

Report to / Rapport au:

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

24 July 2023 / 24 juillet 2023

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

Superintendent

Superintendent Robert Drummond, Executive Officer to the Chief of Police

/fonctionnaire exécutif

DrummondR@ottawapolice.ca

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

**OBJET: PLAINTES PARTIE V – LOI SUR LES SERVICES POLICIERS:
DEUXIÈME 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 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 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

New Complaints

In Q2 2023 a combined total of 157 Public and Internal Complaints were received. Compared to 176 in Q2 2022, this represents a decrease of 19 complaints or 11 percent. Of note, Q2 2022 stats included 54 complaints related to the February illegal protest.

Removing illegal protest-related complaints from Q2 2022 and comparing the remaining 122 combined Public and Internal complaints against the 157 recorded in Q2 2023 (157), the result is an increase of 35 complaints or 29 percent.

By complaint type, 89 Public Complaints were received in Q2 2023. Compared to Q2 2022 (131), this represents a decrease of 42 Public Complaints or 32 percent. However, when removing illegal protest-related Public Complaints from the Q2 2022 data, the result is an increase in the number of Public Complaints received in Q2 2023 (89) as compared to Q2 2022 (78). The full impact of illegal protest-related complaints is addressed in greater detail in the 2022 Annual Complaints Report that was submitted to the Board in June.

For Internal Complaints, 68 were generated in Q2 2023, a 51 percent increase from Q2 2022 (45).

Table 1A (below) illustrates the number of Public and Internal Complaints received in Q2 2023 compared to Q2 2022, as well as five-year averages for the same quarter.

Table 1 - New Public and Internal Complaints Received in Q2

	2023 5 YR AVG Q2	Q2 2023	2022 5 YR AVG Q2	Q2 2022	2022 Total
Public Complaint (Conduct)	79	76	72	121	571
Public Complaint (Policy or Service)	9	13	7	10	142
Internal Complaints (Other)	9	2	10	6	33
Internal Complaints (Red Light Camera Infractions)	16	25	15	1	79
Internal Complaints (MVCs)	20	18	19	23	79
Internal Complaints (ASEs)	11	23	7	15	189
TOTAL	144	157	130	176	1093

Table 1B (below) illustrates the number of Public and Internal Complaints received in Q2 2023 compared to Q2 2022, as well as five-year averages for the same quarter, when illegal protest-related complaints are removed from the Q2 2022 data:

	2023 5 YR AVG Q2	Q2 2023	2022 5 YR AVG Q2	Q2 2022	2022 Total
Public Complaint (Conduct)	69	76	62	71	571
Public Complaint (Policy or Service)	8	13	7	7	142
Internal Complaints (Other)	9	2	10	5	33
Internal Complaints (Red Light Camera Infractions)	16	25	15	1	79

Internal Complaints (MVCs)	20	18	19	23	79
Internal Complaints (ASEs)	11	23	7	15	189
TOTAL	133	157	120	122	1093

Of the 89 Public Complaints received by the OIPRD in Q2 2023, 48 (54%) were referred to the OPS Professional Standards Unit (PSU) for investigation, 40 (45%) were screened-out by the OIPRD, and one complaint was withdrawn by the complainant prior to screening. The OIPRD did not retain any complaints for their own investigation in Q2 2023.

Table 2 (below) illustrates the overall number of Public Complaints that were screened in for investigation in Q2 2023 by the OIPRD, as compared to Q2 2022 and five-year averages for the same quarter.

Table 2 – Public Complaint Investigations in Q2 after Screening by the OIPRD

	2023 5 YR AVG Q2	Q2 2023	2022 5 YR AVG Q2	Q2 2022	2022 Total
Public Complaint (Conduct)	30	37	28	28	124
Public Complaint (Policy or Service)	7	11	5	5	99
TOTAL	37	48	33	33	223

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 Q2 2023 was 144, a 13 percent decrease from Q2 2022 (166).

