

Report to / Rapport au:

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

24 June 2024 / 24 juin 2024

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

**Inspector Mazen Dikah, Professional Standards / Inspecteur Mazen Dikah,
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SUBJECT: PROFESSIONAL STANDARDS UNIT : 2023 ANNUAL REPORT

**OBJET: UNITÉ DE NORMES PROFESSIONNELLES : RAPPORT ANNUEL
2023**

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

This 2023 annual report reflects matters where the Police Services Act (PSA) was applied. The Community Safety Policing Act came into effect on April 1, 2024 and will be applied to future reports.

The Ottawa Police Service (OPS) takes complaints about our members very seriously. Part V of the Ontario Police Services Act titled "Complaints and Disciplinary Proceedings" outlines the process for dealing with complaints, which includes complaints made by members of the public (Public Complaints), and complaints generated by the Chief of Police (Internal Complaints or "Chief's" Complaints). The

complaints process is administered by the Office of the Independent Police Review Director (OIPRD) and the OPS Professional Standards Unit (PSU).

PSU's mandate is the investigation and remediation of complaints about our members. We are also the OIPRD liaison for Public Complaints, and the SIU liaison where police actions result in serious injury, death, or allegations of sexual assault. 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, they are an independent oversight body to ensure that all Public Complaints about police in Ontario are dealt with fairly and transparently. Public Complaints may be about our officers' conduct, policies, or 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 remediation. 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 A Public Complaint may be withdrawn at any time, but also escalated to an Internal Complaint where appropriate to do so.

In addition to investigating and remediating Public Complaints referred to us by the OIPRD, 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 Police Services Act (PSA) and criminal matters. PSU conducts thorough investigations, respective to the sensitive nature of complaints about police conduct. How a complaint is handled impacts individual complainants and officers, and reflects directly on the integrity of the OPS and public trust and confidence.

In 2023, PSU received 330 Public Complaints, and generated 375 Internal Complaints:

- 169 Public Complaints were screened out by the OIPRD, 4 Public Complaints were withdrawn by the complainant prior to screening and 157 were referred for investigation.
- 350 Internal Complaints were related to driving issues, and 25 were related to other conduct issues.

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

Informal Discipline is applied to substantiated misconduct that is less serious in nature. Sanctions may include counseling, 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 must proceed to a formal disciplinary 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 retained in an officer's employment record for five years and potentially longer at the discretion of the Chief.

Informal Resolution Processes

The OIPRD continued to utilize their Early Resolution Program (ERP), in anticipation of pending changes under the Community Safety and Policing Act. For Public Complaints deemed appropriate by the OIPRD, 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 be powerful learning opportunities with lasting positive impacts to the participants. Public Complaints that are resolved through ERP are not counted as a Public Complaint for OIPRD and OPS statistics.

In 2023, the OIPRD identified 33 Public Complaints involving the OPS as suitable for resolution under the ERP process. 17 were withdrawn, 11 closed with no further action, one closed by way of Informal Resolution and 4 carried over into 2024.

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 2023, the OPS completed investigations into 106 Public Complaints that were referred by the OIPRD, and another 47 were carried over into 2024. Of the 106 completed Public Complaints, 31 (29%) were successfully resolved through ADR.

DISCUSSION

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

Complaint Statistics:

In 2023, 330 Public Complaints about OPS were received by the OIPRD. This represents a 54% decrease in the number of Public Complaints received in 2022 (713), and a 12% decrease over the 5-year average (376). Ottawa Police responded to 400,039 calls for service in 2023, this represents one Public Complaint for every 1,212 police responses.

Of note, the 2022 Public Complaints were higher than the average due to the illegal protest that occurred in Ottawa and across Canada in March of 2022. The 2023 numbers (330 complaints) are slightly higher than the year 2021 (323 complaints) which is along the average number of public complaints per year made to the OIPRD.

Figure 1 (below) illustrates the total number of Public Complaints received over a five-year period.

