Report to / Rapport au:

OTTAWA POLICE SERVICES BOARD LA COMMISSION DE SERVICES POLICIERS D'OTTAWA

31 October 2022 / 31 octobre 2022

Submitted by / Soumis par:

Chief of Police, Ottawa Police Service / Chef de police, Service de police d'Ottawa

Contact Person / Personne ressource:

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SUBJECT: COMPLAINTS REPORT - PART V, POLICE SERVICES ACT - THIRD

QUARTER 2022

OBJET: RAPPORT SUR LES PLAINTES – PARTIE V, LOI SUR LES SERVICES

POLICIERS – TROISIÈME TRIMESTRE 2022

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board receive this report for information.

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa prenne connaissance du présent rapport à titre d'information.

BACKGROUND

The process for dealing with police complaints is found in Part V of the Ontario Police Services Act (PSA), Complaints and Disciplinary Proceedings. Complaints about the police take two forms: Public Complaints and Internal Complaints.

The Office of the Independent Police Review Director (OIPRD) oversees the Public Complaints process, and all Public Complaints are processed through them. A Public Complaint may be about a police service's policies, services, or the conduct of its members. Public Complaints are made by members of the public to the OIPRD, who may investigate the matter or refer it to a police service to investigate. Results are submitted to the OIPRD who may overturn the findings, and complainants may request a review of the findings.

The OIPRD may choose not to investigate a matter upon review of the facts and classifying a complaint as: frivolous or vexatious; more than six months after the fact(s) on which it is based occurred; not in the public interest to proceed; more appropriately dealt with under another Act or Law, or the complainant is not directly affected.

Internal Complaints (or Chief's Complaints) are initiated at the discretion of the Chief for allegations of officer misconduct or non-compliance with OPS policies and may also include matters that began as a Public Complaint. Internal Complaints also include driving related conduct matters. Motor Vehicle Collisions (MVC), Red Light Cameras (RLC) and Automated Speed Enforcement Cameras (ASE) make up most Internal Complaint investigations. In 2021, the OPS updated its process to deal with driving related complaints including an updated progressive discipline schedule.

Both Public and Internal Complaints can be finalized as substantiated or unsubstantiated. Once substantiated, they can be resolved by Informal Resolution, Informal Discipline, or Formal Discipline according to the circumstances and seriousness of the substantiated misconduct.

This report provides a comparison of specific complaint types with those reported during the same quarter for the previous year and five-year averages for the same quarter.

The illegal protest that gripped the City of Ottawa for most of February was an extraordinary event that resulted in a significant surge in public complaints with administrative impacts to both the OIPRD and the OPS. As such, there was a large discrepancy in the number of public complaints reported by the OPS in Q1 and Q2 as compared to the OIPRD. The OPS have worked very closely with the OIPRD to reconcile their public complaint statistics, which is outlined in this report.

Part of the issue is the timing in which complaints are received by the OIPRD and then referred to and received by the OPS, which typically results in some variance from one reporting quarter to another. While both agencies have worked hard to identify and minimize any variance in their public complaint statistics, it should be noted that the sixmonth window to file a complaint related to the illegal protest only closed part way through Q3. As such, a full reconciliation and detailed analysis of complaints related to the illegal protest will be provided in the year-end report.

DISCUSSION

Reconciliation of Q1, Q2 and Q3 Public Complaints with OIPRD

In Q1, the OPS reported having received 327 Public Complaints from the OIPRD, whereas the OIPRD reported an intake of 591 Public Complaints, with a resulting

variance of 264. In discussions with the OIPRD, the cause of this variance was identified as:

- Timing: The date (or quarter) upon which a complaint is received by the OIPRD and then referred to and received by the OPS.
- Process: Classification and Categorizing of Complaint Types
- Jurisdiction: Certain complaints are not within the purview of Part V of the PSA
 or the OPS Professional Standards Unit (PSU), for example complaints about a
 civilian member, or complaints about a Chief or Deputy Chief which are dealt
 with under s.69 of the PSA and forwarded directly to the Ottawa Police Services
 Board (Board).

