

Report to / Rapport au:

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

27 April 2020 / 27 avril 2020

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

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**SUBJECT: COMPLAINTS REPORT – PART V, POLICE SERVICES ACT – FIRST
QUARTER 2020**

**OBJET: PLAINTES PARTIE V – LOI SUR LES SERVICES POLICIERS:
PREMIER TRIMESTRE DE 2020**

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 first quarter of 2020, a total of 122 complaints (Chief's and Public) were received representing an increase of 18% when compared to the same time period in 2019.

By the end of the first quarter of 2020, a total of 73 public complaints (Conduct, Service and Policy) were received representing a increase of 66% when compared to the same time period in 2019 (44). Despite this increase, it appears there has been a delay in the OIPRD's screening of public complaints, as an analysis of the data shows that 67% of the complaints received in Q1 2020 were filed with the OIPRD in Q2, Q3 or Q4 2019.

Table 1 (below) outlines the number of complaints received in Q1 2020 compared to the same time period in 2019, as well as the 5 year averages and the total number of complaints received in 2019.

Table 1 - New Complaints

	Q1 2019	Q1 2020	2019 Total	2019 5 YR AVG YTD	2020 5 YR AVG YTD
Public Complaint (Conduct)	41	72	214	46	51
Public Complaint (Policy or Service)	3	1	16	3	3
Chief's Complaints (Other)	6	4	33	9	8
Chief's Complaints (Red Light Camera Infractions)	16	19	76	11	13
Chief's Complaints (Motor Vehicle Collisions)	37	26	103	26	29
TOTAL	103	122	442	95	104

Of the 73 public complaints received by the Ottawa Police Service by the end of Q1 2020, 35 of these complaints were referred to PSS for investigation, 4 complaints were withdrawn by the complainant prior to the OIPRD screening and the remaining 34 complaints received in Q1 2020 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 2020 compared to the same time period in 2019, as well as the 5 year averages and the total number of complaints investigated in 2019.

Table 2 – Complaint Investigations

	Q1 2019	Q1 2020	2019 Total	2019 5 YR AVG YTD	2019 5 YR AVG YTD
Public Complaint (Conduct)	18	34	107	25	25
Public Complaint (Policy or Service)	3	1	15	2	2
Chief's Complaints (Other)	6	4	33	9	8
Chief's Complaints (Red Light Camera Infractions)	16	19	76	11	13
Chief's Complaints (Motor Vehicle Collisions)	37	26	103	26	29
TOTAL	80	84	334	73	77

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 Q1 2020 increased by 21 compared to Q1 2019 statistics (see Table 3 below).

Table 3 - Conduct Complaints

	Q1 2019	Q1 2020	2019 Total	2019 5 YR AVG YTD	2019 5 YR AVG YTD
Improper Conduct	80	89	329	71	78
Excessive Force	5	10	27	4	5
Neglect of Duty	13	22	67	16	17

Firearm Discharge	2	0	3	1	0
TOTAL	100	121	426	92	100

Table 4 (below) outlines conduct complaints referred and/or retained for investigation in Q1 2020 compared to the same time period in 2019, as well as the 5 year averages and the total number of conduct complaints investigated in 2019.

Table 4 - Conduct Complaint Investigations

	Q1 2019	Q1 2020	2019 Total	2019 5 YR AVG YTD	2020 5 YR AVG YTD
Improper Conduct	67	66	267	59	63
Excessive Force	5	6	24	4	5
Neglect of Duty	3	11	25	7	8
Firearm Discharge	2	0	3	1	0
TOTAL	77	83	319	71	76

Policy/Service Complaints:

There was 1 service complaint received in Q1 2020. This investigation remains outstanding.

The details of three completed service complaint investigations that were carried over to Q1 2020 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 2020 compared to the same time period in 2019, as well as the 5 year averages and the total policy and service complaints received in 2019.

Table 5 - Policy and Service Complaints

	Q1 2019	Q1 2020	2019 Total	2019 5 YR AVG YTD	2020 YR AVG YTD
Policy	2	0	3	1	0
Service	1	1	13	2	2
TOTAL	3	1	16	3	2

Table 6 (below) outlines policy and service complaints referred for investigation in Q1 2020 compared to the same time period in 2019, as well as the 5 year averages and the total policy and service complaints investigated in 2019.

