

Report to / Rapport a:

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

22 July 2024 / 22 juillet 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 – POLICE SERVICES ACT, COMMUNITY
SAFETY AND POLICING ACT AND SPECIAL INVESTIGATIONS UNIT
ACT: SECOND QUARTER 2024**

**OBJET: RAPPORT SUR LES PLAINTES – LOI SUR LES SERVICES
POLICIERS, LOI SUR LA SECURITE COMMUNAUTAIRE ET LES
SERVICES POLICIERS ET LOI SUR L'UNITE DES ENQUETES
SPECIALES: DEUXIÈME 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

On April 1, 2024, the Community Safety and Policing Act (CSPA), 2019 came into force in the Province of Ontario and replaced the previous Police Services Act (PSA), 1990. This new legislative framework was established to enhance community safety, improve policing practices and foster collaboration between police services and the communities they serve.

As part of the CSPA, a new Code of Conduct for police officers has been introduced under O. Reg. 407/23. The new Code of Conduct includes modernized language, additional

categories of offences, including, both new offences and defences. In addition, a Code of Conduct has now been established for all Special Constables under O. Reg. 41/23.

Under the CSPA, the Office of the Independent Police Review Director (LECA), who previously oversaw and processed all public complaints about a police service's policies, services, or the conduct of its members, has been renamed the Law Enforcement Complaints Agency (LECA) and is now led by the Complaints Director. As part of their new mandate, the LECA will only deal with conduct complaints against police officers. In addition, the LECA has the authority to investigate complaints about Chiefs and Deputy Chiefs and public interest complaints, including initiating an investigation into a police conduct, even if there is no public complaint.

All conduct complaints made by members of the public against police officers continue to be made to the LECA; however, allegations of misconduct occurring after April 1, 2024, will be assessed against the new police officer Code of Conduct under CSPA O. Reg. 407/23. The LECA may direct the officer's Chief of Police or the Chief of Police of an unrelated police service to investigate the complaint or, alternatively, retain the complaint and cause it to be investigated by a LECA investigator. Investigative results are reported to the LECA, who may overturn the findings, following a request for a review made to the Complaints Director by the complainant.

Similar to the screen out criteria stipulated in the PSA, under the CSPA, the LECA may refuse to cause a complaint to be investigated if the facts on which it is based occurred more than six months before the complaint was made, the complainant was not directly affected by the conduct of the person who is the subject of the complaint, the conduct does not, on its face, constitute misconduct, or in the LECA's opinion, the complaint is frivolous, vexatious or made in bad faith or having regard to all the circumstances, dealing with the complaint is not in the public interest.

The process for dealing with police complaints that occurred prior to April 1, 2024, continues to be dealt with in accordance with Part V of the PSA.

Chiefs of Police are also now required to provide notice of misconduct to the LECA when they become aware that a member of their police service, who is a police officer, other than a Deputy Chief, may have engaged in conduct that constitutes misconduct.

Part VII of the CSPA establishes the position of the Inspector General (IG), supported by the Inspectorate of Policing (IoP), whose mandate is to provide CSPA compliance oversight and enforcement of legal obligations for municipal police services, Chiefs of Police and boards. Such duties and authorities possessed by the IG and executed by the IoP include, advising, monitoring, issuing directions, imposing measures, conducting inspections of police services, investigating and overseeing certain types of complaints from the public. Policy and Service complaints that occurred after April 1, 2024, will now be dealt with by the IoP and classified, as follows:

- Adequacy and effectiveness of policing (formerly a service or policy complaint);
- Failure of a police service board, Chief of Police, or prescribed policing provider to comply with the CSPA and its regulations, including systemic failure (formerly a service complaint); and
- Procedures of a Chief of Police (formerly a policy complaint).

Internal Complaints (or Chief's Complaints) are initiated at the discretion of the Chief of Police 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), which make up most Internal Complaint investigations.

