

**Report to / Rapport au:**

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

**26 September 2022 / 26 septembre 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 / Normes professionnelles  
*OTooleH@ottawapolice.ca***

**SUBJECT: COMPLAINTS REPORT – PART V, POLICE SERVICES ACT –  
SECOND QUARTER 2022**

**OBJET: PLAINTES PARTIE V – LOI SUR LES SERVICES POLICIERS:  
DEUXIÈME TRIMESTRE DE 2022**

**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 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 an updated 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 and five-year averages for the same quarter.

The illegal demonstration that gripped the City of Ottawa for most of February 2022 was an extraordinary event that resulted in a significant surge in public complaints with administrative impacts on both the OIPRD and the OPS. As such, there was a large discrepancy in the number of public complaints reported by the OPS in Q1 as compared to the OIPRD. The OPS has worked very closely with the OIPRD to reconcile its public complaint statistics, which are outlined in this report.

Part of the issue is the timing in which complaints are received by the OIPRD and then referred to and received by the OPS, which typically results in some variance from one reporting quarter to another. While both agencies have worked hard to identify and minimize any variance in their public complaint statistics, it should be noted that the six-month window to file a complaint related to the February illegal demonstration only closed partway through Q3. As such, a full reconciliation and detailed analysis of complaints related to the February illegal demonstration will be provided in the year-end report.

## **DISCUSSION**

### **Reconciliation of Q1 and Q2 Public Complaints with OIPRD**

In Q1, the OPS reported having received 327 Public Complaints from the OIPRD, whereas the OIPRD reported an intake of 591 Public Complaints, with a resulting

variance of 264. In discussions with the OIPRD, the cause of this variance was identified as:

- **Timing:** The date (or quarter) upon which a complaint is received by the OIPRD and then referred to and received by the OPS.
- **Process:** Classification and Categorizing of Complaint Types
- **Jurisdiction:** Certain complaints are not within the purview of Part V of the PSA or the OPS Professional Standards Unit, for example complaints about a civilian member, or complaints about a Chief or Deputy Chief which are dealt with under s.69 of the PSA and forwarded directly to the Board.

Such variances are not uncommon, however, based on the volume of complaints related to the illegal demonstration they have been significantly amplified. Based on the above, the OPS has amended our Q1 public complaint totals to 401, as indicated in the charts below:

<b>Q1 2022 Final Public Complaint Stats (Including February Illegal Demonstration Statistics)</b>			
<b>Screened In</b>		<b>Screened Out</b>	<b>Total</b>
<b>Conduct</b>	26	262	<b>288</b>
<b>Service/Policy</b>	76	37	<b>113</b>
<b>Total</b>	<b>102</b>	<b>299</b>	<b>401</b>

<b>Q1 2022 Final Public Complaint Stats (February Illegal Demonstration Statistics Only)</b>			
<b>Screened In</b>		<b>Screened Out</b>	<b>Total</b>
<b>Conduct</b>	6	231	<b>237</b>
<b>Service/Policy</b>	75	35	<b>110</b>

<b>Total</b>	<b>81</b>	<b>266</b>	<b>347</b>
--------------	-----------	------------	------------

The Q1 amendment counted an additional 68 individual Service or Policy complaints that had been grouped by the OIPRD into two consolidated complaints related to the February illegal demonstration. The OPS previously recorded these as two complaints instead of 70. The OPS reclassified another five public complaints bringing the Q1 total to 401.

On the issue of timing, 61 public complaints received by the OIPRD in Q1 were carried over to the OPS Q2 stats based on the date they were received and processed by the OPS.

On the issue of jurisdiction, the OIPRD confirmed 114 public complaints against the Chief/Deputy Chiefs of Police that are within the purview of the Board and not captured as part of OPS Complaint statistics.

In consideration of the foregoing, 575 (97%) of the 591 Public Complaints reported by the OIPRD in Q1 have now been reconciled, and the remaining 16 (3%) will be reconciled in the year-end complaints report to the Board with a more detailed breakdown of all complaint statistics.