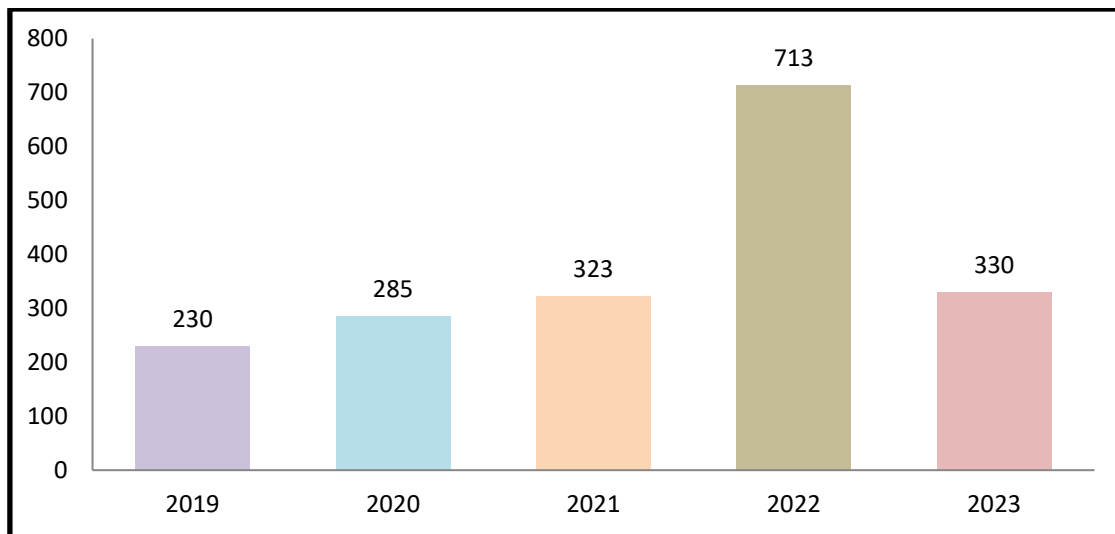


Figure 1: Total public complaints received by the Ottawa Police Service (2019-2023)

Of the 330 Public Complaints made about the OPS in 2023, the OIPRD screened-out 169 on the basis that they were deemed to be frivolous, vexatious, over the six months

limitation, or not in the best interest of the public to proceed. A further four complaints were withdrawn by the complainants prior to screening by the OIPRD. Of the remaining 157 Public Complaints that were screened-in by the OIPRD, 156 were referred to PSU for investigation and remediation and one was referred to the Ontario Provincial Police (OPP). The OIPRD did not retain any complaints for themselves to investigate in 2023. Compared to 2022, of the 713 Public Complaints, the OIPRD screened out 483 Public Complaints. A further 7 complaints were withdrawn by the complainants prior to screening by the OIPRD. Of the remaining 223 Public Complaints, 221 were referred to PSU for investigation and remediation, one was referred to the OPP and one was retained by the OIPRD.

Figure 2 (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.

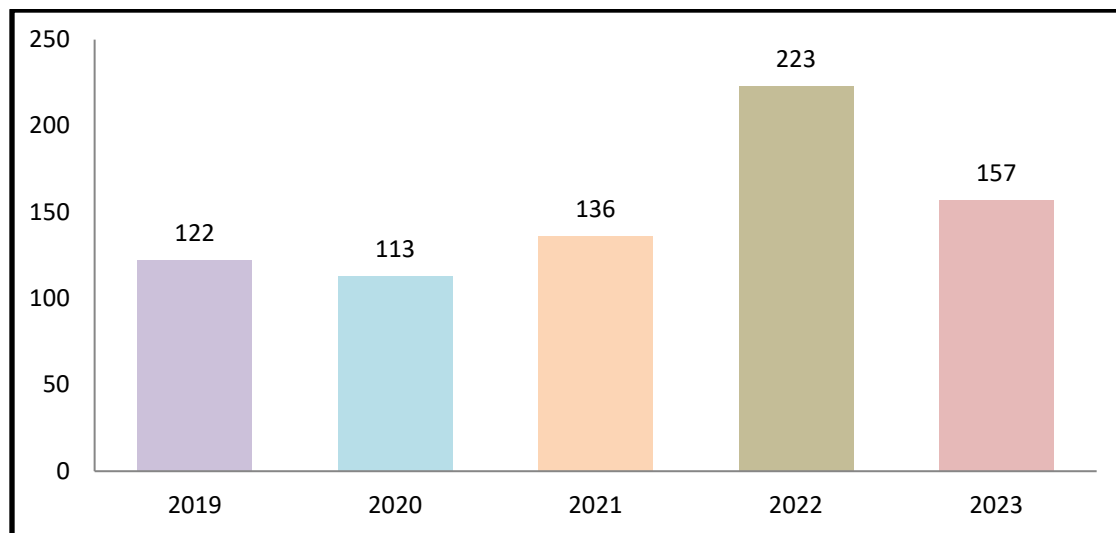


Figure 2: Total public complaints investigations after screen-outs by the OIPRD 2019-2023)

In 2023, PSU generated 375 Internal Complaints about the conduct of our officers. This is 1 % less than 2022 (380), as well as 32% more than the five-year average for Internal Complaints (285).

