

Report to / Rapport au:

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

23 October 2023 / 23 octobre 2023

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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Fonctionnaire Exécutif
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**SUBJECT: COMPLAINTS REPORT – PART V, POLICE SERVICES ACT - THIRD
QUARTER 2023**

**OBJET: PLAINTES PARTIE V – LOI SUR LES SERVICES POLICIERS -
TROISIÈME 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 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 Q3 2023 a combined total of 133 Public and Internal Complaints were received. Compared to 175 in Q3 2022, this represents a decrease of 42 complaints or 24%. Of note, Q3 2022 stats included 3 public complaints related to the February illegal occupation.

Removing occupation related complaints from Q3 2022 and comparing the remaining 172 combined Public and Internal complaints against the 133 recorded in Q3 2023, the result is a decrease of 39 complaints or 23%.

By complaint type, 74 Public Complaints were received in Q3 2023. Compared to Q3 2022 (85), this represents a decrease of 11 Public Complaints or 13%. However, when removing occupation related Public Complaints from the Q3 2022 data, the result is a decrease of 8 Public Complaints received in Q3 2023 (74) as compared to Q3 2022 (82) or 10%. The full impact of occupation related complaints is addressed in greater detail in the 2022 Annual Complaints Report that was submitted to the Board in June.

For Internal Complaints, 59 were generated in Q3 2023, a 34% decrease from Q3 2022 (90).

Table 1A (below) illustrates the number of Public and Internal Complaints received in Q3 2023 compared to Q3 2022, as well as five-year averages for the same quarter.

Table 1 - New Public and Internal Complaints Received in Q3

	2023 5 YR AVG Q3	Q3 2023	2022 5 YR AVG Q3	Q3 2022	2022 Total
Public Complaint (Conduct)	69	68	64	74	571
Public Complaint (Policy or Service)	7	6	6	11	142
Internal Complaints (Other)	6	3	6	1	33
Internal Complaints (Red Light Camera Infractions)	25	18	25	29	79
Internal Complaints (MVCs)	19	15	21	22	79
Internal Complaints (ASEs)	N/A	23	N/A	38	189
TOTAL	126	133	122	175	1093

Table 1B (below) illustrates the number of Public and Internal Complaints received in Q3 2023 compared to Q3 2022, as well as five-year averages for the same quarter, when occupation related complaints are removed from the Q3 2022 data:

	2023 5 YR AVG Q3	Q3 2023	2022 5 YR AVG Q3	Q3 2022	2022 Total
Public Complaint (Conduct)	69	68	63	71	571
Public Complaint (Policy or Service)	7	6	6	11	142
Internal Complaints (Other)	6	3	6	1	33
Internal Complaints (Red Light Camera Infractions)	25	18	25	29	79

Internal Complaints (MVCs)	19	15	21	22	79
Internal Complaints (ASEs)	N/A	23	N/A	38	189
TOTAL	126	133	121	172	1093

Of the 74 Public Complaints received by the OIPRD in Q3 2023, 28 (38%) were referred to the OPS Professional Standards Unit (PSU) for investigation, 46 (62%) 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 Q3 2023.

Table 2 (below) illustrates the overall number of Public Complaints that were screened in for investigation in Q3 2023 by the OIPRD, as compared to Q3 2022 and 5-year averages for the same quarter.

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

	2023 5 YR AVG Q3	Q3 2023	2022 5 YR AVG Q3	Q3 2022	2022 Total
Public Complaint (Conduct)	29	24	30	34	124
Public Complaint (Policy or Service)	6	4	6	11	99
TOTAL	35	28	36	45	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 Q3 2023 was 127, a 23% decrease from Q3 2022 (164).

