

Report to / Rapport au:

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

28 October 2019 / 28 octobre 2019

Submitted by / Soumis par:

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

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**Act. Superintendent Robert Drummond, Professional Standards / Normes
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**SUBJECT: COMPLAINTS REPORT – PART V, POLICE SERVICES ACT – THIRD
QUARTER 2019**

**OBJET: PLAINTES PARTIE V – LOI SUR LES SERVICES POLICIERS:
TROISIÈME TRIMESTRE 2019**

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 (Public and Chief's) regarding the Ottawa Police Service's (OPS) policies, the delivery of service, and officer conduct is outlined in Part V of the Ontario Police Services Act (PSA), titled "Complaints and Disciplinary Proceedings".

The following report will provide comparisons on specific complaint types over those reported during the same time period for the previous year.

DISCUSSION

New Complaints

Complaints about policy, service or conduct are received from members of the public through the Office of the Independent Police Review Director (OIPRD) and may also be initiated internally as Chief's complaints.

By the end of the third quarter of 2019, a total of 108 complaints (Chief's and Public) were received representing an increase of 19% when compared to the same time period in 2018 (91).

By the end of the third quarter of 2019, a total of 61 public complaints (Conduct, Service and Policy) were received representing an increase of 42% when compared to the same time period in 2018 (43).

Table 1 (below) outlines the number of complaints received in Q1, Q2 and Q3 2019 compared to the same time period in 2018, as well as the 5 year averages and the total number of complaints received in 2018.

Table 1 - New Complaints

	Q1 2019	Q2 2019	Q3 2019	Q3 2018	Q3 2018 YTD	5 YR AVG Q3	5 YR AVG YTD	2018 Total
Public Complaint (Conduct)	41	62	57	40	123	44	141	175
Public Complaint (Policy or Service)	3	6	4	3	13	4	11	17
Chief's Complaints (Other)	6	11	6	3	17	7	24	22
Chief's Complaints (Red Light Camera Infractions)	16	14	22	21	50	19	44	61
Chief's Complaints (Motor Vehicle Collisions)	37	24	19	24	68	24	70	85
TOTAL	103	117	108	91	271	98	290	360

Of the 61 public complaints received by the Ottawa Police Service by the end of Q3 2019, 32 of these complaints were referred to PSS for investigation, 4 complaints were withdrawn by the complainants prior to the OIPRD screening, 1 complaint was retained by the OIPRD for investigation and the remaining 24 complaints were dismissed by the OIPRD on the basis that they were determined to be frivolous, vexatious, over the six months limitation, or not in the best interest of the public to proceed. As noted in Table

1 (above), Chief's complaints include both red light camera infractions and motor vehicle collisions.

Table 2 (below) outlines both the Chief's and Public complaints referred and/or retained for investigation in Q1, Q2 and Q3 2019 compared to the same time period in 2018, as well as the 5 year averages and the total number of complaints investigated in 2018.

Table 2 – Complaint Investigations

	Q1 2019	Q2 2019	Q3 2019	Q3 2018	Q3 2018 YTD	5 YR AVG Q3	5 YR AVG YTD	2018 Total
Public Complaint (Conduct)	18	30	29	29	82	25	77	111
Public Complaint (Policy or Service)	3	5	4	2	10	3	9	14
Chief's Complaints (Other)	6	11	6	3	17	7	24	22
Chief's Complaints (Red Light Camera Infractions)	16	14	22	21	50	19	44	61
Chief's Complaints (Motor Vehicle Collisions)	37	24	19	24	68	24	70	85
TOTAL	80	84	80	79	227	78	224	293

Classification of Complaints

The PSA provides the mechanism for dealing with complaints related to the conduct of police officer(s) as well as complaints related to the policies or services provided by the police service.

Conduct Complaints:

Conduct complaints are classified within 4 categories.

The total conduct complaints received in Q3 2019 increased by 16 compared to Q3 2018 statistics (see Table 3 below).

Table 3 - Conduct Complaints

	Q1 2019	Q2 2019	Q3 2019	Q3 2018	Q3 2018 YTD	5 YR AVG Q3	5 YR AVG YTD	2018 Total
Improper Conduct	80	89	76	70	211	74	216	272
Excessive Force	5	5	6	2	6	5	13	12
Neglect of Duty	13	17	21	16	41	15	47	57
Firearm Discharge	2	0	1	0	0	1	2	2
TOTAL	100	111	104	88	258	95	278	343

Table 4 (below) outlines conduct complaints referred and/or retained for investigation in Q1, Q2 and Q3 2019 compared to the same time period in 2018, as well as the 5 year averages and the total number of conduct complaints investigated in 2018.

