

Report to / Rapport au:

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

27 June 2022 / 27 juin 2022

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

**Inspector Hugh O'Toole, Professional Standards / Inspecteur Hugh O'Toole,
Normes professionnelles
*OTooleH@ottawapolice.ca***

SUBJECT: PROFESSIONAL STANDARDS UNIT - 2021 ANNUAL REPORT

**OBJET: UNITÉ DE NORMES PROFESSIONNELLES - RAPPORT ANNUEL
2021**

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 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 in relation to the conduct of our officers, our policies or our 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 have 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 A Public Complaint may be withdrawn at any time, but also escalated to an Internal Complaint where appropriate to do so.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 of the sensitive nature of complaints about police conduct. The manner in how a complaint is handled not only impacts individual complainants and officers, but also reflects directly on the integrity of the OPS and public trust and confidence.

In 2021, PSU received 323 Public Complaints, and generated 259 Internal Complaints:

- 182 Public Complaints were screened out by the OIPRD, 5 Public Complaints were withdrawn by the complainant prior to screening and 136 were referred for investigation.
- 206 Internal Complaints were related to driving issues, and 53 related to other conduct issues.

To resolve matters deemed obviously 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 counselling, 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 2021, the OIPRD identified 11 Public Complaints involving the OPS as suitable for resolution under the ERP process. Seven were withdrawn, three closed with no further action, and one carried over into 2022.

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 2021, the OPS completed investigations into 103 Public Complaints that were referred by the OIPRD, and another 33 were carried over into 2022. Of the 103 completed Public Complaints, 58 (56 percent) were successfully resolved through ADR.

DISCUSSION

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

Complaint Statistics:

In 2021, 323 Public Complaints about the OPS were received by the OIPRD. This represents a 13 percent increase in the number of Public complaints received in 2020 (285), and a 32 percent increase over the five-year average (244). Responding to 337,357 calls for service in 2021, this represents one Public Complaint for every 1,044 police responses.

A portion of these Public Complaints were duplicate complaints made by the same complainant. For example, in 2021, 3 individuals submitted a total of 29 Public Complaints (or 9%) prior to screening by the OIPRD.

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

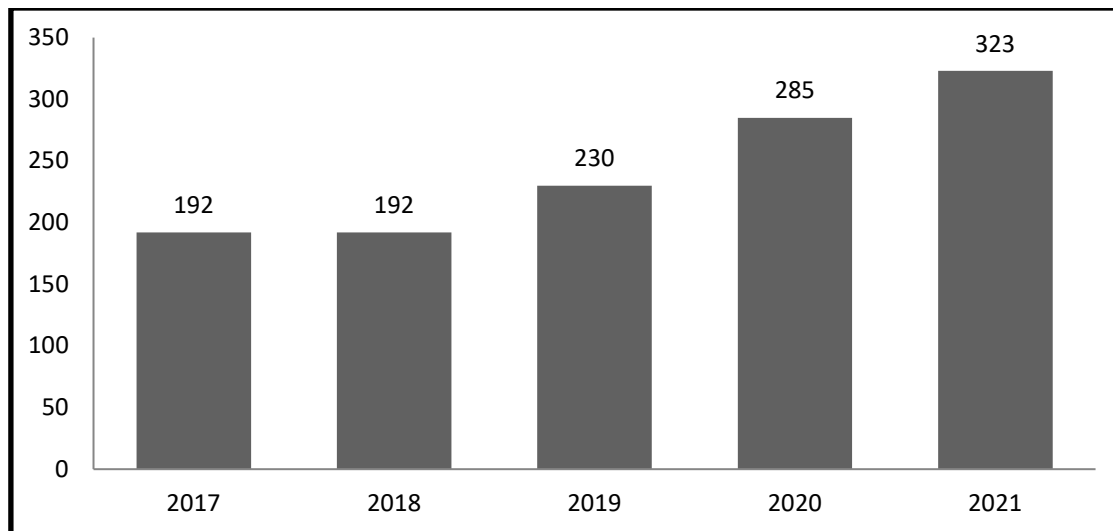


Figure 1: Total public complaints received by the Ottawa Police Service (2017-2021)

