

Report to / Rapport au:

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

24 June 2019 / 24 juin 2019

Submitted by / Soumis par:

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

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SUBJECT: PROFESSIONAL STANDARDS SECTION - 2018 ANNUAL REPORT

**OBJET: RAPPORT ANNUEL 2018 DE LA SECTION DES NORMES
PROFESSIONNELLES**

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

Part V of the Ontario Police Services Act, titled "Complaints and Disciplinary Proceedings" outlines the process for dealing with complaints (Public and Chief's) about the Service's policies, the delivery of service, and officer conduct. The Ottawa Police Service (OPS) takes the investigation of complaints seriously with an understanding about the impact of police service, policies and conduct on members of our community.

The Office of the Independent Police Review Director (OIPRD) and the Ottawa Police Service's Professional Standards Section (PSS) are involved in the administration of the complaints process.

Office of the Independent Police Review Director:

The OIPRD, an agency of the Ontario Ministry of the Attorney General, ensures that public complaints in Ontario are dealt with fairly. The OIPRD manages all public complaints determining whether the complaint is about policies, service or conduct. The OIPRD further decides if the complaint will be referred to the police service for investigation or if it will be retained by OIPRD.

Customer Service Resolutions (CSR):

The OIPRD continues to utilize their CSR program, which provides an opportunity for complainants and respondent officers to voluntarily resolve complaints before they are formally screened under the Police Services Act (PSA) Part V. Successful resolutions can be powerful learning opportunities that can have lasting positive effects on both complainants and respondent officers. CSR is a confidential process where the parties exchange perspectives to understand what happened, discuss their concerns and take an active part in resolving the issues. Successful mediations are documented as “resolved” and are not included as a public complaint in the OIPRD and the OPS’s statistics.

There were 19 CSRs forwarded to OPS in 2018, four more than the 15 received in 2017. As a result of CSR, 3 complaints were withdrawn, 15 were closed as no further action and one remained outstanding at year end.

OIPRD Mediation:

In November 2014, the OIPRD launched the Mediation for Public Complaints Program. Mediation is a voluntary, confidential process which takes place once the complaint is formally screened under the PSA. The respondent officer and the complainant meet with the assistance of a neutral, third-party mediator who facilitates the process. The parties share their views of what happened, discuss their concerns and take an active part to reach a mutually agreeable resolution.

The Professional Standards Section (PSS) used the OIPRD Mediation program to attempt to resolve 1 complaint in 2018. This mediation remained outstanding at the end of 2018.

Ottawa Police Service Professional Standards Section:

As delegated by the Chief of Police, PSS has the authority to investigate and facilitate the resolution of complaints which are internally generated (Chief’s complaints). PSS is also responsible for the investigation of public complaints which are generated through the OIPRD.

Investigations are conducted thoroughly while having regard for their sensitive nature. Members of PSS understand that the manner in which a complaint is handled, not only

impacts complainants and the officers, but also reflects directly on the integrity of the Police Service and its position of trust within the community.

PSS has taken an active role in educating supervisors in resolving complaints. This allows for a better dialogue between complainants and supervisors and promotes a quicker alternative to resolving issues that arise in the course of daily operations.

DISCUSSION

The following provides an overview of key measures and highlights tracked by PSS and a brief interpretation.

Complaint Statistics:

In 2018, 192 public complaints were received. This is the same number of public complaints received in 2017 (192) and is 2% lower than the five year average of 196 public complaints per year.

It is important to understand the number of complaints and their outcomes. This is especially relative in the context of the number of calls for service to which the OPS responds annually and the number of public complaints received. In 2018, OPS responded to 322,840 calls for service. These calls do not include calls generated through online reporting. The total number of public complaints was 192 and this represents 1 complaint per 1,681 calls for service.

Figure 1 (below) illustrates the total number of public complaints received annually over the past five years.