Table 3 - Conduct Related Complaints by Category in Q3 before Screening of Public Complaint by OIPRD

	2023 5 YR AVG Q3	Q3 2023	2022 5 YR AVG Q3	Q3 2022	2022 Total
Improper Conduct	79	43	84	52	429
Improper Conduct – Driving Related	57	56	55	89	347
Excessive Force	7	14	5	6	92
Neglect of Duty	17	14	17	17	83
Firearm Discharge	0	0	0	0	0
TOTAL	160	127	106	164	951

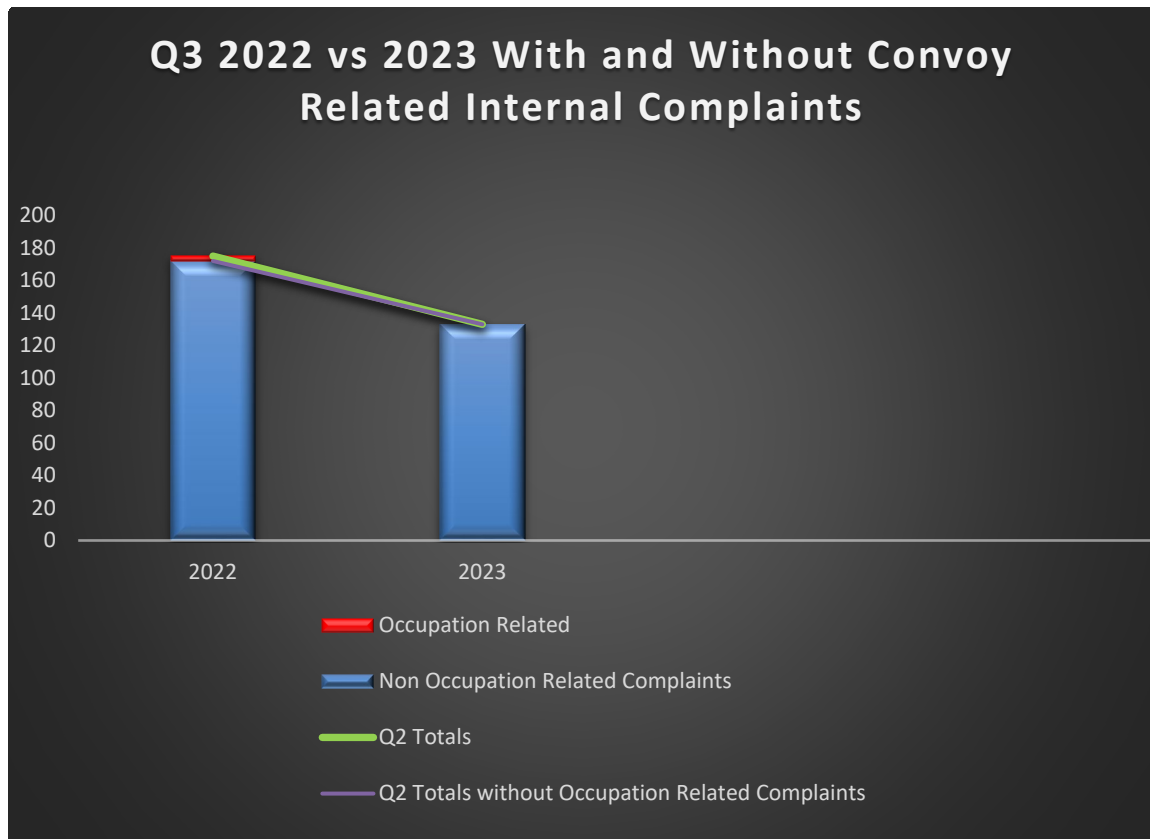
Table 4 (below) outlines the total number of Conduct related Public and Internal complaints that were investigated in Q3 2023, after Public Complaint screen-outs by the OIPRD, including a comparison to Q3 2022 and five-year averages for the same quarter. The Q3 total is 83, as compared to 123 in Q3 2022 or a 33% decrease.

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

	2023 5 YR AVG Q3	Q3 2023	2022 5 YR AVG Q3	Q3 2022	2022 Total
Improper Conduct	50	11	60	23	100
Improper Conduct – Driving Related	57	56	55	89	347
Excessive Force	5	8	3	2	16
Neglect of Duty	8	8	8	9	40
Firearm Discharge	0	0	0	0	0
TOTAL	120	83	126	123	503

