

Report to / Rapport a:

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

28 October 2024 / 28 octobre 2024

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

Superintendent Robert Drummond, Executive Officer to the Chief of Police

Commissaire de police / Fonctionnaire exécutif

DrummondR@ottawapolice.ca

**SUBJECT: COMPLAINTS REPORT – POLICE SERVICES ACT, COMMUNITY
SAFETY AND POLICING ACT AND SPECIAL INVESTIGATIONS UNIT
ACT: THIRD 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: TROISIÈME TRIMESTRE 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.

Complaints Procedures

Under the CSPA, the Office of the Independent Police Review Director (OIPRD), 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.

Under the CSPA, the LECA may refuse to investigate complaints if:

- The incident occurred more than six months before the complaint,
- The complainant was not directly affected by the incident,
- The conduct does not constitute misconduct, or
- The complaint is frivolous, vexatious, or not in the public interest.

Complaints filed before April 1, 2024, will continue to be processed under 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.

Inspector General's Role

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

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.

Complaints Outcome under the CSPA

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.

Impact of Changes in Complaint Classification

The introduction of O. Reg. 407/23 under the CSPA has changed how the officer conduct complaints are categorized and counted. The new regulation includes broader categories such as Compliance with Laws, Human Rights and Charter Rights, Interaction with the Public, and Integrity and Performance of Duties, capturing a wider range of behaviors compared to the previous framework under the PSA.

Due to these expanded categories, complaint numbers under the CSPA cannot be directly compared to those recorded under the PSA.

This report aims to provide transparency around the new complaint classifications and highlights the importance of interpreting comparisons between CSPA and PSA frameworks cautiously. The report also compares current complaint data with the same quarter from the previous year and five-year averages.

DISCUSSION

Complaints Statistics for Q3 2024

A total of 278 Public, Internal and IoP complaints were received in Q3 2024. One (1) of the complaints is under the jurisdiction of the IoP (Police or Service-IoP) and will be referenced later in this report. Of the remaining 277 complaints, 15 (5%) were classified under the PSA for incidents before April 1, while 262 (95%) were classified under the CSPA.

Key Statistics:

- Public Complaints: 54 in Q3 2024, down 27% from 74 in Q3 2023.
- Internal Complaints: 223 in Q3 2024, a 278% increase from 59 in Q3 2023.

Table 1A (below) compares complaints in Q3 2024 to Q3 2023 and the five-year average.

Table 1 - New Public and Internal Complaints Received in Q3

	Q3 2024	Q3 2023	5 YR AVG Q3	2023 Total
Public Complaint (Conduct)	54	68	69	295
Public Complaint (Policy or Service - LECA)	0	6	8	35
Public Complaint (Policy or Service - IoP)	1	0	n/a	n/a
Internal Complaints (Other)	1	3	5	25
Internal Complaints (Red Light Camera Infractions)	31	18	26	82
Internal Complaints (MVCs)	11	15	17	81
Internal Complaints (ASEs)	180	23	69	187
TOTAL	278	133	194	705

Public Complains Investigations

Of the 54 public complaints received by LECA in Q3 2024:

- 19 were referred to OPS Professional Standards Unit for investigation.
- 1 was referred to the Ontario Provincial Police.
- 1 was withdrawn by the complainant.
- 33 were screened out by LECA.

The LECA did not retain any complaints for their own investigation in Q3 2024.

Table 2 provides further details on public complaint investigations for Q3 2024.

Table 2 – Public Complaint Investigations in Q3 after Screening by the LECA and the IoP

	Q3 2024	Q3 2023	5 YR AVG Q3	2023 Total
Public Complaint (Conduct)	20	24	27	125
Public Complaint (Policy or Service - LECA)	0	4	5	31
Public Complaint (Policy or Service - IoP)	1	n/a	n/a	n/a
TOTAL	21	28	32	156

Classification of Officer Conduct Complaints

Officer conduct complaints are classified based on the date the incident occurred, following distinct frameworks for pre- and post-April 1, 2024, incidents.

Pre-April 1, 2024 Complaints: Complaints related to officer conduct occurring before April 1, 2024, are classified under the Police Services Act (PSA). In Q3 2024, a total of 15 complaints (5% of all conduct complaints) were classified under the PSA, categorized as follows:

1. Improper Conduct (including Driving-Related Conduct): 4 complaints
2. Excessive Force: 1 complaint
3. Neglect of Duty: 9 complaints
4. Firearm Discharge: 0 complaints

These numbers reflect complaints related to incidents that occurred before the CSPA came into force.