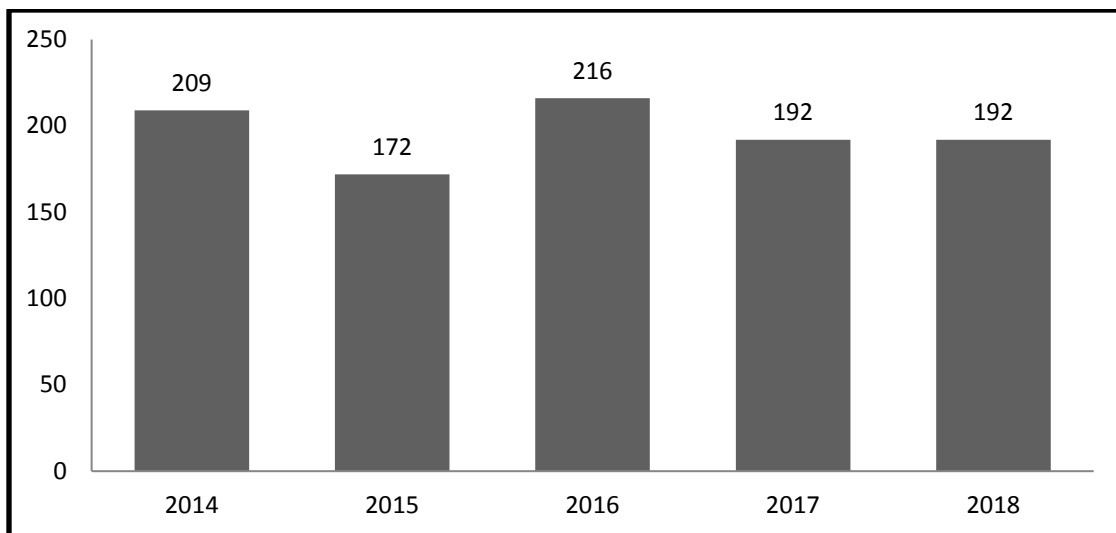


Figure 1: Total public complaints received by the Ottawa Police Service (2014-2018)

Of the 192 public complaints received by the Ottawa Police Service in 2018, 116 of these complaints were referred to PSS for investigation, compared to 112 referred to PSS in 2017. Three complaints were referred by the OIPRD to the Ontario Provincial Police for investigation and 6 complaints were retained by the OIPRD for investigation, compared to the 11 retained by the OIPRD in 2017. The remaining 67 complaints received in 2018 were dismissed by the OIPRD on the basis they were determined to be frivolous, vexatious, over the six months limitation, or no further action as it was not in the best interest of the public to proceed, compared with 69 complaints dismissed by the OIPRD in 2017.

In 2018, 168 Chief's complaints were generated. This is 4% higher than the level experienced in 2017 (161) and is 4% lower than the five year average of 175. Figure 2 (below) illustrates the total number of Chief's complaints generated annually over the past five years.

