

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: RESPONSE TO INQUIRY: OPS INVESTIGATION OF OIPRD
COMPLAINT**

**OBJET: RÉPONSE À UNE DEMANDE DE RENSEIGNEMENTS : ENQUÊTE DU
SPO SUR UNE PLAINTÉ REÇUE PAR LE BDIEP**

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.**

Inquiry: OPS investigation of OIPRD complaint - Requested information on an article which appeared in Ottawa Life Magazine with respect to a public complaint lodged by Mr. Rodney Mockler with the Office of the Independent Police Review Director (OIPRD), concerning the conduct of an Ottawa Police officer. The article alleges the subsequent investigation by the Ottawa Police Service into the matter in question was found to be "not reasonable" and containing a number of deficiencies. The article states that OPS was asked by the OIPRD to conduct another review of the matter as a result which was then found to be reasonable. The OPS was requested to provide comment on the following:

- What was not done in the initial review to make it not reasonable and deficient?

- Why was the Board not informed?
- What was subsequently completed in the second review?
- What were the lessons learned?

Response:

The OPS received this public complaint from the individual on February 12, 2018 and completed an investigation into the matter forwarding it to the OIPRD. The complainant filed the complaint alleging that he was falsely accused of criminal offences and has not received disclosure of the evidence against him.

The only allegations that were contained in this complaint (which was about four paragraphs) were:

- 1) The individual alleged that they were falsely accused;
- 2) He called police 16 times and didn't get a call back; and
- 3) He has not received disclosure.

The OPS investigation found that the allegations of misconduct were unsubstantiated.

The OIPRD reviewed the investigation and determined the OPS was deficient, a common term used by the OIPRD when it directs that further investigative is required.

The OIPRD had a different opinion than the OPS about how the investigation should have been conducted and requested that more interviews be conducted to support the findings. Please note that this has occurred in the past, and, even when further follow up was conducted, investigative conclusions have never been required to change.

Specifically, the OIPRD took issue that we didn't interview a constable who came in direct contact with the complainant. Instead of an interview, the OPS investigator relied on the officer's "Duty statement" which is a written memo that investigators request. This practice is not out of the ordinary for a less serious public complaint and is consistent with the practice of police services in the rest of the province as well as the OIPRD.

The OIPRD also criticized the OPS investigation for not interviewing the two other officers who were present at the time. However, despite the fact that they were involved in the police investigation, there is no indication that the information they provided was in any way relevant to the three above allegations.

The Request for Review process is something that happens frequently and the OPS occasionally receives instructions to conduct more investigation.

There is no requirement to report these requests for review to the Board. Furthermore, there was no misconduct to report.

Following this review decision, the OPS conducted in-person interviews with the three officers involved. The analysis and findings did not change the original conclusion of the investigation.

We continually work with the OIPRD to identify process improvements and to ensure that investigations are done in a manner that is consistent with legislative standards and ensure public trust in policing service. Part of that process includes the review process and the OPS participated in that review and conducted the OIPRD directed remedies. This did not result in a change of determination of the investigation.