Post-April 1, 2024 Complaints: Complaints regarding conduct occurring on or after April 1, 2024, are classified under the Community Safety and Policing Act (CSPA). A total of 262 complaints (95% of all conduct complaints) were classified under the CSPA in Q3 2024, distributed across the following categories:

1. Compliance with Laws: 0 complaints
2. Human Rights and Charter Rights: 0 complaints
3. Interaction with the Public: 28 complaints

4. Integrity: 3 complaints
5. Performance of Duties (including Driving-Related Conduct): 231 complaints, with 221 of these being related to driving.

Table 3A below illustrates, the total number of Public and Internal complaints dealing with officer conduct in Q3 2024 under the PSA.

Table 3A – PSA Conduct Related Complaints by Category in Q3 before Screening of Public Complaints by the LECA

	Q3 2024	Q3 2023	5 YR AVG Q3	2023 Total
Improper Conduct	4	43	64	187
Improper Conduct – Driving Related	1	56	49	350
Excessive Force	1	14	6	44
Neglect of Duty	9	14	15	89
Firearm Discharge	0	0	0	0
TOTAL	15	127	134	670

Table 3B below illustrates, the total number of Public and Internal complaints dealing with officer conduct in Q3 2024 under the CSPA.

Table 3B – CSPA Conduct Related Complaints by Category in Q3 before Screening of Public Complaints by the LECA

	Q3 2024	Q3 2023	5 YR AVG Q3	2023 Total
Performance of Duties	10	n/a	n/a	n/a
Performance of Duties – Driving Related	221	n/a	n/a	n/a
Compliance with Laws	0	n/a	n/a	n/a
Human Rights and Charter Rights	0	n/a	n/a	n/a
Interaction with Public	28	n/a	n/a	n/a
Integrity	3	n/a	n/a	n/a
TOTAL	262	n/a	n/a	n/a

Table 4A (below) outlines the total number of Conduct related Public and Internal complaints that were investigated in Q3 2024 under the PSA, after Public complaint

screen-outs by the LECA, including a comparison to Q3 2023, the five-year average for the same quarter and the total complaints investigated in 2023. The Q3 2024 total is 6, as compared to 83 in Q3 2023 or a 93% decrease.

Table 4A – PSA Conduct Related Complaint Investigations in Q3 after Screening by the LECA

	Q3 2024	Q3 2023	5 YR AVG Q3	2023 Total
Improper Conduct	2	11	38	81
Improper Conduct – Driving Related	1	56	49	350
Excessive Force	0	8	4	28
Neglect of Duty	3	8	7	42
Firearm Discharge	0	0	0	0
TOTAL	6	83	98	501

Table 4B (below) outlines the total number of Conduct related Public and Internal complaints that were investigated in Q3 2024 under the CSPA, after Public complaint screen-outs by the LECA. The Q3 2024 total for complaints investigated is 237.

Table 4B – CSPA Conduct Related Complaint Investigations in Q3 after Screening by the LECA

	Q3 2024	Q3 2023	5 YR AVG Q3	2023 Total
Performance of Duties	5	n/a	n/a	n/a
Performance of Duties – Driving Related	221	n/a	n/a	n/a
Compliance with Laws	0	n/a	n/a	n/a
Human Rights and Charter Rights	0	n/a	n/a	n/a
Interaction with Public	11	n/a	n/a	n/a
Integrity	0	n/a	n/a	n/a
TOTAL	237	n/a	n/a	n/a

Key Driver of Increased Internal Complaints

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 exemption 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 Q3 2024, four notifications were provided to the LECA. All four of these 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.

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 was one external special constable complaint received in Q3 2024. Details of the special constable complaints received in Q3 2024 are attached to this report as Document 1.

Service or Policy Complaints

There were no Service or Policy related Public complaints received under the PSA from the LECA in Q3 2024.

There was one Service or Policy related Public complaints received under the CSPA from the IoP in Q3 2024. This investigation is being conducted by the IOP, remains ongoing.

The results of the IOP's findings will be provided in future reports, within the quarter they complete their investigation(s).

Table 7 (below) outlines the total number of Service and Policy complaints received in Q3 2024 as compared to Q3 2023, as well as the Q3 five-year average.