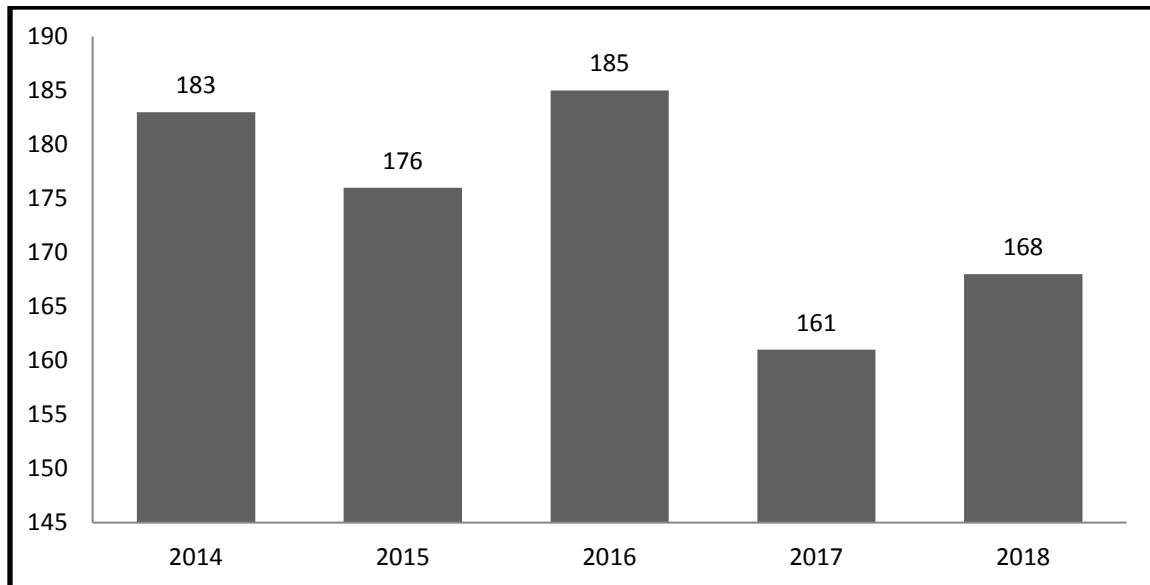


Figure 2: Total chief's complaints generated by the Ottawa Police Service (2014-2018)

Figure 3 (below) illustrates the total number of Public and Chief's complaints received during the period of 2014 to 2018.

An annual average of 371 complaints (both Chief's and Public), were processed by the OPS over the past five years. In 2018 there were 360 complaints processed, 7 complaints more than 2017. This represents an increase of 2%.

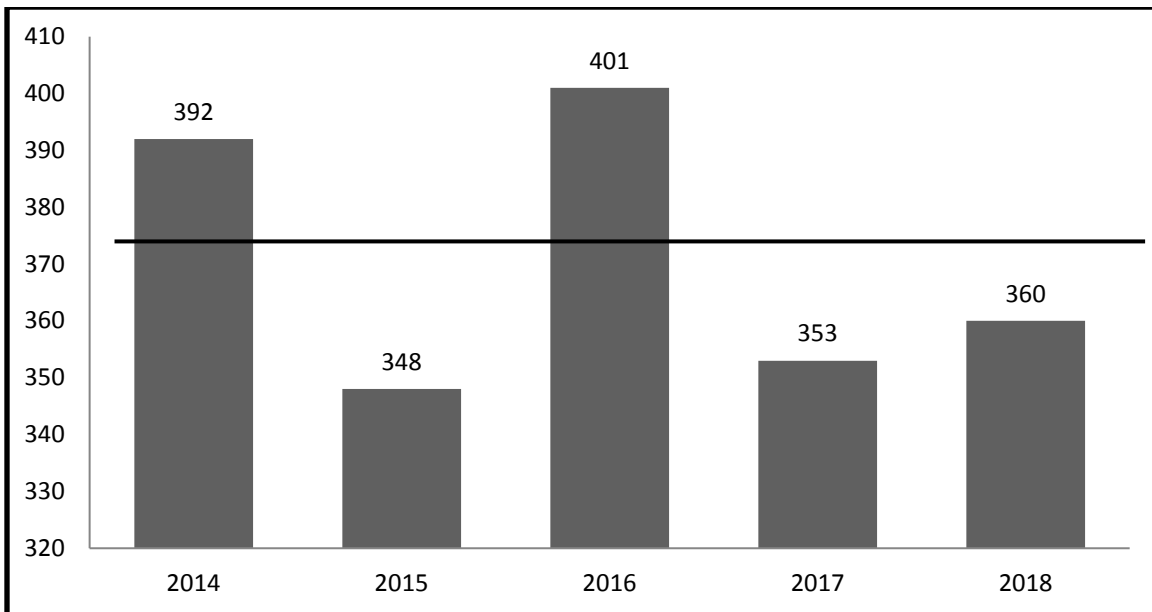


Figure 3: Total complaints received by the Ottawa Police Service 2014-2018

Classification of Complaints:

The OPS classifies each conduct complaint based on the type of allegation that is made. Where there is more than one allegation, the most serious allegation is used to classify the complaint. The classification provides an idea of the types of situations that generate complaint investigations.

Table 1 (below) reveals the breakdown of complaint types.