The PSA allows for Public and Internal conduct complaints to be finalized as substantiated or unsubstantiated. Once substantiated, they are resolved by Informal Resolution, Informal Discipline, or Formal Discipline according to the circumstances and seriousness of the misconduct. Under the CSPA, there is no distinction between misconduct of a less serious or serious nature. Once a determination of misconduct has been made, under section 200 of the CSPA, Chiefs can impose discipline, other than a demotion or dismissal, without a hearing, unless an officer requests one.

Matters requiring a hearing, will now be conducted by an independent adjudicator appointed by the Ontario Police Arbitration and Adjudication Commission (OPAAC), rather than a hearing officer appointed by the Chief.

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 2024 a combined total of 284 Public and Internal Complaints were received. Compared to 157 in Q2 2023, this represents an increase of 127 complaints or 81 percent.

By complaint type, 73 Public Complaints were received in Q2 2024. Compared to Q2 2023 (89), this represents a decrease of 16 Public Complaints or 18 percent.

For Internal Complaints, 211 were generated in Q2 2024, an increase of 143 complaints from Q2 2023 (68). This number is attributed to the increase in Automated Speed Enforcement cameras in the City of Ottawa.

Table 1A (below) illustrates the number of Public and Internal Complaints received in Q2 2024 compared to Q2 2023, as well as five-year averages for the same quarter.

Table 1 - New Public and Internal Complaints Received in Q2

	Q2 2024	Q2 2023	5 YR AVG Q2	2023 Total
Public Complaint (Conduct)	69	76	80	295
Public Complaint (Policy or Service - LECA)	4	13	8	35
Public Complaint (Policy or Service - loP)	0	n/a	n/a	n/a
Internal Complaints (Other)	8	2	9	25
Internal Complaints (Red Light Camera Infractions)	23	25	18	82
Internal Complaints (MVCs)	15	18	18	81
Internal Complaints (Automated Speed Enforcement)	165	23	53	187
TOTAL	284	157	186	705

Of the 73 Public Complaints received by the LECA in Q2 2024, 36 were referred to the OPS Professional Standards Unit (PSU) for investigation, 36 were screened-out by the LECA, and one complaint was withdrawn by the complainant prior to screening. The LECA did not retain any complaints for their own investigation in Q2 2024.

Table 2 (below) illustrates the overall number of Public Complaints that were screened in for investigation in Q2 2024 by the LECA and the loP, as compared to Q2 2023, as well as the five-year average for the same quarter.

Table 2 – Public Complaint Investigations in Q2 after Screening by the LECA and the loP

	Q2 2024	Q2 2023	5 YR AVG Q2	2023 Total
Public Complaint (Conduct)	32	37	31	125
Public Complaint (Policy or Service - LECA)	4	11	7	31
Public Complaint (Policy or Service - loP)	0	n/a	n/a	n/a

TOTAL	36	48	38	156
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Classification of Complaints - Conduct Complaints

Public and Internal complaints dealing with officer conduct, which occurred prior to April 1, 2024, will continue to be classified under the PSA into four categories: Improper Conduct (which included Driving Related Conduct), Excessive Force, Neglect of Duty, and Firearm Discharge.

All Public and Internal complaints dealing with officer conduct, which occurred after April 1, 2024, will fall under the CSPA's Code of Conduct and be classified into the following five categories: Compliance with Laws, Human Rights and Charter Rights, Interaction with the Public, Integrity and Performance of Duties (which includes Driving Related Conduct).

In Q2 2024, 235 Public and Internal complaints were received dealing with officer conduct. Compared to 144 in Q2 2023, this represents an increase of 91 complaints or 63 percent. Of the 235 conduct complaints received, 165 (45%) were classified under the PSA, while the remaining 130 (55%) were classified under the CSPA.

Table 3A below illustrates, the total number of Public and Internal complaints dealing with officer conduct in Q2 2023 under the PSA.

Table 3A – PSA Conduct Related Complaints by Category in Q2 before Screening of Public Complaints by the LECA

	Q2 2024	Q2 2023	5 YR AVG Q2	2023 Total
Improper Conduct	33	43	58	187
Improper Conduct – Driving Related	50	67	46	350
Excessive Force	4	6	9	44
Neglect of Duty	18	28	21	89
Firearm Discharge	0	0	0	0
TOTAL	105	144	134	670

Table 3B below illustrates, the total number of Public and Internal complaints dealing with officer conduct in Q2 2023 under the CSPA.