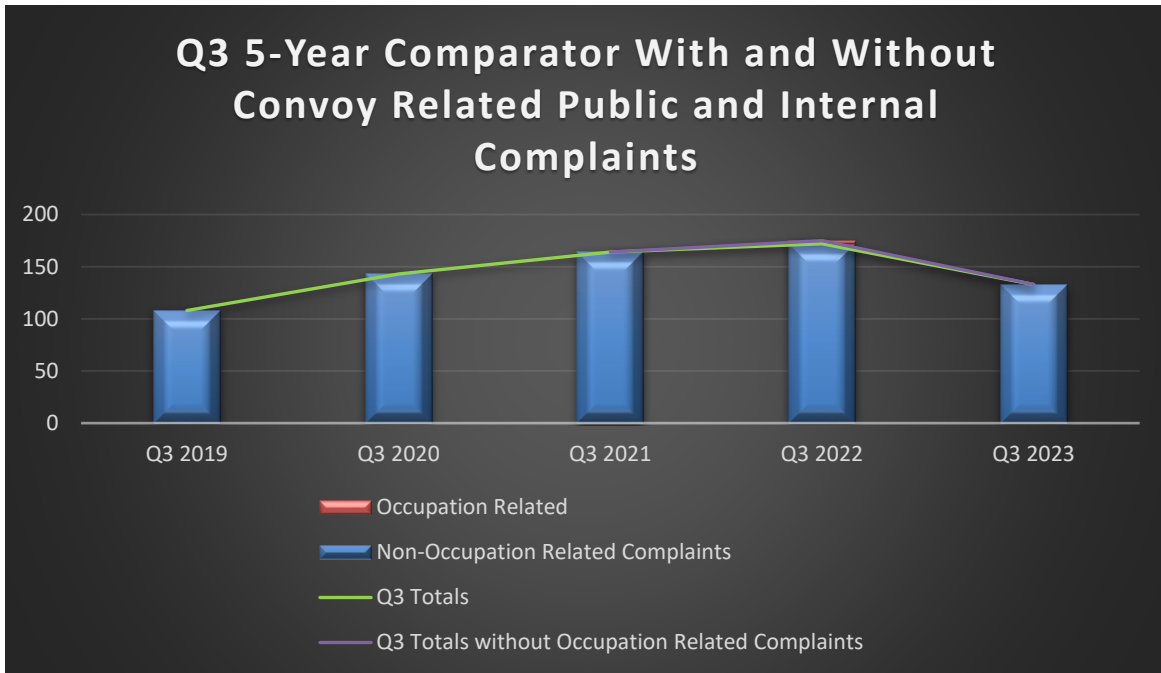
As demonstrated by the Tables, comparing Q3 2023 against Q3 2022 shows a substantial decrease in the cumulative number of Public and Internal Complaints. This is particularly seen in Driving Related conduct which saw a significant decrease from 89 Internal Complaints to 56 (37%).

Table 5 (below) illustrates the number of Public and Internal Complaints received in Q3 2023 compared to Q3 2022 and the same comparison when occupation related complaints are removed from the Q3 2022 data:



Further, when occupation related complaints are removed the five-year trend indicates moderate increases and decreases in the cumulative number of Public and Internal Complaints in Q3 since 2019.

Table 6 (below) illustrates the five-year trend in the cumulative number of Public and Internal Complaints in Q3 since 2019, and the same comparison when occupation related complaints are removed from the Q3 2022 data.



Service or Policy Complaints

There was 6 Service or Policy related Public Complaints received from the OIPRD in Q3 2023. Two complaints were screened out by the OIPRD on the basis they were not in the public interest to proceed, 1 complaint was withdrawn by the complainant after being referred to OPS for investigation and 3 service complaint investigations remain ongoing.

Details of the 3 screened out or withdrawn complaints and 8 completed service complaints carried over from previous quarters are attached to this report (Document 1).

Table 7 (below) outlines the total number of Service and Policy complaints received in Q3 2023 as compared to Q3 2022, as well as the Q3 five-year average.

Table 7 - Policy and Service Complaints

	2023 5 YR AVG Q3	Q3 2023	2022 5 YR AVG Q3	Q3 2022	2022 Total
Policy	0	0	0	1	2
Service	6	6	6	10	140
TOTAL	6	6	6	11	142

Table 8 (below) outlines Service or Policy complaints referred for investigation in Q3 2023 compared to Q3 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 Q3	Q3 2023	2022 5 YR AVG Q3	Q3 2022	2022 Total
Policy	0	0	0	1	1
Service	6	4	5	10	98
TOTAL	6	4	5	11	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 Q3 2023, fourteen ERP files were received from the OIPRD. Three files were terminated as resolutions were not reached, seven were concluded with resolution being reached and the four remaining files were ongoing at the end of Q3 2023.

