

Report to / Rapport au:

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

24 April 2023 / 24 avril 2023

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

**Inspector Hugh O'Toole, Professional Standards / Normes professionnelles
OTooleH@ottawapolice.ca**

**SUBJECT: COMPLAINTS REPORT – PART V, POLICE SERVICES ACT – FIRST
QUARTER 2023**

**OBJET: RAPPORTS SUR LES PLAINTES – PARTIE V, LOI SUR LES
SERVICES POLICIERS – PREMIER TRIMESTRE 2023**

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.

DISCUSSION

Reconciliation of Q1 Public Complaints with OIPRD

In Q1, the OPS reported having received 82 Public Complaints from the OIPRD, whereas the OIPRD reported an intake of 94 Public Complaints, with a resulting variance of 12. In discussions with the OIPRD, the cause of this variances has been identified as attributable to:

- **Timing:** The date (or quarter) upon which a complaint is received by the OIPRD and then referred to and received by the OPS.
- **Jurisdiction:** Certain complaints are not within the purview of Part V of the PSA or the OPS Professional Standards Unit, 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 Board.

On the issue of timing, 13 of the 82 public complaints received by OPS in Q1 were received by the OIPRD in Q4 of 2022, bringing the net variance to 25. During the reconciliation, we were able to identify 13 public complaints received in Q2, that were allocated to Q1 for the OIPRD statistics. Another 9 complaints recorded by the OIPRD in Q1 will be captured in the OPS Q2 statistics.

On the issue of jurisdiction, we have confirmed 3 complaints were not within the purview of Part V of the PSA, resulting in a net variance of 0.

New Complaints

In Q1 2023 a combined total of 168 Public and Internal Complaints were received. Compared to Q1 2022 (488), this represents a decrease of 320 complaints or 65%. Of note, the record increase in Q1 2022 was driven by 352 complaints related to the February illegal occupation. Those complaints will be fully reflected in the 2022 Annual Report, but for this analysis, the remaining non-occupation related complaints from Q1 2022 (136) as compared to Q1 2023 (168) results in an increase of 32 complaints or 24 percent.

By complaint type, 82 Public Complaints were received in Q1 2023. Compared to Q1 2022 (407), this represents a decrease of 325 Public Complaints or 80 percent. Again, compared to non-occupation related complaints in Q1 2022 (55), the result is an increase of 27 complaints or 49 percent for Q1 2023.

For Internal Complaints, 86 were initiated in Q1 2023. Compared to Q1 2022 (81), this represents an increase of five Internal Complaints or 6 percent for Q1 2023.

Table 1 (below) illustrates the number of Public and Internal Complaints received in Q1 2023 compared to Q1 2022, as well as five-year averages for the same quarter.

Table 1 - New Public and Internal Complaints Received in Q1

	2023 5 YR AVG Q1	Q1 2023	2022 5 YR AVG Q1	Q1 2022	2022 Total
Public Complaint (Conduct)	110	73	104	293	575
Public Complaint (Policy or Service)	26	9	25	114	144
Internal Complaints (Other)	9	8	9	14	33
Internal Complaints (Red Light Camera Infractions)	18	14	17	22	79
Internal Complaints (MVCs)	27	32	27	19	79
Internal Complaints (ASEs)	18	32	12	26	189
TOTAL	127	168	194	488	1099

Of the 82 Public Complaints received from the OIPRD in Q1 2023, 42 (51%) were referred to the OPS Professional Standards Unit (PSU) for investigation, and the

remaining 40 (49%) were screened-out by the OIPRD. The OIPRD did not retain any complaints for their own investigation in Q1 2023.

Table 2 (below) illustrates the overall number of Public Complaints that were screened in for investigation in Q1 2023 by the OIPRD, as compared to Q1 2022 and five-year averages for the same quarter.

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

	2023 5 YR AVG Q1	Q1 2023	2022 5 YR AVG Q1	Q1 2022	2022 Total
Public Complaint (Conduct)	48	33	27	27	128
Public Complaint (Policy or Service)	23	9	17	76	101
TOTAL	71	42	44	103	229

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 Q1 2023 was 159, down from 374 in Q1 2022 or 57 percent.

Table 3 - Conduct Related Complaints by Category in Q1 before Screening of Public Complaints by OIPRD

	2023 5 YR AVG Q1	Q1 2023	2022 5 YR AVG Q1	Q1 2022	2022 Total
Improper Conduct	143	36	134	227	430
Improper Conduct – Driving Related	N/A	86	N/A	67	347
Excessive Force	18	11	16	55	92
Neglect of Duty	21	26	17	25	82

Firearm Discharge	0	0	1	0	0
TOTAL	182	159	168	374	951

Table 4 (below) outlines the total number of Conduct related Public and Internal complaints that were investigated after Public Complaint screen-outs by OIPRD in Q1 2023 as compared to Q1 2022 and five-year averages for the same quarter. The Q1 total is 119, as compared to 107 in Q1 2022 or an 11 percent increase.

