

Report to / Rapport au:

**OTTAWA POLICE SERVICE BOARD
LA COMMISSION DE SERVICE DE POLICE D'OTTAWA**

22 April 2024 / 22 avril 2024

Submitted by / Soumis par:

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

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**SUBJECT: COMPLAINTS REPORT – PART V, POLICE SERVICES ACT – FIRST
QUARTER 2024**

**OBJET: PLAINTES PARTIE V – LOI SUR LES SERVICES POLICIERS:
PREMIER TRIMESTRE DE 2024**

REPORT RECOMMENDATIONS

That the Ottawa Police Service Board receive this report for information.

RECOMMANDATIONS DU RAPPORT

**Que la Commission de service de police d'Ottawa prenne connaissance du
présent rapport à titre d'information.**

BACKGROUND

The process for dealing with police complaints is found in Part V of the Ontario Police Services Act (PSA), "Complaints and Disciplinary Proceedings." Complaints about the police take two forms: Public Complaints and Internal Complaints.

The Office of the Independent Police Review Director (OIPRD) oversees the Public Complaints process, and all Public Complaints are processed through them. A Public Complaint may be about a police service's policies, services, or the conduct of its members. Public Complaints are made by members of the public to the OIPRD, who may investigate the matter or refer it to a police service to investigate. Results are submitted to the OIPRD who may overturn the findings, and complainants may request a review of the findings.

The OIPRD may choose not to investigate a matter upon review of the facts and classifying a complaint as: frivolous or vexatious; more than six months after the fact(s) on which it is based occurred; not in the public interest to proceed; more appropriately dealt with under another Act or Law, or the complainant is not directly affected.

Internal Complaints (or Chief's Complaints) are initiated at the discretion of the Chief for allegations of officer misconduct or non-compliance with OPS policies and may also include matters that began as a Public Complaint. Internal Complaints also include driving related conduct matters. Motor Vehicle Collisions (MVC), Red Light Cameras (RLC) and Automated Speed Enforcement Cameras (ASE) make up most Internal Complaint investigations. In 2021, the OPS updated its process to deal with driving related complaints including a robust progressive discipline schedule.

Both Public and Internal Complaints can be finalized as substantiated or unsubstantiated. Once substantiated, they can be resolved by Informal Resolution, Informal Discipline, or Formal Discipline according to the circumstances and seriousness of the substantiated misconduct.

This report provides a comparison of specific complaint types with those reported during the same quarter for the previous year, previous quarters during this reporting year, and five-year averages for the same quarter.

The number of Public and Internal Complaints generated in Q1 2024 is consistent with previous reporting periods.

DISCUSSION

New Complaints

In Q1 2024 a combined total of 199 Public and Internal Complaints were received. Compared to 168 in the first quarter of 2023, this represents an increase of 31 complaints, or 18 percent.

By complaint type, there were 82 Public Complaints received in Q1 2024, which is the same number of Public Complaints received in Q1 2023. For Internal Complaints, 117 were generated in Q1 2024. Compared to Q1 2023 (86), this represents an increase of 31 Internal Complaints or 36 percent.

Table 1 (below) illustrates the number of Public and Internal Complaints received in Q1 2024 compared to Q1 2023, as well as five-year averages for the same quarter.

Table 1 - New Public and Internal Complaints Received in Q1

	2024 5 YR AVG Q1	Q1 2024	2023 5 YR AVG Q1	Q1 2023	2023 Total
Public Complaint (Conduct)	118	78	110	73	295
Public Complaint (Policy or Service)	26	4	26	9	35
Internal Complaints (Other)	8	5	9	8	25
Internal Complaints (Red Light Camera Infractions)	17	12	18	14	82
Internal Complaints (MVCs)	25	25	27	32	81
Internal Complaints (ASEs)	33	75	18	32	187
TOTAL	227	199	208	168	705

Of the 82 Public Complaints received by the OIPRD in Q1 2024, 29 were referred to the OPS Professional Standards Unit (PSU) for investigation and the remaining 52 were screened-out by the OIPRD. One complaint was withdrawn by the complainant prior to screening. The OIPRD did not retain any complaints for their own investigation in Q1 2024.

Of the 82 Public Complaints received by the OIPRD in Q1 2024, 78 were Conduct related and 4 were Policy or Service related.

Table 2 (below) illustrates the overall number of Public Complaints that were screened in for investigation in Q1 2024 by the OIPRD, as compared to Q1 2023 and five-year averages for the same quarter.