Of the 323 Public Complaints made about the OPS in 2021, the OIPRD screened-out 182 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 five

complaints were withdrawn by the complainants prior to screening by the OIPRD. Of the remaining 136 Public Complaints that were screened-in by the OIPRD, 135 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 2021. Compared to 2020, the OIPRD screened out 164 Public Complaints, referred 112 to PSU, one to the OPP and retained two. Six complaints were withdrawn by the complainant prior to screening by the OIPRD in 2020.

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.

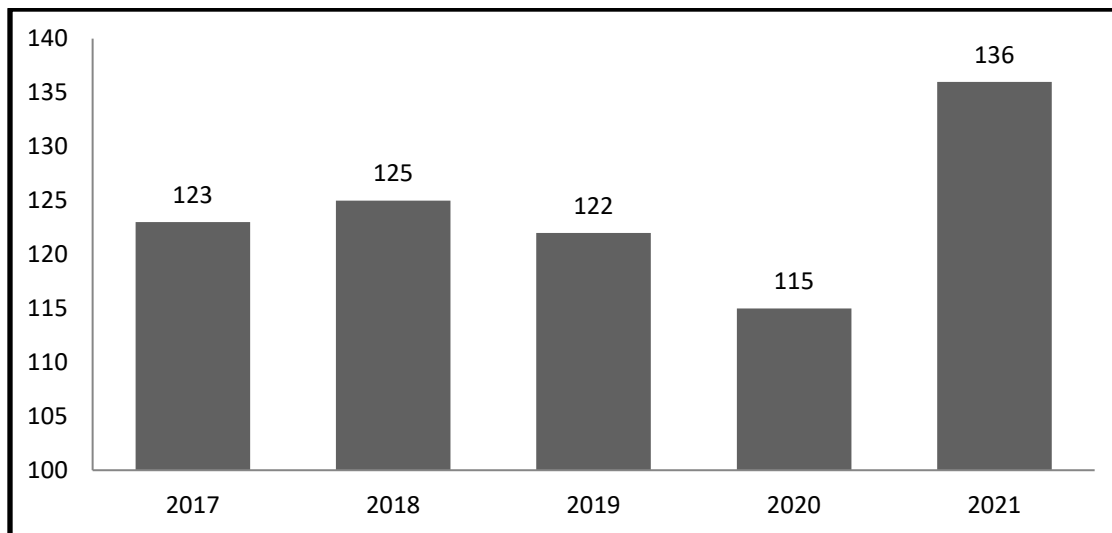


Figure 2: Total public complaints investigations after screen-outs by the OIPRD (2017-2021)

In 2021, PSU generated 259 Internal Complaints about the conduct of our officers. This is 30 percent more than 2020 (200), as well as the five-year average for Internal Complaints (200).

