

Report to / Rapport au:

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

25 April 2022 / 25 avril 2022

Submitted by / Soumis par:

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

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**SUBJECT: COMPLAINTS REPORT – PART V, POLICE SERVICES ACT – FIRST
QUARTER 2022**

**OBJET: PLAINTES PARTIE V – LOI SUR LES SERVICES POLICIERS:
PREMIER TRIMESTRE DE 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 a robust 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, previous quarters during this reporting year, and five-year averages for the same quarter.

The number of Public and Internal Complaints generated in Q1 2022 are consistent with previous reporting periods, but for an unprecedented spike in Public Complaints that were received as a result of the illegal protest that gripped the city of Ottawa in January and February. A fulsome explanation of those statistics is contained in the discussion below. While most Public Complaints related to the illegal protest have been received, the time limit to file a complaint has not yet closed. As such, these statistics will appear as a separate line item for subsequent quarterly and annual reports once the final numbers have been confirmed.

DISCUSSION

New Complaints

Overall, in Q1 2022 a combined total of 392 Public and Internal Complaints were received. Compared to the first quarter of 2021 (164), this represents an increase of 228 complaints, or 139 percent.

By complaint type, there were 327 Public Complaints received in Q1 2022. Compared to Q1 2021 (77), this represents an increase of 250 Public Complaints or 324 percent. For Internal Complaints, 65 were generated in Q1 2022. Compared to Q1 2021 (87), this represents a decrease of 22 Internal Complaints or 25 percent.

Table 1 (below) illustrates the number of Public and Internal Complaints received in Q1 2022 compared to Q1 2021, as well as five-year averages for the same quarter.

Table 1 - New Public and Internal Complaints Received in Q1

	2022 5 YR AVG Q1	Q1 2022	2021 5 YR AVG Q1	Q1 2021	2021 Total
Public Complaint (Conduct)	102	281	55	73	294
Public Complaint (Policy or Service)	12	46	3	4	29
Internal Complaints (Other)	9	14	7	11	52
Internal Complaints (Red Light Camera Infractions)	17	22	14	20	86
Internal Complaints (MVCs)	27	19	27	23	79
Internal Complaints (ASEs)	9	10	N/A	33	41
TOTAL	176	392	106	164	581

Of the 327 Public Complaints received by the OIPRD in Q1 2022, 33 were referred to the OPS Professional Standards Unit (PSU) for investigation and the remaining 294 (90 percent) were screened out by the OIPRD. The OIPRD did not retain any complaints for its own investigation in Q1 2022.

Of the 327 Public Complaints received by the OIPRD in Q1 2022, 275 were directly attributed to the illegal protest held in Ottawa during January and February of 2022, or 84 percent. Of those 275 Public Complaints, 232 were conduct-related and 43 were policy or service-related.

Of these 275 Public Complaints directly attributed to the illegal protest, 263 (95 percent) were screened out by the OIPRD. By complaint type, 232 Conduct related complaints

resulted in 226 (97 percent) being screened out, and six (3 percent) being referred to the OPS for investigation. The 43 Service or Policy related complaints resulted in 37 (86 percent) being screened out, and six (14 percent) being referred to the OPS for investigation.

Table 2 (below) illustrates the overall number of Public and Internal Complaints that were screened in for investigation in Q1 2022 by the OIPRD, as compared to Q1 2021 and five-year averages for the same quarter. This table better reflects that, but for the unprecedented spike in Public Complaints generated by the illegal protest, the number of screened-in Public Complaints and new Internal Complaint investigations remains relatively consistent with other reporting periods. It also serves as an early indicator that our revamped disciplinary process to deal with driving-related conduct is having a positive impact, as the number of ASE's was significantly reduced to 10 from 33 as compared to Q1 2021, and despite an increase in the number of ASE cameras.

Table 2 – Public and Internal Complaint Investigations in Q1 after Screening by the OIPRD

	2022 5 YR AVG Q1	Q1 2022	2021 5 YR AVG Q1	Q1 2021	2021 Total
Public Complaint (Conduct)	27	26	27	27	113
Public Complaint (Policy or Service)	3	7	3	3	23
Internal Complaints (Other)	9	14	7	11	52
Internal Complaints (Red Light Camera Infractions)	17	22	14	20	86
Internal Complaints (MVCs)	27	19	27	23	79
Internal Complaints (ASEs)	9	10	N/A	33	41
TOTAL	92	98	78	117	394

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 complaints dealing with officer conduct received in Q1 2022 was 346, up from 160 in Q1 2021, or 116 percent. This data includes conduct complaints related to the illegal protest, prior to OIPRD screening.

Table 3 - Conduct Related Complaints by Category in Q1

	2022 5 YR AVG Q1	Q1 2022	2021 5 YR AVG Q1	Q1 2021	2021 Total
Improper Conduct	129	266	87	131	430
Excessive Force	17	56	6	10	29
Neglect of Duty	17	24	16	19	92
Firearm Discharge	0	0	0	0	1
TOTAL	163	346	109	160	552

Table 4 (below) outlines conduct complaints screened in for investigation by the OIPRD during Q1 2022, as compared to Q1 2021 and five-year averages for the same quarter. Again, this demonstrates that notwithstanding the spike in complaints resulting from the illegal protest, the number of screened-in conduct-related complaints and subsequent investigations is consistent with other reporting periods.