Of the 401 Public complaints reported by the OPS in Q1, 288 were conduct-related and 113 were Policy or Service related. The OIPRD screened out 299 of these complaints, while 102 (25%) have been referred for investigation. As indicated in the above chart, 347 (86%) of the Q1 Public Complaints were attributed to the February illegal demonstration, with 81 (23%) screened-in for investigation and 266 (77%) screened out by the OIPRD.

In Q2, the OPS recorded 131 Public Complaints from the OIPRD, whereas the OIPRD reported an intake of 95 Public Complaints, resulting in a variance of 36 Public Complaints. In discussions with the OIPRD, the cause of this variance was largely attributed to timing. The OPS Q2 Complaints report captures 61 public complaints that were recorded by the OIPRD in their Q1 stats. Further, another 24 Public complaints that were recorded by the OIPRD in Q2 have been captured in the OPS Q3 statistics, based on the timing with which they were received from the OIPRD.

In consideration of the foregoing, 99% of the 95 Public Complaints reported by the OIPRD in Q2 have now been reconciled, and the remaining one (1%) will be reconciled in the year-end complaints report to the Board, with a more detailed breakdown of all complaint statistics.

## New Complaints

In Q2 2022 a combined total of 177 public and Internal Complaints were received. Compared to the second quarter of 2021 (169), this represents an increase of 8 complaints, or nearly 5 percent.

By complaint type, there were 131 Public Complaints received in Q2 2022. Compared to Q2 2021 (92), this represents an increase of 39 Public Complaints or 42 percent.

However, when Public complaints related to the February illegal demonstration (53) are not factored in, the remaining 78 Public complaints received in Q2 represent a decrease of 14 complaints or 15 percent as compared to Q2 2021.

An even sharper decline is observed in the analysis of Internal Complaints, with 46 generated in Q2 2022. As compared to Q2 2021 (77), this represents a decrease of 31 (40%), and is on par with the 2021 five-year average for Q2 Internal Complaints (46).

Both decreases are indicative of a positive trend when one considers that OPS call volume in 2022 has exceeded pre-pandemic levels and climbed to 6 percent above the five-year average, with over 171,000 calls and 12,000 reports received online as of mid-year.

Table 1 (below) illustrates the number of Public and Internal Complaints received in Q2 2022 compared to Q2 2021, as well as five-year averages for the same quarter.

**Table 1 - New Public and Internal Complaints Received in Q2**

	<b>2022 5 YR AVG Q2</b>	<b>Q2 2022</b>	<b>2021 5 YR AVG Q2</b>	<b>Q2 2021</b>	<b>2021 Total</b>
<b>Public Complaint (Conduct)</b>	72	121	58	83	294
<b>Public Complaint (Policy or Service)</b>	7	10	7	9	29
<b>Internal Complaints (Other)</b>	10	5	10	13	52
<b>Internal Complaints (Red Light Camera Infractions)</b>	15	1	18	24	86
<b>Internal Complaints (MVCs)</b>	19	23	18	21	79

<b>Internal Complaints (ASEs)</b>	N/A	17	N/A	19	41
<b>TOTAL</b>	<b>123</b>	<b>177</b>	<b>111</b>	<b>169</b>	<b>581</b>

Of the 131 Public Complaints received from the OIPRD in Q2 2022, 32 were referred to the OPS Professional Standards Unit (PSU) for investigation, one complaint was forwarded by the OIPRD to the Ontario Provincial Police for investigation and the remaining 98 (75%) were screened-out by the OIPRD. The OIPRD did not retain any complaints for their own investigation in Q2 2022.

Of the 131 Public Complaints received from the OIPRD in Q2 2022, 53 (40%) were attributed to the February illegal demonstration. Of those 53 Public Complaints, 50 were Conduct related and three were Policy or Service related. Of the February illegal demonstration-related Conduct complaints, 46 (92%) were screened out and four (8%) were referred for investigation. All three Service or Policy complaints related to the February illegal demonstration were screened out by the OIPRD.