Table 1: Classification of Complaints

Classification	2014	2015	2016	2017	2018	5 Year Average	%Change 2017- 2018
Improper Conduct	302	261	298	249	272	276	+ 9%
Excessive Force	17	16	23	21	12	18	- 43%
Neglect of Duty	61	64	65	59	57	61	- 3%
Firearm Discharge	1	3	4	1	2	2	+ 100%
Policy/Service Complaints	11	4	11	23	17	13	- 26%
Total	392	348	401	353	360	370	+ 2%

Improper Conduct Sub-classifications:

Improper conduct complaints include a broad spectrum of allegations including inappropriate actions such as unauthorized search and seizure, red light camera infractions, poor judgment, at fault motor vehicle collisions, abuse of authority, breach of confidentiality, and insubordination. The statistics in Table 1 capture both public and Chief's complaints. The increase in improper conduct classifications can be attributed to an increase in allegations of abuse of authority (33%) and at fault motor vehicles collisions (8%). There were 85 at fault motor vehicle collisions in 2018; 7 more than 2017 (78).

Public Conduct Complaint Resolution:

In 2018, OIPRD received 192 public complaints, 175 were classified as conduct and 17 were classified as service and policy. OIPRD dismissed 64 of the 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.

In 2018, 32 complainants chose to withdraw their conduct complaint. This may be in part due to the PSS investigator's intervention or through mediation.

In the remaining 79 investigated cases, discipline was determined to be appropriate in 1 public complaint in 2018. This represents an increase from 2017, where no public complaints received resulted in discipline. Informal resolution was achieved by parties in 2 public complaints in 2018.

26 complaints resulted in no further action. There are 50 public complaints received in 2018 that remain outstanding.

Figure 4 (below) illustrates public complaint disposition breakdown for 2018.

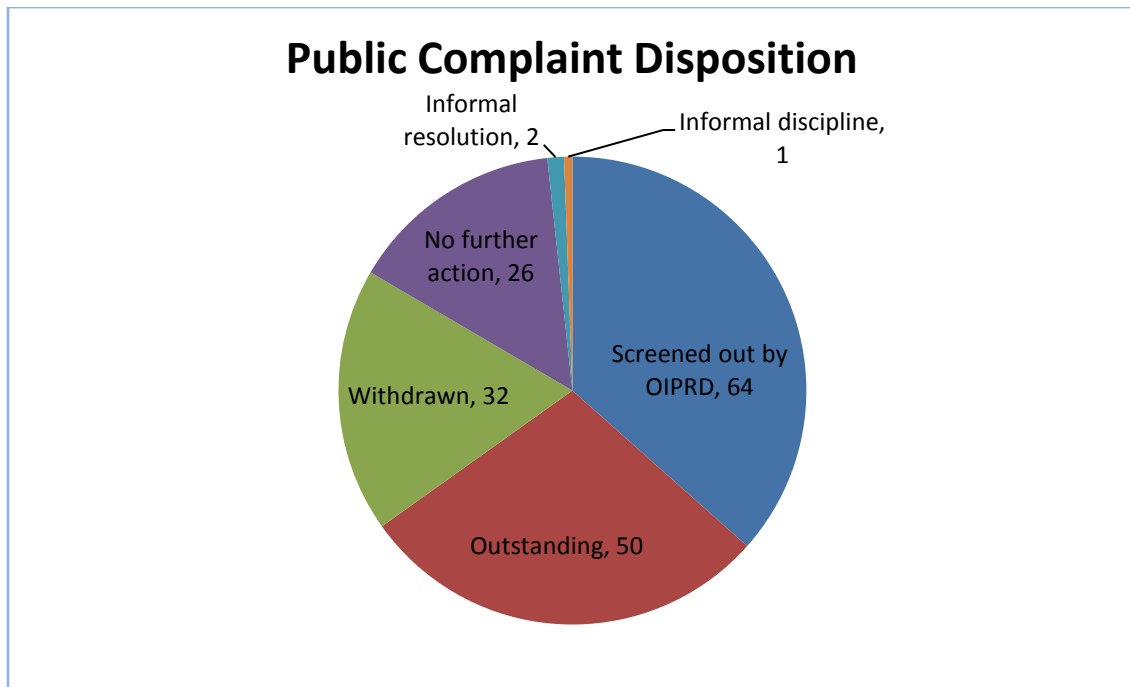


Figure 4: Public Complaint Breakdown 2018

Chief's Conduct Complaint Resolution

In 2018, 46 Chief's complaints resulted in informal discipline, 83 were closed with no further action and 39 remain outstanding at the end of 2018.