Such variances are not uncommon, however based on the volume of complaints related to the illegal protest they have been significantly amplified. Based on the above, the OPS have amended our Q1 public complaint totals to 401, as indicated in the charts below:

Q1 2022 Final Public Complaint Stats (including illegal protest statistics)					
Screened In		Screened Out	Total		
Conduct	26	262	288		
Service/Policy	76	37	113		
Total	102	299	401		

Q1 2022 Final Public Complaint Stats (illegal protest statistics only)						
Screened In		Screened Out	Total			
Conduct	6	231	237			
Service/Policy	75	35	110			

Total	81	266	347
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The Q1 amendment counted an additional 68 individual Service or Policy complaints that had been grouped by the OIPRD into two consolidated complaints related to the illegal protest. The OPS previously recorded these as two complaints instead of 70. The OPS reclassified another five public complaints bringing the Q1 total to 401.

On the issue of timing, 61 public complaints received by the OIPRD in Q1 were carried over to the OPS Q2 stats based on the date they were received and processed by OPS.

On the issue of jurisdiction, the OIPRD confirmed 114 public complaints against the Chief/Deputy Chiefs of Police that are within the purview of the Board and not captured as part of OPS complaint statistics.

In consideration of the foregoing, 575 (97%) of the 591 Public Complaints reported by the OIPRD in Q1 have now been reconciled, and the remaining 16 (3%) will be reconciled in the year-end complaints report to the Board with a more detailed breakdown of all complaint statistics.

Of the 401 Public complaints reported by the OPS in Q1, 288 were conduct related and 113 were Policy or Service related. The OIPRD screened out 299 of these complaints, while 102 (25%) have been referred for investigation. As indicated in the above chart, 347 (86%) of the Q1 Public Complaints were attributed to the illegal protest, with 81 (23%) screened-in for investigation and 266 (77%) screened out by the OIPRD.

In Q2, the OPS recorded 131 Public Complaints from the OIPRD, whereas the OIPRD reported an intake of 95 Public Complaints, resulting in a variance of 36 Public Complaints. In discussions with the OIPRD, the cause of this variance was largely attributed to timing. The OPS Q2 Complaints report captures 61 public complaints that were recorded by the OIPRD in their Q1 stats. Further, another 24 Public complaints that were recorded by the OIPRD in Q2 have been captured in the OPS Q3 statistics, based on the timing with which they were received from the OIPRD.

In consideration of the foregoing, 99 percent of the 95 Public Complaints reported by the OIPRD in Q2 have now been reconciled, and the remaining 1 percent will be reconciled in the year-end complaints report to the Board, with a more detailed breakdown of all complaint statistics.

In Q3, the OPS recorded 85 Public Complaints as received from the OIPRD, whereas the OIPRD reported an intake of 103 Public Complaints, resulting in a variance of 18 Public Complaints.

In discussions with the OIPRD, the cause of this variance was largely attributed to timing. The OPS Q3 Complaints report captures 20 Public Complaints that were recorded by the OIPRD in their Q2 stats. Further, another 33 Public Complaints that were recorded by the OIPRD in Q3 have been captured in the OPS Q4 statistics, based on the timing with which they were received from the OIPRD.

Another two Public complaints were not captured for jurisdiction reasons, including one complaint against the Chief/Deputy Chiefs of Police that is within the purview of the Board, and one complaint against a civilian member that is not within the purview of the OIPRD.

The remaining variance of three Public complaints are attributed to process and timing, including two Public complaints that were eligible for Early Resolution and will be reflected in the OPS Q4 stats.

As a result, the variance in Q3 Public complaint statistics as reported by the OPS and OIPRD has been fully reconciled. The remaining variance of 17 Public complaints from Q1 and Q2 (2%) will be reconciled in the year end complaints report to the Board, with a more detailed breakdown of all complaint statistics.

