

Report to / Rapport au:

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

26 June 2023 / 26 juin 2023

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

**Superintendent Robert Drummond, Executive Officer to the Chief of Police /
fonctionnaire exécutif**

DrummondR@ottawapolice.ca

SUBJECT: PROFESSIONAL STANDARDS UNIT - 2022 ANNUAL REPORT

**OBJET: UNITÉ DE NORMES PROFESSIONNELLES - RAPPORT ANNUEL
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 Ottawa Police Service (OPS) values public trust and confidence in policing, and we continually seek to demonstrate a high level in our duty of care when conducting operations and serving the public. This includes proper oversight to ensure accountability and transparency.

We strive to maintain a high level of oversight that ensures accountability and transparency for both our Service and members to build public trust.

The Professional Standards Unit (PSU) investigates complaints about our members, services, and policies, and facilitates resolution. This includes public complaints, which are received through the Office of the Independent Review Director (OIPRD) as the independent oversight body in Ontario, and internal (of Chief's) complaints which are generated by the Chief of Police. Part V of the Ontario Police Services Act

(PSA) “Complaints and Disciplinary Proceedings” governs the process for dealing with both complaint types. Resolutions may include mediation, informal discipline and formal discipline, and PSU also makes recommendations on policy, training, and communications.

All public complaints are directed to the OIPRD. As an agency of the Ministry of the Attorney General (Ministry), it is an independent oversight body to ensure that all public complaints about police in Ontario are dealt with fairly and transparently. Public complaints may be in relation to the conduct of our officers, our policies, or our services. The OIPRD may screen out a complaint, retain it for investigation, or refer it back to the OPS or another police service for investigation and resolution. For public complaints that are referred to us, the OPS has a corresponding obligation to report the findings and outcomes back to the OIPRD. A public complaint may be withdrawn at any time, but can also be escalated to an internal complaint process where appropriate.

The PSU also generates, investigates, and remediates internal complaints under the designated authority of the Chief of Police. Internal complaints are usually applied for more serious conduct issues, including misconduct as defined under the PSA and criminal matters. The PSU conducts thorough investigations, respective of the sensitive nature of complaints about police conduct. The manner in how a complaint is handled not only impacts individual complainants and officers, but also reflects directly on the integrity of the OPS and public trust and confidence.

In early 2022, the illegal protest that occurred in February gave rise to a series of demonstrations and blockades across Canada. Ottawa was hardest hit by this movement which resulted in an illegal and unprecedented occupation of downtown Ottawa and the Parliamentary Precinct and created unprecedented policing challenges not seen in modern times.

The illegal protest is responsible for a sharp increase in the number of public complaints directed at the OPS that was received by the OIPRD in 2022. The OIPRD received 866 public complaints before screen-outs in 2022, as compared to just 350 in 2021, or a difference of 516 complaints. Of those complaints, 410 of were attributed to the illegal protest, with 390 either screened out or consolidated by the OIPRD. A review of the screen-outs of 199 illegal protest-related complaints was attributed to the complainants not being directly affected by the incident or interaction with police.

Figure 1 (below) illustrates the total number of public complaints received over a five-year period, with and without illegal protest-related complaints.