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

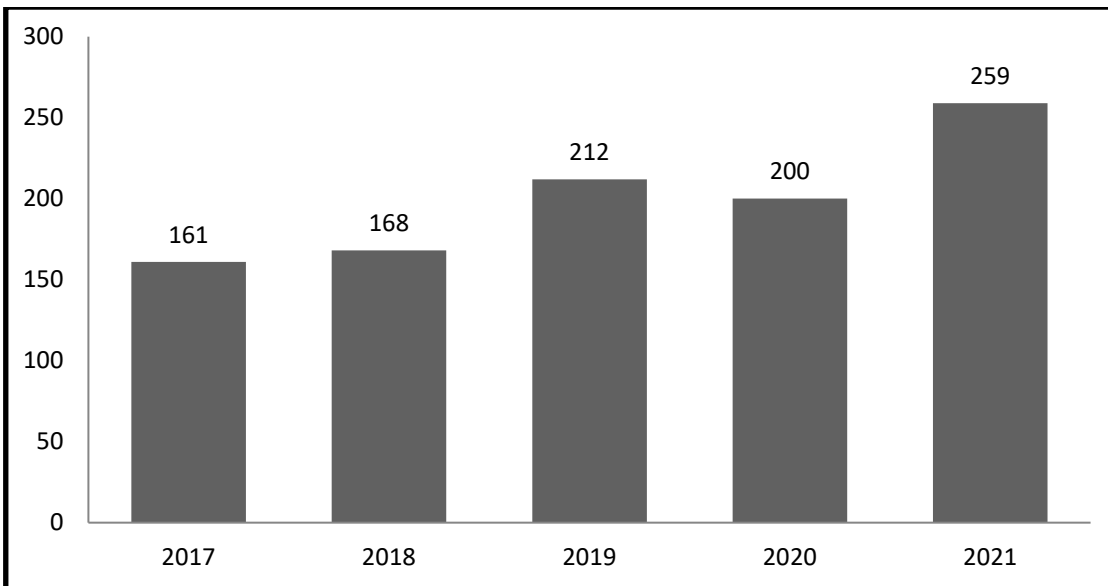


Figure 3: Total internal complaints generated by the Ottawa Police Service (2017-2021)

The 30 percent increase in the number of Internal complaints from 2020 is largely driven by an increase in driving related conduct issues, and particularly the introduction and growth of Automated Speed Enforcement Cameras (ASE's) across the city. These are captured under the Improper Conduct sub-classification of "Inappropriate Actions".

The Ontario Highway Traffic Act provides police with an exemption to speeding if it is duty related and reasonable in the circumstances. All driving related conduct is assessed individually, including ASE infractions. Those meeting the threshold for exemption must be approved by a provincial prosecutor from another jurisdiction. Those that do not meet the threshold result in progressive discipline that includes counselling, training, forfeiture of hours, and any other measures that may be required to correct behaviours and promote safe driving habits.

The 30 percent increase in the number of Internal complaints is also driven by an increase in the number of investigations opened to determine the sources of confidential information that appeared in various media outlets. A total of 8 investigations were opened and captured under the Improper Conduct sub-classification of "Confidentiality." No individuals were identified as a subject for those investigations.

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

In 2021, the total number of Public and Internal Complaints taken together was 582. This represents a 20 percent increase over 2020 (485), and an 31 percent increase over the five-year average (444).