Table 4 - Conduct Complaint Investigations

	Q1 2019	Q2 2019	Q3 2019	Q3 2018	Q3 2018 YTD	5 YR AVG Q3	5 YR AVG YTD	2018 Total
Improper Conduct	67	70	63	64	180	65	160	226
Excessive Force	5	4	5	2	6	4	12	11
Neglect of Duty	3	5	7	11	31	7	23	40
Firearm Discharge	2	0	1	0	0	1	2	2
TOTAL	77	79	76	77	217	77	197	279

Policy/Service Complaints:

Three service complaints were received in Q3 2019. One service complaint was withdrawn by the complainant and two investigations remain outstanding.

One policy complaint was received in Q3 2019 and was withdrawn by the complainant prior to the completion of the investigation.

The details of the withdrawn service and policy complaints, as well as four service complaint investigations that were carried over to Q3 2019 from previous quarters are attached to this report as Document 1.

Table 5 (below) outlines the total number of policy and service complaints received in Q1, Q2 and Q3 2019 compared to the same time period in 2018, as well as the 5 year averages and the total policy and service complaints received in 2018.

Table 5 - Policy and Service Complaints

Table 6
outlines
and

	Q1 2019	Q2 2019	Q3 2019	Q3 2018	Q3 2018 YTD	5 YR AVG Q3	5 YR AVG YTD	2018 Total
Policy	2	0	1	0	0	0	1	0
Service	1	6	3	3	13	3	10	17
TOTAL	3	6	4	3	13	3	11	17

(below)
policy
service

complaints referred for investigation in Q1, Q2 and Q3 2019 compared to the same time period in 2018, as well as the 5 year averages and the total policy and service complaints investigated in 2018.

Table 6 - Policy and Service Complaint Investigations

	Q1 2019	Q2 2019	Q3 2019	Q3 2018	Q3 2018 YTD	5 YR AVG Q3	5 YR AVG YTD	2018 Total
Policy	2	0	1	0	0	0	1	0
Service	1	5	3	2	10	3	10	14
TOTAL	3	5	4	2	10	3	11	14

Customer Service Resolution (CSR):

The OIPRD's CSR program provides an opportunity for complainants and respondent officers to voluntarily resolve a complaint before it is formally screened in as a public complaint under the PSA. In order to proceed by way of CSR, both the complainant and respondent officer(s) 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.

In Q3 2019, nine CSR files were received. Two files were successfully resolved through CSR, one did not proceed through CSR, as the criteria was not met and six CSR files remain outstanding.

Complaint Status

All public complaints are processed through the OIPRD. The OIPRD may choose not to have matters investigated after a review of the facts in issue by classifying them to be: frivolous or vexatious; more than six months after the facts on which it is based occurred; not in the public's interest to proceed; more appropriately dealt with under another Act or Law, or not directly affected.

Chief's complaints are initiated by the Chief's office and relate to allegations of officer misconduct and non compliance with OPS policy.

Both public and Chief's complaints can be finalized as substantiated or unsubstantiated. Once substantiated, they can be resolved through informal resolution and informal or formal discipline.

Conduct Complaint Status:

In Q3 2019, 104 conduct complaints were received (public & chief's). The following outlines the status of these complaints at the end of Q3:

- 45 cases completed
 - o 8 resulted in informal discipline
 - o 7 were withdrawn by the complainants
 - o 2 were determined to be either frivolous, vexatious, were over 6 months after the facts on which it was based occurred or were third party where the complainant was not affected.
 - o 28 were unsubstantiated or resulted in no further action, including where the complaint was deemed to not be in the public interest to pursue
- 59 investigations are ongoing

Table 7 (below) outlines the above mentioned complaint status in Q3 2019 compared to the same time period in 2018, as well as the 5 year average.

Table 7 - Complaint Status - Conduct Complaints

RESOLUTION	Q3 2019	Q3 2018	5 YR AVG YTD
Unsubstantiated	0	1	0
Vexatious/Frivolous/Bad Faith	1	1	2
Informal Resolution	0	0	0
Informal Resolution - VADRP	0	0	0
No Further Action	28	17	24
Withdrawn by Complainant	7	2	3
Withdrawn by Complainant - VADRP	0	0	0
Over Six Months	1	2	2
Third Party - Not Directly Affected	0	0	0
Complaints Not Resulting in Discipline Total	37	23	31
Informal Discipline	8	9	7
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	8	9	7
Complaints Outstanding total	59	56	56
TOTAL	104	88	94

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 or where there are allegations of sexual assault.

The Police Services Board receives a separate report on each SIU case. The SIU invoked their mandate four times in Q3 2019, which decreased by one from Q3 2018. All four SIU investigations remain ongoing.