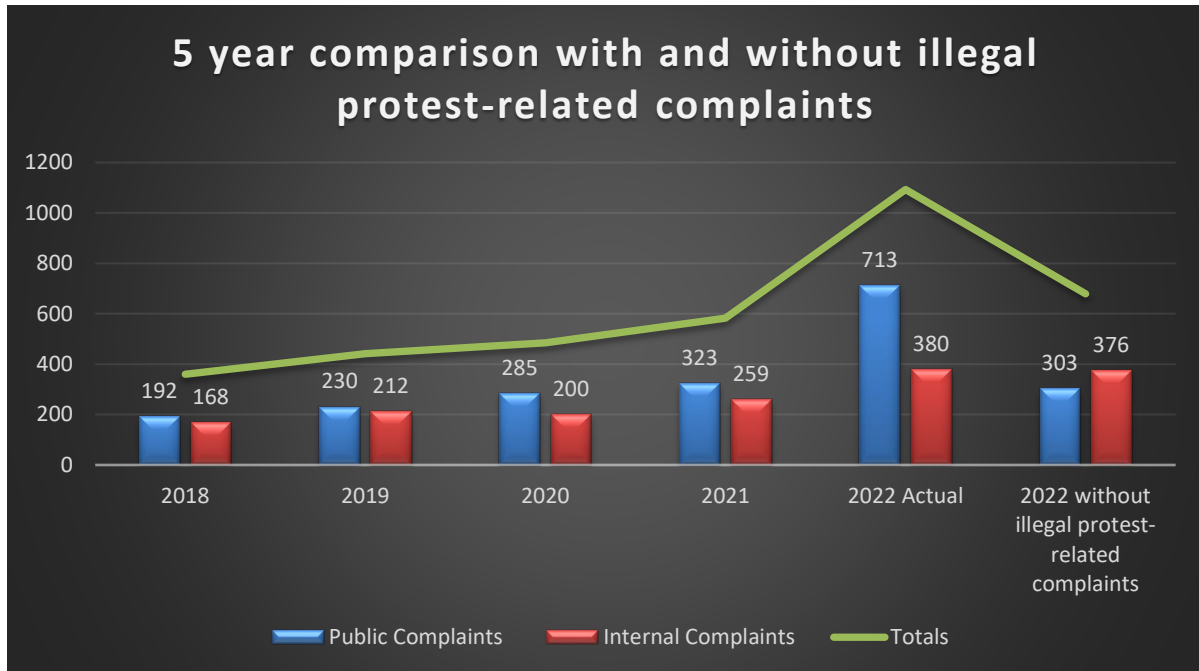


Figure 1: Total public complaints received by the OPS (2018-2022) with and without illegal protest-related complaints.

When comparing the total number of complaints received by the OIPRD prior to screen-out (866) and the total number recorded by OPS prior to screen-out (713), there is a variance of 153. To a much smaller degree, this variance is common due to administrative differences between the two agencies. However, in 2022 this variance was significantly amplified due to the surge in illegal protest-related public complaints. Both agencies have worked hard to identify the reasons behind the variance to ensure a full reconciliation of their respective complaint statistics for 2022.

In discussions with the OIPRD, the cause of the variance is attributed to:

- **Timing:** The date (or quarter/year) 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 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).

Jurisdiction accounts for a vast majority of the variance in 2022, with 136 public complaints made against the Chief/Deputy Chiefs that are within the purview of the Board and not captured as part of OPS complaint statistics. A further 25 complaints were received by the OIPRD that are not within the purview of Part V of the PSA and not captured as part of the OPS complaint statistics.

Timing accounts for some of the variance as well. For example, 12 complaints received by the OIPRD in 2022 were not received by the OPS until Q1 of 2023 and were captured in our Q1 2023 report. Another 14 complaints received by the OIPRD in 2021 were not received by the OPS until Q1 2022 and were captured in our Q1 2022 report. A further three complaints have yet to be received by the OPS and will be accounted for in our Q2 2023 report.

Differences in administrative processes also account for some of the variance. The OIPRD counted four complaints which they consolidated into two, and the OPS recorded them as two complaints. Another 12 complaints were sent to the OPS for an investigation that involved police services from another jurisdiction. Additionally, tcomplaint that was identified as being a duplicate complaint.

When all of the above items are factored in, the variance (153) is brought to zero and therefore fully reconciled.

Table 1 (below) shows the calculations applied to each category.

Table 1: OIPRD/OPS Variance Reconciliation Calculations

Variance Description	Calculation	Total
Jurisdiction	136+25	161
Timing	12+3-14	1
Process	-12+2+1	-9
TOTAL		153

- Negative numbers are assigned to the OPS numbers that were not counted in the same way by the OIPRD.
- Positive numbers are assigned to the OIPRD numbers that were not counted in the same way by the OPS.

In 2022, PSU recorded 713 public complaints before screen-out by the OIPRD and generated a further 380 internal complaints as follows:

- Of the public complaints, 483 were screened out by the OIPRD, seven were withdrawn by the complainant prior to screening, and 223 were referred for investigation.
- Of the internal complaints, 350 were attributed to driving-related conduct, and 30 were related to other conduct issues.

Complaint remediation

To resolve matters deemed obviously not of a serious nature, the OIPRD and the PSU will attempt an informal resolution. As a non-adversarial process, informal resolution often involves mediation and may occur only upon the consent of the involved parties. Statements made to informally resolve a matter are not admissible if the resolution is unsuccessful.

Informal discipline may also be applied to substantiated misconduct that is less serious in nature. Sanctions may include counselling, training, loss of pay, or any reasonable measure in the circumstances aimed at remediation. An officer must consent to informal discipline, but if they refuse, the matter proceeds to a formal discipline hearing. Informal discipline is retained in an officer's employment record for two years.

Formal discipline applies to substantiated misconduct that is serious in nature. The PSA requires a formal disciplinary hearing to be held, and sanctions may include dismissal, demotion, suspension without pay, forfeiture of pay, and any reasonable measure aimed at remediation. Formal discipline is permanently retained in an officer's employment record.

Informal resolution

The OIPRD continued to utilize their Early Resolution Program (ERP), in anticipation of pending changes under the Community Safety and Policing Act (CSPA). For public complaints deemed appropriate by the OIPRD, the ERP provides a voluntary opportunity for complainants and respondent officers to achieve resolution before the formal investigation and remediation process is triggered.