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

	2024 5 YR AVG Q1	Q1 2024	2023 5 YR AVG Q1	Q1 2023	2023 Total
Public Complaint (Conduct)	49	25	48	33	126
Public Complaint (Policy or Service)	24	4	23	9	31
TOTAL	73	29	71	42	157

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 received in Q1 2024 was 195, a 22 percent increase from 159 in Q1 2023. The increase in the Public Complaints was due to 13 Screened out OIPRD Complaints received for one officer at the recent Palestinian Protests.

Table 3 - Conduct Related Complaints by Category in Q1

	2024 5 YR AVG Q1	Q1 2024	2023 5 YR AVG Q1	Q1 2023	2023 Total
Improper Conduct	161	60	143	36	456
Improper Conduct - Driving	N/A	112	N/A	86	81
Excessive Force	18	6	18	11	44
Neglect of Duty	22	17	21	26	89
Firearm Discharge	0	0	0	0	0
TOTAL	203	195	182	159	670

Table 4 (below) outlines the total number of conduct related Public and Internal Complaints that were investigated in Q1 2024, after Public Complaint screened-outs by the OIPRD, including a comparison to Q1 2023 and five-year averages for the same quarter. The Q1 total is 142, compared to 119 in Q1 2023 or a 19 percent increase. The number of conduct related complaints and subsequent investigations is higher than other reporting periods due to an increase in ASE infractions.

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

	2024 5 YR AVG Q1	Q1 2024	2023 5 YR AVG Q1	Q1 2023	2023 Total
Improper Conduct	96	12	69	22	71
Improper Conduct – Driving Related	N/A	113	N/A	78	360
Excessive Force	6	4	6	8	28
Neglect of Duty	10	13	8	11	42
Firearm Discharge	0	0	0	0	0
TOTAL	112	142	84	119	501

Policy/Service Complaints

There were 4 Service or Policy related Public Complaints received in Q1 2024, all screened in by the OIPRD. Of these, two were withdrawn by the complainant after being referred to OPS for investigation and two remain open for investigation. Details of the screened-in Service or Policy related complaints received in Q1 2024, as well as 3 Service Complaints carried over from th2023 are attached to this report as Document 1.

Table 5 (below) outlines the total number of Service and Policy Complaints received in Q1 2024 as compared to Q1 2023, as well as the Q1 five-year average.

Table 5 - Policy and Service Complaints

	2024 5 YR AVG Q1	Q1 2024	2023 5 YR AVG Q1	Q1 2023	2023 Total
Policy	0	0	1	0	1
Service	27	4	26	9	34
TOTAL	27	4	27	9	35

Table 6 (below) outlines Service and Policy complaints referred for investigation in Q1 2024 compared to the same quarter in 2023, as well as five-year averages for the same quarter and the total number of policy and service complaints retained in 2023.

Table 6 - Policy and Service Complaint Investigations

	2024 5 YR AVG Q1	Q1 2024	2023 5 YR AVG Q1	Q1 2023	2023 Total
Policy	15	0	0	0	1
Service	4	4	18	9	30
TOTAL	19	4	18	9	31

The OIPRD's Early Resolution Program (ERP)

In July 2020, the OIPRD advised that they would be streamlining early resolution processes in anticipation of changes under the Community Safety and Policing Act, 2019. By the end of 2020, the OIPRD replaced the Customer Service Resolution (CSR) program with the Early Resolution Program (ERP). With the exception of minor administrative changes, the ERP essentially remains the same as the CSR Program; wherein it provides an opportunity for complainants and respondent officers to voluntarily resolve a complaint before it is formally screened in for investigation. In order to proceed by way of ERP, the complainant, the respondent officer(s), and the police service must agree to this option.

If they do not agree to this option, the complaint is returned to the screening process, and it is either screened in for investigation or screened out by the OIPRD.

In Q1 2024, two ERP files were received from the OIPRD. One file was withdrawn by the complainant following a successful mediation and the remaining file did not proceed through ERP, as the criteria were not met.

Conduct Complaint Status

The following summarizes the status of the 195 Conduct related Public and Internal Complaints that were received or generated in Q1 2024:

- 155 cases completed
 - 7 resulted in informal discipline.
 - 8 withdrawn by the complainant.
 - 4 withdrawn by complainants after mediation or alternative dispute resolution.
 - 47 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 another Act or law, third party – no interest or not in the public interest to proceed.
 - 1 withdrawn before screening in by the OIPRD
 - 18 were unsubstantiated or resulted in no further action.
- 42 investigations are ongoing

Table 7 (below) illustrates the Q1 2024 complaint status for Conduct related Public and Internal complaints, including a comparison with Q1 2023 and the five-year average for the same quarter.

