

**Report to / Rapport au:**

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

**24 October 2016 / 24 octobre 2016**

**Submitted by / Soumis par:**

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

**Contact Person / Personne ressource:**

**Inspector Paul Gallant, Professional Standards / Inspecteur Paul Gallant, Normes  
professionnelles**

***GallantP@ottawapolice.ca***

**SUBJECT: COMPLAINTS REPORT – PART V, *POLICE SERVICES ACT*: THIRD  
QUARTER 2016**

**OBJET: PLAINTES PARTIE V – *LOI SUR LES SERVICES POLICIERS* :  
TROISIÈME TRIMESTRE 2016**

**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.

In the third quarter of 2016, a total of 119 complaints were received. A total of 70 public complaints were received representing an increase of 133% when compared to the same time period in 2015 (30).

Table 1 (below) outlines the number of complaints received in Q3 compared to the same time period in 2015 as well as the 5 year average.

**Table 1 - New Complaints**

	Q3 2015	Q3 2016	5 YR AVG YTD
<b>Public Complaint (Conduct)</b>	29	67	46
<b>Public Complaint (Policy or Service)</b>	1	3	2
<b>Chief's Complaints</b>	47	49	44
<b>TOTAL</b>	<b>77</b>	<b>119</b>	<b>92</b>

### 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.

Conduct complaints increased by 40 in 2016 compared to Q3 2015 statistics (see Table 2 below).

**Table 2- Conduct Complaints**

	Q3 2015	Q3 2016	5 YR AVG YTD
<b>Excessive Force</b>	5	9	7
<b>Improper Conduct</b>	62	87	72
<b>Neglect of Duty</b>	9	18	11
<b>Firearm Discharge</b>	0	2	1
<b>TOTAL</b>	<b>76</b>	<b>116</b>	<b>90</b>

**Policy/Service Complaints:**

Three service complaints were received in Q3 2016. One of these complaints was screened out by the OIPRD on the basis that it was determined to not be in the public's interest to proceed. One complaint was withdrawn by the complainant, while another complaint remains outstanding. The details of these service complaints are attached to this report as Document 1.

There were no policy complaints received in Q3 2016.

Table 3 (below) outlines the number of policy and service complaints received in Q3 compared to the same time period in 2015 as well as the 5 year average.

**Table 3- Policy and Service Complaints**

	Q3 2015	Q3 2016	5 YR AVG YTD
<b>Policy</b>	0	0	0
<b>Service</b>	1	3	2
<b>TOTAL</b>	<b>1</b>	<b>3</b>	<b>2</b>

**Customer Service Resolution (CSR)**

The OIPRD's CSR program provides an opportunity for complainants and respondent officers to voluntarily resolve complaints before they are 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. Four CSR files were received in Q3 2016. Three did not proceed through the CSR process as the criteria was not met. One file did proceed by way of CSR, but a resolution was not reached and the complaint was returned to the screening process.

#### 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, vexatious; more than six months after the facts on which it is based occurred; 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 2016, 116 conduct complaints were received. The following outlines the status of these complaints at the end of Q3:

- 57 cases completed
  - 6 resulted in informal discipline
  - 3 were withdrawn by the complainant
  - 48 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
- 59 investigations are ongoing.

Table 4 (below) outlines the above mentioned complaint status in Q3 compared to the same time period in 2015 as well as the 5 year average.