The ERP process is confidential, allowing participants to share perspectives and gain a better understanding of the events leading up to and surrounding an interaction that has resulted in a complaint. Successful resolutions using the ERP process can provide powerful learning opportunities with lasting positive impacts for the participants. Public complaints that are resolved through ERP do not count as public complaints for OIPRD and OPS statistics.

In 2022, the OIPRD identified 19 public complaints involving the OPS as suitable for resolution under the ERP process. Of those, five were withdrawn, one was resolved informally, and 13 were not resolved through the informal process and proceeded to screening.

Alternate Dispute Resolution (ADR)

Section 93 of the PSA allows for the informal resolution of conduct matters that are obviously not of a serious nature, and the OIPRD encourages police services to facilitate informal resolution in circumstances where it is appropriate to do so. In

addition to the ERP program administered by the OIPRD, the OPS developed a similar Alternate Dispute Resolution (ADR) program in 2019. It began as a six-month pilot project and was adopted permanently in 2020.

Like ERP, the ADR program provides complainants and respondent officers with an opportunity to share perspectives and achieve mutual understanding to resolve a complaint without triggering the formal investigation and remediation process. Available remedies through ADR include mediation and officer education or training.

Applied in appropriate circumstances, ADR results in better outcomes for everyone involved. It improves community relationships and allows us to better support our members while holding them to the highest standards of professionalism. Officers reflect upon their actions from the perspective of the complainant, and complainants feel heard and gain a better understanding of police actions. Unlike the OIPRD's ERP process, public complaints that are resolved through ADR are counted for OIPRD and OPS complaint statistics.

In 2022, the OPS completed investigations for 103 public complaints and 120 were carried over into 2023. Of the 120 that were carried over, 70 illegal protest-related service complaints were consolidated into two, based on similar themes and will be reported on in the Q2 2023 report. Of the 103 public complaint investigations that were completed in 2022, 73 (71%) were successfully resolved through the ADR process.

DISCUSSION

The following provides an overview of key PSU metrics with a brief interpretation.

Complaint statistics

Considering the administrative variances between OIPRD and OPS statistics explained in the Background section, the OPS recorded 713 public complaints before screen-outs by the OIPRD in 2022, compared to just 323 in 2021. This represents a 121 percent increase year over year, and an 85 percent increase over the five-year average (385). As noted, however, the increase in public complaints is directly attributed to the illegal protest.

Also of note, there has been a rise in calls for service and total calls received by the OPS in 2022. Calls for service increased from 337,357 to 346,143, and total calls increased from 667,000 to 1,069,643. This represents one public complaint for every 458 police responses and one public complaint for every 1,500 total calls to the OPS. Comparatively, when you factor the complaints screened in for investigation, this represents one screened-in public complaint for every 1,552 police responses or 4,797 total calls. In 2021, the OPS responded to 337,357 calls for service and

667,000 total calls, representing one screened-in public complaint for every 1,044 police responses or 2,065 total calls.

Figure 2 (below) illustrates the total number of public complaints received over a five-year period, with and without illegal protest-related complaints:

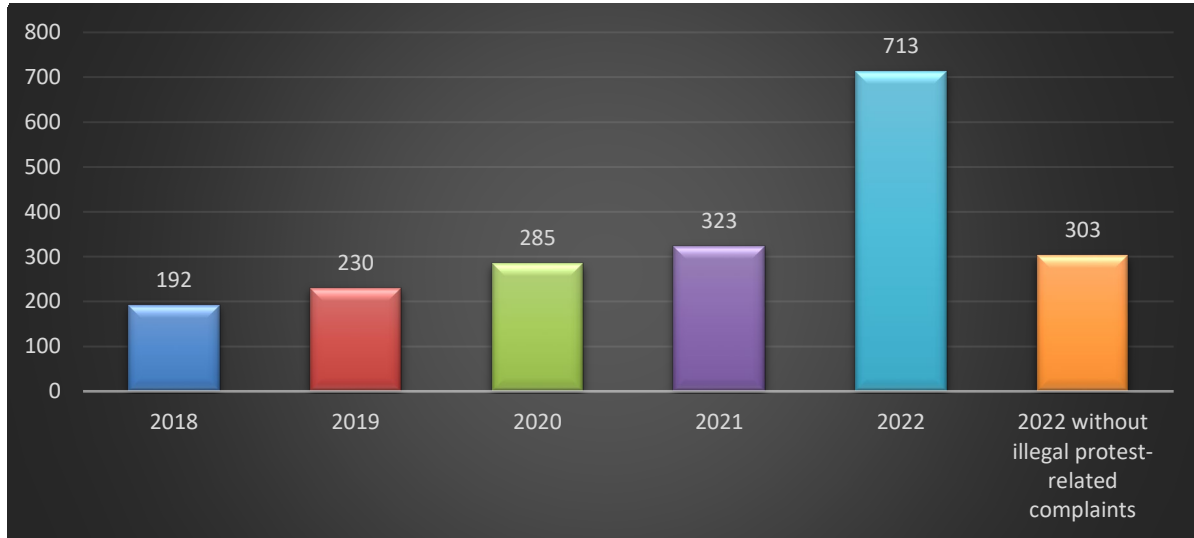


Figure 2: Total public complaints received by the OPS (2018-2022)