New Complaints

In Q3 2022 a combined total of 175 Public and Internal Complaints were received. Compared to Q2 2021 (164), this represents an increase of 11 complaints or 6 percent.

By complaint type, there were 85 Public Complaints received in Q3 2022. Compared to Q3 2021 (78), this represents an increase of seven Public Complaints or 8 percent. For Internal Complaints, 90 were generated in Q3 2022. Compared to Q3 2021 (86), this represents a increase of four Internal Complaints or 4 percent.

Table 1 (below) illustrates the number of Public and Internal Complaints received in Q3 2022 compared to Q3 2021, as well as five-year averages for the same quarter.

Table 1 - New Public and Internal Complaints Received in Q3

	2022 5 YR AVG Q3	Q3 2022	2021 5 YR AVG Q3	Q3 2021	2021 Total
Public Complaint (Conduct)	64	74	54	68	294

Public Complaint (Policy or Service)	6	11	6	10	29
Internal Complaints (Other)	6	1	7	14	52
Internal Complaints (Red Light Camera Infractions)	25	29	24	18	86
Internal Complaints (MVCs)	21	22	22	18	79
Internal Complaints (ASEs)	N/A	38	N/A	36	41
TOTAL	127	175	113	164	581

Of the 85 Public Complaints received from the OIPRD in Q3 2022, 45 were referred to the OPS' PSU for investigation, and the remaining 40 (47%) were screened-out by the OIPRD. The OIPRD did not retain any complaints for its own investigation in Q3 2022.

Of the 85 Public Complaints received from the OIPRD in Q3 2022, three (3%) were attributed to the illegal protest. Of those three Public Complaints, three were conduct related and none were policy or service related. Of the illegal protest related conduct complaints, one (33%) was screened out and two (67%) referred for investigation.

Table 2 (below) illustrates the overall number of Public Complaints that were screened in for investigation in Q3 2022 by the OIPRD, as compared to Q3 2021 and five-year averages for the same quarter.

Table 2 – Public Complaint Investigations in Q3 after Screening by the OIPRD

	2022 5 YR AVG Q3	Q3 2022	2021 5 YR AVG Q3	Q3 2021	2021 Total
Public Complaint (Conduct)	30	34	26	27	113
Public Complaint (Policy or Service)	6	11	5	8	23
TOTAL	36	45	31	35	136

Classification of Complaints - Conduct Complaints

Public and Internal complaints dealing with officer conduct are further classified into four categories: Improper Conduct (which includes Driving Related Conduct, Excessive Force, Neglect of Duty, and Firearm Discharge).

As illustrated in Table 3 below, the total number of Public and Internal complaints dealing with officer conduct in Q3 2022 was 164, up from 126 in Q3 2021 or 23 percent.

Table 3 - Conduct Related Complaints by Category in Q3

	2022 5 YR AVG Q3	Q3 2022	2021 5 YR AVG Q3	Q3 2021	2021 Total
Improper Conduct	84	52	88	66	430
Improper Conduct – Driving Related	N/A	89	N/A	44	Incl in 430 (Re: new category)
Excessive Force	5	6	4	6	29
Neglect of Duty	17	17	16	20	92
Firearm Discharge	0	0	0	0	1
TOTAL	106	164	109	126	552

Table 4 (below) outlines the number of conduct related Public complaints and Internal complaints that were investigated after screen-outs by OIPRD (Public only) during Q3 2022, as compared to Q3 2021 and five-year averages for the same quarter. The Q3 total is 123, as compared to 85 in Q3 2021 or a 30 percent increase.