Table 3 - Conduct Related Complaints by Category in Q2 before Screening of Public Complaints by OIPRD

	2023 5 YR AVG Q2	Q2 2023	2022 5 YR AVG Q2	Q2 2022	2022 Total
Improper Conduct	62	43	66	93	429
Improper Conduct – Driving Related	44	67	37	39	347
Excessive Force	9	6	8	21	92
Neglect of Duty	21	28	19	13	83
Firearm Discharge	0	0	0	0	0
TOTAL	136	144	130	166	951

Table 4 (below) outlines the total number of Conduct related Public and Internal complaints that were investigated in Q2 2023, after Public Complaint screen-outs by the OIPRD, including a comparison to Q2 2022 and five-year averages for the same quarter. The Q2 total is 105, as compared to 73 in Q2 2022 or a 44% increase.

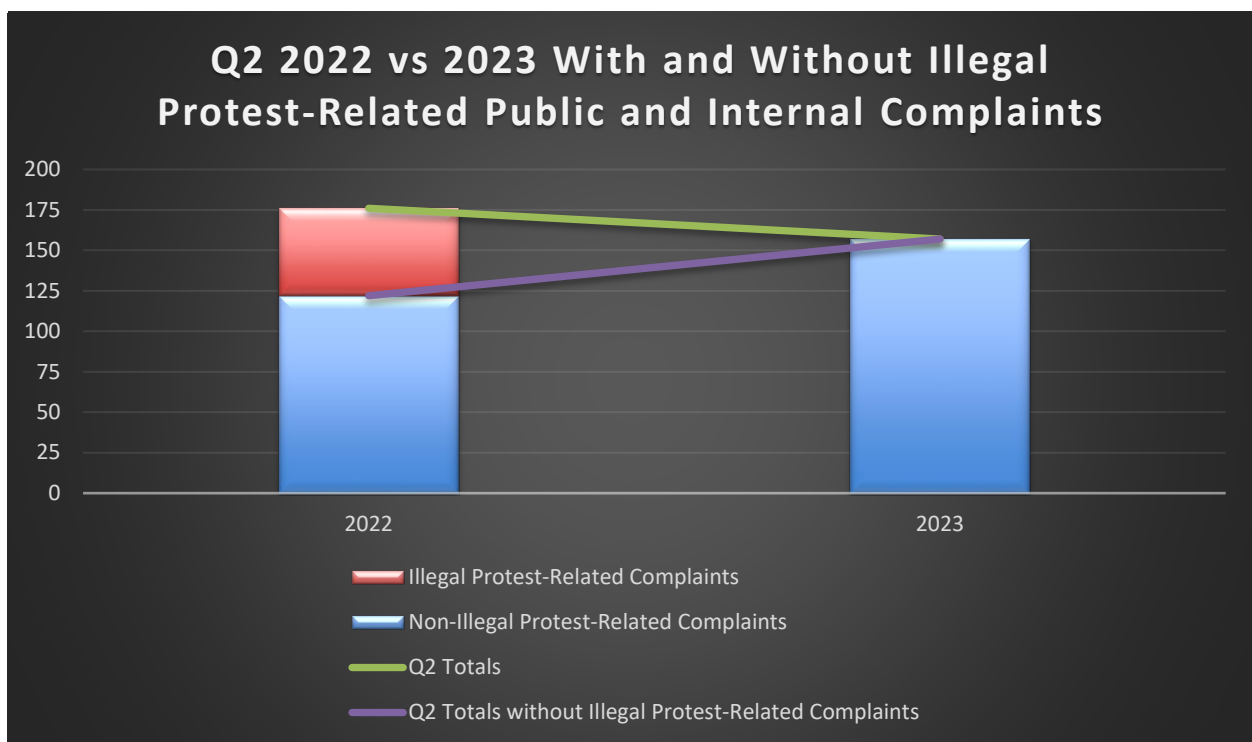
**Table 4 - Conduct Related Complaint Investigations in Q2 after
Screening by OIPRD**