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

	2023 5 YR AVG Q1	Q1 2023	2022 5 YR AVG Q1	Q1 2022	2022 Total
Improper Conduct	69	22	78	26	102
Improper Conduct – Driving Related	N/A	78	N/A	67	347
Excessive Force	6	8	5	6	16
Neglect of Duty	8	11	8	9	40
Firearm Discharge	0	0	0	0	0
TOTAL	84	119	91	108	505

As demonstrated by Tables 1, 3 and 4, comparing the two quarters indicates substantial decreases, caused by a spike in Q1 2022 Public Complaint statistics brought about by the illegal occupation. When those complaints are taken out of the equation, the result is a moderate yet steady increase in the number of conduct related complaints year over year.

The key driver of this increase is the number of Automated Speed Enforcement and Red-Light Camera infractions, which continue to rise with the implementation of more cameras throughout the City. As such, the OPS Complaint Statistics report to the Board now includes a category to distinguish Driving Related Conduct from other forms of Improper Conduct.

In 2021, the OPS updated its process to deal with camera infractions to hold members accountable and apply progressive discipline when the threshold for exemption under the Ontario Highway Traffic Act are not met.

Service or Policy Complaints

There was 9 Service or Policy related Public Complaints received from the OIPRD in Q1 2023, and all were screened in for investigation. Of these, five were withdrawn by the complainant after being referred to OPS for investigation and four are still ongoing. For Service or Policy complaint investigations carried over from 2022, another four were withdrawn by the complainants and one concluded with no further action being taken. A summary of these Service or Policy related Public complaints is attached to this report at Document 1.

Table 5 (below) outlines the total number of Service and Policy complaints received in Q1 2023 as compared to Q1 2022, as well as the Q1 five-year average.

Table 5 - Policy and Service Complaints

	2023 5 YR AVG Q1	Q1 2023	2022 5 YR AVG Q1	Q1 2022	2022 Total
Policy	1	0	1	1	2
Service	26	9	24	113	142
TOTAL	31	11	25	114	144

Table 6 (below) outlines Service or Policy complaints referred for investigation in Q1 2023 compared to Q1 2022, as well as five-year averages for the same quarter and the total number of policy and service complaints retained in 2022. Again, the impact of the illegal occupation resulted in a significant spike in Service or Policy related Public complaints for Q1 2022.

Table 6 - Policy and Service Complaint Investigations

	2023 5 YR AVG Q1	Q1 2023	2022 5 YR AVG Q1	Q1 2022	2022 Total
Policy	0	0	0	0	1
Service	18	9	17	76	100
TOTAL	18	9	17	76	101

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 Q1 2023, four ERP files were received from the OIPRD. Two files were terminated as resolutions were not reached, one concluded with a resolution, and one remains ongoing at the end of Q1 2023.

Conduct Complaint Status

The following summarizes the status of the 159 Conduct related Public and Internal complaints that were received or generated in Q1 2023:

- 86 cases completed
 - 14 resulted in informal discipline
 - 1 withdrawn by the complainant
 - 11 withdrawn by complainant after mediation or alternative dispute resolution
 - 33 screened-out by the OIPRD
 - 6 determined by the OIPRD to be frivolous, vexatious, or over six months after the facts on which it was based occurred.
 - 21 were unsubstantiated or resulted in no further action
- 73 investigations are ongoing

Table 7 (below) illustrates the Q1 2023 complaint status for Conduct related Public and Internal complaints, including a comparison with Q1 2022 and five-year average for the same quarter:

Table 7 - Complaint Status - Conduct Complaints

RESOLUTION	Q1 2022	Q1 2023	5 YR AVG Q1
Unsubstantiated	0	0	0

Vexatious/Frivolous/Bad Faith	7	5	4
Informal Resolution	0	0	0
Informal Resolution - Mediation	0	0	0
No Further Action	6	21	37
Withdrawn by Complainant	5	1	5
Withdrawn by Complainant through Mediation	3	11	3
Over Six Months	2	1	1
Screened Out	271	33	N/A
Third Party - Not Directly Affected	0	0	0
Complaints Not Resulting in Discipline Total	294	72	111
Informal Discipline	3	14	8
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	3	14	8
Complaints Outstanding total	76	73	63
TOTAL	374	159	183

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 Q1 2023, compared to the one officer suspended in Q1 2022 and the five-year Q1 average of one. At the start of Q1 2023 there were four officers on suspension. By the end of Q1 2023, there were two 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 in every instance where the investigation is concluded by a report from the SIU Director. The SIU invoked its mandate 3 times in Q1 2023. All three investigations remain ongoing.