Table 4 - Conduct Related Complaint Investigations in Q3 after Screening by OIPRD

2022 5	Q3	2021 5	Q3	2021
YR	2022	YR	2021	Total

	AVG Q3		AVG Q3		
Improper Conduct	60	23	70	26	316
Improper Conduct – Driving Related	N/A	89	N/A	44	Incl in 316 (Re: new category)
Excessive Force	3	2	3	5	14
Neglect of Duty	8	9	8	10	40
Firearm Discharge	0	0	0	0	1
TOTAL	72	123	81	85	371

As demonstrated by Tables 1,3 and 4, increases in the number of Internal complaints are attributed to Driving Related Conduct. Q3 saw an increase in the number of Red-Light Camera infractions due to processing delays with the City of Ottawa in Q1 and Q2. Further, the number of Automated Speed Enforcement and Red-Light Camera infractions continues to incrementally rise concurrent to increases in the number of cameras throughout the City. As such, the OPS Complaint Statistics report to the Board now includes a new category to more clearly distinguish Driving Related Conduct from other forms of Improper Conduct.

Policy/Service Complaints

There were 11 Service or Policy related Public complaints received from the OIPRD in Q3 2022, with none screened out. Seven complaints were withdrawn by the complainant after being referred to OPS for investigation, and one was concluded with no further action. Carried over from Q1/Q2, another four Service or Policy related Public complaints were withdrawn, and one concluded with no further action. A summary of those Service or Policy related Public complaints is attached to this report as Document 1.

Table 5 (below) outlines the total number of Service and Policy complaints received in Q3 2022 as compared to Q3 2021, as well as the Q3 five-year average.

Table 5 - Policy and Service Complaints

	2022 5 YR AVG Q3	Q3 2022	2021 5 YR AVG Q3	Q3 2021	2021 Total
Policy	0	1	0	0	3
Service	6	10	5	10	26
TOTAL	6	11	6	10	29

Table 6 (below) outlines Service and Policy complaints referred for investigation in Q3 2022 compared to Q3 2021, as well as five-year averages for the same quarter and the total number of policy and service complaints retained in 2021.

Table 6 - Policy and Service Complaint Investigations

	2022 5 YR AVG Q3	Q3 2022	2021 5 YR AVG Q3	Q3 2021	2021 Total
Policy	0	1	0	0	2
Service	5	10	5	8	21
TOTAL	6	11	5	8	23

The OIPRD's Early Resolution Program (ERP)

In July 2020, the OIPRD advised that they would be streamlining early resolution processes in anticipation of changes under the Community Safety and Policing Act, 2019. By the end of 2020, the OIPRD replaced the Customer Service Resolution (CSR) program with the Early Resolution Program (ERP). Except for minor administrative changes, the ERP essentially remains the same as the CSR Program; wherein it provides an opportunity for complainants and respondent officers to voluntarily resolve a complaint before it is formally screened in for investigation. To proceed by way of ERP, the complainant, the respondent officer(s), and the police service must agree to this option. If they do not agree to this option, the complaint is returned to the screening process and it is either screened in for investigation or screened out by the OIPRD.

In Q3 2022, nine ERP files were received from the OIPRD. Five files were terminated as resolutions were not reached, one was concluded with resolution reached and the three remaining files were ongoing at the end of Q3 2022.

Conduct Complaint Status

The following summarizes the status of the 164 Conduct related Public and Internal complaints that were received or generated in Q3 2022, inclusive of the illegal protest related conduct complaints:

- 95 cases completed
 - o Five resulted in informal discipline
 - Seven withdrawn by the complainant
 - 31 screened-out by the OIPRD
 - Nine determined by the OIPRD to be frivolous, vexatious, or over six months after the facts on which it was based occurred.
 - 43 were unsubstantiated or resulted in no further action
- 69 investigations are ongoing

Table 7 (below) illustrates the Q3 2022 complaint status for Conduct related Public and Internal complaints, including a comparison with Q3 2021 and five-year average for the same quarter:

Table 7 - Complaint Status - Conduct Complaints

RESOLUTION	Q3 2021	Q3 2022	5 YR AVG Q3
Unsubstantiated	1	0	0
Vexatious/Frivolous/Bad Faith	13	8	7
Informal Resolution	0	0	0
Informal Resolution - Mediation	0	0	0
No Further Action	35	74	31
Withdrawn by Complainant	5	5	4

Withdrawn by Complainant through Mediation	0	2	1
Over Six Months	0	1	1
Third Party - Not Directly Affected	0	0	0
Complaints Not Resulting in Discipline Total	53	90	45
Informal Discipline	6	5	5
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	6	5	5
Complaints Outstanding total	67	69	59
TOTAL	126	164	124

Member Suspensions

The PSA provides that a Chief of Police can, in the most serious of matters, suspend a police officer. Suspensions are treated very seriously and only occur after a careful assessment of the case and any risk factors that may be present.

There were no officers suspended in Q3 2022, compared to the no officers suspended in Q3 2021 and the five-year Q3 average of 1. At the start of Q3 2022 there were eight officers on suspension. By the end of Q3 2022, there were six officers under suspension.

Special Investigations Unit (SIU) Investigations

The PSA provides that the SIU shall conduct criminal investigations into circumstances involving police where serious injury or death has occurred, a firearm has been discharge at a person, or where there are allegations of sexual assault.

The Board receives a separate report on each SIU case in every instance where the investigation is concluded by a report from the SIU Director. The SIU invoked its mandate five times in Q3 2022. All five investigations remain ongoing.

Table 8 (below) provides a comparator of SIU investigations between 2021 and 2022, as well as the five-year average for the same quarter.

Table 8 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q3 2022	Q3 2021	5 YR AVG Q3
Death	0	4	1
Serious Injury	5	3	3
Sexual Assault	0	0	0
TOTAL	5	7	4

Complaint Reviews

The PSA provides that public complainants may seek a review of the Chief's decision on a conduct complaint from the OIPRD. In Q3 2022, there were three requests for reviews from complainants received by the OIPRD. This is the same as Q3 2021 where there were three requests for reviews received also.

Policy/Service Complaint Reviews

Complainants dissatisfied with the resolution of a policy/service complaint may seek a review by the Board. There were no requests for policy and/or service complaints by the Police Services Board in Q3 2022.

SUPPORTING DOCUMENTATION

Document 1 Summary of Policy and/or Service Complaints completed in Q3 2022.

CONCLUSION

The OPS PSU strives to uphold the highest standards of conduct and accountability for OPS officers. They identify and address conduct issues and trends that arise from complaints, and are committed to conducting fair, objective, and timely investigations in furtherance of public trust and confidence in policing.

Document 1

SERVICE AND POLICY Q3 2022

Complaint #: 22-0497

Date of Incident: 31 May 2019

Date Complaint Received: 30 March 2022

Date Completed: 29 September 2022

Summary of Complaint:

The complainant alleged she contacted Ottawa Police Service and she was promised that mental health services would check on her mentally ill family member. The family member was found deceased a week later.

Summary of Findings and Actions Taken:

The PSU investigator found that the Service complied with the OPS conduct, service, policies and procedures. No review was requested and the OIPRD closed the file. No further action.

Complaint #: 22-0588

Date of Incident: 22 November 2016

Date Complaint Received: 13 April 2022

Date Completed: 25 July 2022

Summary of Complaint:

The complainant alleged that no one reached out to her with regards to property damages from her home being raided.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after her concerns were reviewed by an investigator in the Professional Standards Unit.

Complaint #: 22-0696

Date of Incident: 29 May 2022

Date Complaint Received: 09 June 2022

Date Completed: 03 August 2022

Summary of Complaint:

The complainant alleged he called 911 for a threatening encounter with two males and the call disconnected and no one attended.

Summary of Findings and Actions Taken:

The complainant chose to withdraw his complaint after his concerns were reviewed by an investigator in the Professional Standards Unit.