Table 2 (below) illustrates the overall number of Public Complaints that were screened in for investigation in Q2 2022 by the OIPRD, as compared to Q2 2021 and five-year averages for the same quarter.

**Table 2 – Public Complaint Investigations in Q2 after Screening by the OIPRD**

	<b>2022 5 YR AVG Q2</b>	<b>Q2 2022</b>	<b>2021 5 YR AVG Q2</b>	<b>Q2 2021</b>	<b>2021 Total</b>
<b>Public Complaint (Conduct)</b>	28	28	28	35	113
<b>Public Complaint (Policy or Service)</b>	5	5	5	7	23
<b>TOTAL</b>	<b>33</b>	<b>33</b>	<b>33</b>	<b>42</b>	<b>136</b>

### **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 in Q2 2022 was 167, up from 160 in Q2 2021 or 4 percent.

**Table 3 - Conduct Related Complaints by Category in Q2**

	<b>2022 5 YR AVG Q2</b>	<b>Q2 2022</b>	<b>2021 5 YR AVG Q2</b>	<b>Q2 2021</b>	<b>2021 Total</b>
<b>Improper Conduct</b>	96	133	83	126	430
<b>Excessive Force</b>	8	21	5	6	29
<b>Neglect of Duty</b>	19	13	19	27	92
<b>Firearm Discharge</b>	0	0	0	1	1
<b>TOTAL</b>	<b>123</b>	<b>167</b>	<b>107</b>	<b>160</b>	<b>552</b>

Table 4 (below) outlines the number of conduct-related Public complaints and Internal complaints that were investigated after screen-outs by OIPRD (Publics only) during Q2 2022, as compared to Q2 2021 and five-year averages for the same quarter. The Q2 total is 74, as compared to 112 in Q2 2021, or a 33 percent decrease.

**Table 4 - Conduct Related Complaint Investigations in Q2 after Screening by OIPRD**

	<b>2022 5 YR AVG Q2</b>	<b>Q2 2022</b>	<b>2021 5 YR AVG Q2</b>	<b>Q2 2021</b>	<b>2021 Total</b>
<b>Improper Conduct</b>	66	60	64	95	316
<b>Excessive Force</b>	4	4	4	3	14
<b>Neglect of Duty</b>	10	10	9	13	40
<b>Firearm Discharge</b>	0	0	0	1	1
<b>TOTAL</b>	<b>80</b>	<b>74</b>	<b>77</b>	<b>112</b>	<b>371</b>

## Policy/Service Complaints

There were 10 Service or Policy-related Public complaints received from the OIPRD in Q2 2022, with five screened out. This data also includes three Policy or Service complaints related to the February illegal demonstration. Details of the five screened-out Service or Policy related complaints, a complaint that was withdrawn by the complainant after being referred to OPS for investigation, as well as four withdrawn Service complaints carried over from Q1 2022 are attached to this report as Document 1.

Table 5 (below) outlines the total number of Service and Policy complaints received in Q2 2022 as compared to Q2 2021, as well as the Q2 five-year average.

**Table 5 - Policy and Service Complaints**

	<b>2022 5 YR AVG Q2</b>	<b>Q2 2022</b>	<b>2021 5 YR AVG Q2</b>	<b>Q2 2021</b>	<b>2021 Total</b>
<b>Policy</b>	0	0	0	1	3
<b>Service</b>	7	10	6	8	26
<b>TOTAL</b>	<b>7</b>	<b>10</b>	<b>6</b>	<b>9</b>	<b>29</b>

Table 6 (below) outlines Service and Policy complaints referred for investigation in Q2 2022 compared to Q2 2021, as well as five-year averages for the same quarter and the total number of policy and service complaints retained in 2021.

**Table 6 - Policy and Service Complaint Investigations**

	<b>2022 5 YR AVG Q2</b>	<b>Q2 2022</b>	<b>2021 5 YR AVG Q2</b>	<b>Q2 2021</b>	<b>2021 Total</b>
<b>Policy</b>	0	0	0	0	2
<b>Service</b>	5	5	6	6	21
<b>TOTAL</b>	<b>5</b>	<b>5</b>	<b>6</b>	<b>6</b>	<b>23</b>



## 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 Q2 2022, five ERP files were received from the OIPRD. Two files were terminated as resolutions were not reached and the three remaining files were ongoing at the end of Q2 2022.