Table 8 (below) provides a comparator of SIU investigations between Q1 2023 and Q1 2022, as well as the 5-year average for the same quarter.

Table 8 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q1 2023	Q1 2022	5 YR AVG Q3
Death	0	0	1
Serious Injury	3	1	2
Sexual Assault	0	0	1
TOTAL	3	1	3

Complaint Reviews

The PSA provides that public complainants may seek a review of the Chief's decision on a conduct complaint received from the OIPRD. In Q1 2023, there were six requests for review, an increase from two in Q1 2022.

Service or Policy Complaint Reviews

Complainants who are dissatisfied with the resolution of their Service or Policy complaint may seek a review by the Board. There were no requests for a Board review in Q1 2023.

SUPPORTING DOCUMENTATION

Document 1 Summary of Service or Policy Complaint investigations that were completed in Q1 2023.

CONCLUSION

The OPS Professional Standards Unit strives to uphold the highest standards of conduct and accountability for its members. 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 the core principle of maintaining public trust and confidence in policing.

Document 1

SERVICE or POLICY COMPLAINT DISPOSITIONS (Q1 2023)

Complaint #: 22-1189
Date of Incident: 20 November 2022
Date Complaint Received: 12 December 2022
Date Completed: 09 January 2023

Summary of Complaint:

The complainant alleged they contacted Ottawa Police Service, and their emergency was not treated as such by the operator.

Summary of Findings and Actions Taken:

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

Complaint #: 22-1171
Date of Incident: 10 June 2022
Date Complaint Received: 06 December 2022
Date Completed: 09 January 2023

Summary of Complaint:

The complainant alleged that the Background Clearance system did not notify them that they were ineligible for an OPS records check until after they paid and that the forms indicate you cannot get a refund. They further allege that they could not book an appointment to speak to Background Clearance to discuss a refund.

Summary of Findings and Actions Taken:

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

Complaint #: 22-1161
Date of Incident: 19 November 2022
Date Complaint Received: 01 December 2022
Date Completed: 02 February 2023

Summary of Complaint:

The complainant alleged that the civilian who was helping them report driving concerns was unable to locate a corresponding truck to the partial plate provided.

Summary of Findings and Actions Taken:

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

Complaint #: 22-1066
Date of Incident: 15 April 2022
Date Complaint Received: 28 October 2022
Date Completed: 24 February 2023

Summary of Complaint:

The complainant alleged that inappropriate questions were asked of their child during investigation.

Summary of Findings and Actions Taken:

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

Complaint #: 22-0786
Date of Incident: 13 February 2022
Date Complaint Received: 26 July 2022
Date Completed: 02 March 2023

Summary of Complaint:

The complainant alleged police did nothing while they were in a hostage situation, precipitated by convoy protestors and counter-protestors creating an hours-long traffic jam.

Summary of Findings and Actions Taken:

PSU determined that the Service was compliant with its policies and procedures. No review was requested and the OIPRD closed the file. No further action.

Complaint #: 23-0034
Date of Incident: 06 January 2023
Date Complaint Received: 23 January 2023
Date Completed: 16 February 2023

Summary of Complaint:

The complainant alleged that when calling 911 during an attempted break and enter, the operator advised to have a conversation to see what the gentleman wanted, which they did not accept as advice and asked for police. The complainant alleges police were not dispatched.

Summary of Findings and Actions Taken:

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

Complaint #: 23-0072
Date of Incident: 01 March 2022
Date Complaint Received: 02 February 2023
Date Completed: 16 February 2023

Summary of Complaint:

The complainant alleged that a breach of privacy had taken place.

Summary of Findings and Actions Taken:

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

Complaint #: 23-0081
Date of Incident: 31 January 2023
Date Complaint Received: 07 February 2023
Date Completed: 16 February 2023

Summary of Complaint:

The complainant alleged that officers never attended their call for service.

Summary of Findings and Actions Taken:

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

Complaint #: 23-0153
Date of Incident: 26 February 2023
Date Complaint Received: 09 March 2023
Date Completed: 17 March 2023

Summary of Complaint:

The complainant alleged that despite calling 911 for someone banging on their door, police were not dispatched.

Summary of Findings and Actions Taken:

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

Complaint #: 23-0173

Date of Incident: 26 February 2023

Date Complaint Received: 22 March 2023

Date Completed: 4 April 2023

Summary of Complaint:

The complainant alleged that police are not doing anything with the drug issues in the unit next to him.

Summary of Findings and Actions Taken:

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