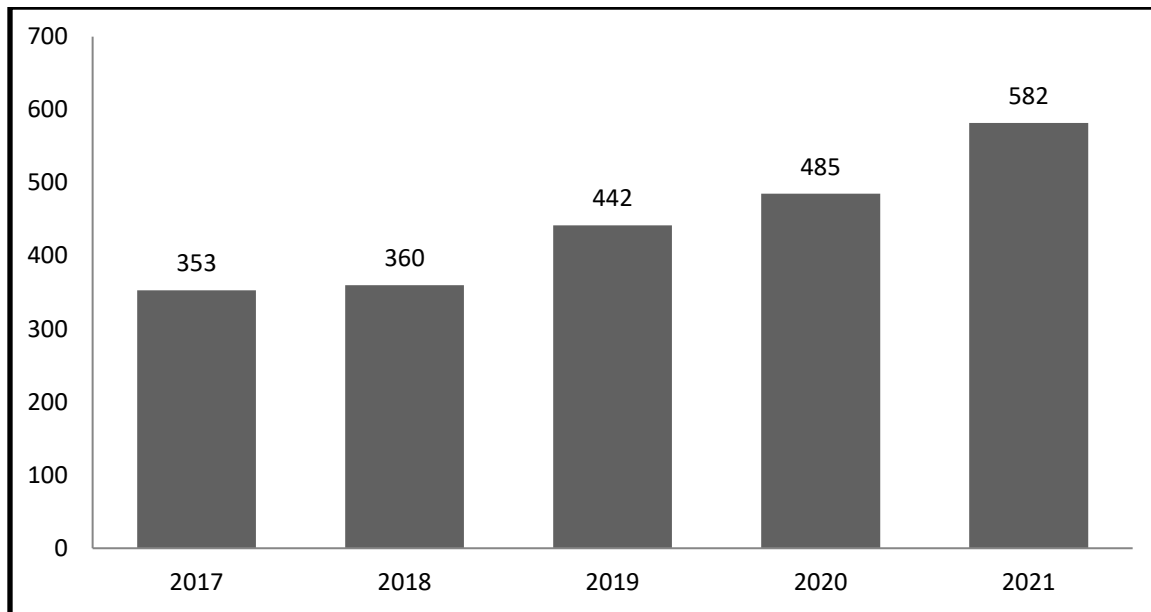


Figure 4: Total complaints received by the Ottawa Police Service 2017-2021

Despite these increases 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	2017	2018	2019	2020	2021	5 Year Average
Improper Conduct	249	272	329	380	431	332

Excessive Force	21	12	27	24	29	23
Neglect of Duty	59	57	67	68	92	69
Firearm Discharge	1	2	3	0	1	1
Policy/Service Complaints	23	17	16	13	29	20
Total	353	360	442	485	582	445

Improper Conduct Sub-classifications:

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

Table 2 (below) reveals the breakdown of Improper Conduct complaint types, with a comparison to 2020.

Table 2: Sub-Classification of Improper Conduct Complaints

Classification	2020	2021
Inappropriate Actions	258	298
Abuse of Authority	75	72
Comments/Language	34	30
Confidentiality	12	24
Insubordination	1	7
Total	380	431

Resolution of Conduct Related Public Complaints:

Of the 323 Public Complaints received by the OIPRD in 2021, 294 were classified as conduct related, and 29 classified as service or policy related. The OIPRD dismissed 177 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. A further four conduct related Public Complaints were withdrawn by the complainant prior being screened by the OIPRD. Another 51 conduct-related Public Complaints were withdrawn at the discretion of the complainants; however, 41 of these withdrawals occurred after their participation in the OPS' ADR process.

Of the remaining 62 conduct related Public Complaints received in 2021, one was voluntarily resolved by Informal Resolution, one was closed with no further action due to its consolidation with another complaint, 28 were unsubstantiated upon investigation, and 32 remain open and are still under investigation.

Figure 5 (below) illustrates the breakdown for Public Complaint dispositions in 2021.

