

Report to / Rapport au:

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

26 April 2021 / 26 avril 2021

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

Inspector Hugh O'Toole, Professional Standards / Normes professionnelles

OTooleH@ottawapolice.ca

**SUBJECT: COMPLAINTS REPORT – PART V, POLICE SERVICES ACT – FIRST
QUARTER 2021**

**OBJET: PLAINTES PARTIE V – LOI SUR LES SERVICES POLICIERS:
PREMIER TRIMESTRE DE 2021**

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 is found in Part V of the Ontario Police Services Act (PSA), "Complaints and Disciplinary Proceedings." A complaint may be about the policies of or services provided by a police service or the conduct of its members. Complaints about the police take two forms: Public Complaints and Internal Complaints. Public Complaints are made by members of the public to the Office of the Independent Police Review Director, who may retain the complaint or refer it back to a police service for investigation. Internal Complaints are initiated at the discretion of the Chief, and may include matters that began as a Public Complaint. Internal Complaints

also include driving related conduct, specifically Motor Vehicle Collisions, Red Light Cameras, and Automated Speed Enforcement Cameras (ASE's).

This report provides a comparison of specific complaint types with those reported during the same quarter for the previous year, as well as five-year averages for the same quarter.

DISCUSSION

New Complaints

By the end of the first quarter of 2021, Public and Internal Complaints taken together totalled 164 complaints. Compared to the first quarter of 2020, this represents an increase of 42 complaints or 34 percent.

As illustrated in the below tables, this increase is primarily attributed to 33 Internal Complaints that were generated to deal with Automated Speed Enforcement Camera tickets (ASE's). ASE's were introduced mid-year 2020, and the OPS' Professional Standards Unit (PSU) began recording statistics in Q1 2021. A process of accountability for ASE's is being developed, which includes a determination of whether an officer is in the lawful execution of their duties at the time a ticket is received.

Another contributing factor to the increase in overall complaints is a rise in Internal Complaints dealing with member conduct, separate from driving related conduct. By the end of the first quarter of 2021, 11 such Internal Complaints (classified as "Other") had been initiated, compared to 4 during the first quarter of 2020. Alignment/misalignment with Board and Service priorities, the Community Safety and Wellbeing Plan, and Public Trust and Confidence are key considerations when an Internal Complaint is initiated.

With respect to Public Complaints, there was a total of 77 at the end of the first quarter of 2021. Compared to the first quarter of 2020 when there were 73, this represents an increase of 4 complaints or 5 percent.

Table 1 (below) illustrates the number of Public and Internal Complaints received in Q1 2021 compared to Q1 2020, as well as five-year averages for the same quarter and the total number of Public and Internal Complaints received in 2020.

Table 1 - New Complaints

2021 5 YR AVG Q1	Q1 2021	2020 5 YR AVG Q1	Q1 2020	2020 Total Number of Complaints
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Public Complaint (Conduct)	55	73	51	72	272
Public Complaint (Policy or Service)	3	4	3	1	13
Internal Complaints (Other)	7	11	8	4	26
Internal Complaints (Red Light Camera Infractions)	14	20	13	19	100
Internal Complaints (Motor Vehicle Collisions)	27	23	29	26	74
Internal Complaints (Photo Radar)	N/A	33	N/A	N/A	N/A
TOTAL	106	164	104	122	485

Of the 77 Public Complaints about the OPS received by the end of Q1 2021, 29 were referred to PSU for investigation, one was forwarded by the OIPRD to the Ontario Provincial Police (OPP) for investigation, and the remaining 47 were dismissed and screened-out 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.

Table 2 (below) illustrates the number of Public and Internal Complaints that were screened in for investigation in Q1 2021 after screen-outs by the OIPRD, as compared to the same quarter in 2020, five year averages for the same quarter, and also the total number of Public and Internal Complaints that were screened in for investigation in 2020 after screen-outs by the OIPRD.

Table 2 – Complaint Investigations

	2021 5 YR AVG Q1	Q1 2021	2020 5 YR AVG Q1	Q1 2020	2020 Total
Public Complaint (Conduct)	27	27	25	34	104
Public Complaint (Policy or Service)	3	3	2	1	11

Internal Complaints (Other)	7	11	8	4	26
Internal Complaints (Red Light Camera Infractions)	14	20	13	19	100
Internal Complaints (Motor Vehicle Collisions)	27	23	29	26	74
Internal Complaints (ASE's)	N/A	33	N/A	N/A	N/A
TOTAL	78	117	77	84	315

Classification of Complaints

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

Conduct Complaints

Public and Internal complaints dealing with officer conduct are further classified into four categories: Improper Conduct (which includes driving related conduct, specifically Motor Vehicle Collisions, Red-Light Cameras and Automated Speed Enforcement Cameras (ASE's)), Excessive Force, Neglect of Duty, and Firearm Discharge.