Of the 713 public complaints made about the OPS in 2022, the OIPRD screened out 483 on the basis that they were deemed to be frivolous, vexatious, over the six months limitation, not in the best interest of the public to proceed, or that the complainants were not directly affected by the incident or interaction. A further seven complaints were withdrawn by the complainants prior to screening by the OIPRD. Of the remaining 223 public complaints that were screened in by the OIPRD, 221 were referred to PSU for investigation and remediation, one was referred to the Ontario Provincial Police (OPP) and one was retained by the OIPRD. Compared to 2021, the OIPRD screened out 182 public complaints, referred 135 to the PSU, one to OPP, retained zero, and five complaints were withdrawn by the complainant prior to screening process.

Figure 3 (below) illustrates the total number of public complaints that were screened in for investigation after screen-outs by the OIPRD over a five-year period:

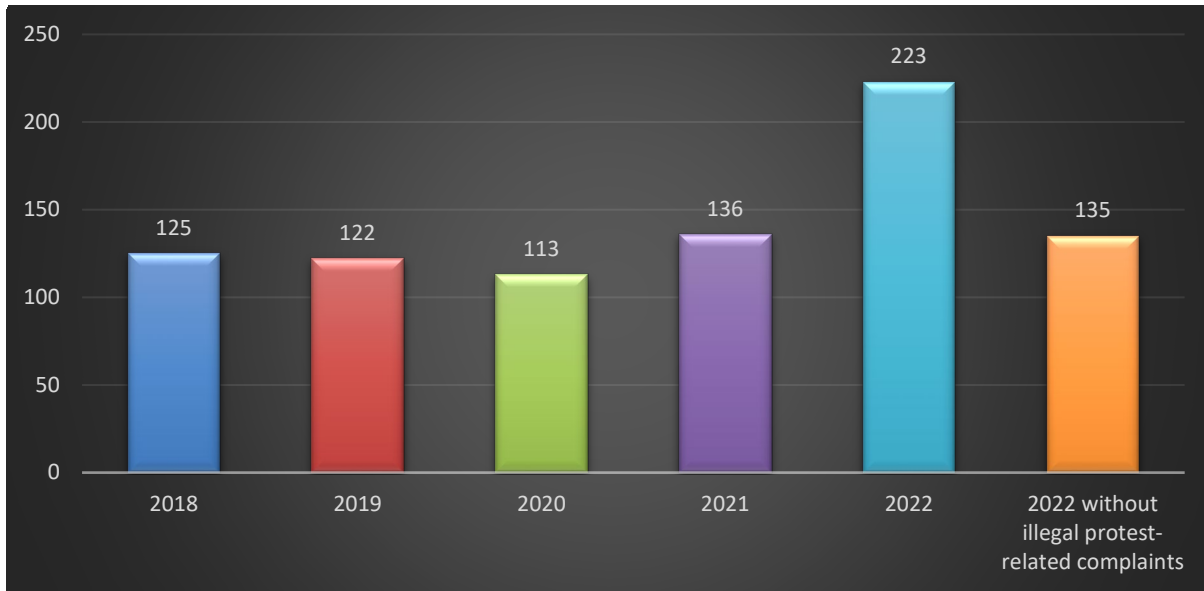


Figure 3: Total public complaints investigations after screen-outs by the OIPRD (2018-2022)

In 2022, PSU generated 380 internal complaints about the conduct of our officers. This is 47 percent more than in 2021 (259), as well as 56 percent more than the five-year average for internal complaints (244).

