



Kingston Police

Public Agenda Information Report

To: Kingston Police Service Board

From: Scott Fraser, Chief of Police

Subject: 2024 Year-End Report on Administration of Public Complaints

Date: February 10, 2025

Recommendation:

That the 2024 Year-End Report on Administration of Public Complaints, Report Number 25-07, is for information only.

Information:

This report on the administration of public complaints under Part X of the *Community Safety and Policing Act* is designed to provide a brief overview and analysis of officer conduct and discipline issues. In addition, service or policy complaints, if any, are addressed in this annual report.

During the period of January 1 to December 31, 2024, there were 63 public complaints received by the Professional Standards Bureau. This number represents a 12.5% increase for the same reporting period in 2023 (72 complaints). The status of the 63 complaints are as follows:

- (a) Resolved
 - i. screened out by OIPRD/LECA¹: not in the public interest: 37²
 - ii. substantiated: 0
 - iii. unsubstantiated: 15
 - iv. informal resolution: 3
 - v. early resolution: 0
 - vi. withdrawn: 2

¹ It should be noted that, if a complaint is screened out by the OIPRD/LECA, the complaint will still be reviewed, and may be investigated by the Kingston Police if deemed necessary. Please see Appendix A for the LECA screening criteria, as available on www.leca.ca.

² In 2024, 70% of all complaints were screen out by OIPRD/LECA.

- vii. Terminated by LECA (no jurisdiction/medical): 2
- (b) Unresolved
 - i. Under investigation or not yet concluded: 4

Classification of Allegations

The general classification³ of the 26 screened in complaints received between January 1 and December 31, 2024, is detailed below:

- (c) Discreditable Conduct/Undermines Public Trust: 17
- (d) Unnecessary Exercise of Authority / Use of Force: 0
- (e) Neglect of Duty: 8
- (f) Fail to Provide Identifying Information: 1

Status of Investigations from 2024

There are currently 4 on-going investigations from 2024.

Service Complaints (IOP)

Pursuant to section 107(6) of the *Community Safety and Policing Act*, policy or procedure complaints shall be forwarded from the Inspector General of Policing to the Ministry and to the Police Service Board for a response.

There was 1 Service Complaint filed in 2024. This complaint was unsubstantiated. This represents a decrease from 3 Service Complaints filed in 2023.

Status of Investigations

The status of the 3 Local Inquiries are as follows:

- (a) Resolved
 - i. substantiated: 1
 - ii. unsubstantiated: 2

Community Safety and Policing Act Hearings

There are no matters currently before *Community Safety and Policing Act* disciplinary hearings.

Contact:

Scott Fraser, Chief of Police

613-549-4660 ext. 2213

³ The primary substantive issue alleged in the complaint.

Appendix A

Screening Complaints

When LECA receives a complaint, our staff ensures the complaint form is complete and signed. If additional information is required before the complaint can be screened, a case coordinator will contact the complainant by phone or email before the complaint can proceed.

All complaints are presumed to be screened in, unless there is a reason to screen out the complaint under Section 158 of the Community Safety and Policing Act, 2019.

Complaints Screened Out

A complaint may be screened out for one of these reasons:

- **Bad faith:** Complaints where there is clear evidence that it was made for an improper purpose or motive. For example, a complaint made with the intention of deceiving LECA or police services.
- **Better dealt with under another act/law:** Complaints that are better dealt with by another in another forum or venue. For example, a complaint that takes issue with the speed a person was travelling when they received a traffic ticket is better dealt with in court.
- **Frivolous:** A complaint is frivolous when it does not reveal any allegation of misconduct or breach of the Code of Conduct, or is trivial, lacks substance or an air of reality.
- **No jurisdiction:** The complaint is not about police conduct; the police officer the complaint is about does not fall under the jurisdiction of LECA; or the complainant is excluded from filing a complaint.
- **Not in the public interest:** Under section 158 of the CSPA, the Complaints Director can screen out a complaint if “having regard to all the circumstances, dealing with the complaint is not in the public interest.”
- **Over six months:** Under section 60(2) and (3) of the PSA, the Director may decide not to deal with a complaint if it is made more than six months from the date of the incident cited in the complaint or when the incident was discovered by the complainant. The “six months” is not a time limit. In determining whether to deal with a complaint older than six months, the Director may exercise his discretion and must consider the following criteria outlined in the act:
 - Whether the complainant is a minor or is has a disability within the meaning of the Accessibility for Ontarians with Disabilities Act, 2005.

- Whether the complainant is or was subject to criminal proceedings related to the events underlying the complaint.
- Whether, having regard to all the circumstances, it is in the public interest for the complaint to be dealt with.

If a complaint is received after six months, LECA may ask the complainant to provide reasons for the delay in filing. The Director will also consider when the complainant first learned of the alleged misconduct. All circumstances, including the reason for delay and the severity of the complaint, are considered.

- Not Affected by Conduct: The complainant was not affected by the conduct of the person who is the subject of the complaint. For the purpose of this part, only the following people are considered affected:
 - A person at whom the conduct was directed.
 - A person who saw or heard the conduct or its effects as a result of being physically present at the time and place that the conduct or its effects occurred.
 - A person who,
 - i) Was in a personal relationship with a complainant at the time that the conduct occurred, and
 - ii) Suffered loss, damage, distress, danger or inconvenience as a result of the conduct.
- Vexatious: A vexatious complaint may be one that was 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 and are often repetitive (filing the same complaint numerous times after the previous complaint was screened out, or filing repeated complaints about the same officer).