## Conduct Complaint Status

The following summarizes the status of the 167 Conduct related Public and Internal complaints that were received or generated in Q2 2022, inclusive of February illegal demonstration related conduct complaints:

- 123 cases completed
  - Nine were withdrawn by the complainant
  - 92 were screened-out by the OIPRD
  - 22 were unsubstantiated or resulted in no further action
- 44 investigations are ongoing

Table 7 (below) illustrates the Q2 2022 complaint status for Conduct related Public and Internal complaints, including a comparison with Q2 2021 and the five-year average for the same quarter:

**Table 7 - Complaint Status - Conduct Complaints**

<b>RESOLUTION</b>	<b>Q2 2021</b>	<b>Q2 2022</b>	<b>5 YR AVG Q2</b>
Unsubstantiated	0	0	0

Vexatious/Frivolous/Bad Faith	6	12	8
Informal Resolution	0	0	0
Informal Resolution - Mediation	0	0	0
No Further Action	45	102	45
Withdrawn by Complainant	9	3	4
Withdrawn by Complainant through Mediation	3	6	2
Over Six Months	2	0	1
Third Party - Not Directly Affected	0	0	0
<b>Complaints Not Resulting in Discipline Total</b>	<b>65</b>	<b>123</b>	<b>60</b>
Informal Discipline	4	0	5
Disciplinary Hearing	0	0	0
<b>Complaints Resulting in Discipline total</b>	<b>4</b>	<b>0</b>	<b>5</b>
<b>Complaints Outstanding total</b>	<b>91</b>	<b>44</b>	<b>59</b>
<b>TOTAL</b>	<b>160</b>	<b>167</b>	<b>124</b>

### 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.

There were two officers suspended in Q2 2022, compared to the four officers suspended in Q2 2021 and the five-year Q2 average of three. At the start of Q2 2022 there were six officers on suspension. By the end of Q2 2022, there were eight 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 discharged 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 four times in Q2 2022. Three investigations remain ongoing, while one was terminated by the SIU during Q2 2022.

Table 8 (below) provides a comparator of SIU investigations between 2021 and 2022, as well as the five-year average for the same quarter.

**Table 8 - Special Investigations Unit Investigations**

<b>TYPES OF INVESTIGATIONS</b>	<b>Q2 2022</b>	<b>Q2 2021</b>	<b>5 YR AVG Q1</b>
<b>Death</b>	1	0	0
<b>Serious Injury</b>	3	3	4
<b>Sexual Assault</b>	0	0	0
<b>TOTAL</b>	<b>4</b>	<b>3</b>	<b>4</b>

### Complaint Reviews

The PSA provides that a public complainant may seek a review of the Chief's decision on a conduct complaint from the OIPRD. In Q2 2022, there were five requests for reviews from complainants received by the OIPRD. This is an increase from Q2 2021 where there were four 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 were no requests for policy and/or service complaints by the Police Services Board in Q2 2022.

### SUPPORTING DOCUMENTATION

Document 1 Summary of Policy and/or Service Complaints completed in Q2 2022.

**CONCLUSION**

The OPS Professional Standards Unit strives to uphold the highest standards of conduct and accountability for OPS officers. 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 public trust and confidence in policing.

**DOCUMENT 1****SERVICE AND POLICY Q2 2022**

**Complaint #:** 22-0325  
**Date of Incident:** 05 February 2022  
**Date Complaint Received:** 17 March 2022  
**Date Completed:** 08 April 2022

**Summary of Complaint:**

The complainant alleged that during the February illegal demonstration, Board Chair failed to perform her duty.

Her words describing the city of Ottawa as being 'under siege' amid 'nation-wide insurrection', speaking about the current illegal demonstration as an 'occupation' are a blatant misrepresentation of the reality on the ground. It is my understanding that her primary role and responsibility would be to de-escalate the potential for violence, not potentially ignite it.