Figure 4 (below) illustrates the total number of internal complaints generated over a five-year period:

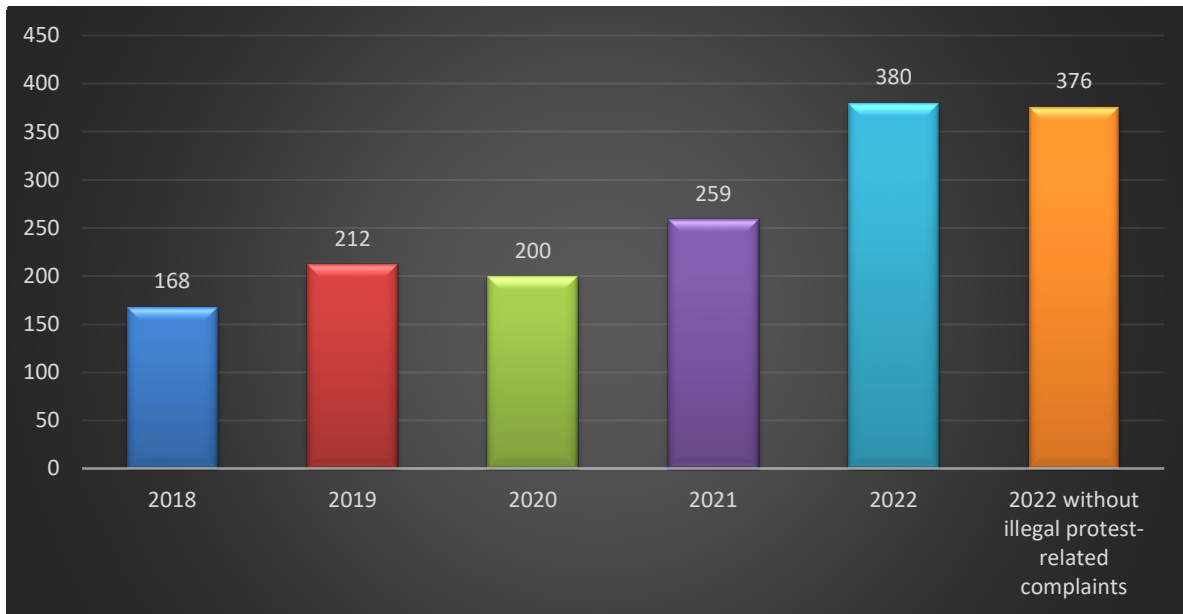


Figure 4: Total internal complaints generated by the OPS (2018-2022)

Figure 5 (below) illustrates the total number of public and internal complaints added together for a five-year period, with and without illegal protest-related complaints:

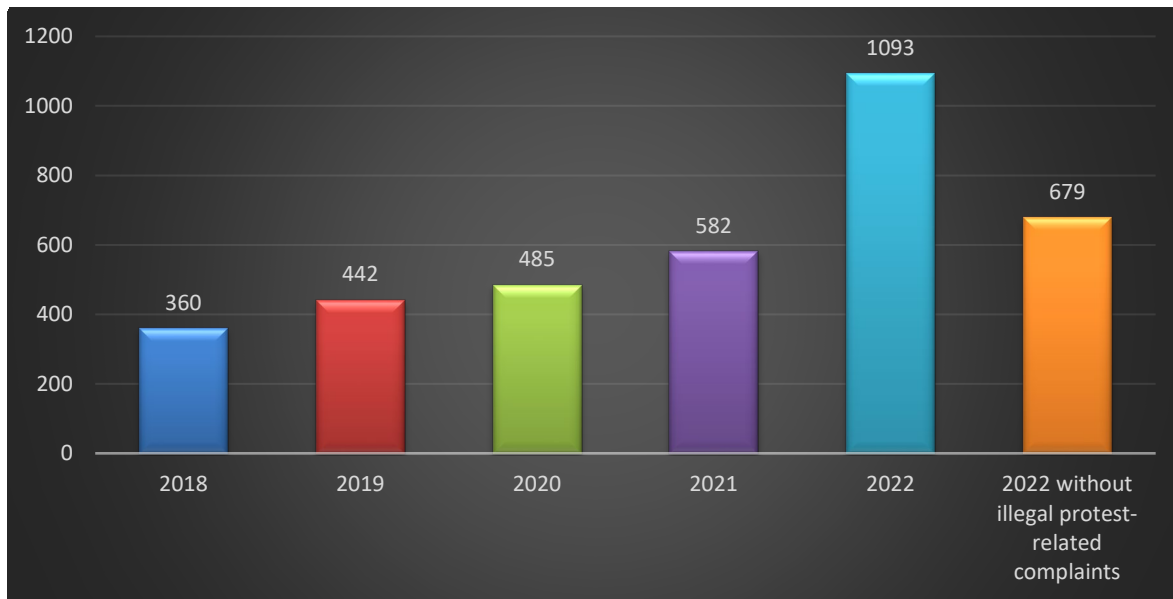


Figure 5: Total complaints received by the OPS 2018-2022

In 2022, the total number of public and internal complaints taken together was 1,093. This represents an 87 percent increase over 2021 (582), and an 85 percent increase over the five-year average (592).