Figure 5 (below) illustrates Chief's complaint disposition breakdown for 2018.



Figure 5: Chief's Complaint Breakdown 2018

Policy or Service Complaint Resolution:

Of the 17 policy and service complaints received in 2018, 13 were resolved by the end of the year. The OIPRD dismissed 3 of these complaints as frivolous, vexatious, over the six months limitation, or no further action as it was not in the best interest of the public to proceed, 5 were withdrawn by the complainant, 5 resulted in no action being taken and 4 were still pending at year end.

Two policy or service complaints went before the Police Services Board for review in 2018. Both resulted in a confirmation of OPS' decision.

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) 11 requests for review were received in 2018. This is the same number of reviews requested in 2017. In 4 of these complaints, the OIPRD was satisfied with the investigation conducted by OPS and confirmed the decisions and in 1 case, the OIPRD specified direction to be taken. Six complaints remained under review by OIPRD at the end of the year.

Table 2: Request for Review by OIPRD

Requests for Review by OIPRD Resolutions	2014	2015	2016	2017	2018	5 Year Average
Confirmed Decision	4	5	2	3	4	4
Specified Direction	0	2	1	0	1	1
Assigned to Outside Police Service	0	0	0	0	0	0
OIPRD to Investigate	1	0	0	0	0	0
Reviews Pending	8	9	6	8	6	7
Total	13	16	9	11	11	12

Official Language Complaints:

The Ottawa Police Services Board Policy CR-11 requires that official language complaints be reported in the annual report. In 2018, there were no official language complaints.

Voluntary Alternative Dispute Resolution Program (VADRP):

The VADRP is a mechanism to resolve public complaints and internal personnel issues through the use of an independent mediator. Mediation allows the parties to share their perspectives of their interaction in a neutral setting and offers a personal resolution to the complaint rather than the formal investigative process. Parties often feel better prepared to move forward with a positive attitude toward police as they feel they have been heard and have gained additional information and insight into police actions.

VADRP was used to successfully mediate one public complaint, which resulted in a withdrawal by the complainant.

Police Services Act Hearings:

Two investigations that commenced in previous years, which resulted in PSA Notice of Hearings, were concluded in 2018. Five new disciplinary hearings were commenced in 2018. All five new disciplinary hearings were concluded by the end of 2018.

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).

Two matters that were before the Commission at the end of 2017 were concluded in 2018. In one of these cases, the appellant officer chose to withdraw his appeal and in the second case, the Commission upheld the hearing officer's decision and dismissed the appeal of the appellant officer.

There were no new appeals to OCPC for PSA hearing decisions sought in 2018.

Criminal Offence Cases:

In 2018, six officers were charged with criminal offences. The total number of OPS officers under criminal charge throughout 2018 was ten. By the end of 2018, nine officers remained under criminal charge.

Special Investigations Unit (SIU) Investigations:

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. The administrative review focuses on policies, services and the officer's conduct.

In 2018, the SIU invoked its mandate in twenty four incidents. By the end of 2018, the SIU exercised its discretion and terminated seven investigations and as such, no reports were filed with the Attorney General. Seventeen investigations were still pending at year end 2018.

Suspension Cases:

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 careful assessment of the case. If the Chief of Police does not believe that the best approach is to seek dismissal, it is important for the member to contribute to the OPS in a meaningful way while the matter is resolved. The Ottawa Police Service's approach includes providing members meaningful assignments regardless of being under investigation or facing serious discipline.

Seven officers were suspended during 2018. At the start of the year there were five officers on suspension. During the year two officers returned to active duty and five remained under suspension at the end of the year.

CONSULTATION

Not applicable

FINANCIAL IMPLICATIONS

Not applicable

SUPPORTING DOCUMENTATION

Not applicable

CONCLUSION

As Chief, I am aware of the importance of the public trust and the community's confidence that complaints will be investigated in a complete, impartial and open manner.

The Ottawa Police Service PSS investigates and facilitates the resolution of all complaints. PSS completes investigations in a transparent, confidential and timely manner. PSS has taken a risk management approach to complaint resolutions through the use of mediation, policy reviews and case conferences.

The PSS recognizes the impact of police behaviour and conduct on the community members we are committed to serving and the officers involved.