Table 3B – CSPA Conduct Related Complaints by Category in Q2 before Screening of Public Complaints by the LECA

	Q2 2024	Q2 2023	5 YR AVG Q2	2023 Total
Performance of Duties	11	n/a	n/a	n/a
Performance of Duties – Driving Related	108	n/a	n/a	n/a
Compliance with Laws	1	n/a	n/a	n/a
Human Rights and Charter Rights	1	n/a	n/a	n/a
Interaction with Public	9	n/a	n/a	n/a
Integrity	0	n/a	n/a	n/a
TOTAL	130	n/a	n/a	n/a

Table 4A (below) outlines the total number of Conduct related Public and Internal complaints that were investigated in Q2 2024 under the PSA, after Public complaint screen-outs by the LECA, including a comparison to Q2 2023, the five-year average for the same quarter and the total complaints investigated in 2023. The Q2 2024 total is 78, as compared to 105 in Q2 2023 or a 26% decrease.

Table 4A – PSA Conduct Related Complaint Investigations in Q2 after Screening by the LECA

	Q2 2024	Q2 2023	5 YR AVG Q2	2023 Total
Improper Conduct	12	19	25	81
Improper Conduct – Driving Related	50	67	46	350
Excessive Force	4	5	4	28
Neglect of Duty	12	14	11	42
Firearm Discharge	0	0	0	0
TOTAL	78	105	86	501

Table 4B (below) outlines the total number of Conduct related Public and Internal complaints that were investigated in Q2 2024 under the CSPA, after Public complaint screen-outs by the LECA. The Q2 2024 total for complaints investigated is 120.

Table 4B – CSPA Conduct Related Complaint Investigations in Q2 after Screening by the LECA

	Q2 2024	Q2 2023	5 YR AVG Q2	2023 Total
Performance of Duties	8	n/a	n/a	n/a
Performance of Duties – Driving Related	108	n/a	n/a	n/a
Compliance with Laws	1	n/a	n/a	n/a
Human Rights and Charter Rights	1	n/a	n/a	n/a
Interaction with Public	2	n/a	n/a	n/a
Integrity	0	n/a	n/a	n/a
TOTAL	120	n/a	n/a	n/a

The key driver of the increase in Driving Related Internal Complaints is attributed to the number of Automated Speed Enforcement, which continues 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 exemptions under the Ontario Highway Traffic Act (HTA) are not met.

LECA Mandatory Notice of Misconduct and Investigations

Section 197(1) of the CSPA, requires a Chief of Police to notify the LECA when it is reasonably suspected that an officer’s conduct constitutes misconduct, as set out in “Discipline O. Reg. 406/23” and the conduct was either directed at or directly affected a member of the public, who would be permitted to make a complaint to the LECA.

All notifications are reviewed by the LECA and a decision is made on whether an investigation will be initiated in the public interest.

In Q2 2024, ten notifications were provided to the LECA. Eight of these notifications were closed by the LECA, as it was determined to be not in the public interest for LECA to initiate an investigation in the absence of a Public complaint, one notification was closed by the LECA, as the Service was in resolution discussions with the affected person and

the final one was closed by the LECA, as the affected person filed a Public complaint, which was given priority.

Special Constable Complaints

The conduct of special constables is now governed by O. Reg. 411/23 under the CSPA. O. Reg. 411/23 requires that all external complaints about special constables be made to the Service in which the special constable is employed. Complaints against special constables shall be investigated by the Chief of Police to determine whether the special constable's conduct constitutes misconduct, contravened the terms and conditions of the special constable's certificate of appointment or contravened any provision of the CSPA or its regulations. All discipline matters relating to special constables are governed by the Civilian Personnel Collective Agreement.

There were no external special constable complaints received in Q2 2024.