Table 4 - Conduct Related Complaint Investigations in Q1 after Screening by OIPRD

	2022 5 YR AVG Q1	Q1 2022	2021 5 YR AVG Q1	Q1 2021	2021 Total
Improper Conduct	75	76	69	100	316

Excessive Force	5	6	4	5	14
Neglect of Duty	8	9	8	9	40
Firearm Discharge	0	0	0	0	1
TOTAL	88	91	81	114	371

Policy/Service Complaints

There were 46 service or policy-related complaints received in Q1 2022, with 39 complaints screened out by the OIPRD. This data also includes policy or service complaints related to the illegal protest, prior to OIPRD screening. Details of the screened-out service or policy-related complaints received in Q1 2022, as well as a withdrawn service complaint carried over from Q4 2021 are attached to this report as Document 1.

Table 5 (below) outlines the total number of service and policy complaints received in Q1 2022 as compared to Q1 2021, as well as the Q1 five-year average.

Table 5 - Policy and Service Complaints

	2022 5 YR AVG Q1	Q1 2022	2021 5 YR AVG Q1	Q1 2021	2021 Total
Policy	1	1	0	0	3
Service	11	45	3	4	26
TOTAL	12	46	3	4	29

Table 6 (below) outlines policy and service complaints referred for investigation in Q1 2022 compared to the same quarter in 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 Q1	Q1 2022	2021 5 YR AVG Q1	Q1 2021	2021 Total

Policy	0	0	0	0	2
Service	3	7	2	3	21
TOTAL	3	7	2	3	23

Notwithstanding, the OIPRD screened out a significant number of policy or service complaints related to the illegal protest, in response to this unprecedented event they amended their procedure to allow for the consolidation of 70 service complaints with recurring themes. As such, two consolidated service complaints were screened-in under the themes of “differential treatment” (five complainants) and “fail to take action” (65 complainants). The OPS response to these consolidated service complaints will be informed by the various reviews that are underway.

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). With the exception of 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. In order 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 Q1 2022, two ERP files were received from the OIPRD. One file was withdrawn by the complainant, and the remaining file was ongoing at the end of Q1 2022.

Conduct Complaint Status

The following summarizes the status of the 346 conduct-related Public and Internal complaints that were received or generated in Q1 2021, inclusive of the illegal protest in January and February of 2022, related conduct complaints:

- 288 cases completed
 - Three resulted in informal discipline
 - Eight were withdrawn by the complainant

- 253 determined by the OIPRD to be frivolous, vexatious, over six months after the facts on which it was based occurred, third party where complainant was not affected, or deemed to be not in public interest.
- 24 were unsubstantiated or resulted in no further action
- 58 investigations are ongoing

Table 7 (below) illustrates the conduct complaint status for Q1 2022, as compared to Q1 2021 and five-year average for the same quarter:

Table 7 - Complaint Status - Conduct Complaints

RESOLUTION	Q1 2021	Q1 2022	5 YR AVG Q1
Unsubstantiated	0	0	0
Vexatious/Frivolous/Bad Faith	2	7	4
Informal Resolution	0	0	0
Informal Resolution - Mediation	0	0	0
No Further Action	80	268	90
Withdrawn by Complainant	7	5	6
Withdrawn by Complainant through Mediation	0	3	1
Over Six Months	0	2	2
Third-Party - Not Directly Affected	0	0	0
Complaints Not Resulting in Discipline Total	89	285	103
Informal Discipline	8	3	6
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	8	3	6

Complaints Outstanding total	63	58	53
TOTAL	160	346	162

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. If the Chief of Police does not believe that the best approach is to seek dismissal or there are minimal risk factors present, it is important for the member to contribute to the OPS in a meaningful way while the matter is resolved. The OPS' approach includes providing members meaningful assignments regardless of being under investigation or facing discipline.

There was one officer suspended in Q1 2022, compared to the three officers suspended in Q1 2021 and the five-year Q1 average of one. At the start of Q1 2022, there were 13 officers on suspension. By the end of Q1 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 discharge at a person, or where there are allegations of sexual assault.

The Board receives a separate report on each SIU case. The SIU invoked its mandate once in Q2 2022, not related to the illegal protest. This investigation remains ongoing. The SIU invoked its mandate twice during the illegal protest, but as those investigations involve or involved police services of another jurisdiction, they are not reported here.

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	Q1 2022	Q1 2021	5 YR AVG Q1
Death	0	2	1
Serious Injury	1	3	2
Sexual Assault	0	1	0

TOTAL	1	6	3
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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 Q1 2022, there were two requests for review from complainants received by the OIPRD. This is an increase from Q1 2021 where there were no requests for reviews received.

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 Q1 2022.

SUPPORTING DOCUMENTATION

Document 1 Summary of Policy and/or Service Complaints completed in Q1 2022

CONCLUSION

The OPS Professional Standards Unit continues to identify and address issues that arise from complaints. The OPS is committed to ensuring the accountability of officers for their individual actions and strives to uphold the highest standards of conduct for its members. The Professional Standards Unit is committed to conducting fair, objective and timely investigations, in furtherance of public trust and confidence in policing.