	2023 5 YR AVG Q2	Q2 2023	2022 5 YR AVG Q2	Q2 2022	2022 Total
Improper Conduct	29	19	28	20	100
Improper Conduct – Driving Related	44	67	37	39	347
Excessive Force	4	5	4	4	16
Neglect of Duty	10	14	10	10	40
Firearm Discharge	0	0	0	0	0
TOTAL	87	105	79	73	503

As demonstrated by the Tables, comparing Q2 2023 against Q2 2022 shows a substantial decrease in the cumulative number of Public and Internal Complaints, but Q2 2022 complaint stats were significantly inflated by the illegal protest.

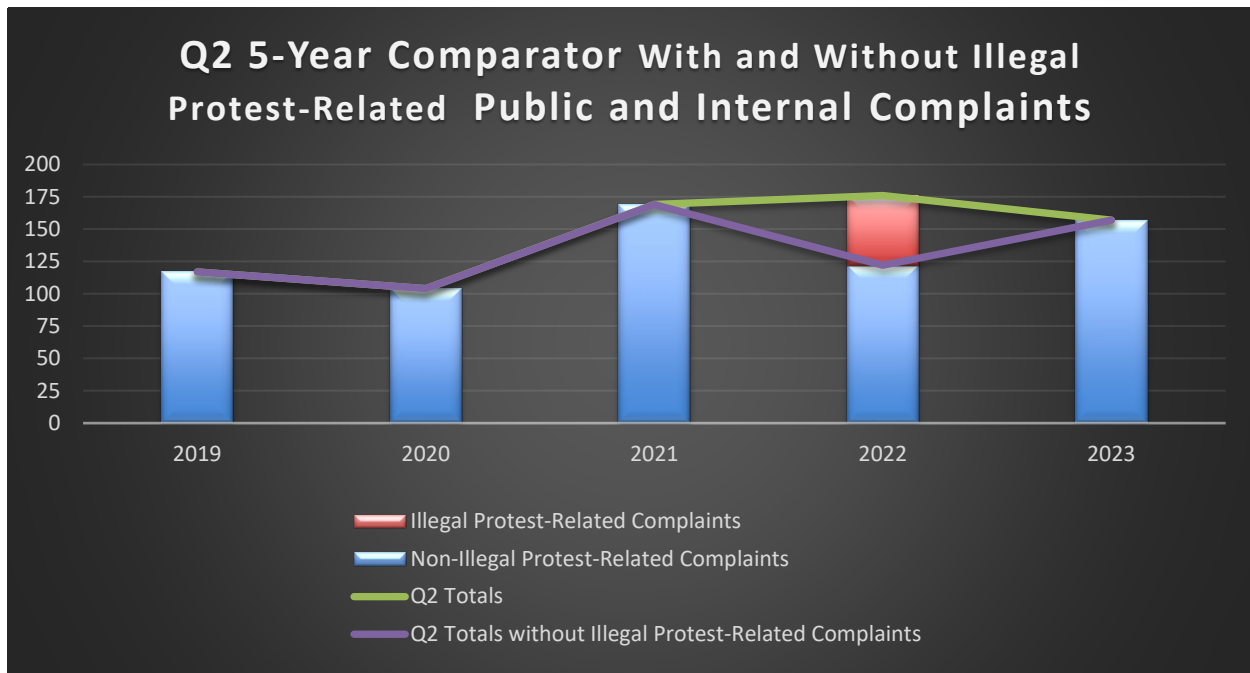
When illegal protest-related complaints are removed from the equation, the result is a moderate yet steady increase in the number of conduct-related complaints from Q2 2022 to Q2 2023, except for Driving Related conduct which saw a more significant increase from 39 Internal Complaints to 67 (72%).