**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.

**Complaint #:** 22-0334  
**Date of Incident:** 28 January 2022  
**Date Complaint Received:** 17 March 2022  
**Date Completed:** 08 April 2022

**Summary of Complaint:**

The complainant is concerned about the lack of protection for citizens of Centretown during the February illegal demonstration.

**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.

**Complaint #:** 22-0335  
**Date of Incident:** 28 January 2022  
**Date Complaint Received:** 17 March 2022

**Date Completed:** 08 April 2022

**Summary of Complaint:**

The complainant alleged the mishandling of the February illegal demonstration blockage with regards to; allowing heavy vehicles on residential streets, allowing vehicles to be used as weapons of harassment, noise and roadway by-laws, actions of officers who supported illegal demonstration participants, allegations of systemic racism and lack of planning.

**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.

**Complaint #:** 22-0484

**Date of Incident:** 28 January 2022

**Date Complaint Received:** 29 March 2022

**Date Completed:** 08 April 2022

**Summary of Complaint:**

The complainant alleged during the February illegal demonstration, that Ottawa Police did nothing to support the businesses being harassed by the protesters.

**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.

**Complaint #:** 22-0527

**Date of Incident:** 28 January 2022

**Date Complaint Received:** 01 April 2022

**Date Completed:** 01 April 2022

**Summary of Complaint:**

The complainant wanted to make a formal complaint that during the February illegal demonstration, the entire Ottawa Police Department is following Prime Minister Trudeau's orders of arresting Canadian citizens. They should be standing up for the people.

**Summary of Findings and Actions Taken:**

After taking all the information into consideration, the OIPRD opted not to proceed with the complaint as it has been determined that complainant was not affected.

**Complaint #:** 22-0559  
**Date of Incident:** 17 February 2022  
**Date Complaint Received:** 04 April 2022  
**Date Completed:** 04 April 2022

**Summary of Complaint:**

The complainant alleged during the February illegal demonstration, Ottawa Police officers demonstrated ongoing abuse of force on the peaceful protesters.

**Summary of Findings and Actions Taken:**

The OIPRD opted not to proceed with the service complaint as it has been determined that complaint was frivolous.

**Complaint #:** 22-0573  
**Date of Incident:** 18 February 2022  
**Date Complaint Received:** 06 April 2022  
**Date Completed:** 06 April 2022

**Summary of Complaint:**

The complainant feels the February illegal demonstration could have been handled better.

**Summary of Findings and Actions Taken:**

After taking all the information into consideration, the OIPRD opted not to proceed with the complaint as it has been determined that complainant was not affected.

**Complaint #:** 22-0649  
**Date of Incident:** 14 May 2022  
**Date Complaint Received:** 31 May 2022  
**Date Completed:** 31 May 2022

**Summary of Complaint:**

The complainant alleged she called police and after 40 minutes no one had shown up. Later she went downtown and saw three officers sitting together.

**Summary of Findings and Actions Taken:**

After taking all the information into consideration, the OIPRD opted not to proceed with the complaint as it has been determined to be not in the public interest to do so.

**Complaint #:** 22-0690  
**Date of Incident:** 13 May 2022  
**Date Complaint Received:** 03 June 2022  
**Date Completed:** 16 June 2022

**Summary of Complaint:**

The complainant has been asked to attend the Collision Reporting Centre regarding a fender bender but was turned away due to shortages in staff due to covid. On two separate occasions they have been unable to complete the collision statement. He advised there is conflicting information being provided to him.

**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.

**Complaint #:** 22-0692  
**Date of Incident:** 27 May 2022  
**Date Complaint Received:** 07 June 2022  
**Date Completed:** 07 June 2022

**Summary of Complaint:**

The complainant alleged he called 911 for a neighbour complaint and the operator could not locate an address and he did not wish to provide his address.

**Summary of Findings and Actions Taken:**

After taking all the information into consideration, the OIPRD opted not to proceed with the complaint as it has been determined to be not in the public interest to do so.