Figure 3 (below) illustrates the total number of Internal Complaints generated over a five-year period.

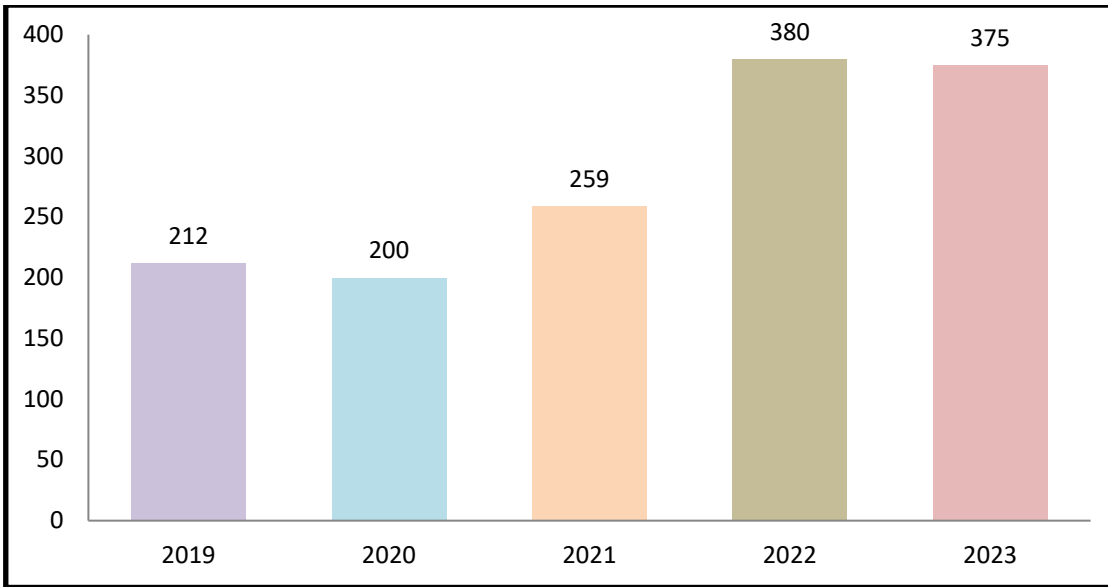


Figure 3: Total internal complaints generated by the Ottawa Police Service 2019-2023

Figure 4 (below) illustrates the total number of Public and Internal Complaints added together for a five-year period.

In 2023, the total number of Public and Internal Complaints taken together was 705. This represents a 36% decrease from 2022 (1093), and a 6% increase over the five-year average (662).