Table 5 (below) illustrates the number of Public and Internal Complaints received in Q2 2023 compared to Q2 2022 and the same comparison when illegal protest-related complaints are removed from the Q2 2022 data:



Further, when illegal protest-related complaints are removed the five-year trend indicates moderate increases and decreases in the cumulative number of Public and Internal Complaints in Q2 since 2019.

Table 6 (below) illustrates the five-year trend in the cumulative number of Public and Internal Complaints in Q2 since 2019, and the same comparison when occupation related complaints are removed from the Q2 2022 data.



The key driver of the increase in Driving Related Internal Complaints is attributed to 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 (HTA) are not met.

Service or Policy Complaints

There was 13 Service or Policy related Public Complaints received from the OIPRD in Q2 2023. One complaint was screened out by the OIPRD on the basis that it was not in the public interest to proceed, one complaint was withdrawn by the complainant prior to its screening, three complaints were withdrawn by the complainant after being referred to OPS for investigation and eight service complaint investigations remain ongoing.

Details of the five screened out or withdrawn complaints and three completed service complaints carried over from previous quarters are attached to this report (Document 1). These include two service complaints related to the occupation that were consolidated by the OIPRD.

Table 7 (below) outlines the total number of Service and Policy complaints received in Q2 2023 as compared to Q2 2022, as well as the Q2 five-year average.

Table 7 - Policy and Service Complaints

	2023 5 YR AVG Q2	Q2 2023	2022 5 YR AVG Q1	Q2 2022	2022 Total
Policy	1	1	0	0	2
Service	8	12	7	10	140
TOTAL	9	13	7	10	142

Table 8 (below) outlines Service or Policy complaints referred for investigation in Q2 2023 compared to Q2 2022, as well as five-year averages for the same quarter and the total number of policy and service complaints retained in 2023.

Table 8 - Policy and Service Complaint Investigations

	2023 5 YR AVG Q2	Q2 2023	2022 5 YR AVG Q2	Q2 2022	2022 Total
Policy	0	1	0	0	1
Service	6	10	5	5	98
TOTAL	6	11	5	5	99

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 Q2 2023, five ERP files were received from the OIPRD. Two files were terminated as resolutions were not reached and three remain ongoing at the end of Q2 2023.

Conduct Complaint Status

The following summarizes the status of the 144 Conduct related Public and Internal complaints that were received or generated in Q2 2023:

- 93 cases completed
 - 8 resulted in informal discipline
 - 11 withdrawn by the complainant
 - 3 withdrawn by complainant after mediation or alternative dispute resolution
 - 39 screened-out by the OIPRD after being determined to be frivolous, vexatious, over six months after the facts on which it was based occurred, better dealt with under Act or Law, third party- no interest or not in the public interest to proceed.
 - 32 were unsubstantiated or resulted in no further action
- 51 investigations are ongoing

Table 9 (below) illustrates the Q2 2023 complaint status for Conduct related Public and Internal complaints, including a comparison with Q2 2022 and five-year average for the same quarter:

Table 9 - Complaint Status - Conduct Complaints

RESOLUTION	Q2 2023	Q2 2022	5 YR AVG Q2
Unsubstantiated	1	0	0
Vexatious/Frivolous/Bad Faith	8	12	8
Informal Resolution	0	0	0
Informal Resolution - Mediation	0	0	0
No Further Action	31	20	17
Withdrawn by Complainant	11	2	5
Withdrawn by Complainant through Mediation	3	6	3
Withdrawn Prior to Screening of Complaint	0	1	1
Over Six Months	0	0	1

Not in the Public Interest	29	79	35
Third Party - Not Directly Affected	2	0	1
Better Dealt with Under another Act or Law	0	1	3
Complaints Not Resulting in Discipline Total	85	121	74
Informal Discipline	8	0	5
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	8	0	5
Complaints Outstanding total	51	45	58
TOTAL	144	166	137

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 Q2 2023, compared to the two officers suspended in Q2 2022 and the five-year Q2 average of three. At the start of Q2 2023 there were two officers on suspension, which remained the same at the end of Q2 2023.