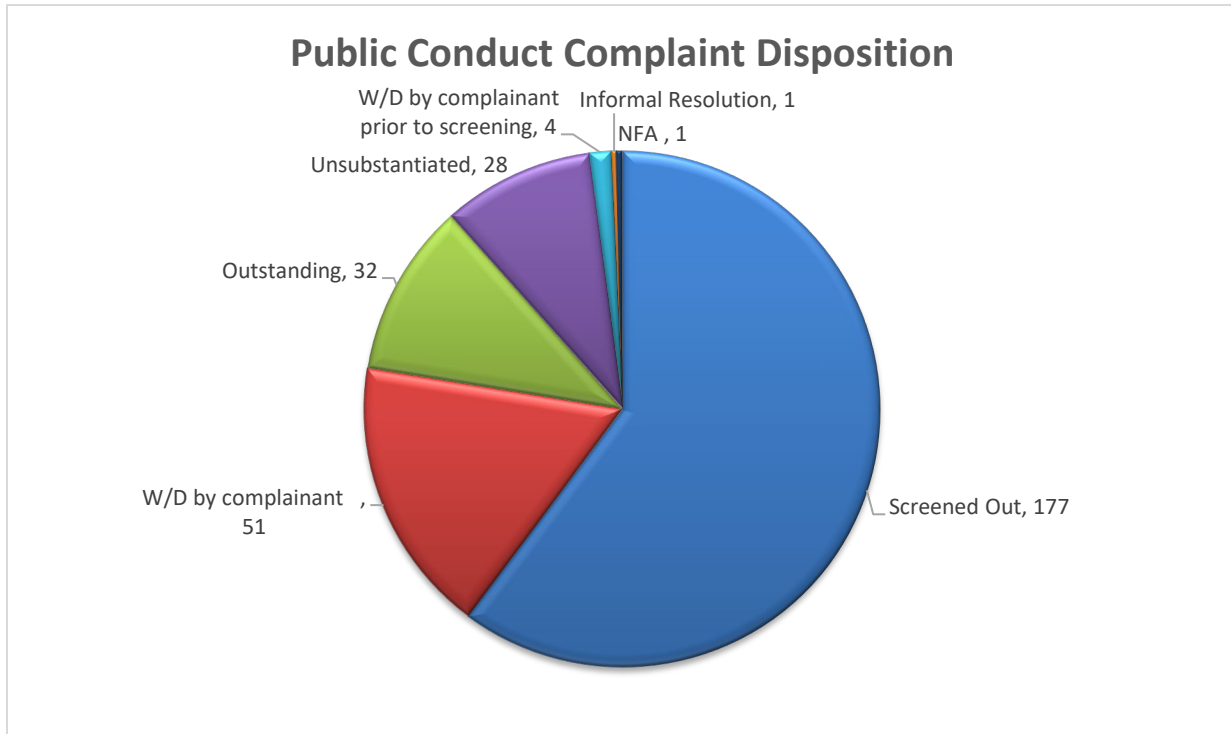


Figure 5: Public Conduct Complaint Dispositions 2021

Resolution of Internal Conduct Complaints:

Of the 259 Internal Complaints generated in 2021, 206 were related to Driving issues, specifically Red-Light Camera infractions (86), Motor Vehicle Collisions (79), and Automated Speed Enforcement Cameras (ASE'S) (41). The remaining Internal complaints (53) were related to other conduct issues.

Of the 259 Internal complaint investigations opened in 2021, two resulted in disciplinary hearings, 75 resulted in informal discipline, 102 were unsubstantiated and closed with no further action, and 80 investigations remained outstanding at the end of 2021.

Figure 6 (below) illustrates the breakdown of Internal Complaint dispositions in 2021.

