations, MC, MVC, and RLC) in 2020, 16, or 72% of the cases of misconduct were substantiated. This is an increase from 2019, where 70% of the complaints were substantiated.

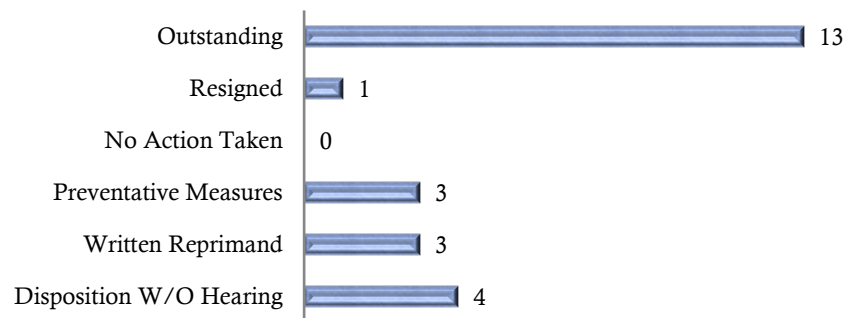
**Conclusions of Chief's Internal Complaints**



## Disposition of Internal Complaints

In the 22 internal investigations, 24 members were identified as subject members. Of the subject members, 29% received corrective discipline. Preventative measures were applied to 13% of subject members. 4% resigned. Outstanding dispositions, including outstanding criminal matters account for the remaining 54%.

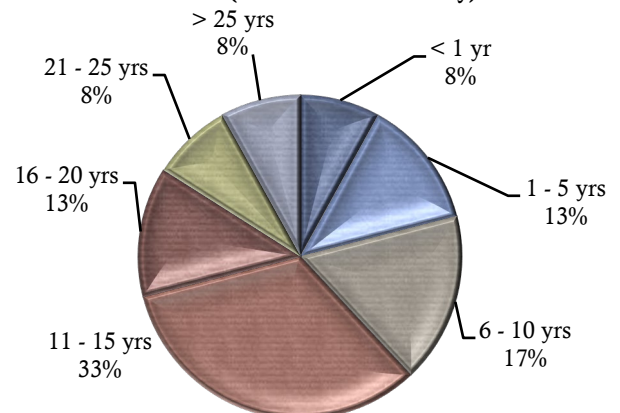
**2020 Penalty Dispositions**



## Demographics of Internal Complaints

Sworn Officers with between 6 and 10 years of service accounted for 17% of internal investigations, while officers between 11 and 15 years of service represented 33%. These two categories alone represent half of the officers with allegations of misconduct.

**Years of Service (Sworn Members Only)**



# Professional Standards Branch

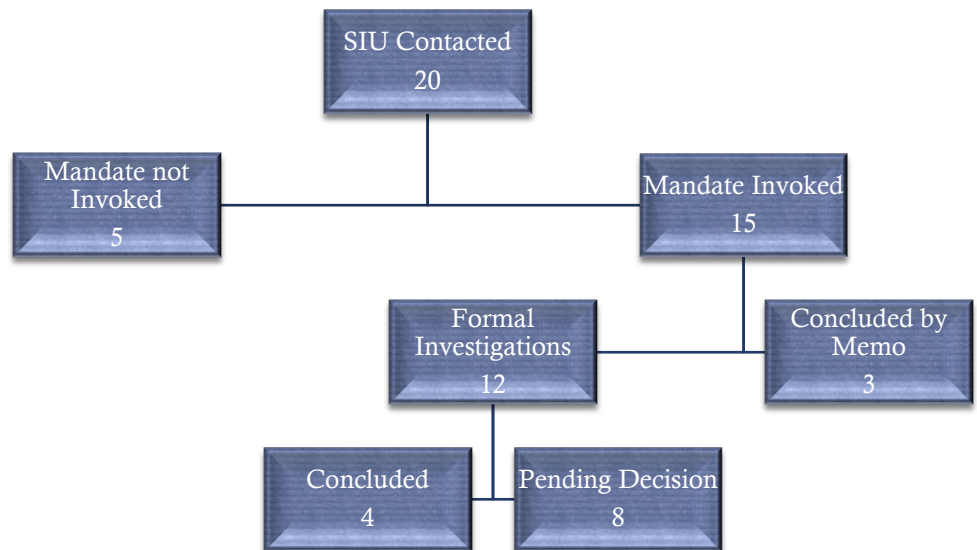
## Special Investigations Unit Incidents

In the pursuit of transparency, the Hamilton Police Service notified the Special Investigations Unit (SIU) on 20 occasions in 2020. The SIU invoked its mandate in 15 of the 20 incidents.