**Table 4- Complaint Status- Conduct Complaints**

RESOLUTION	Q3 2015	Q3 2016	5 YR AVG YTD
Unsubstantiated	1	0	0
Vexatious/Frivolous/Bad Faith	3	3	6
Informal Resolution	0	0	1
Informal Resolution - VADRP	0	0	0
No Further Action	19	38	23
Withdrawn by Complainant	0	3	2
Withdrawn by Complainant - VADRP	0	0	0
Over Six Months	1	3	1
Third Party - Not Directly Affected	0	4	1
<b>Complaints Not Resulting in Discipline</b>	<b>24</b>	<b>51</b>	<b>35</b>
Informal Discipline	0	6	2
Disciplinary Hearing	0	0	0
<b>Complaints Resulting in Discipline</b>	<b>0</b>	<b>6</b>	<b>2</b>
<b>Complaints Outstanding</b>	<b>52</b>	<b>59</b>	<b>53</b>
<b>TOTAL</b>	<b>76</b>	<b>116</b>	<b>90</b>

#### 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 4 times in Q3 2016 compared with 3 times in Q3 2015. At the time of submitting this report, the SIU has completed 2 of these investigations, which resulted in no criminal charges. Two investigations remain ongoing.

Table 5 (below) provides a comparator of SIU investigations between 2015 and 2016 as well as the 5 year average.

**Table 5- Special Investigations Unit Investigations**

TYPES OF INVESTIGATIONS	Q3 2015	Q3 2016	5 YR AVG YTD
<b>Death</b>	0	1	1
<b>Serious Injury</b>	3	2	2
<b>Sexual Assault</b>	0	1	0
<b>TOTAL</b>	<b>3</b>	<b>4</b>	<b>3</b>

#### Public 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.

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

#### Conduct Complaint Reviews:

In Q3 2016, two requests for reviews from complainants were received by the OIPRD. This is a decrease from the 12 received in Q3 2015. Both reviews remain ongoing.

#### Policy/Service Complaint Reviews:

The Professional Standards Section did not receive any requests for policy/service complaint reviews by the Police Services Board in Q3 2016.

### **SUPPORTING DOCUMENTATION**

Document 1 Summary of Policy and/or Service Complaints

### **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, objective investigations completed in a timely fashion.

**Document 1****PUBLIC COMPLAINTS****PART V- *POLICE SERVICES ACT*****DETAILS OF POLICY AND/OR SERVICE COMPLAINT INVESTIGATIONS**

**Complaint #:** 16-0393  
**Date of Incident:** 16 August 2016  
**Date of Complaint:** 17 August 2016  
**Date Completed:** 19 August 2016

**Summary of Complaint:**

The complainant alleged that he was blocked from the Ottawa Police Service Facebook page after critiquing and pointing out discrepancies regarding the Ottawa Police Service "Leave the Phone Alone" campaign.

**Summary of Findings and Actions Taken:**

OIPRD opted not to proceed with the complaint as it has been determined not to be in a public interest to do so.

**PUBLIC COMPLAINTS****PART V- *POLICE SERVICES ACT*****DETAILS OF POLICY AND/OR SERVICE COMPLAINT INVESTIGATIONS**

**Complaint #:** 16-0370  
**Date of Incident:** 11 August 2016  
**Date of Complaint:** 12 August 2016  
**Date Completed:** 28 September 2016

**Summary of Complaint:**

The complainant feels the wait time at 2670 Queensview for a police records check for volunteer work is unacceptable.

**Summary of Findings and Actions Taken:**

Sgt. LeBlond contacted the complainant and explained that Ottawa Police Service is currently in the process of implementing an online system that will allow applications to be done over the internet and will alleviate his concerns.

The complainant was satisfied that the Ottawa Police Service was implementing an online process service and withdrew his complaint.



**PUBLIC COMPLAINTS****PART V- *POLICE SERVICES ACT*****DETAILS OF POLICY AND/OR SERVICE COMPLAINT INVESTIGATIONS**

**Complaint #:** 16-0414

**Date of Incident:** 05 April 2016 – 01 September 2016

**Date of Complaint:** 01 September 2016

**Date Completed:** Ongoing

**Summary of Complaint:**

The complainant alleges he was never provided with copies of the disciplinary decisions in a PSA matter, in which he was a public complainant.

**Summary of Findings and Actions Taken:**

The complaint has been assigned to a PSS investigator for investigation and review.