As illustrated in Table 3 below, the total number of complaints dealing with officer conduct received in Q1 2021 increased by 40 as compared to Q1 2020. This includes the 33 Internal Complaints dealing with ASE's which are now categorized under Improper Conduct.

Table 3 - Conduct Complaints

	2021 5 YR AVG Q1	Q1 2021	2020 5 YR AVG Q1	Q1 2020	2020 Total
Improper Conduct	87	131	78	89	380
Excessive Force	6	10	5	10	24
Neglect of Duty	16	19	17	22	68
Firearm Discharge	0	0	0	0	0

TOTAL	109	160	100	121	472
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Table 4 (below) outlines complaints about officers that were screened in for investigation after screen-outs by the OIPRD during Q1 2021, as compared to the same quarter in 2020, five-year averages for the same quarter, and the total number of conduct complaints investigated in 2020. As indicated above, the Improper Conduct statistics for Q1 2021 includes 33 ASE complaints that were not previously received by the OPS and only began being tracked in Q1 2021.

Table 4 - Conduct Complaint Investigations

	2021 5 YR AVG Q1	Q1 2021	2020 5 YR AVG Q1	Q1 2020	2020 Total
Improper Conduct	69	100	63	66	259
Excessive Force	4	5	5	6	16
Neglect of Duty	8	9	8	11	29
Firearm Discharge	0	0	0	0	0
TOTAL	81	114	76	83	304

Policy/Service Complaints

There were four service-related complaints received in Q1 2021. One complaint was screened out by the OIPRD on the basis that it was not in the public interest to proceed, one complaint was withdrawn by the complainant and two service complaint investigations remain outstanding.

The details of the screened out and withdrawn service complaints received in Q1 2021, as well as a withdrawn service complaint carried over to Q1 2021 from the previous quarter are attached to this report as Document 1.

Table 5 (below) outlines the total number of policy and service complaints received in Q1 2021 compared to the same time period in 2020, as well as the five-year averages for the same quarter and the total policy and service complaints received in 2020.

Table 5 - Policy and Service Complaints

	2021 5 YR AVG Q1	Q1 2021	2020 5 YR AVG Q1	Q1 2020	2020 Total
Policy	0	0	0	0	1
Service	3	4	2	1	12
TOTAL	3	4	2	1	13

Table 6 (below) outlines policy and service complaints referred for investigation in Q1 2021 compared to the same quarter in 2020, as well as five-year averages for the same quarter and the total number of policy and service complaints retained in 2020.

Table 6 - Policy and Service Complaint Investigations

	2021 5 YR AVG Q1	Q1 2021	2020 5 YR AVG Q1	Q1 2020	2020 Total
Policy	0	0	0	0	1
Service	2	3	2	1	10
TOTAL	2	3	2	1	11

Early Resolution Program (ERP)

In July 2020, the OIPRD advised that they would be streamlining early resolution processes in anticipation of changes under the Community Safety and Policing Act, 2019. By the end of 2020, the OIPRD replaced the Customer Service Resolution (CSR) program with the Early Resolution Program (ERP). With the exception of some minor administrative changes, the ERP essentially remains the same as the CSR Program; wherein it provides an opportunity for complainants and respondent officers to voluntarily resolve a complaint before it is formally screened in for investigation. In order to proceed by way of ERP, the complainant, respondent officer(s) and service 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 2021, three ERP files were received. One file was withdrawn by the complainant following a successful mediation and the remaining two files did not proceed through ERP, 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 fact(s) on which it is based occurred; not in the public's interest to proceed; more appropriately dealt with under another Act or Law, or the complainant is not directly affected.

Internal Complaints are initiated at the discretion of the Chief and for allegations of officer misconduct and/or non-compliance with OPS policies.

Both Public and Internal Complaints can be finalized as substantiated or unsubstantiated. Once substantiated, they can be resolved through informal resolution, informal or formal discipline as appropriate in the circumstances.