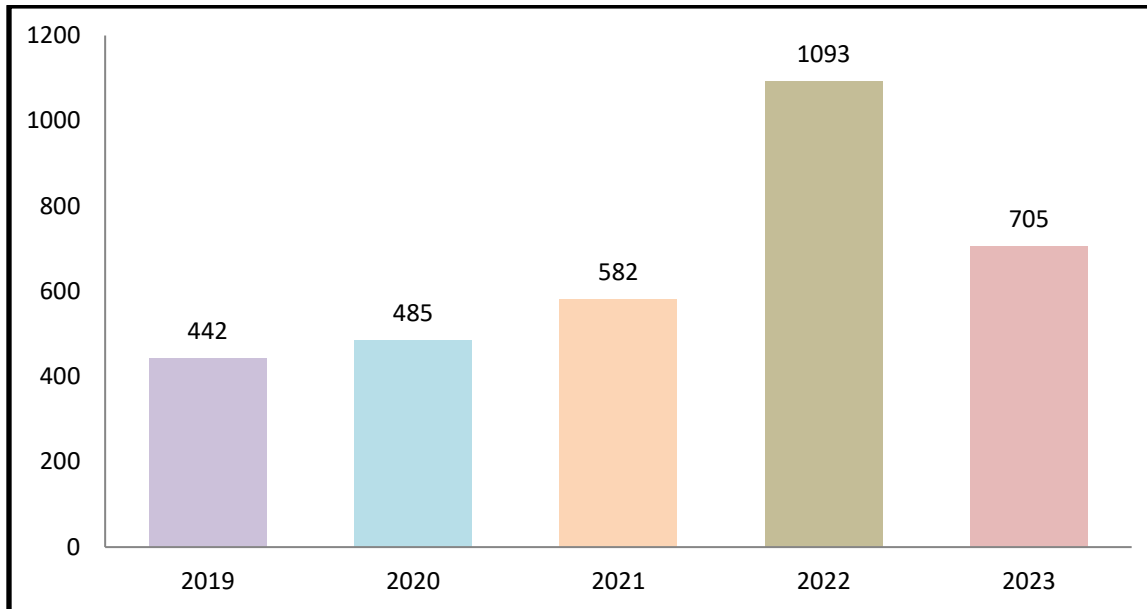


Figure 4: Total complaints received by the Ottawa Police Service 2019-2023

Despite these decreases in Public and Internal Complaints, 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 Informal Resolution. 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 1 (below) reveals the breakdown of complaint types.

Table 1: Classification of Public and Internal Complaints

Classification	2019	2020	2021	2022	2023	5 Year Average
Improper Conduct	329	380	431	776	537	491
Driving Related Conduct including Red light, ASE, At-Fault collisions	N/A	N/A	N/A	347	350	N/A
Excessive Force	27	24	29	92	44	43
Neglect of Duty	67	68	92	83	89	80
Firearm Discharge	3	0	1	0	0	1
Policy/Service Complaints	16	13	29	142	35	47
Total	442	485	582	1093	705	662

Improper Conduct Sub-classifications:

Improper conduct complaints are further broken down into sub-classifications.

Table 2 (below) reveals the breakdown of Improper Conduct complaint types, with a comparison to 2022.

Table 2: Sub-Classification of Improper Conduct Complaints

Classification	2022	2023
Inappropriate Actions	615	87
Abuse of Authority	103	59
Comments/Language	36	33
Confidentiality	18	7
Insubordination	4	1
Total	776	187

Resolution of Conduct Related Public Complaints:

Of the 330 Public Complaints received by the OIPRD in 2023, 295 were classified as conduct related, and 35 were classified as service or policy related. The OIPRD dismissed 167 of these conduct complaints as frivolous, vexatious, over the six months limitation, or no further action as it is not in the best interest of the public to proceed. Three conduct related Public Complaints were withdrawn by the complainant prior to being screened by the OIPRD. Another 53 conduct-related Public Complaints were withdrawn at the discretion of the complainants; however, 24 of these withdrawals occurred after they participated in the OPS' ADR process.

Of the remaining 72 conduct related Public Complaints received in 2023, 2 were closed with no further action; 1 due to consolidation with another complaint and the other was terminated by the OIPRD as it was not in the public interest to proceed, 23 were unsubstantiated upon investigation, and 47 remain open and are still under investigation going into 2024.

Figure 5 (below) illustrates the breakdown for Public Complaint dispositions in 2023.