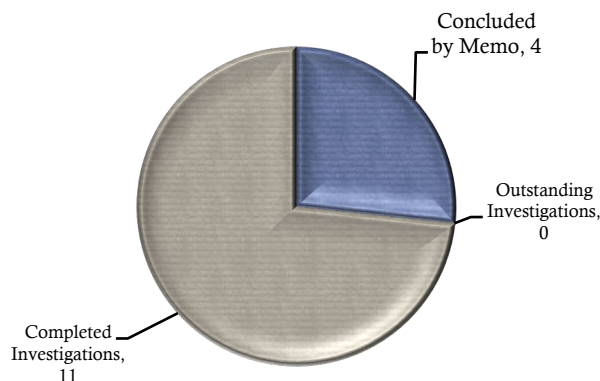
### Formal Investigations

Of the 15 SIU investigations, 3 were concluded by memo after the SIU completed a preliminary inquiry and 12 were processed as formal investigations. Out of the 12 investigations, 4 have been concluded. In those incidents, the SIU concluded that reasonable grounds did not exist to believe that the Subject Officer committed a criminal offence. The remaining 8 investigations are pending the Director's decision.

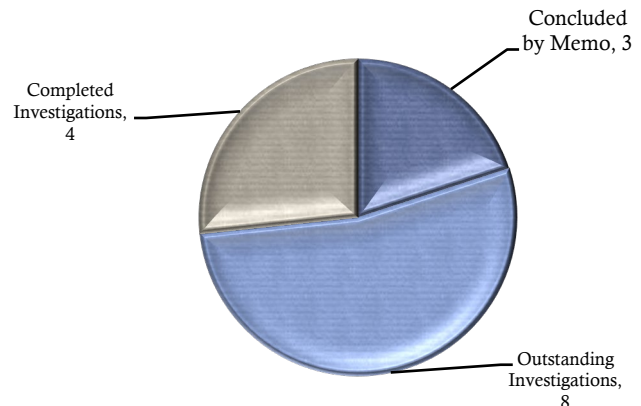
The SIU was notified the same number of times in 2019 (20) and invoked their mandate the same number of times in (15).



**Invoked Investigations 2019**



**Invoked Investigations 2020**



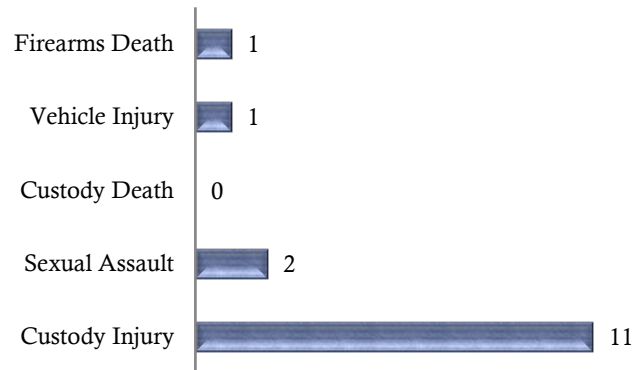
# Professional Standards Branch

## Criminal Allegations

Out of the 15 incidents where the SIU invoked their mandate in 2020, 11 were classified as a Custody Injury, 2 were classified as a Sexual Assault, 1 was classified as a Vehicle Injury, and 1 was classified as a Firearms Death.

Police custody related injury is the most frequently classified incident involving the SIU. Police Custody Injury and Police Custody Death are not clearly defined and do not specifically mean being physically controlled or being in a custody area of the Hamilton Police Service.

**Criminal Allegations**



## Section 11 Investigations

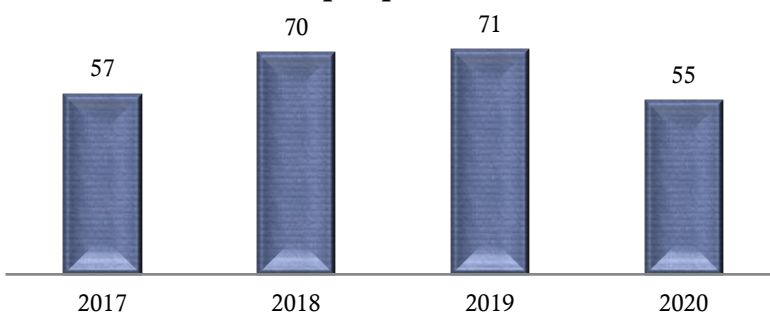
Four Section 11 investigations have been completed by the PSB in relation to the four 2020 concluded SIU investigations. The 4 Section 11 Investigations have concluded that all HPS policy and procedures were adhered to and no further action was required on the part of the subject officers or the HPS. There are no outstanding Section 11 investigations for 2019. A Section 11 Investigation is not required when an officer is criminally charged by the SIU.

## Risk Management

### Suspect Apprehension Pursuits

A suspect apprehension pursuit occurs when a police officer attempts to direct the driver of a motor vehicle to stop. The driver refuses to obey the officer and the officer pursues in a motor vehicle for the purpose of stopping the fleeing motor vehicle or identifying the fleeing motor vehicle or an individual in the fleeing motor vehicle.<sup>10</sup>

**Number of Fail to Stop Reports**



### Fail to Stop Report

A Fail to Stop report is used by the HPS whenever an officer attempts to stop a motor vehicle and that motor vehicle refuses to stop as directed, whether or not a pursuit is initiated.