Table 8 (below) provides a comparator of SIU investigations between Q3 2018 and Q3 2019, as well as the 5 year average.

Table 8 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q3 2019	Q3 2018	5 YR AVG YTD
Death	1	0	1
Serious Injury	3	4	3
Sexual Assault	0	1	0
TOTAL	4	5	4

Complaint Reviews

The Police Services Act provides that complainants may seek a review of the Professional Standards Section's decision on a conduct complaint from the OIPRD.

In Q3 2019, three requests for reviews from complainants were received by the OIPRD. This is the same number received in Q3 2018. All three reviews remain ongoing.

Policy/Service Complaint Reviews

Complainants dissatisfied with the resolution of a policy/service complaint may seek a review by the Police Services Board.

There was one request for a policy and/or service complaint review by the Police Services Board received in Q3 2019.

CONSULTATION

N/A

FINANCIAL IMPLICATIONS

N/A

SUPPORTING DOCUMENTATION

Document 1 Summary of Policy and/or Service Complaints completed in Q3 2019

CONCLUSION

The Professional Standards Section continues to identify and address issues that arise from complaints. The OPS is committed to ensuring accountability of officers for their individual actions and strives to uphold the highest standards of conduct for its

members. The Professional Standards Section remains committed to fair and objective investigations completed in a timely fashion.

PUBLIC COMPLAINTS
PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #:	19-0115
Date of Incident:	21 May 2018
Date Complaint Received:	04 April 2019
Date Completed:	07 July 2019

Summary of Complaint:

The complainant alleged the Ottawa Police Service failed to investigate the death of her daughter, while she was an inpatient at the Ottawa General Hospital.

Summary of Findings and Actions Taken:

The complainant opted to withdraw her complaint after the investigator assisted her with filing a police report.

PART V - POLICE SERVICES ACT**DETAILS OF SERVICE COMPLAINT INVESTIGATION**

Complaint #:	19-0183
Date of Incident:	01 April 2019
Date Complaint Received:	05 May 2019
Date Completed:	03 July 2019

Summary of Complaint:

The complainant alleged she experienced lengthy delays when attempting to contact the Police Reporting Unit to report a vehicle break-in. According to the complainant, she was transferred multiple times to different sections within the organization.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after the PSS investigator indicated they would bring her concerns to the attention of the Manager of the Police Reporting Unit.

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #:	19-0163
Date of Incident:	26 February 2019
Date Complaint Received:	13 May 2019
Date Completed:	20 August 2019

Summary of Complaint:

The complainant alleged the Ottawa Police Service failed to investigate his report of vandalism to his property in a timely manner.

Summary of Findings and Actions Taken:

The investigation determined that the complainant's report was received during the implementation of the Alternative Response Unit (ARU), which caused a delay in the assignment of an investigator to his report. Once an investigator was assigned to the matter, the complainant did not immediately respond to the investigator, causing further delay in the investigation. The report has been closed pending receipt of further information from the complainant. The complainant was encouraged by PSS to contact the investigator should he have any further information, or wish for the report to be further investigated. No service and/or policy issues were identified in this complaint.

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 19-0154
Date of Incident: 04 March 2019
Date Complaint Received: 10 May 2019
Date Completed: 18 August 2019

Summary of Complaint:

The complainant alleged the Ottawa Police Service failed to provide him with a response to numerous requests he has made for plain language documents describing how the Ottawa Police Service's Accessibility Department accommodates an individual with a cognitive disorder, who wishes to report a crime.

Summary of Findings and Actions Taken:

The investigation determined that a response by the Service was provided to the complainant in compliance with Service policies and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) . Despite this compliance, it was determined by PSS that there were difficulties in accessing accessibility information from the Service's website. As such, the website was updated with a more prominent "accessibility" link on the home page. No further action is required.

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #:	19-0258
Date of Incident:	13 April 2019
Date Complaint Received:	31 July 2019
Date Completed:	30 August 2019

Summary of Complaint:

The complainant alleged the Ottawa Police Service failed to investigate her break and enter report and subsequent computer hacking by the involved parties.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after the assigned PSS investigator made arrangements for the Forensics Unit to examine her computer as part of her criminal investigation.

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #:	19-0255
Date of Incident:	23 March 2019
Date Complaint Received:	26 July 2019
Date Completed:	26 August 2019

Summary of Complaint:

The complainant alleged that despite being the sole custodial parent, the Ottawa Police Service failed to notify her that her child's biological father was taken to hospital for a mental health evaluation, while their child was in his care.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after the PSS investigators notified her of the Service's protocols with CAS.