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 four times in Q2 2023. All four investigations remain ongoing.

Table 10 (below) provides a comparator of SIU investigations between Q2 2023 and Q2 2022, as well as the five-year average for the same quarter.

Table 10 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q2 2023	Q2 2022	5 YR AVG Q3
Death	1	1	0
Serious Injury	3	3	3
Sexual Assault	0	0	0
TOTAL	4	4	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 Q2 2023, there were six requests for review, an increase from five in Q2 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 was one request for a Board review in Q2 2023.

SUPPORTING DOCUMENTATION

Document 1 Summary of Service or Policy Complaint investigations that were completed in Q2 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 - SUMMARY OF SERVICE AND POLICY COMPLAINT INVESTIGATIONS

Consolidated Complaint #: 22-0327, 22-0328

Date of Incident: 28 January 2022

Date Complaint Received: 17 March 2022

Date Completed: 23 May 2023

Summary of Consolidated Complaints:

1. The OIPRD consolidated 63 complaints to address the claim of a lack of timely enforcement action by OPS to end the occupation.
2. The OIPRD consolidated five complaints to address the claim of differential treatment of occupation protestors by Ottawa Police, as compared to other protests that have occurred in Ottawa including protests involving BIPOC groups.

Summary of Findings and Actions Taken:

Collectively, the consolidated service complaints are interpreted as asking why the OPS did not intervene sooner to end the illegal protest, using conventional methods and tactics as with previous protests and protestors.

Police are required to balance an individual's right to freedom of assembly and freedom of expression with the need to maintain public safety and order. The OPS has the resources, training, and expertise to effectively manage over a hundred protests each year. However, this occupation presented a challenge no law enforcement agency in Canada has ever experienced. It necessitated a measured response and ultimately the assistance of police agencies across Ontario and Canada to safely bring it to an end.

The illegal protest was a growing national movement supported by numerous protestors and funding, both accumulating exponentially over a very short time. This made it challenging for the police to take decisive action, particularly in the early days of a very fluid and dynamic situation. The OPS handled this protest differently than other protests due to the scope and volatility of what amounted to an illegal occupation and a general attitude of defiance and lawlessness.

It can be difficult for members of the public to fully appreciate the overwhelming impact of the occupation on police resources and capacity, and the extensive planning and resources that go into safely executing an operation of this size and nature. During the POEC Inquiry, it was acknowledged that OPS could stabilize the protest but not end it.

Hence, the reason why OPS shifted focus to maintaining public safety and the stabilization of a volatile situation instead of ending it, until such time as sufficient resources and planning could be put in place to carry out a safe and effective operation.

Justice Rouleau (who presided over the POEC Inquiry) recognized the scope of the operation and concluded it would be no easy feat to pivot to a plan to dismantle a protest of the size of the one in Ottawa.¹ He added that members of the public and politicians had unrealistic expectations about how fast these plans could be developed and operationalized,² and failed to appreciate the importance of a measured response by police which would take more time to implement and execute.³

However, this does not absolve the OPS from mistakes that were made. As concluded by Justice Rouleau, “the response to the Freedom Convoy involved a series of policing failures ... that contributed to a situation that spun out of control. Lawful protest descended into lawlessness, culminating in a national emergency.”⁴

As stated by Chief Stubbs following the release of the POEC report on February 17, 2023,

“... the OPS acknowledges we made a number of mistakes during this unprecedented event. We recognize the direct harms done to our residents and the downtown communities. Since that time, we have taken actions that have addressed many of the proposed recommendations in Justice Rouleau’s Report. For example, we have strengthened our intelligence-sharing processes, Police Liaison Team, our incident command structures and inter-agency collaboration. As well, we have improved our communication with the Ottawa Police Services Board, City Hall and our communities. These changes have been evident in the past year during a number of major events that included Rolling Thunder, Canada Day and this month’s Convoy events.