Conduct Complaint Status

In Q1 2021, 160 Public and Internal Complaints were received. The following outlines the status of those complaints at the end of Q1:

- 97 cases completed
 - 8 resulted in informal discipline
 - 7 withdrawn by the complainant
 - 46 determined by the OIPRD to be frivolous, vexatious, over six months after the facts on which it was based occurred, were third party where complainant was not affected, or deemed to not be in the public interest to pursue
 - 36 were unsubstantiated or resulted in no further action
- 63 investigations are ongoing

Table 7 (below) outlines the above-mentioned complaint status in Q1 2021 compared to the same time period in 2020, as well as the five-year average for the same quarter.

Table 7 - Complaint Status - Conduct Complaints

RESOLUTION	Q1 2020	Q1 2021	5 YR AVG Q1
Unsubstantiated	0	0	0
Vexatious/Frivolous/Bad Faith	2	2	4
Informal Resolution	1	0	0
Informal Resolution - VADRP	0	0	0
No Further Action	43	80	42
Withdrawn by Complainant	11	7	6
Withdrawn by Complainant - VADRP	0	0	0
Over Six Months	3	0	1
Third Party - Not Directly Affected	0	0	0
Complaints Not Resulting in Discipline Total	60	89	53
Informal Discipline	9	8	8
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	9	8	8
Complaints Outstanding total	52	63	51
TOTAL	121	160	112

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 a 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 OPS' approach includes providing members meaningful assignments regardless of being under investigation or facing serious discipline.

Three officers were suspended in Q1 2021, which is an increase from the five-year Q1 average of one. At the start of Q1 2021 there were 10 officers on suspension. By the end of Q1 2021, there were 12 officers under suspension.

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 Board receives a separate report on each SIU case. The SIU invoked its mandate six times in Q1 2021, which increased by 3 from Q1 2020. In one case, the SIU terminated their investigation, while 5 SIU investigations remain ongoing.

Table 8 (below) provides a comparator of SIU investigations between 2020 and 2021 as well as the five-year average for the same quarter.

Table 8 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q1 2020	Q1 2021	5 YR AVG Q1
Death	0	2	1
Serious Injury	3	3	2
Sexual Assault	0	1	1
TOTAL	3	6	3

Complaint Reviews

The PSA provides that complainants may seek a review of the Chief's decision on a conduct complaint from the OIPRD.

In Q1 2021, there were no request for reviews from complainants received by the OIPRD. This is a decrease from the two received in Q1 2020.

Policy/Service Complaint Reviews

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

There were no requests for policy and/or service complaints by the Police Services Board in Q1 2021.

SUPPORTING DOCUMENTATION

Document 1 Summary of Policy and/or Service Complaints completed in Q1 2021

CONCLUSION

The OPS Professional Standards Unit continues to identify and address issues that arise from complaints. The OPS is committed to ensuring the accountability of officers for their individual actions and strives to uphold the highest standards of conduct for its members. The PSU remains committed to conducting fair and objective investigations and in a timely manner.

Document 1

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 20-0557
Date of Incident: 15 September 2020
Date Complaint Received: 23 November 2020
Date Completed: 06 January 2021

Summary of Complaint:

The complainant alleged that OPS was in breach of the Police Record Check Report Act and infringed upon his privacy rights after including an entry on his Vulnerable Record Check that should have been removed.

Summary of Findings and Actions Taken:

The complainant chose to withdraw his complaint after resolving the matter through the OPS Freedom of Information Section.

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

Complaint #: 21-0119
Date of Incident: 11 December 2020
Date Complaint Received: 14 January 2021
Date Completed: 19 February 2021

Summary of Complaint:

The complainant alleged she called police to report a possible vehicle break and enter and despite being advised by dispatch that police would be sent to check out the area, they never attended.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after speaking with a community police officer for her area. The complainant felt reassured and appreciated that the OPS took her complaint seriously and are working with community members to address ongoing neighbourhood problems and concerns.

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

Complaint #: 21-0190
Date of Incident: 24 December 2020
Date Complaint Received: 19 February 2021
Date Completed: 19 February 2021

Summary of Complaint:

The complainant alleged that individuals posing as other people, could make a false report utilizing the online OPS reporting tool; thereby, causing undue hardship for the individual who they impersonated.

Summary of Findings and Actions Taken:

The OIPRD opted not to proceed with the complaint as it was determined to be not in a public interest to do so. No further action to be taken.