Conduct Complaint Status

The following summarizes the status of the 127 Conduct related Public and Internal complaints that were received or generated in Q3 2023:

- 88 cases completed:
 - 4 resulted in informal discipline,
 - 5 withdrawn by the complainant,
 - 4 withdrawn by complainant after mediation or alternative dispute resolution,
 - 44 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.

- 31 were unsubstantiated or resulted in no further action,
- 39 investigations are ongoing

Table 9 (below) illustrates the Q3 2023 complaint status for Conduct related Public and Internal complaints, including a comparison with Q3 2022 and five-year average for the same quarter:

Table 9 - Complaint Status - Conduct Complaints

RESOLUTION	Q3 2023	Q3 2022	5 YR AVG Q3
Unsubstantiated	0	0	0
Vexatious/Frivolous/Bad Faith	4	8	7
Informal Resolution	0	0	0
No Further Action	31	42	19
Withdrawn by Complainant	5	5	4
Withdrawn by Complainant through Mediation	4	2	2
Withdrawn Prior to Screening of Complaint	0	0	1
Over Six Months	1	1	1
Not in the Public Interest	37	31	27
Third Party - Not Directly Affected	1	0	1
Better Dealt with Under another Act or Law	1	1	2
Complaints Not Resulting in Discipline Total	84	90	65
Informal Discipline	4	5	6
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	4	5	6

Complaints Outstanding total	39	69	60
TOTAL	127	164	131

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 2023, as was the case in Q3 2022. At the start of Q3 2023 there were two officers on suspension, which remained the same at the end of Q3 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 six times in Q3 2023. All six investigations remain ongoing.

Table 10 (below) provides a comparator of SIU investigations between Q3 2023 and Q3 2022, as well as the 5-year average for the same quarter.

Table 10 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q3 2023	Q3 2022	5 YR AVG Q3
Death	1	0	1
Serious Injury	4	5	3
Sexual Assault	0	0	0
Discharge of Firearm at Person	1	0	0
TOTAL	6	5	4

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 Q3 2023, there were three requests for reviews, which remained the same number of reviews requested in Q3 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 Q3 2023.

SUPPORTING DOCUMENTATION

Document 1 Summary of Service or Policy Complaint investigations that were completed in Q3 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

Complaint #: 22-1162
Date of Incident: 11 November 2022
Date Complaint Received: 01 December 2022
Date Completed: 07 September 2023

Summary of Complaint:

The complainant alleged the OPS failed to provide her with the necessary support as a victim and to take her historical sexual assault report. As a result, she felt the OPS caused her to be re-traumatized,

Summary of Findings and Actions Taken:

The PSU investigation confirmed a procedural error by members of the Police Reporting Unit when dealing with victims of crime and specifically, crimes of sexual violence. Supplementary training, specifically with respect to dealing with victims of sexual assault, to be provided to call takers in Police Reporting Unit. The relevant policy and procedure will also be updated for greater clarity around roles and responsibilities for taking historical sexual assault reports from another jurisdiction.

Complaint #: 23-0078
Date of Incident: 22 October 2022
Date Complaint Received: 02 February 2023
Date Completed: 16 August 2023

Summary of Complaint:

The complainant alleged being harassed by OPS Officers, having been stopped and detained many times in relations to a non-returnable warrant for his arrest. The complainant felt his Charter Rights were violated every time officers stopped him for a non-returnable warrant.

Summary of Findings and Actions Taken:

The PSU investigation determined that there were no issues in the way the OPS handled their interaction with the complainant and that the officers were acting within their lawful duties.

The complainant has requested a review of the PSU findings by the Police Services Board. This review remained outstanding at the end of Q3 2023.

Complaint #: 23-0137
Date of Incident: 18 February 2023
Date Complaint Received: 01 March 2023
Date Completed: 14 July 2023

Summary of Complaint:

The complainant was dissatisfied with an unreasonable delay relating to the Ottawa Police Service's response time after calling 911.

Summary of Findings and Actions Taken:

The PSU investigation determined that the members involved in this matter followed their training, policies and procedures. No further action to be taken.