Although 2022 saw a substantial increase in the number of complaints, minus all illegal protest-related complaints, we are on trend with the five-year period, with the exception of internal complaints. The increase in internal complaints is attributed to increases in driving-related conduct, specifically the growth and deployment of Automated Speed Enforcement Cameras (ASE's) and Red-Light Cameras across the city.

Despite these increases in public and internal complaints, the PSU continues to identify conduct trends and monitor high-risk officers by leveraging a number of resources including an officer's Chain of Command, the OPS Early Intervention Program, the OPS Employee Wellness Program, the OPS Professional Development Centre, and its informal resolution process. Where appropriate, informal and formal discipline is applied.

Classification of complaints

Public and internal complaints are classified by the nature of the allegation. Where there is more than one allegation, the most serious allegation is assigned a category. These classifications provide better insight into the types of situations that generate public and internal complaints.

Table 2 (below) reveals the breakdown of complaint types:

Table 2: Classification of Public and Internal Complaints

Classification	2018	2019	2020	2021	2022	5 Year Average
Improper Conduct	272	329	380	431	776	438
<ul style="list-style-type: none"> Further breakdown of Improper Conduct by Driving Related Conduct (Red Light, ASE, Accident) 	N/A	N/A	N/A	N/A	347	N/A
Excessive Force	12	27	24	29	92	37
Neglect of Duty	57	67	68	92	83	73
Firearm Discharge	2	3	0	1	0	1
Policy/Service Complaints	17	16	13	29	142	43
Total	360	442	485	582	1093	592

Improper conduct subclassifications

Improper conduct complaints are further broken down in subclassifications.

Table 3 (below) reveals the breakdown of improper conduct complaint types, with a comparison to 2021.

Table 3: Sub-Classification of Improper Conduct Complaints

Classification	2021	2022
Inappropriate Actions	298	615
Abuse of Authority	72	103
Comments/Language	30	36

Confidentiality	24	18
Insubordination	7	4
Total	431	776

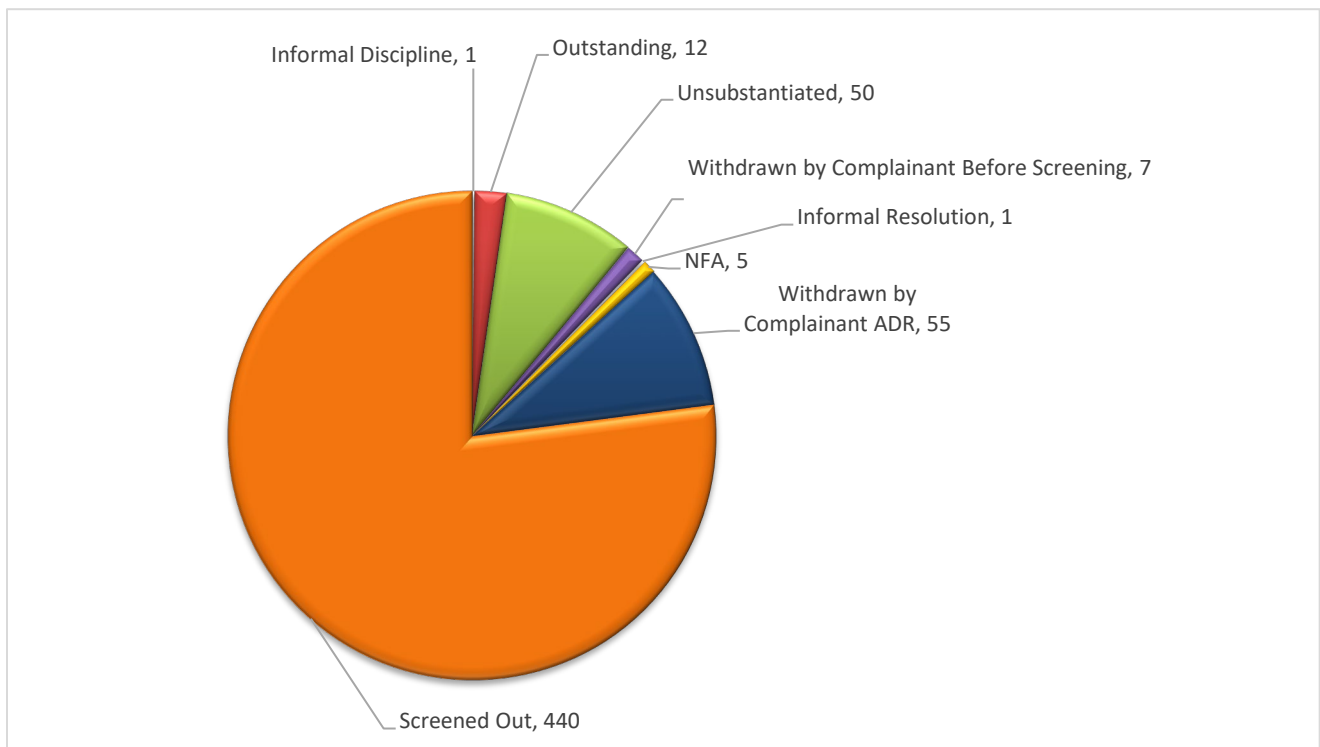
Resolution of conduct related public complaints