Justice Rouleau’s recommendations identify multiple legislative, policy and procedural changes. We will need to properly assess these recommendations not only within the OPS but also with our policing partners across the country”.

Chief Stubbs emphasized that:

“... the members of (OPS) never gave up on our community and worked with our partners to remove the unlawful protest. All OPS members work hard every day to serve and protect the community. We understand that trust in policing has been eroded in the past year. We are fully committed to restoring that trust.”⁵

On February 9, 2023, the City’s Auditor General made [four \(4\) recommendations](#) regarding the OPS’ response to the illegal protest and collaboration with City partner agencies. On February 17, 2023, the POEC Report and made [fifty-six \(56\)](#)

¹ POEC report volume 1 page 155.

² POEC report volume 1 page 155

³ POEC report volume 1 page 155

⁴ POEC report volume 1 Page 248

⁵ Ottawa Police Service, *Statement on Public Order and Emergency Act Commission Report*, online: (February 17, 2023 Media release).

[recommendations](#), with twenty-seven (27) related to policing. On February 27, 2023, the Ottawa Police Services Board gave direction to the OPS to develop a response to the POEC recommendations in relation to policing, with a reporting obligation to the Board.⁶ As per the Board's direction, an action plan and timeline for implementation of the recommendations was presented in the public session of the June Board meeting.

The OPS continually strives to improve the ways in which we serve our community. We are taking positive steps to refine our processes and procedures in the aftermath of the illegal protest and occupation, with a reporting obligation to the Board.

Complaint #: 23-0173
Date of Incident: 01 September 2022
Date Complaint Received: 22 March 2023
Date Completed: 04 April 2023

Summary of Complaint:

The complainant alleged he reported drug sales, overdoses and most recently a shooting. He does not know why the Police are not responding and is concerned how long it will take to resolve these issues.

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 #: 23-0200
Date of Incident: 25 February 2023
Date Complaint Received: 04 April 2023
Date Completed: 25 April 2023

Summary of Complaint:

The complainant alleged that it took too long for officers to arrive and that despite urgency, their 911 call was not placed in a priority position.

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

⁶ Ottawa Police Services Board, *Minutes* (February 27, 2023), online, at pages 4-5, s. 9.1.

Complaint #: 23-0229
Date of Incident: 27 January 2023
Date Complaint Received: 21 April 2023
Date Completed: 23 May 2023

Summary of Complaint:

The complainant alleged that he was provided with incorrect information pertaining to items that are turned in by members of the public and not claimed after 90 days.

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 and the property was returned to him after the rightful owner did not claim it.

Complaint #: 23-0270
Date of Incident: 02 February 2023
Date Complaint Received: 09 May 2023
Date Completed: 15 May 2023

Summary of Complaint:

The complainant alleged that Ottawa Police improperly invoiced their business for service provided for two false alarms.

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 #: 23-0333
Date of Incident: 15 May 2023
Date Complaint Received: 05 June 2023
Date Completed: 05 June 2023

Summary of Complaint:

The complainant is upset that he paid to have a vulnerable sector check done and has not yet received proof of his visa payment, although his employer had. He believes this is fraud and discrimination.

Summary of Findings and Actions Taken:

The Director of the OIPRD opted not to proceed with the complaint as it has been determined to be not in the public interest.

Complaint #: 23-0335
Date of Incident: Unknown
Date Complaint Received: 06 June 2023
Date Completed: 06 June 2023

Summary of Complaint:

The complainant alleged that she phoned 911 to report that she felt frightened because she thought she had been drugged and they did not pay attention to what she was saying and didn't search for evidence in her home.

Summary of Findings and Actions Taken:

The OIPRD has since received a request from the complainant indicating their intention to withdraw their complaint. The withdrawal request was received prior to the complaint being screened and a screening decision issued.