Complaint #: 23-0143
Date of Incident: 30 November 2023
Date Complaint Received: 03 March 2023
Date Completed: 06 September 2023

Summary of Complaint:

The complainant alleged inadequate service and delay in receiving police assistance from the OPS and a negative encounter with an OPS front desk staff member, who according to the complainant, exhibited impolite and unhelpful behavior.

Summary of Findings and Actions Taken:

While the PSU investigation found that OPS personnel adhered to all conduct and service policies in place at the time of the incident, the reporting policy was amended in August 2023, to streamline the reporting process and alleviate some of the procedural issues experienced by the complainant. No further action to be taken.

Complaint #: 23-0195
Date of Incident: 01 December 2022
Date Complaint Received: 03 April 2023
Date Completed: 07 July 2023

Summary of Complaint:

The complainant alleged that care homes and police are collaborating to trespass people visiting their loved ones and has requested additional training to police members on the Trespass to Property Act for the purpose of aligning police enforcement with legislation.

Summary of Findings and Actions Taken:

The complainant opted to withdraw their complaint after OPS provided service wide training on the definition of 'physical occupier' pursuant to the TPA, and updated training with respect to interpretation/administration of the TPA. No further action required.

Complaint #: 23-0345
Date of Incident: 21 March 2023
Date Complaint Received: 08 June 2023
Date Completed: 10 August 2023

Summary of Complaint:

The complainant alleged they experienced a frustrating ordeal with OPS frontline workers when attempting to file an incident report related to damage to the garage door of a residential building.

Summary of Findings and Actions Taken:

The complainant opted to withdraw their complaint after the matter was reviewed by a PSU investigator. Communication issues were identified and resolved by the investigator to avoid a recurrence in future situations. No further action required.

Complaint #: 23-0393
Date of Incident: 26 May 2023
Date Complaint Received: 20 June 2023
Date Completed: 07 July 2023

Summary of Complaint:

The complainant was dissatisfied with the lack of police response to their 911 call, in which they alleged an emergency situation involving a physical altercation with a violent individual.

Summary of Findings and Actions Taken:

The complainant opted to withdraw their complaint after the matter was reviewed by a PSU Investigator, who provided the complaint to the Communications supervisor for a full review. No further action required.

Complaint #: 23-0399
Date of Incident: 14 June 2023

Date Complaint Received: 29 June 2023

Date Completed: 09 August 2023

Summary of Complaint:

The complainant alleged they attempted to report hate-inspired graffiti to police but were met with confusing instructions from the officer they spoke with and felt this added to the ongoing distrust between marginalized people and the police.

Summary of Findings and Actions Taken:

The complainant opted to withdraw their complaint after the matter was reviewed by a PSU Investigator. OPS members were reminded of the correct website information in which to review when responding complains of hate-related graffiti, and to which members of the public can also be referred to for further information.

Complaint #: 23-0479

Date of Incident: 01 April 2022

Date Complaint Received: 03 August 2023

Date Completed: 03 August 2023

Summary of Complaint:

The complainant alleged the OPS would not re-open her son's death investigation and have refused to take her information and consider the evidence. She further alleged OPS provided a false report of the witness statement.

Summary of Findings and Actions Taken:

The OIPRD screened out the complaint on the basis that it was not in the public interest to investigate further. No further action required.

Complaint #: 23-0532

Date of Incident: 05 July 2023

Date Complaint Received: 05 September 2023

Date Completed: 05 September 2023

Summary of Complaint:

The complainant was dissatisfied with the service he received from OPS after their scooter was stolen while parked outside the Rideau Centre.

Summary of Findings and Actions Taken:

The OIPRD screened out the complaint on the basis that it was not in the public interest to investigate further. No further action required.

Complaint #: 23-0582
Date of Incident: 25 August 2023
Date Complaint Received: 15 September 2023
Date Completed: 05 September 2023
Summary of Complaint: 21 September 2023

The complainant was dissatisfied with what they alleged was a poor response to the last two occasions they called OPS for in progress situations.

Summary of Findings and Actions Taken:

The complainant opted to withdraw their complaint after the matter was reviewed by a PSU investigator, who after speaking with the complainant, relayed their concerns to the head of the Communications Unit, as well as the dispatcher training staff. No further action required.