Complaint #: 22-0721

Date of Incident: 14 June 2022

Date Complaint Received: 22 June 2022

Date Completed: 11 July 2022

Summary of Complaint:

The complainant alleged that it took over an hour for an officer to attend to take a report when he was assaulted.

Summary of Findings and Actions Taken:

The complainant chose to withdraw his complaint after his concerns were reviewed by an investigator in the Professional Standards Unit.

Complaint #: 22-0728

Date of Incident: 20 June 2022

Date Complaint Received: 27 June 2022

Date Completed: 05 August 2022

Summary of Complaint:

The complainant alleged that she was advised that the fraud investigation could take up to 18 months.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after her concerns were reviewed by an investigator in the Professional Standards Unit.

Complaint #: 22-0754

Date of Incident: 01 April 2022

Date Complaint Received: 08 July 2022

Date Completed: 29 September 2022

Summary of Complaint:

The complainant alleged that the Ottawa Police Association building is flying a racist flag in opposition to Black Lives Matter and is a desecration to the Canadian Flag. He stated that he asked for it to be taken down and met with resistance and incorrect information about where to file a complaint.

Summary of Findings and Actions Taken:

The complainant chose to withdraw his complaint after his concerns were reviewed by an investigator in the Professional Standards Unit.

Complaint #: 22-0763

Date of Incident: 01 July 2022

Date Complaint Received: 15 July 2022

Date Completed: 03 August 2022

Summary of Complaint:

The complainant is concerned about not being able to comment on the OPS Twitter posts.

Summary of Findings and Actions Taken:

The complainant chose to withdraw his complaint after his concerns were reviewed by an investigator in the Professional Standards Unit.

Complaint #: 22-0770

Date of Incident: 05 July 2022

Date Complaint Received: 20 July 2022

Date Completed: 29 September 2022

Summary of Complaint:

The complainant alleged that the Record Check directions do not indicate that receiving by email indicates it can't be printed. She further alleges that OPS advised she would have to pay again if she wanted it printed.

Summary of Findings and Actions Taken:

The PSU investigator found that the Service complied with the OPS conduct, service, policies and procedures. No review was requested and the OIPRD closed the file. No further action.

Complaint #: 22-0779

Date of Incident: 07 July 2022

Date Complaint Received: 25 July 2022

Date Completed: 24 August 2022

Summary of Complaint:

The complainant advised she received a call from someone at the Ottawa Police asking for donations.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after her concerns were reviewed by an investigator in the Professional Standards Unit.

Complaint #: 22-0793

Date of Incident: 18 February 2022

Date Complaint Received: 28 July 2022

Date Completed: 24 August 2022

Summary of Complaint:

The complainant called 911 for a medical emergency and alleges that she was put on hold.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after her concerns were reviewed by an investigator in the Professional Standards Unit.

Complaint #: 22-0807

Date of Incident: 04 May 2022

Date Complaint Received: 04 August 2022

Date Completed: 17 August 2022

Summary of Complaint:

The complainant alleges that when she attended to report a hit and run at Ottawa Police Front Desk Services the member advised her to deal with her insurance company as it was not a criminal offence.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after her concerns were reviewed by an investigator in the Professional Standards Unit.

Complaint #: 22-0818

Date of Incident: 17 July 2022

Date Complaint Received: 10 August 2022

Date Completed: 07 September 2022

Summary of Complaint:

The complainant alleges the Police are not doing enough with regards to her son's mental health issues.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after her concerns were reviewed by an investigator in the Professional Standards Unit.

Complaint #: 22-0851

Date of Incident: 22 November 2016

Date Complaint Received: 23 August 2022

Date Completed: 14 September 2022

Summary of Complaint:

The complainant alleged that no one reached out to her with regards to property damages from her home being raided in 2016.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after her concerns were reviewed by an investigator in the Professional Standards Unit.