Service or Policy Complaints

There was four Service or Policy related Public complaints received from the LECA in Q2 2024. Two complaints were withdrawn by the complainants after being referred to OPS for investigation and two complaint investigations were completed, resulting in no further action.

There were no Service or Policy related Public complaints received from the IoP in Q2 2024.

Details of the four completed service complaints received in Q2 2024, as well as two 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 Q2 2024 as compared to Q2 2023, as well as the Q2 five-year average.

Table 7 - Policy and Service Complaints

	Q2 2024	Q2 2023	5 YR AVG Q2	2023 Total
Policy (LECA)	0	1	1	1
Service (LECA)	4	12	8	34
Policy (IoP)	0	n/a	n/a	n/a
Service (IoP)	0	n/a	n/a	n/a
TOTAL	4	13	9	35

Table 8 (below) outlines Service or Policy complaints referred for investigation in Q2 2024 compared to Q2 2023, as well as the five-year average for the same quarter and the total number of policy and service complaints investigated in 2023.

Table 8 - Policy and Service Complaint Investigations

	Q2 2024	Q2 2023	5 YR AVG Q2	2023 Total
Policy	0	1	0	1
Service	4	10	6	30
Policy (IoP)	0	n/a	n/a	n/a
Service (IoP)	0	n/a	n/a	n/a
TOTAL	4	11	6	31

The LECA's Early Resolution Program (ERP)

In July 2020, the LECA advised that they would be streamlining early resolution processes in anticipation of changes under the CSPA. By the end of 2020, the LECA introduced the Early Resolution Program (ERP), which 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 LECA.

In Q2 2024, three ERP files were received from the LECA. One file was withdrawn by the complainant following a successful mediation, one was withdrawn by the complainant and the final one was concluded after a resolution was reached.

Conduct Complaint Status

The following summarizes the status of the 235 Conduct related Public and Internal complaints that were received or generated in Q2 2024:

- 196 cases completed
 - 17 resulted in informal discipline (this includes 16 driving related complaints)
 - 13 withdrawn by the complainant
 - 1 withdrawn by the complainant prior to screening by the LECA
 - 37 screened-out by the LECA 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.

- 128 were unsubstantiated or resulted in no further action (this includes 126 driving related complaints)
- 39 investigations are ongoing (this includes 16 driving related complaints)

Table 9 (below) illustrates the Q2 2024 complaint status for Conduct related Public and Internal complaints, including a comparison with Q2 2023 and the five-year average for the same quarter:

Table 9 - Complaint Status - Conduct Complaints

RESOLUTION	Q2 2024	Q2 2023	5 YR AVG Q2
Unsubstantiated	1	1	0
Vexatious/Frivolous/Bad Faith	3	8	8
Informal Resolution	0	0	0
Informal Resolution - Mediation	0	0	0
No Further Action	127	31	40
Withdrawn by Complainant	13	11	7
Withdrawn by Complainant through Mediation	0	3	3
Withdrawn Prior to Screening of Complaint	1	0	1
Over Six Months	0	0	0
Not in the Public Interest	33	29	38
Third Party - Not Directly Affected	0	2	1
Better Dealt with Under another Act or Law	1	0	2
Complaints Not Resulting in Discipline Total	179	85	100

Informal Discipline	17	8	7
Disciplinary Hearing (PSA)	0	0	0
Discipline (Section 200) – No Hearing (CSPA)	0	0	0
Demotion and Termination Hearing (CSPA)	0	n/a	n/a
Complaints Resulting in Discipline total	17	8	7
Complaints Outstanding total	39	51	55
TOTAL	235	144	162

Member Suspensions

Both the PSA and CSPA provide that a Chief of Police, in the most serious of matters, can 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.

The CSPA now enables a Chief of Police to suspend an officer without pay when they are convicted and sentenced to jail, in custody or subject to bail that substantially interferes with their policing duties and/or charged with an off duty indictable offence under the Criminal Code, the Controlled Drugs and Substances Act or the Cannabis Act.

There was one officer suspended in Q2 2024, compared to no officers being suspended in Q2 2023 and the five-year Q2 average of three. That officer has since resigned. At the start of Q2 2024, there were five officers on suspension, which remained the same at the end of Q2 2024.