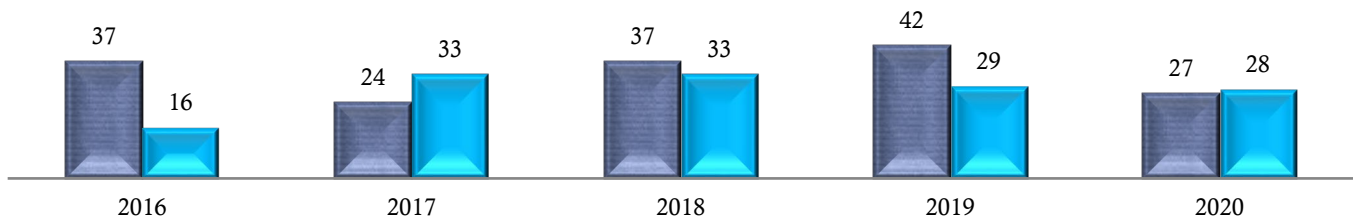
<sup>10</sup> Police Service Act, 2011, Ontario Regulation 266/10, Suspect Apprehension Pursuits, [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

# Professional Standards Branch

The total number of Fail to Stop reports submitted for 2020 was 55. This is a 22% decrease when compared to 2019. Pursuits were initiated in 49% of the incidents where a Fail to Stop report was submitted.

**Fail to Stop Report Outcomes**

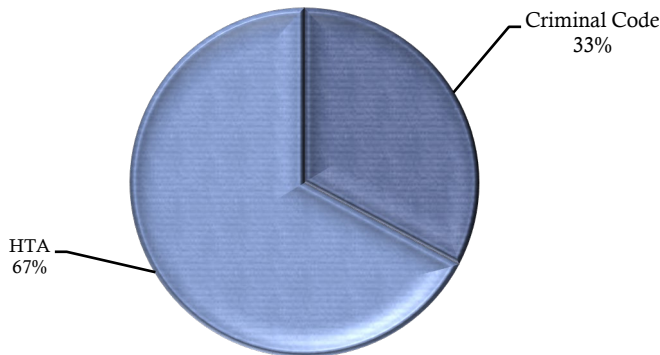
■ Pursuits   ■ Pursuits Not Initiated



Of 27 initiated pursuits in 2020, 15 were terminated within 1 km, an additional 7 pursuits were terminated within 1-2 km, 4 were terminated within 2-5 km, and 1 exceeded 10 km.

Of the 55 Fail to Stop reports in 2020, 18 were for *Criminal Code* violations and 37 for *Highway Traffic Act* violations.

**Reason for Pursuit**

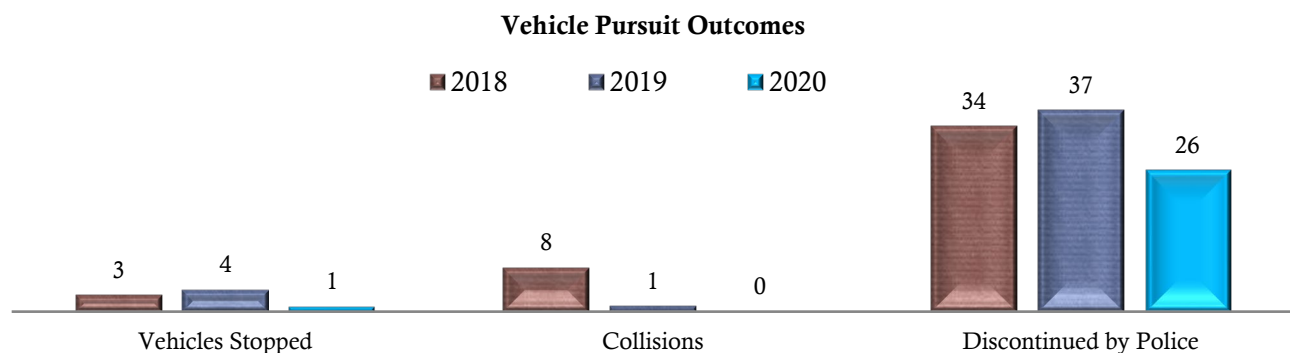


## Pursuit Outcomes

In 2020, officers discontinued 96% of pursuits, which represents 26 of the total 27 pursuits. In 2019, pursuits were discontinued 88% of the time.



# Professional Standards Branch



## Commendations and Citizen Awards and Letters

The Hamilton Police Service received 72 Good News letters in 2020. This is reflective of the quality service that our members are providing to our communities. In addition to this recognition by members of the public, the Hamilton Police Service also recognized members of the Service and members of our communities in 2020 through various acknowledgements including:

- Issuance of 45 letters of recognition to members of the public.
- Awarded 22 members with the Member of the Month Award.
- 3 members received the Chief's Pride Award.
- Issuance of 129 commendations to members for exemplary service.