Table 7 - Policy and Service Complaints

	Q3 2024	Q3 2023	5 YR AVG Q3	2023 Total
Policy (LECA)	0	1	1	1
Service (LECA)	0	12	7	34
Policy (IoP)	0	n/a	n/a	n/a
Service (IoP)	1	n/a	n/a	n/a
TOTAL	1	13	8	35

Table 8 (below) outlines Service or Policy complaints referred for investigation in Q3 2024 compared to Q3 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

	Q3 2024	Q3 2023	5 YR AVG Q3	2023 Total
Policy	0	0	0	1
Service	0	4	5	30
Policy (IoP)	0	n/a	n/a	n/a
Service (IoP)	1	n/a	n/a	n/a
TOTAL	1	4	5	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 Q3 2024, four ERP files were received from the LECA. Two files were concluded after resolutions were reached, while the remaining two were terminated, as the criteria was not met.

Conduct Complaint Status

The following summarizes the status of the 277 Conduct related Public and Internal complaints that were received or generated in Q3 2024. This does not include the one (1) Service complaint being investigated by the IoP.

- cases completed
 - 36 resulted in Section 200 discipline – no hearing (all resulting from driving related complaints)
 - 3 withdrawn by the complainant
 - 2 withdrawn by the complainant prior to screening by the LECA
 - 32 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.
 - 156 were unsubstantiated or resulted in no further action (all resulting from driving related complaints)
 - 48 investigations are ongoing (this includes 30 driving related complaints)

Table 9 (below) illustrates the Q3 2024 complaint status for Conduct related Public and Internal complaints, including a comparison with Q3 2023 and the five-year average for the same quarter:

Table 9 - Complaint Status - Conduct Complaints

RESOLUTION	Q3 2024	Q3 2023	5 YR AVG Q3
No Further Action	156	31	49
Unsubstantiated	0	0	0
Vexatious/Frivolous/Bad Faith	1	4	7
Informal Resolution	0	0	0

Informal Resolution - Mediation	0	0	0
Withdrawn by Complainant	2	5	4
Withdrawn by Complainant through Mediation	1	4	2
Withdrawn Prior to Screening of Complaint	2	0	1
Over Six Months	1	1	1
Not in the Public Interest	27	37	29
Third Party - Not Directly Affected	0	1	1
Better Dealt with Under another Act or Law	1	1	2
No Jurisdiction – LECA	1	n/a	n/a
Conduct Does No Constitute Misconduct	1	n/a	n/a
Complaints Not Resulting in Discipline Total	193	84	96
Informal Discipline	0	4	12
Disciplinary Hearing (PSA)	0	0	0
Discipline (Section 200) – No Hearing (CSPA)	36	n/a	n/a
Demotion and Termination Hearing (CSPA)	0	n/a	n/a
Complaints Resulting in Discipline total	36	4	12
Complaints Outstanding total	48	39	57
TOTAL	277	127	165

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 Q3 2024, compared to no officers being suspended in Q3 2023 and the five-year Q3 average of one. At the start of Q3 2024, there were five officers on suspension, which remained the same at the end of Q3 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 twice in Q3 2024. The investigations remain ongoing.

Table 10 (below) provides a comparator of SIU investigations between Q3 2024 and Q3 2023, as well as the five-year average for the same quarter.

Table 10 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q3 2024	Q3 2023	5 YR AVG Q3
Death	0	1	0
Serious Injury	1	3	2
Sexual Assault	0	0	0
Discharge of Firearm at Person	1	0	0
TOTAL	2	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 Q3 2024, there were two requests for reviews, a decrease from six in Q3 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 Q3 2024.

SUPPORTING DOCUMENTATION

Document 1 - Summary of Special Constable Complaint investigations that were completed in Q3 2024.

CONCLUSION

The OPS Professional Standards Unit strives to uphold the highest standards of conduct and accountability for its members. With the transition to the Community Safety and Policing Act (CSPA), the unit continues to handle complaints under the updated framework while addressing conduct issues fairly and efficiently. This commitment reinforces public trust and ensures that integrity remains at the core of policing.

Document 1 – Summary of Special Constable Complaint investigations that were completed in Q3 2024.

Complaint #: 24-0689
Date of Incident: 18 March 2024
Date Complaint Received: 29 June 2024
Date Completed: 06 August 2024

Summary of Complaint:

The complainant alleged that while in custody, Special Constables used excessive force.

Summary of Findings and Actions Taken:

The investigation conducted by PSU determined, primarily based upon cellblock video, that no excessive force or further misconduct occurred.