Special Investigations Unit (SIU) Investigations

The Special Investigations Unit Act, 2019, authorizes the SIU to 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 once in Q2 2024. The investigation remains ongoing.

Table 10 (below) provides a comparator of SIU investigations between Q2 2024 and Q2 2023, as well as the five-year average for the same quarter.

Table 10 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q2 2024	Q2 2023	5 YR AVG Q3
Death	0	1	0
Serious Injury	1	3	2
Sexual Assault	0	0	0
Discharge of Firearm at Person	0	0	0
TOTAL	1	4	2

Complaint Reviews

The PSA and CSPA provides that public complainants may seek a review of the Chief's decision on a conduct complaint received from the LECA. In Q2 2024, there were two requests for reviews, a decrease from six in Q2 2023.

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 2024.

SUPPORTING DOCUMENTATION

Document 1: Summary of Service or Policy Complaint investigations that were completed in Q2 2024.

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 OR POLICY COMPLAINT
INVESTIGATIONS COMPLETED IN Q2 2024**

Complaint #: 24-0194
Date of Incident: 12 July 2023
Date Complaint Received: 18 March 2024
Date Completed: 29 April 2024

Summary of Complaint:

The complainant alleged that the Service seized her son's property and then destroyed it when he did not attend to pick it up.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after speaking with both the investigator and supervisor of the OPS Property Unit about improving their property storage and retention policies. No further action taken.

Complaint #: 24-0218
Date of Incident: 20 February 2024
Date Complaint Received: 25 March 2024
Date Completed: 11 April 2024

Summary of Complaint:

The complainant was unhappy with the OPS Fraud Unit's delay into his reported forgery investigation.

Summary of Findings and Actions Taken:

The complainant chose to withdraw his complaint after speaking with the assigned investigator, as well as the OPS Fraud case manager.

Complaint #: 24-0227
Date of Incident: 22 February 2024
Date Complaint Received: 03 April 2024
Date Completed: 24 May 2024

Summary of Complaint:

The complainant alleged police failed to show up on two occasions after he requested police assistance to help him obtain personal belongings.

Summary of Findings and Actions Taken:

After a thorough review of the complaint, along with OPS communications/dispatch and all other relevant policies and protocols, the investigation found that OPS adhered to all service policies and procedures. No further action taken.

Complaint #: 24-0241
Date of Incident: 07 March 2024
Date Complaint Received: 04 April 2024
Date Completed: 11 April 2024

Summary of Complaint:

The complainant alleged she called 911 for police assistance twice, after someone had come into her place of business threatening and was told by dispatch to stop calling, as the incident was not considered an emergency.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after her concerns were reviewed by an investigator in the Professional Standards Unit and conveyed to the dispatcher's supervisor for a full review.

Complaint #: 24-0242
Date of Incident: 01 March 2024
Date Complaint Received: 04 April 2024
Date Completed: 05 June 2024

Summary of Complaint:

The complainant alleged police failed to show up after she called 911 requesting police assistance when two people broke into the laundry room of her building and threatened her.

Summary of Findings and Actions Taken:

After a review of calls for service and based on the response protocol of OPS, the investigation determined that the police response was cancelled once Ottawa Community Housing responded and notified OPS the subjects were no longer on scene and a report was being submitted. It was determined that OPS adhered to all service policies and procedures. No further action taken.

Complaint #: 24-0402
Date of Incident: 02 March 2024
Date Complaint Received: 09 May 2024
Date Completed: 28 May 2024

Summary of Complaint:

The complainant alleged that the HTA charges against the driver responsible for a severe traffic accident, in which his wife was the victim were dismissed by the Court after the lead investigator failed to attend.

Summary of Findings and Actions Taken:

The complainant chose to withdraw his complaint after being advised that the involved officer was not in a position to action his subpoena at the time, as they had been off work on long-term leave and further, that safeguards had been put in place to limit similar issues going forward, including the implementation of regular system checks relating to officer subpoena receipts.