Of the 713 public complaints received by the OIPRD in 2022, 571 were classified as conduct related, and 142 were classified as service or policy related. The OIPRD dismissed 440 of these conduct complaints as frivolous, vexatious, over the six months limitation, not an affected party, or it is not in the best interest of the public to proceed. A further seven conduct-related public complaints were withdrawn by the complainant prior to being screened by the OIPRD. Another 55 conduct-related public complaints were withdrawn at the discretion of the complainants at the conclusion of the OPS' ADR process.

Of the remaining 69 conduct-related public complaints received in 2022, one was voluntarily resolved by informal resolution, five were closed with no further action due to consolidation with another complaint, 50 were unsubstantiated upon investigation, one resulted in informal discipline and 12 remain open and are still under investigation.

Figure 6 (below) illustrates the breakdown for public complaint dispositions in 2022:

Figure 6: Public Conduct Complaint Dispositions 2022



Resolution of internal conduct complaints

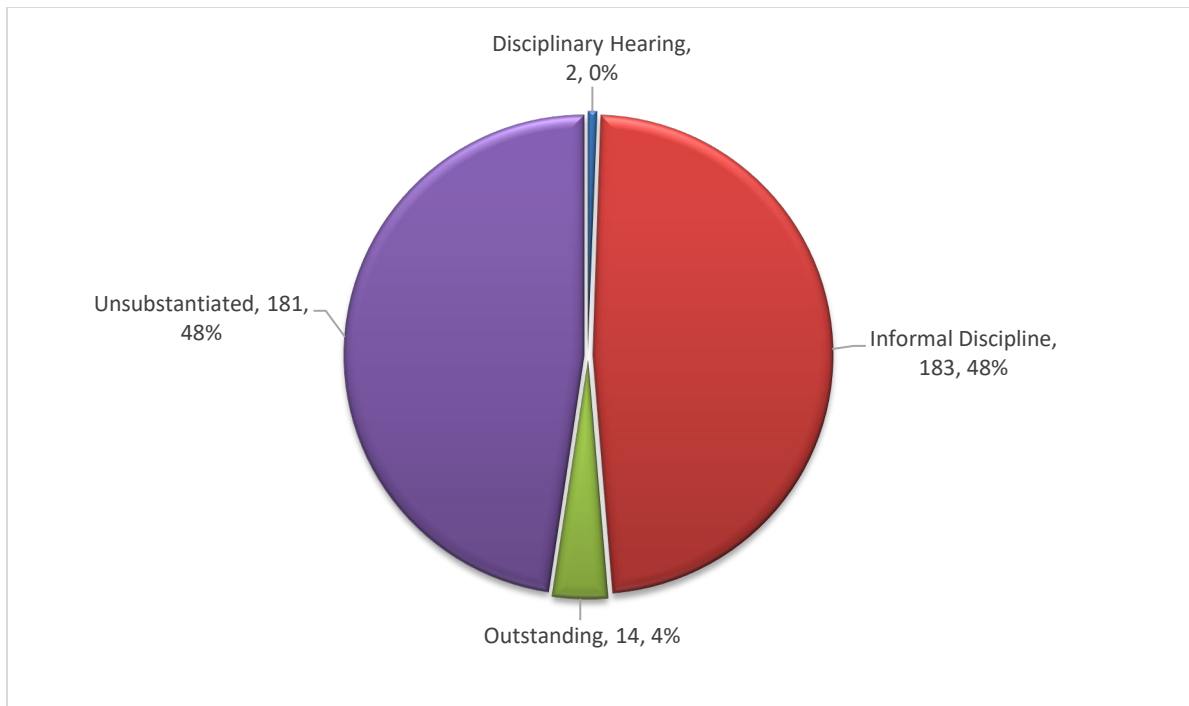
Of the 380 internal complaints generated in 2022, 350 (92%) were related to driving issues, specifically Red-Light camera infractions (192), motor vehicle collisions (79), and ASE's (79). The remaining 30 internal complaints were related to other conduct issues.

The 47 percent increase in the number of internal complaints from 2021 is driven by an increase in driving-related conduct, specifically the growth of ASEs and Red-Light cameras. These are captured under the improper conduct subclassification of "Inappropriate Actions." The Ontario Highway Traffic Act (HTA) provides police with an exemption to speeding, provided it is duty-related and reasonable under the circumstances. Each infraction is assessed individually, and in 2021 the PSU revamped the process to address driving-related conduct that includes progressive discipline in the form of counselling, training, and forfeiture of hours.