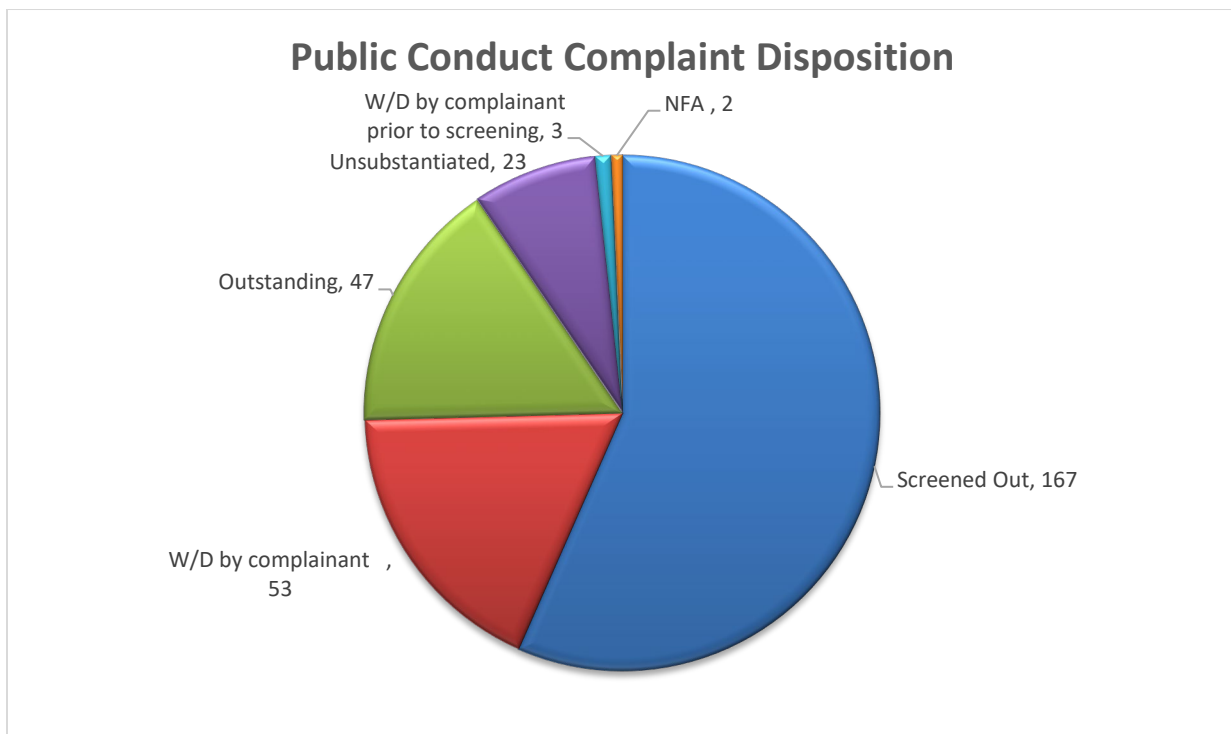


Figure 5: Public Conduct Complaint Dispositions 2023

Resolution of Internal Conduct Complaints

Of the 375 Internal Complaints generated in 2023, 350 were related to Driving issues, specifically Red-Light Camera infractions (82), Motor Vehicle Collisions (81), and Automated Speed Enforcement Cameras (ASE'S) (187). Nine Internal files were

opened due to traffic related offences and the remaining, (16) were related to other conduct issues.

The number of Internal complaints is largely related to conduct issues, and particularly the introduction and growth of Automated Speed Enforcement Cameras (ASE's). These are captured under the Improper Conduct sub-classification of "Inappropriate Actions". The Ontario Highway Traffic Act provides police with an exemption to speeding, provided it is duty related and reasonable in the circumstances. Each infraction is assessed individually, and last year PSU revamped the process to address driving related conduct and progressive discipline that includes counselling, training, and forfeiture of hours.

Of the 375 Internal complaint investigations opened in 2023, 78 resulted in informal discipline, 3 were unsubstantiated, 212 closed with no further action, and 82 investigations remained outstanding at the end of 2023.

Figure 6 (below) illustrates the breakdown of Internal Complaint dispositions in 2023.