Table 6 - Policy and Service Complaint Investigations

	Q1 2019	Q1 2020	2019 Total	2019 5 YR AVG YTD	2020 5 YR AVG YTD
Policy	2	0	3	1	0
Service	1	1	12	1	2
TOTAL	3	1	15	2	2

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 Q1 2020, six CSR files were received. Five files remained outstanding at the end of Q1 and one file did not proceed through CSR, as the criteria was not met.

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 Q1 2020, 121 conduct complaints were received (public & chief's). The following outlines the status of these complaints at the end of Q1:

- 69 cases completed
 - 9 resulted in informal discipline
 - 1 resulted in an informal resolution
 - 11 were withdrawn by the complainant
 - 34 were determined to be either frivolous, vexatious, were over 6 months after the facts on which it was based occurred, were third party where complainant was not affected or were deemed to not be in the public interest to pursue
 - 14 were unsubstantiated or resulted in no further action
- 52 investigations are ongoing

Table 7 (below) outlines the above mentioned complaint status in Q1 2020 compared to the same time period in 2019, as well as the 5 year average.

Table 7 - Complaint Status - Conduct Complaints

RESOLUTION	Q1 2019	Q1 2020	5 YR AVG YTD
Unsubstantiated	0	0	3
Vexatious/Frivolous/Bad Faith	2	2	6
Informal Resolution	0	1	0
Informal Resolution - VADRP	0	0	0
No Further Action	36	43	31
Withdrawn by Complainant	1	11	5
Withdrawn by Complainant - VADRP	0	0	0
Over Six Months	1	3	1
Third Party - Not Directly Affected	0	0	0
Complaints Not Resulting in Discipline Total	40	60	46

Informal Discipline	8	9	6
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	8	9	6
Complaints Outstanding total	52	52	48
TOTAL	100	121	100

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 three times in Q1 2020, which decreased by one from Q1 2019. All three investigations remain ongoing.

Table 8 (below) provides a comparator of SIU investigations between 2019 and 2020 as well as the 5 year average.

Table 8 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q1 2019	Q1 2020	5 YR AVG YTD
Death	1	0	0
Serious Injury	2	3	2
Sexual Assault	1	0	1
TOTAL	4	3	3

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 Q1 2020, two request for reviews from complainants were received by the OIPRD. This is a decrease from the four received in Q1 2019. In one review, the OIPRD concurred with the investigative findings of the Service, while the other review remained outstanding at the end of Q1 2020.

Policy/Service Complaint Reviews

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

There were no requests for policy and/or service complaints by the Police Services Board in Q1 2020. .

CONSULTATION

N/A

FINANCIAL IMPLICATIONS

N/A

SUPPORTING DOCUMENTATION

Document 1: Summary of Policy and/or Service Complaints completed in Q1 2020

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.

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 19-0347
Date of Incident: 09 July 2019
Date Complaint Received: 19 September 2019
Date Completed: 29 January 2020

Summary of Complaint:

The complainant alleged that the Ottawa Police Service released personal information about him contrary to the Police Records Reform Act of Ontario.

Summary of Findings and Actions Taken:

The investigation found that Police are exempt from the Ontario Police Records Reform Act when a person is applying for a law enforcement position. Despite this exemption, some reports linked to the complainant in the OPS Records Management System were beyond the retention period and those records were removed from the system.

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 19-0429
Date of Incident: 15 July 2015
Date Complaint Received: 05 November 2019
Date Completed: 25 February 2020

Summary of Complaint:

The complainant alleged that his fraud complaint investigation was closed by the Fraud Section and later re-opened but placed back in the lengthy queue for investigative assignment.

Summary of Findings and Actions Taken:

The investigation determined that the Service complied with the OPS policies and the file was re-opened when new information was provided by the complainant. At the time the file was re-opened by the Fraud Section, the complainant was advised that it may be several months before an investigator would be assigned. During The PSS investigation, a new investigator had been assigned to the fraud complaint and the investigation was ongoing.

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 19-0465
Date of Incident: 21 October 2019
Date Complaint Received: 28 November 2019
Date Completed: 24 January 2020

Summary of Complaint:

The complainant alleged that police failed to dispatch officers to a swarming in progress at a LCBO store where they worked.

Summary of Findings and Actions Taken:

The complainant chose to withdraw their complaint after being satisfied that the 911 call taker would be spoken to by their supervisor.