Of the 380 internal complaint investigations opened in 2022, two resulted in disciplinary hearings, 183 resulted in informal discipline, 181 were unsubstantiated and closed with no further action, and 14 investigations remained outstanding at the end of 2022.

Figure 7 (below) illustrates the breakdown of Internal Complaint dispositions in 2022:

Figure 7: Internal Complaint Breakdown 2022



Resolution of policy and service complaints

Of the 142 policy and service complaints received in 2022, 43 were screened out by the OIRPD as not being in the public interest, 23 were withdrawn by the complainant, four resulted in no action being taken, and 72 were still pending at year-end. Of these, 70 were attributed to the illegal protest and consolidated into two complaints by the OIPRD. They will be added to the Q2 2023 report.

There were no service complaints that went before the Board for review in 2022.

Requests for review by the OIPRD

Upon conclusion of the investigation of a public complaint, a complainant has 30 days to request a review by the OIPRD if they disagree with the findings.

As indicated in Table 4 (below) 13 requests for review were received in 2022. This is one more than the number of reviews requested in 2021 (12). For 10 of these complaints, the OIPRD was satisfied with the investigation conducted by the OPS and confirmed the decisions, in one case the OIPRD specified direction to be taken, and two complaints remain under review by the OIPRD.

Table 4: Request for Review by OIPRD

Requests for Review by OIPRD Resolutions	201	201	202	202	202	5 Year Average
Confirmed Decision	4	6	8	7	10	7
Specified Direction	1	4	1	2	1	2
Assigned to Outside Police Service	0	0	0	0	0	0
OIPRD to Investigate	0	0	0	0	0	0
Reviews Pending	6	4	1	3	2	3
Total	11	14	10	12	13	12

Official language complaints

Board Policy CR-11 requires that official language complaints be reported in the annual report. In 2022, there were no complaints.

Police Services Act (PSA) hearings

There were eight disciplinary hearings held in 2022, including five initiated by internal complaint investigations prior to 2022. Two of the three disciplinary hearings initiated

in 2022 have concluded and one remains ongoing. Two of the five disciplinary hearings initiated prior to 2022 have concluded and three remain ongoing.

Requests for appeal of hearing decisions

Under section 87(1) of the PSA, an officer or complainant may appeal a conviction and/or outcome to the Ontario Civilian Police Commission (OCPC). There were no appeals to OCPC for a PSA hearing decision sought in 2022.

Investigation of criminal allegations

The PSU is also responsible for conducting investigations into our members where there is an allegation of criminal conduct. In 2022, two officers were charged with criminal offences, which is four less than in 2021. The cumulative number of OPS officers under criminal charges throughout 2022 was two, but by the end of 2022, the number of officers facing criminal charges was reduced to one. The criminal charges that were disposed of in 2022 were withdrawn by the Crown.

Special Investigations Unit (SIU) investigations

The province's Special Investigations Unit (SIU) is legislated to investigate the circumstances of serious injury or death and sexual assault that may have resulted through criminal offences committed by a police officer. Section 11 of Ontario Regulation 268/10 of the PSA directs a Chief of Police to conduct an administrative review of each SIU case, once it has completed its investigation. Our administrative review focuses on policies, services, and conduct.

In 2022, the SIU invoked its mandate for 12 incidents. This is a decrease from 2021 (22) and the five-year average (16). By the end of 2022, the SIU terminated two investigations with no further action, seven investigations resulted in no criminal charges, and three investigations were still open at the end of 2022.

Officer suspensions

The PSA provides that a Chief of Police can, in the most serious of matters, suspend a police officer if they are charged with or suspected of committing misconduct or a criminal or provincial offence. Suspensions are treated very seriously and are imposed after a careful assessment of each case using established criteria.

Suspensions typically apply when allowing an officer to remain on duty in some capacity presents a risk to the public, the police, the officer, or the integrity of the investigation.

In 2022, four officers were suspended, which is one less than the five-year average of six. A further 10 officers had their suspensions carried over into 2022 from previous years, for a total of 14 officers being under suspension in 2022. Of these 14 suspensions, two officers remained suspended by the end of 2022.

CONCLUSION

The OPS holds our members to the highest standards of ethics, professionalism, and accountability. To support and improve public trust and confidence, complaints against the police are taken seriously and thoroughly investigated. Working closely with the OIPRD as the provincial oversight body, the PSU is committed to conducting fair and impartial investigations, applying appropriate remediation, and continuing to identify, address, and monitor any trends related to police conduct.