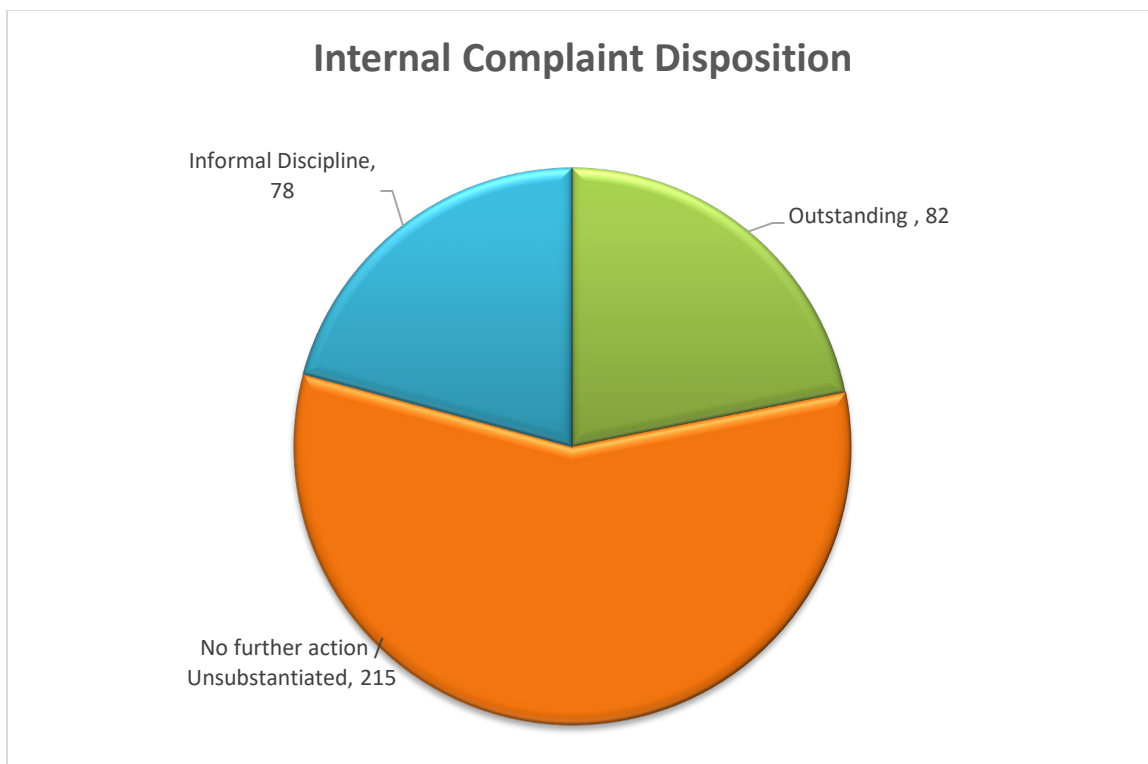


Figure 6: Internal Complaint Breakdown 2023

Resolution of Policy and Service Complaints:

Of the 35 policy and service complaints received in 2023, 3 were screened out by the OIRPD, as not being in the interest of the public to proceed, 1 was withdrawn by the complainant prior to screening, 18 were withdrawn by the complainant, 9 resulted in no action being taken and 4 were still pending at year end.

There were two service complaints that went before the Police Service Board for review in 2023. Both reviews resulted in confirmation of the OPS' conclusions upon review.

Requests for Review by OIPRD:

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

As indicated in Table 3 (below) 17 requests for review were received in 2023. This is 4 more than the number of reviews requested in 2022(13). In 11 of these complaints, the OIPRD was satisfied with the investigation conducted by OPS and confirmed the decisions and in 3 cases, the OIPRD specified direction to be taken. Six complaints remained under review by the OIPRD at the end of the year.

Table 3: Request for Review by OIPRD

Requests for Review by OIPRD Resolutions	2019	2020	2021	2022	2023	5 Year Average
Confirmed Decision	6	8	7	10	11	8
Specified Direction	4	1	2	1	3	2
Assigned to Outside Police Service	0	0	0	0	0	0
OIPRD to Investigate	0	0	0	0	0	0
Reviews Pending	4	1	3	2	3	3
Total	14	10	12	13	17	13

Official Language Complaints:

The Ottawa Police Services Board Policy CR-11 requires that official language complaints be reported in the annual report. In 2023, there was one complaint with regards to ASSIL's forms not being available to the public in French.

Police Services Act (PSA) Hearings:

There were 9 disciplinary hearings held in 2023 and for one, the officer retired before the conclusion of the Hearing. Seven files were initiated by Internal complaint investigations before 2023 and 2 were initiated in 2023. Four of these disciplinary hearings were concluded by the end of 2023, and 5 carried over into 2024.

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 was one appeal to OCPC for a PSA hearing decision sought in 2023. This appeal remained outstanding at the end of the year.

Investigation of Criminal Allegations:

PSU is also responsible for conducting investigations into our members where there is an allegation of criminal conduct. In 2023, two officers were charged with criminal offences, which was less than in 2022. The cumulative number of OPS officers under criminal charges throughout 2023 was 8 but by the end of 2023, the number of officers facing criminal charges was reduced to 5. Of the three officers whose criminal charges were disposed of in 2023, two resulted in a conviction with one of the officers retiring from OPS. The third officer had his charges 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 they have completed their investigation. Our administrative review focuses on policies, services, and conduct. In 2024, the Section 11 reviews will be rebranded as "Section 8" under the CSPA.

In 2023, the SIU invoked its mandate for 15 incidents. This is an increase from 2022 (12) and the five-year average (14). By the end of 2023, the SIU terminated 4 investigations. Two investigations were closed with no further action resulting in no criminal charges, and 9 investigations are still open by the end of 2023.

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 2023, one officer was suspended, which is lower than the five-year average of five. A further four officers had their suspensions carried over into 2023 from previous years, for a total of 5 officers being under suspension in 2023.

CONSULTATION

Not applicable

FINANCIAL IMPLICATIONS

Not applicable

SUPPORTING DOCUMENTATION

Not applicable

CONCLUSION

The OPS holds our members to the highest standards of ethics, professionalism, and accountability. As Chief, I am aware of the importance of public trust, and confidence that complaints against the police will be taken seriously and thoroughly investigated.

Working with the OIPRD as the provincial oversight body, the OPS Professional Standards Unit is committed to conducting fair and impartial investigations, applying appropriate remediation, and continuing to identify, address and monitor any trends related to police conduct.

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