Table 7 - Complaint Status - Conduct Complaints

RESOLUTION	Q1 2023	Q1 2024	5 YR AVG Q1
Unsubstantiated	0	1	0
Vexatious/Frivolous/Bad Faith	5	7	5
Informal Resolution	0	0	0
Informal Resolution - Mediation	0	0	0
No Further Action	21	17	33
Withdrawn by Complainant	1	8	6
Withdrawn by Complainant through Mediation	11	4	4
Withdrawn Prior to Screening of Complaint	0	1	N/A
Over Six Months	1	1	1
Not in Public Interest	33	31	N/A
Third Party - Not Directly Affected	0	5	1
Better Dealt with Under another Act or Law	0	3	N/A
Complaints Not Resulting in Discipline Total	72	147	132
Informal Discipline	14	7	8
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	14	7	8

Complaints Outstanding total	73	41	61
TOTAL	159	195	201

Member Suspensions

The PSA provides that a Chief of Police can, in the most serious of matters, suspend a police officer. Suspensions are treated very seriously and only occur after a careful assessment of the case and any risk factors that may be present. If the Chief of Police does not believe that the best approach is to seek dismissal or there are minimal risk factors present, it is important for the member to contribute to the OPS in a meaningful way while the matter is resolved. The OPS approach includes providing members meaningful assignments regardless of whether they are under investigation or facing discipline.

There were two officers suspended in Q1 2024, compared to no officers suspended in Q1 2023 and the five-year Q1 average of one. At the start of Q1 2024, there were three officers on suspension. By the end of Q1 2024, there were five 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 three times in Q1 2024. All three investigations remain ongoing.

Table 8 (below) provides a comparator of SIU investigations between Q1 2024 and Q1 2023, as well as the 5-year average for the same quarter.

Table 8 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q1 2024	Q1 2023	5 YR AVG Q1
Death	0	0	0
Serious Injury	2	3	2
Sexual Assault	1	0	1
TOTAL	3	3	3

Complaint Reviews

The PSA provides that public complainants may seek a review of the Chief's decision on a conduct complaint from the OIPRD. In Q1 2024, there were six requests for review from complainants received by the OIPRD. This is an increase from Q1 2023 where there were no requests for reviews received.

Policy/Service Complaint Reviews

Complainants dissatisfied with the resolution of a policy/service complaint may seek a review by the Board. There was one request received for a policy and/or service complaint by the Police Service Board in Q1 2024.

SUPPORTING DOCUMENTATION

Document 1: Summary of Policy and/or Service Complaints completed in Q1 2024

CONCLUSION

This report covers the first quarter of 2024. The CSPA came into force on April 1. We are currently reviewing the format of this report to ensure it aligns with the requirements and changes under the CSPA.

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

Document 1 – SUMMARY OF SERVICE AND POLICY COMPLAINT INVESTIGATIONS

Complaint #: 23-0732
Date of Incident: 28 September 2023
Date Complaint Received: 14 November 2023
Date Completed: 24 January 2024

Summary of Complaint:

The complainant alleged his family and guests are being harassed and intimidated by the neighbour and despite calling police and making reports, no one has helped them.

Summary of Findings and Actions Taken:

A request for review was filed with the PS Board and it was determined that OPS personnel adhered to the relevant policies and procedures regarding the matters referenced in the complaint. While some of the alleged actions by the neighbour may be considered offensive or rude, they do not rise to the level of criminality.

Complaint #: 23-0780
Date of Incident: 31 October 2023
Date Complaint Received: 30 November 2023
Date Completed: 23 January 2024

Summary of Complaint:

The complainant was not satisfied with police response to a call white at a retirement home, which she worked at and felt there was a lack of collaboration for the safety of all people involved.

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 #: 23-0829
Date of Incident: 29 September 2023
Date Complaint Received: 13 December 2023
Date Completed: 27 February 2024

Summary of Complaint:

The complainant alleged that the officer who attended her home ignored evidence on her camera and alleged she had a mental health condition when she claims she did not.

Summary of Findings and Actions Taken:

The investigator determined a thorough investigation was conducted by the respective section for each allegation where criminality was alleged. Officers took all necessary investigative steps to ensure the complainant was safe and was put in touch with assistance and support and were provided with plans for their wellbeing.

Complaint #: 24-0076
Date of Incident: 23 December 2023
Date Complaint Received: 08 February 2024
Date Completed: 26 March 2024

Summary of Complaint:

The complainant alleged that officers disturbed their privacy after midnight by responding to a false call from a racist and antisemitic person in their neighbourhood.

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 #: 24-0134
Date of Incident: 18 January 2024
Date Complaint Received: 04 March 2024
Date Completed: 18 March 2024

Summary of Complaint:

The complainant alleged a call was placed to 911 for an unwanted male refusing to leave and uttering threats at her place of business and police never attended.

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.