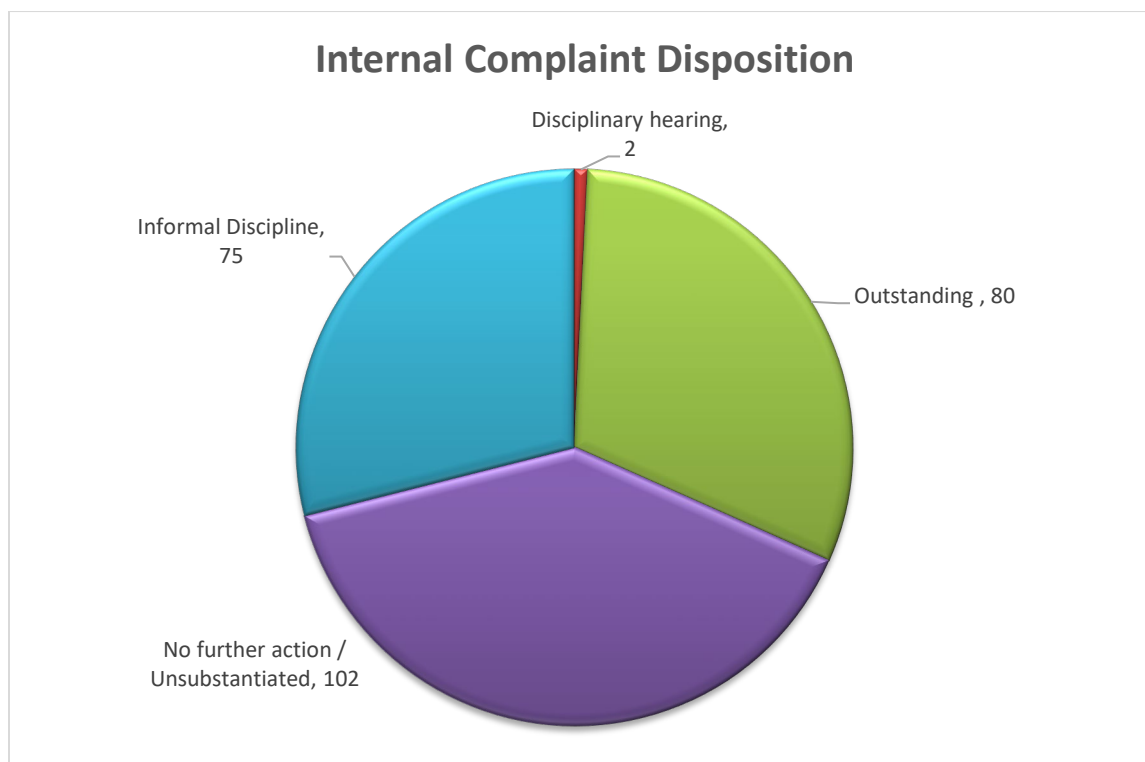


Figure 6: Internal Complaint Breakdown 2021

Resolution of Policy and Service Complaints:

Of the 29 policy and service complaints received in 2021, 5 were screened out by the OIPRD, as not being in the interest of the public to proceed, one was withdrawn by the complainant prior to screening, 16 were withdrawn by the complainant, 6 resulted in no action being taken and one was still pending at year end.

There was one service complaint that went before the Ottawa Police Services Board (Board) for review in 2021. It 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) 12 requests for review were received in 2021. This is two more than the number of reviews requested in 2020(10). In seven of these complaints, the OIPRD was satisfied with the investigation conducted by the OPS and confirmed the decisions and in two cases, the OIPRD specified direction to be taken. Three 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	2017	2018	2019	2020	2021	5 Year Average
Confirmed Decision	3	4	6	8	7	6
Specified Direction	0	1	4	1	2	2
Assigned to Outside Police Service	0	0	0	0	0	0
OIPRD to Investigate	0	0	0	0	0	0
Reviews Pending	8	6	4	1	3	4
Total	11	11	14	10	12	12

Official Language Complaints:

The Board's Policy CR-11 requires that official language complaints be reported in the annual report. In 2021, there were no complaints.

Police Services Act Hearings:

Four disciplinary hearings were held in 2021, including two that were initiated by Internal complaint investigations prior to 2021. Three of these disciplinary hearings were concluded by the end of 2021, and one carried over into 2022.

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 2021. 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 2021, six officers were charged with criminal offences, which represents one more than the five-year average of five. The cumulative number of OPS officers under criminal charge throughout 2021 was 14 but by the end of 2021, the number of officers facing criminal charges was reduced to eleven. Of the three officers whose criminal charges were disposed of in 2021, one resulted in a conviction and the officer resigned from OPS, one was withdrawn by the

Crown, and one involved an officer who retired from the OPS before the criminal matter was concluded.

Special Investigations Unit (SIU) Investigations:

The 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 2021, the SIU invoked its mandate for 22 incidents. This is an increase from 2020 (eight) and the five-year average (15). By the end of 2021, the SIU terminated six investigations with no further action, seven investigations resulted in no criminal charges, one investigation resulted in criminal charges being laid against the subject officer and eight investigations were still open at the end of 2021.

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 2021, seven officers were suspended, which is equivalent to the five-year average of seven. A further six officers had their suspensions carried over into 2021 from previous years, for a total of 13 officers being under suspension in 2021.

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 PSU is committed to conducting fair and impartial investigations, applying appropriate remediation, and continuing to identify, address and monitor any trends related to police conduct.